

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 137/2025

IN THE MATTER OF:

RENU BALA

...APPLICANT

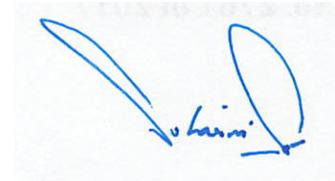
VERSUS

MoEF&CC & ORS

...RESPONDENTS

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Suhasini Sen
Counsel for MoEF&CC (Respondent No. 1)
Mobile No. 9650096066
Email Id: Suhasini.sen@gmail.com

Date: 20.11.2025

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 137/2025****In the matter of:**

Renu Bala

...Appellant

v.

Ministry of Environment, Forest & Climate Change &

Ors.

...Respondents

**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FORESTS AND CLIMATE CHANGE (RESPONDENT NO.1)****The Respondent No.1 most respectfully submits as under:**

I, Dr. S. Prabhu S/o K. Subramani currently working as Scientist – 'D' at the Ministry of Environment, Forests and Climate Change (MoEF&CC), having office at New Delhi do hereby solemnly affirm and state as under:

1. That I, in my official capacity in the Ministry Environment, Forests and Climate Change, i.e., Respondent No.1 in the abovementioned matter, I am conversant with the facts and circumstances of the case on the basis of official records, and as such am authorized and competent to swear to the contents of this affidavit.



A handwritten signature in black ink, appearing to be 'S. Prabhu'.

2. That the Applicant in the present matter has alleged that the Project Proponent- Respondent No.7 has commenced construction activity on the project site without obtaining prior environmental clearance as mandated under the Environment Impact Assessment Notification, 2006. The Applicant has also alleged illegal felling of trees by the Project Proponent and further, it has been alleged by the Applicant that the Project Proponent initiated construction activity without obtaining the mandatory Consent to Establish prior to commencement, as required under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.
3. It is respectfully submitted that the present case pertains to a project initiated by the Respondent No.7 for the development of 'Integrated Multi-Sports Arena' at Sector 19-B, Dwarka, New Delhi by M/s World Street Sports Limited. The total plot area is 2,48,610.53 sq. m and the net plot area for development is 2,03,961.50 sq. m and total built-up area of 2,55,051.42 sq. m. It is submitted that as per the information received by the Respondent No.1, the project will comprise 4 blocks (Outdoor stadium, indoor stadium, commercial block & Club & multi storied podium building).

Applicable Provisions as per EIA Notification, 2006

4. It is submitted that the answering respondent has issued Environmental Impact Assessment (EIA) Notification number S.O. 1533 E dated 14th September, 2006. The EIA Notification, 2006 as amended regulates developmental projects in respect of construction of new projects/activities/expansion or modernization of existing projects in different parts of the country for grant of prior Environmental Clearance under sub section (3) of section 3 of the said Act, in accordance with the



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procedure specified in the notification. Copy of the EIA Notification, 2006 is annexed as ANNEXURE – R1.

5. That, it is respectfully submitted that the EIA Notification, 2006 as amended covers 39 projects/activities in its Schedule which inter-alia includes different types of infrastructure projects viz. Airports, Ports, Highways, and Building & Construction Projects etc. as specified and classified in the schedule of the said notification. All such projects/activities shall require prior Environmental Clearance from the concerned regulatory authority, e.g., MoEF&CC in the Central Government for matters falling under Category 'A' in the Schedule and the State Environment Impact Assessment Authority (SEIAA) at State level for matters falling under Category 'B' in the said Schedule, before starting any construction work. Broadly, following categories projects/activities are covered under the ambit of EIA Notification, 2006 as amended:

- a. All new projects or activities listed in the Schedule to this notification;
- b. 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;
- c. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.



6. That under the provisions of the EIA Notification, 2006 as amended, Environment Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006 provides as follows;

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"8(a): Building and Construction projects - >20000 sq. m and <150000 sq. m of built-up area require EC.

8(b): Townships and Area Development projects - Covering an area >50 ha. And or built up area >150000 sq. m – require EC."

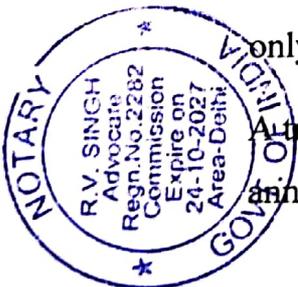
7. That the aforementioned entries under item 8(a) and 8(b) are qualified as category 'B' projects under the EIA Notification, 2006 and requires appraisal by the State Level Expert Appraisal Committees (SEACs) and approved by the State Level Environment Impact Assessment Authorities (SEIAAs). Further, that as per the EIA Notification, 2006, in the absence of a duly constituted SEIAA/SEAC, a category 'B' project shall be considered at the Central Level as category 'B' project." It is most respectfully submitted that the requirement of taking Environment Clearance for any building construction project is governed by the aforesaid provisions, stated in paras above.

8. It is further submitted that the Respondent No.1 has issued O.M. dated 29.03.2022 setting out those activities that can be undertaken by the Project Proponent prior to the grant of Environmental Clearance subject to certain conditions set out therein. These activities are:

- 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 officer/guards

only

A true copy of the OM dated 29.03.2022 issued by the Respondent No.1 is annexed hereto as ANNEXURE - R2

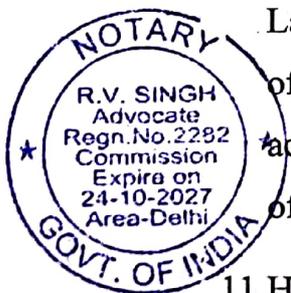


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Applicable provisions with respect to tree felling

9. It is most respectfully submitted that with respect to the allegation regarding felling of trees on the project site, the Respondent No.1 deals with policy and regulatory issues at a broader level. The role of the Respondent No.1 is to frame policy, provide directions and guidance in an advisory capacity, as well as to provide necessary approvals under the provisions of the relevant Central Acts so far as the protection and conservation of forest, wildlife, and other environmental resources are concerned.

10. It is further submitted that with regards to felling of trees, the protection and management of forests is primarily the responsibility of State Governments /Union Territory Administrations. There are strong legal frameworks for protection and management of tree resources which include National Forest Policy 1988, Indian Forest Act, 1927, Forest (Conservation) Act, 1980, Wildlife (Protection) Act, 1972 and State Forest Acts/State specific Tree Preservation Acts and Rules, etc. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating the felling of trees on revenue lands and penal provisions for the violations. The implementation of these rules is supervised by designated authorities in the State Government whose permission is necessary for the felling of reserved trees in Non- Forest Land, under such rules. It is further clarified that the permission for felling of trees is granted by the concerned State/UT authorities strictly in accordance with the applicable Acts, Rules, Guidelines, and the directions of the Hon'ble Courts.



11. However, prior approval of the Central Government under Section 2 of the "Van (Sanrakshan Evam Samvardhan) Adhiniyam", 2023, [earlier known

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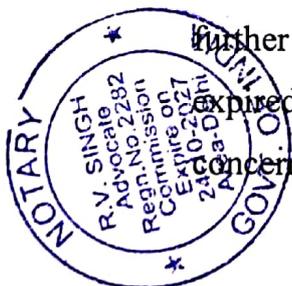
as the Forest.(Conservation) Act, 1980] is required for carrying out any non-forest activity on forest land. Any contravention of the above provision would amount to a violation of the Act, 1980 and attract the penal provisions in it.

Details of the project

12.It is respectfully submitted that in the present case, the project/activity is covered under item 8(b) 'Townships and Area Development Projects' of the Schedule to the EIA Notification, 2006 as amended, and requires appraisal at the State level. The project is for development of 'Integrated Multi-Sports Arena' at Sector 19-B, Dwarka, New Delhi by M/s World Street Sports Limited. The total plot area is 2,48,610.53 sq. m and the net plot area for development is 2,03,961.50 sq. m and total built-up area of 2,55,051.42 sq. m.

13.It is further respectfully submitted that the SEAC, Delhi has recommended the instant project for grant of Environmental Clearance to SEIAA. However, due to the temporary absence of SEIAA/SEAC in Delhi. This proposal was transferred by SEIAA, Delhi to the Ministry as per the provisions of the OM No. IA3-22/10/2022-IA.III [E 177258] dated 02.08.2023 for appraisal at the Central level by sectoral EAC. In this regard, the relevant facts are as follows:

- i. On 03.01.2024, the SEIAA, Delhi issued Terms of Reference to the Project Proponent vide letter number DPCC/SEIAA-IV/C-464(ToR)/DL/2023/1822-1825 dated 03.01.2024. Thereafter, the EIA Report has been submitted along with EMP by the Project Proponent. It is further submitted that the tenure of the SEIAA and SEAC, Delhi had expired on 5.09.2024, and accordingly the matter was transferred to the concerned Central Expert Appraisal Committee for appraisal.



- ii. On 30.09-1.10.2024 the proposal was examined by the Expert Appraisal Committee (Infra-2) in its 131st meeting wherein after detailed deliberations, the EAC recommended the aforesaid proposal for grant of EC subject to specific and standard conditions. The minutes of the 131st EAC meeting specifically note as follows:

“xviii. Total green area of 62,997.77 sq.m (30.95 of net plot area). At present, 2191 no. of trees are present at the site out of which 1953 no. of kikar trees & 12 no of subabul trees which are invasive species which will be removed, 158 no. of trees will be transplanted & 68 no. of trees will be retained at the site. No. of trees proposed at the site are 2600 nos.”

...

“v. The committee has noted that 1,965 trees are to be cut due to the proposed project. The project proponent has submitted the undertaking in this regard and stated that no tree cutting will be done without permission from the State Forest Department.

...

131.28.4 The EAC, after deliberation observed that instant project is a greenfield area development project wherein EIA/EMP report has been recommended by SEAC/SEIAA, Delhi earlier after due appraisal process. EAC observed that approx. 2000 nos. of trees shall be cut for the instant project. However, permission for cutting of trees has not been granted by forest department as of now

...

Specific Condition



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1. No trees cutting shall be done without permission from the State Forest Department, 60 nos. of trees shall be retained and 158 nos. shall be transplanted before the start of construction. Further, PP shall ensure that maximum number of trees will be tried to transplant within the site if feasibility permits”

- iii. On 2.01.2025, the Respondent No.1, MoEFCC vide letter, which was copied to the Project Proponent requested the Principal Secretary and PCCF, Department of Environment and Forest, Govt. of Delhi about the tree cutting procedure / standard operating procedure followed by Delhi Government in accordance with directions issued by Hon'ble Court of Delhi and accordingly raised additional document to project proponent. It is submitted that the letter *inter-alia* states as follows:

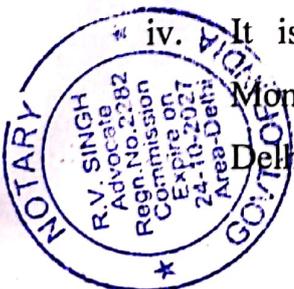
“4. It was observed that the project proponent has proposed 1,965 trees to be cut for the aforesaid project and also submitted the undertaking that no tree-cutting will be done without permission from the State Forest Department.

5. In view of the above, it is requested to provide the details of procedure/SOPs being followed by the Government of Delhi in pursuance of directions of Hon'ble Court in Delhi”

A true copy of the Additional Document Sought (“ADS”) letter dated 2.01.2025 is annexed hereto as **ANNEXURE - R3**.

- iv. It is submitted that Deputy Conservator of Forests (Protection & Monitoring), Department of Forests and Wildlife, Government of NCT of Delhi vide letter dated 30.01.2025 through its email to the Ministry has

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informed the procedure for permission for tree transplantation felling for non-forest area. It is submitted that in terms of the said letter, the Deputy Conservator of Forests has stated *inter-alia* that: “*As the project site falls in the jurisdiction of the Tree Officer/DCF (West). He may be contact for further information on this matter.*” A true copy of the letter dated 30.01.2025 received from the DCF (P&M) is annexed hereto as **ANNEXURE - R4.**

- v. Accordingly, on 7.02.2025 the Respondent No.1 wrote the concerned DCF(West) seeking requisite information of the process to be followed by the Delhi Government in cases of tree cutting pursuant to the various directions of the Hon’ble Courts. A true copy of the letter dated 7.02.2025 is annexed hereto as **ANNEXURE – R5.**
- vi. On 13.02.2025, the DCF (West) sent an email to the Respondent No.1 reiterating the contents of the email dated 30.01.2025.
- vii. On 15.02.2025, the Project Proponent addressed a letter to the Respondent No.1 wherein it was *inter-alia* stated as follows: “*In this regard, we are hereby submit that No tree cutting shall be done at the project site without taking prior permission from the Forest Department as per law. We shall be thankful if Environmental Clearance be issued to us at the earliest as per the approved Minutes of Meeting date 10 of October 2025.*” A true copy of the letter dated 15.02.2025 is annexed hereto as **ANNEXURE - R6.**
- viii. It is submitted that the Respondent No.1 has raised another ADS with respect to permission of tree felling in the project on 23.09.2025. The same has not been submitted yet.



In this regard, it is most respectfully submitted that the Environmental Clearance for the said project has not been granted by the Respondent

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No.1, Ministry of Environment, Forest & Climate Change. Further, the status of the project as reflected in the PARIVESH portal as on date is "ADS Raised". A true copy of the screenshot of the PARIVESH portal is annexed hereto as **ANNEXURE – R7**.

15. It is further respectfully submitted that the Hon'ble Supreme Court vide order dated 19.12.2024 passed in WP(C) 4677/1985 '*MC Mehta v. Union of India*' has held that any application made to the Tree Officer under Section 9 of the Delhi Preservation of Trees Act, 1994 seeking permission for felling or transplantation of fifty (50) trees or more, shall be placed before the Central Empowered Committee ("CEC") for consideration. The final order in such matters would be passed by the CEC after conducting a site visit and undertaking a detailed examination, thereby ensuring that the felling of trees, if any, should only be through the proper permission as per the Delhi Preservation of Trees Act, 1994. A true copy of the order of the Hon'ble Supreme Court of India dated 19.12.2024 is annexed hereto as **ANNEXURE – R8**.

16. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.


DEPONENT

(डॉ. एस. प्रभु)
(Dr. S. PRABHU)
वैज्ञानिक 'डी' / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



VERIFICATION

Verified at on this day of 20 NOV 2025, 2025 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

Subroja V., Adv.

I Identified the deponent/executant who has signed in my presence

S. Prabh

DEPONENT

(डॉ. एस. प्रभु)
(Dr. S. PRABHU)
वैज्ञानिक 'डी' / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



solemnly affirmed before me, read over & explained to the deponent

Notary Public. **DELHI**

20 NOV 2025



भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, बृहस्पतिवार, सितम्बर 14, 2006/भाद्र 23, 1928
NEW DELHI, THURSDAY, SEPTEMBER 14, 2006/BHADRA 23, 1928

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 14 सितम्बर, 2006

का.आ. 1533(अ).—केंद्रीय सरकार या केन्द्रीय सरकार द्वारा राज्य सरकार या संबंधित संघ राज्यक्षेत्र प्रशासन के परामर्श से गठित किए जाने वाले राज्य या संघ राज्यक्षेत्र स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा इस अधिसूचना के प्रयोजन के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन संघ मंत्रिमंडल द्वारा 18 मई, 2006 को अनुमोदित राष्ट्रीय पर्यावरण नीति और अधिसूचना में विनिर्दिष्ट प्रक्रिया के उद्देश्यों के अनुसार जब तक पूर्व पर्यावरणीय अनापत्ति अभिलिखित नहीं हो जाती है, भारत के किसी भाग में¹, नई परियोजनाओं या क्रियाकलापों पर या इस अधिसूचना की अनुसूची में यथा उपवर्णित उनके सक्षम पर्यावरणीय समाघातों पर विद्यमान परियोजनाओं या क्रियाकलापों के विस्तार या आधुनिकीकरण पर कतिपय निर्बंधन और प्रतिषेध अधिरोपित करने के लिए, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के अधीन एक प्रारूप अधिसूचना भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में, का०आ० सं० 1324(अ), तारीख 15 सितंबर, 2005 द्वारा प्रकाशित की गई थी जिसमें उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना है, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थीं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे ;

और उक्त अधिसूचना की प्रतियां 15 सितंबर, 2005 को जनता को उपलब्ध करा दी गई थीं ;

और ऊपर उल्लिखित प्रारूप अधिसूचना के उत्तर में प्राप्त सभी आपेक्षों और सुझावों पर केन्द्रीय सरकार ने सम्यक् रूप से विचार कर लिया है ।

अतः, अब केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और अधिसूचना सं० का.आ. 60(अ), तारीख 27 जनवरी, 1994 को उन बातों के सिवाए अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, यह निदेश देती है कि इसके प्रकाशन की तारीख से ही, नई परियोजनाओं या क्रियाकलापों का अपेक्षित संनिर्माण या इस अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार या आधुनिकीकरण प्रक्रिया और या प्रौद्योगिकी में परिवर्तन सहित क्षमता में परिवर्धन करते हुए भारत के किसी भाग में, यथास्थिति, केन्द्रीय सरकार द्वारा या इस अधिसूचना में इसमें इसके पश्चात् विनिर्दिष्ट प्रक्रिया के अनुसार उक्त अधिनियम की धारा 3 के

¹ भारत का राज्यक्षेत्रीय सागर खंड और अनन्य अर्थिक जोन सम्मिलित है।

अधीन केन्द्रीय सरकार द्वारा सम्यक् रूप से गठित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा पूर्व पर्यावरण अनापत्ति के पश्चात् ही किया जाएगा।

2. पूर्व पर्यावरणीय अनापत्ति की अपेक्षाएं (ई.सी.) :-

निम्नलिखित परियोजनाओं या क्रियाकलापों के लिए, परियोजना प्रबंधन द्वारा भूमि को अभिप्राप्त करने के सिवाय, कोई संनिर्माण कार्य या भूमि तैयार करने से पूर्व उक्त अनुसूची में प्रवर्ग 'ख' के अंतर्गत आने वाले विषयों के लिए संबंधित विनियामक प्राधिकरण से, जिसे अनुसूची में 'क' के अंतर्गत आने वाले विषयों के लिए इसमें इसके पश्चात् केन्द्रीय सरकार में पर्यावरण और वन मंत्रालय कहा गया है, और राज्य स्तर पर राज्य पर्यावरण समाघात निर्धारण प्राधिकरण कहा गया है, पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी जब परियोजना या क्रियाकलाप आरंभ किया जाता है।

- (i) इस अधिसूचना की अनुसूची में सूचीबद्ध सभी नई परियोजनाएं या क्रियाकलाप ;
- (ii) इस अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का, संबंधित क्षेत्र के लिए अर्थात् परियोजनाओं या क्रियाकलापों के लिए जो विस्तार या आधुनिकीकरण के पश्चात् अनुसूची में दी गई अधिकतम सीमाओं को पार कर लेते हैं, क्षमता में परिवर्धन सहित विस्तार या आधुनिकीकरण ;
- (iii) विनिर्दिष्ट रेंज से परे अनुसूची में सम्मिलित किसी विद्यमान विनिर्माणकर्ता यूनिट में उत्पाद मिश्रण में कोई परिवर्तन।

3. राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण :- (1) कोई राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण, जिसे इसमें इसके पश्चात् एसईआईए कहा गया है, केन्द्रीय सरकार द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित किया जाएगा जिसमें तीन सदस्य होंगे जिसके अंतर्गत एक अध्यक्ष और एक सदस्य-सचिव, राज्य सरकार या संबंधित संघ राज्यक्षेत्र प्रशासन द्वारा नामनिर्देशित किए जाएंगे।

- (2) सदस्य-सचिव संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन का सेवारत अधिकारी होगा जो पर्यावरण विधियों से परिचित होगा ।
- (3) अन्य दो सदस्य या तो वृत्तिक या विशेषज्ञ होंगे जो इस अधिसूचना के परिशिष्ट VI में दी गई पात्रता कसौटी को पूरा करते हों ।
- (4) उम्र उपपैरा (3) में विनिर्दिष्ट सदस्यों में से एक सदस्य जो पर्यावरण समाघात निर्धारण प्रक्रिया में विशेषज्ञ हो, एसईआईए का अध्यक्ष होगा ।
- (5) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन उपपैरा (3) से उपपैरा (4) में निर्दिष्ट सदस्यों और अध्यक्ष के नामों को केन्द्रीय सरकार को अग्रेषित करेगी और केन्द्रीय सरकार नामों के प्राप्ति की तारीख से तीस दिन के भीतर इस अधिसूचना के प्रयोजनों के लिए एसईआईए को ए० प्राधिकरण के रूप में गठित करेगी ।
- (6) गैर पदधारी सदस्य और अध्यक्ष की (प्राधिकरण को केन्द्रीय सरकार द्वारा गठित करने वाली अधिसूचना के प्रकाशन की तारीख से) तीन वर्षों की नियत पदावधि होगी ।
- (7) एसईआईए के सभी विनिश्चय एकमत से होंगे और किसी बैठक में लिए जाएंगे ।

4. परियोजना और क्रियाकलापों का प्रवर्गीकरण :-

- (i) सभी परियोजनाएं या क्रियाकलाप मुख्यतः दो प्रवर्गों में प्रवर्गीकृत हैं- प्रवर्ग 'क' और प्रवर्ग 'ख' सक्षम समाघात की स्थानिक सीमा और मानव स्वास्थ्य और प्राकृतिक तथा मानव निर्मित संसाधनों पर आधारित हैं ।
- (ii) अनुसूची में प्रवर्ग 'क' के रूप में सम्मिलित सभी परियोजनाओं या क्रियाकलापों, जिसके अंतर्गत विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार और आधुनिकीकरण तथा उत्पाद मिश्रण में परिवर्तन सम्मिलित है, के लिए, इस अधिसूचना के प्रयोजनों के लिए केन्द्रीय सरकार द्वारा गठित की जाने वाली किसी विशेषज्ञ आंकलन समिति की सिफारिशों पर भारत सरकार में पर्यावरण और वन मंत्रालय से पूर्व पर्यावरण अनापत्ति अपेक्षित होगी ;
- (iii) अनुसूची में प्रवर्ग 'ख' के रूप में सम्मिलित सभी परियोजनाओं या क्रियाकलापों, जिसके अंतर्गत पैरा 2 के उपपैरा (ii) में यथाविनिर्दिष्ट विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार और आधुनिकीकरण या पैरा 2 के उपपैरा (iii) में यथाविनिर्दिष्ट उत्पाद मिश्रण में परिवर्तन भी हैं, किन्तु जिसमें वे सम्मिलित नहीं हैं जो अनुसूची में निश्चित की गई साधारण शर्तों को पूरा करते हैं, राज्य/संघ राज्यक्षेत्र पर्यावरण समाघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी । एसईआईए का अपना विनिश्चय, इस इस अधिसूचना में गठित की जाने वाली किसी राज्य या संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समिति (एसईएसी) की सिफारिशों पर आधारित होगा । एसईआईए सम्यक् रूप से गठित एसईआईए या एसईएसी की अनुपस्थिति में, कोई प्रवर्ग 'ख' परियोजना प्रवर्ग 'क' परियोजना समझी जाएगी ;

5. **स्क्रीनिंग, विस्तारण और आंकलन समिति :-** केंद्रीय सरकार के स्तर पर वही विशेषज्ञ आंकलन समिति और राज्य या संघ राज्य स्तर पर राज्य विशेषज्ञ आंकलन समिति (जिन्हें इसमें इसके पश्चात् ईएसी और एसईएसी कहा गया है) क्रमशः प्रवर्ग 'क' और प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों की स्क्रीनिंग, विस्तारण और आंकलन करेगी। ईएसी और एसईएसी की प्रत्येक मास में कम से कम एक बार बैठक होगी।

- (क) ईएसी की संरचना परिशिष्ट VI में दी जाएगी। राज्य या संघ राज्यक्षेत्र स्तर पर एसईएसी का गठन संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के परामर्श से समान संरचना सहित गठन किया जाएगा।
- (ख) केंद्रीय सरकार, संबद्ध राज्य सरकार या संघ राज्यक्षेत्र प्रशासन की पूर्व सहमति से प्रशासनिक सुविधा और लागत के कारणों से एक या अधिक राज्य या संघ राज्यक्षेत्र के लिए एक एसईएसी का गठन कर सकेंगी।
- (ग) विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति तीन वर्ष की अवधि के लिए गठित की जाएगी।
- (घ) संबंधित विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति के प्राधिकृत सदस्य उस परियोजना या क्रियाकलाप के संबंध में जिसके लिए पूर्व पर्यावरणीय अनापत्ति मांगी गई है, को स्क्रीन करने या विस्तार करने या आंकलन के प्रयोजनों के लिए आवेदक को जो निरीक्षण के लिए आवश्यक सुविधाएं देगा, कम से कम सात दिन की पूर्व सूचना देगा।
- (ङ) विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति संयुक्त दायित्व के सिद्धांत पर कृत्य करेगी। अध्यक्ष प्रत्येक मामले में सहमति बनाने का प्रयास करेगा और सहमति नहीं बन पाती है तो बहुमत का विचार माना जाएगा।

6. **पूर्व पर्यावरणीय अनापत्ति के लिए आवेदन (ईसी) :-** सभी मामलों में पर्यावरणीय अनापत्ति मांगने के लिए कोई आवेदन, परियोजना और/या क्रियाकलापों के लिए, जिससे आवेदन संबंधित है, आवेदक द्वारा स्थल पर किसी सन्निर्माण क्रियाकलाप या भूमि की तैयारी के प्रारंभ के पूर्व, पूर्वक्षित स्थल (स्थलों) की पहचान के पश्चात् परिशिष्ट 2 दिखाना है, यदि लागू हों, इससे संलग्न प्ररूप 1 और अनुपूरक प्ररूप 1क में किया जाएगा। आवेदक, उसके सिवाय, सन्निर्माण परियोजनाओं या क्रियाकलापों (अनुसूची की मद 8) के मामले में प्ररूप 1 और अनुपूरक प्ररूप 1क के अतिरिक्त पूर्व साध्यता परियोजना रिपोर्ट की एक प्रति, पूर्व साध्यता रिपोर्ट के स्थान पर धारणा योजना की एक प्रति आवेदन के साथ पेश करेगा।

7. (i) **नई परियोजनाओं के लिए पूर्व पर्यावरणीय अनापत्ति (ईसी) प्रक्रिया के प्रक्रम :-** नई परियोजनाओं के लिए पर्यावरणीय अनापत्ति प्रक्रिया में अधिकतम चार प्रक्रम समाविष्ट होंगे, जिनमें से सभी इस अधिसूचना में नीचे अर्थात्पर्यवर्तित विशिष्ट मामलों में लागू नहीं होंगे, ये चार प्रक्रम श्रृंखलाबद्ध क्रम में होंगे :-

- प्रक्रम (1) स्क्रीनिंग (केवल प्रवर्ग 'ख' परियोजनाओं और क्रियाकलापों के लिए)
- प्रक्रम (2) विस्तारण
- प्रक्रम (3) लोक परामर्श
- प्रक्रम (4) आंकलन

I. प्रक्रम (1) - स्क्रीनिंग :

प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों के मामले में, यह प्रक्रम परियोजना की प्रकृति और अवस्थिति विनिर्देश पर आधारित पर्यावरणीय अनापत्ति मंजूर करने से पूर्व उसके आंकलन के लिए कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट तैयार करने के लिए यह अवधारण करने के लिए कि परियोजना या क्रियाकलाप के लिए आगे पर्यावरणीय अध्ययन करना अपेक्षित है या नहीं संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति (एसईएसी) द्वारा प्ररूप 1 में पूर्व पर्यावरणीय अनापत्ति मांगने के लिए किसी आवेदन की संवीक्षा होगी। कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट की अपेक्षा करने वाली परियोजनाओं को प्रवर्ग "ख1" कहा जाएगा और शेष परियोजनाओं को प्रवर्ग "ख2" कहा जाएगा और उसके लिए कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट अपेक्षित नहीं होगी। मद 8ख के सिवाय परियोजनाओं के ख 1 या ख2 में प्रवर्गीकरण के लिए पर्यावरण और वन मंत्रालय समय-समय पर समुचित मार्गदर्शक सिद्धांत जारी करेगा।

II. प्रक्रम (2) विस्तारण :

(i) उस प्रक्रिया को निर्दिष्ट करता है जिसके द्वारा प्रवर्ग 'क' परियोजनाओं या क्रियाकलापों के मामले में विशेषज्ञ आंकलन समिति, और प्रवर्ग 'ख1' परियोजनाओं या क्रियाकलापों के मामले में, राज्य स्तर विशेषज्ञ आंकलन समिति, जिसके अंतर्गत विद्यमान परियोजनाओं या क्रियाकलापों के विस्तार और/या आधुनिकीकरण और/या उत्पाद मिश्रण में परिवर्तन के विस्तार, सौंपे जाने वाले विस्तृत और व्यापक कार्य अवधारित करने के लिए, उस परियोजना या क्रियाकलाप के संबंध में कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट तैयार करने के लिए सभी सुसंगत पर्यावरणीय समुत्थानों को, जिसके लिए पूर्व पर्यावरणीय अनापत्ति ईप्सित की गई है, आवेदन सम्मिलित हैं। विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति विहित आवेदन प्ररूप 1/प्ररूप 1क में दी गई जानकारी के आधार पर सौंपे जाने वाले कार्य अवधारित करेगी, जिसके अंतर्गत आवेदक द्वारा सौंपे जाने वाले प्रस्थापित कार्य, किसी विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर आंकलन समिति के किसी सब ग्रुप द्वारा देखा गया कोई स्थल, यदि विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा आवश्यक समझा जाए, आवेदक द्वारा सुझाए गए सौंपे जाने वाले कार्य और अन्य सूचना जो विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति के पास उपलब्ध हो, सम्मिलित हैं। अनुसूची की मद 8 में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (संनिर्माण, नगरी/वाणिज्यिक काम्लैक्स/आवासन) के लिए विस्तार अपेक्षित नहीं होगा और उनका आंकलन प्ररूप 1/प्ररूप 1क और धारणा योजना के आधार पर किया जाएगा।

(ii) सौंपे गए कृत्यों को प्ररूप 1 की प्राप्ति के साठ दिनों के भीतर विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा आवेदक को प्रेषित किया जाएगा। अनुसूची के प्रवर्ग क हाइड्रोक्लेक्ट्रिक परियोजना मद 1 (ग) (i) के मामले में सौंपे गए कृत्यों को पूर्व संनिर्माण क्रियाकलापों के लिए अनापत्ति सहित प्रेषित किया जाएगा। यदि सौंपे गए कृत्यों को अंतिम रूप नहीं दिया गया है और प्ररूप 1 की प्राप्ति के साठ दिनों के भीतर आवेदक को प्रेषित किया जाता है तो आवेदक द्वारा सुझाए गए सौंपे जाने वाले कृत्य ईआईए अध्ययन के लिए अनुमोदित अंतिम सौंपे गए कृत्यों के रूप में समझे जाएंगे। अनुमोदित सौंपे गए कृत्य, पर्यावरण और वन मंत्रालय तथा संबंधित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण के लिए वेबसाइट पर प्रदर्शित किए जाएंगे।

(iii) इसी प्रक्रम पर संबंधित विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिश पर संबंधित विनियामक प्राधिकरण द्वारा पूर्व पर्यावरणीय अनापत्ति के लिए आवेदनों को नामंजूर किया जा सकेगा। ऐसे नामंजूर किए जाने की दशा में, विनिश्चय को उसके कारणों सहित आवेदक को, आवेदन की प्राप्ति के साठ दिनों के भीतर लिखित में संसूचित किया जाएगा।

III प्रक्रम (3) लोक परामर्श

(i) “लोक परामर्श” उस प्रक्रिया को निर्दिष्ट करता है जिसके द्वारा स्थानीय प्रभावी व्यक्तियों और ऐसे अन्य व्यक्तियों की चिंताओं को, जिनका परियोजना या क्रियाकलापों के पर्यावरणीय समाघातों में न्यायसंगत आधार है, समुचित रूप में अभिकल्पित परियोजना या क्रियाकलाप में संबंधित सभी सामग्री को ध्यान में रखते हुए सुनिश्चित किया जाएगा। सभी प्रवर्ग “क” और प्रवर्ग “ख1” परियोजनाएं या क्रियाकलाप निम्नलिखित के सिवाय लोक परामर्श करेंगे :-

- (क) सिंचाई परियोजनाओं का आधुनिकीकरण (अनुसूची की मद 1(ग) (ii))।
- (ख) संबंधित प्राधिकारियों द्वारा अनुमोदित औद्योगिक संपदाओं या पार्कों के भीतर अवस्थित सभी परियोजनाएं या क्रियाकलाप (अनुसूची की मद 7(ग)) और जिन्हें ऐसे अनुमोदन में अननुज्ञात नहीं किया जाता है।
- (ग) सड़कों और राजमार्गों का विस्तार (अनुसूची की मद 7(च)) जिनमें भूमि का कोई और अर्जन अंतर्वलित नहीं है।
- (घ) सभी भवन/संनिर्माण परियोजनाएं/क्षेत्र विकास परियोजनाएं और नगरीय योजनाएं (मद 8)।
- (ङ) सभी प्रवर्ग ख 2 परियोजनाएं और क्रियाकलाप।
- (च) केन्द्रीय सरकार द्वारा यथा अवधारित राष्ट्रीय रक्षा और सुरक्षा से संबंधित सभी परियोजनाएं और क्रियाकलाप या जिसमें अन्य युक्तगत विचार अंतर्वलित हैं।

(ii) लोक परामर्श में साधारणतया दो घटक समाविष्ट होंगे :-

- (क) स्थानीय प्रभावित व्यक्तियों की चिंताओं को सुनिश्चित करने के लिए परिशिष्ट 4 में विहित रीति में की जाने वाली स्थल पर या उसके निकट परिसर में जिला वार कोई लोक सुनवाई ;
- (ख) परियोजना या क्रियाकलाप के पर्यावरणीय पहलुओं में कोई न्यायसंगत आधार रखने वाले अन्य संबंधित व्यक्तियों से लिखित में प्रतिक्रियाएं प्राप्त करना।

(iii) स्थल (स्थलों) पर या उसके निकट परिसर में सभी मामलों में लोक सुनवाई विनिर्दिष्ट रीति में संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा की जाएगी और कार्यवाहियों को आवेदक से प्राप्त अनुरोध के पैंतालीस दिनों के भीतर संबंधित विनियामक प्राधिकरण को अग्रेषित किया जाएगा।

(iv) यदि संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति लोक सुनवाई नहीं करती है और लोक सुनवाई को विनिर्दिष्ट अवधि के भीतर पूरी नहीं करती है और/या लोक सुनवाई की कार्यवाहियां को विहित अवधि के भीतर यथाउपर्युक्त संबंधित विनियामक प्राधिकरण को प्रेषित नहीं करती है तो विनियामक प्राधिकरण अन्य लोक अभिकरण या प्राधिकरण को, जो विनियामक प्राधिकरण का अधीनस्थ नहीं है, प्रक्रिया को पैंतालीस दिनों की और अवधि के भीतर पूरा करने के लिए लगाएगी।

(v) यदि उमर उपपैरा (iii) के अधीन नामनिर्दिष्ट लोक अभिकरण या प्राधिकरण, संबंधित विनियामक प्राधिकरण को यह रिपोर्ट करता है, कि स्थानीय अवस्थिति के कारण लोक सुनवाई करना संभव नहीं है, तो किसी रीति में स्पष्ट रूप से अभिव्यक्त किए जाने वाले संबंधित स्थानीय व्यक्तियों के विचारों का समर्थन करेंगे। वह उस तथ्य की रिपोर्ट संबंधित विनियामक प्राधिकरण को ब्यौरेवार देगा जो रिपोर्ट पर और अन्य विश्वसनीय सूचना पर सम्यक् रूप से विचार करने के पश्चात्, जिसका लोक परामर्श के लिए विनिश्चय किया गया है, उस दशा में जिसे लोक सुनवाई में सम्मिलित करने की आवश्यकता है, रिपोर्ट करेगा।

(vi) परियोजना या क्रियाकलापों के पर्यावरणीय पहलुओं में कोई न्यायसंगत आधार रखने वाले अन्य संबंधित व्यक्तियों से लिखित में प्रक्रिया अभिप्राप्त करने के लिए, संबंधित विनियामक प्राधिकरण और राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, आवेदक द्वारा परिशिष्ट 3क में दिए गए प्ररूप में तैयार की गई संक्षिप्त ईआईए रिपोर्ट को उनके वेबसाइट पर देते हुए ऐसे संबंधित व्यक्तियों से लोक सुनवाई की व्यवस्था के लिए किसी लिखित अनुरोध की प्राप्ति के सात दिनों के भीतर प्रतिक्रियाएं प्राप्त करेंगी। गोपनीय सूचना, जिसके अंतर्गत प्रकट न करने योग्य या विधिक रूप से विशेषाधिकार प्राप्त सूचना, जिसमें बौद्धिक संपदा अधिकार अंतर्बलित हैं, आवेदन में विनिर्दिष्ट स्रोत, वेबसाइट पर नहीं रखे जाएंगे। संबंधित विनियामक प्राधिकरण, परियोजना या क्रियाकलाप की बाबत विस्तृत प्रचार को सुनिश्चित करने के लिए अन्य समुचित मीडिया का उपयोग भी कर सकेगा। विनियामक प्राधिकरण, तथापि लोक सुनवाई की तारीख तक निरीक्षण के लिए प्रारूप ईआईए रिपोर्ट किसी संबंधित व्यक्ति से, सामान्य कार्यालय घंटों के दौरान अधिसूचित स्थान पर किसी लिखित अनुरोध पर उपलब्ध कराएगा। इस लोक परामर्श प्रक्रिया के भाग के रूप में प्राप्त सभी प्रतिक्रियाएं शीघ्रतम उपलब्ध साधन से आवेदक को अग्रेषित की जाएंगी।

(vii) लोक परामर्श पूरा करने के पश्चात्, इस प्रक्रिया के दौरान अभिव्यक्त सभी सारवान पर्यावरणीय चिंताओं को संबोधित करेगा और प्रारूप ईआईए और ईएमपी में समुचित परिवर्तन करेगा। इस प्रकार तैयार की गई अंतिम ईआईए रिपोर्ट आवेदक के लिए संबंधित विनियामक प्राधिकरण को प्रस्तुत की जाएगी। आवेदक, लोक परामर्श के दौरान अभिव्यक्त की गई सभी चिंताओं को संबोधित करते हुए, प्रारूप ईआईए और ईएमपी की एक संक्षिप्त रिपोर्ट अनुकल्पतः प्रस्तुत करेगा।

IV प्रक्रम(4) - आंकलन :

(i) आंकलन से आवेदन और अन्य दस्तावेजों, ऐसे अंतिम ईआईए रिपोर्ट, लोक परामर्शों का निष्कर्ष, जिसके अंतर्गत लोक सुनवाई की कार्यवाहियां हैं, पर्यावरणीय अनापत्ति मंजूर करने के लिए संबंधित विनियामक प्राधिकरण को

आवेदक द्वारा प्रस्तुत की गई विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा विस्तृत संवीक्षा अभिप्रेत है। यह आंकलन विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा किसी कार्यवाही को, जिसमें आवेदक को आवश्यक स्पष्टीकरण प्रस्तुत करने के लिए व्यक्तिगत रूप से या किसी प्राधिकृत प्रतिनिधि को आमंत्रित किया जाता है, एक पारदर्शी रीति में किया जाएगा। इस कार्यवाही के निष्कर्ष पर विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति संबंधित विनियामक प्राधिकरण को निश्चित निबंधनों और शर्तों पर पूर्व पर्यावरणीय अनापत्ति मंजूर करने के लिए या पूर्व पर्यावरणीय अनापत्ति के लिए आवेदन को नामंजूर करने के लिए उसके कारणों सहित स्पष्ट सिफारिशें करेगी।

(ii) सभी परियोजनाओं या क्रियाकलापों का आंकलन जो लोक परामर्श के लिए अपेक्षित नहीं है या कोई पर्यावरण समाघात निर्धारण रिपोर्ट प्रस्तुत करना अपेक्षित नहीं है, जैसा लागू हो विहित आवेदन प्ररूप 1 और प्ररूप 1क के आधार पर उपलब्ध सभी अन्य सुसंगत विधिमान्य सूचना और दौरा किए स्थल को, जहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा ऐसा करना आवश्यक समझा जाता है, कार्यान्वित किया जाएगा।

(iii) किसी आवेदन का आंकलन, विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा अंतिम पर्यावरण समाघात निर्धारण रिपोर्ट और अन्य दस्तावेजों की प्राप्ति या प्ररूप 1 या प्ररूप 1क के साठ दिनों के भीतर पूरा किया जाएगा, जहां लोक परामर्श आवश्यक नहीं है, वहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों को सक्षम प्राधिकारी के समक्ष अगले पन्द्रह दिनों के भीतर अंतिम विनिश्चय के लिए रखा जाएगा। आंकलन की विहित प्रक्रिया परिशिष्ट V में दी गई है।

7. (ii) विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या उत्पाद मिश्रण में परिवर्तन के लिए पूर्व पर्यावरणीय अनापत्ति प्रक्रिया,-

उस क्षमता के परे जिसके लिए इस अधिसूचना के अधीन पूर्व पर्यावरणीय अनापत्ति मंजूर की गई है, उत्पादन क्षमता में वृद्धि सहित या तो पट्टा क्षेत्र या खनन परियोजनाओं की दशा में उत्पादन क्षमता में वृद्धि सहित या इस अधिसूचना की अनुसूची में विहित अंतिम सीमा के परे कुल उत्पादन क्षमता में वृद्धि सहित विद्यमान यूनिट के आधुनिकीकरण के लिए, प्रक्रिया और/या प्रौद्योगिकी में परिवर्तन के माध्यम से या उत्पाद मिश्रण में किसी परिवर्तन के लिए पूर्व पर्यावरणीय अनापत्ति ईप्सित करने वाले सभी आवेदन प्ररूप 1 में किए जाएंगे और उन पर संबंधित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा साठ दिनों के भीतर विचार किया जाएगा, जो सम्यक् आवश्यक तत्परता से जिसके अंतर्गत ईआईई का तैयार किया जाना और लोक परामर्श भी है, विनिश्चय करेगी और आवेदन का तदनुसार पर्यावरणीय अनापत्ति मंजूर करने के लिए आंकलन किया जाएगा।

8. पूर्व पर्यावरणीय अनापत्ति मंजूर किया जाना या उसको खारिज किया जाना,-

(i) विनियामक प्राधिकरण, संबंधित ई ए सी या एस ई ए सी की सिफारिशों पर विचार करेगा और अपने विनिश्चय को आवेदक को विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों की प्राप्ति के पैंतालीस दिनों के भीतर प्रेषित करेगा या अन्य शब्दों में अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति के एक सौ पांच दिनों के भीतर प्रेषित करेगा और जहां पर्यावरणीय समाघात निर्धारण पूरे आवेदन की प्राप्ति के एक सौ पांच दिनों के भीतर अपेक्षित नहीं है वहां अपेक्षित दस्तावेज, नीचे उपबंधित के सिवाय प्रेषित करेगा।

(ii) विनियामक प्राधिकरण, सामान्यतः विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों को स्वीकार करेगा। उन दशाओं में जहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों से असहमत है, वहां विनियामक प्राधिकरण विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों की प्राप्ति के पैंतालिस दिनों के भीतर असहमति के कारणों का कथन करते हुए पुनर्विचार का अनुरोध करेगा। इस विनिश्चय की सूचना आवेदक को साथ-साथ प्रेषित की जाएगी। उसके पश्चात् विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति, विनियामक प्राधिकरण के संप्रेक्षणों पर विचार करेगी और उस पर अपने विचार साठ दिनों की और अवधि के भीतर पेश करेगी। विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति के विचारों को ध्यान में रखने के पश्चात् विनियामक प्राधिकरण का विनिश्चय अंतिम होगा और संबंधित विनियामक प्राधिकरण को अगले तीस-दिनों के भीतर आवेदक को प्रेषित किया जाएगा।

(iii) उस दशा में जहां विनियामक प्राधिकरण का विनिश्चय आवेदक को, ऊपर उपपैरा (i) या (ii) में, जहां लागू हो निर्निर्दिष्ट अवधि के भीतर संसूचित नहीं किया जाता है, वहां आवेदक इस प्रकार अग्रसर हो सकेगा मानो मांगी गई पर्यावरण अनापत्ति मंजूर कर दी गई है या विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की अंतिम सिफारिशों के निबंधनों में विनियामक प्राधिकरण द्वारा नामंजूर कर दी गई है।

(iv) ऊपर पैरा (i) और (ii) के अधीन, जहां लागू हो, विनियामक प्राधिकरण द्वारा विनिश्चय के लिए विनिर्दिष्ट अवधि के अवसान पर, विनियामक प्राधिकरण का विनिश्चय और विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की अंतिम सिफारिशें लोक दस्तावेज होंगे।

(v) अन्य विनियामक प्राधिकरणों से परियोजनाओं या क्रियाकलापों, या संबंधित विनियामक प्राधिकरण द्वारा स्क्रीनिंग, विस्तारण या आंकलन या विनिश्चय पूर्व पर्यावरण अनापत्ति के लिए आवेदनों की प्राप्ति के पूर्व तब तक अपेक्षित नहीं होगी जब तक या तो ऐसी अनापत्ति किसी विधि की अपेक्षा का आवश्यक तकनीकी कारणों से कोई श्रृंखलाबद्ध आधार न हो।

(vi) जान बूझ कर छिपाना और/या मिथ्या प्रस्तुतीकरण या भ्रामक सूचना या आंकड़े देना जो स्क्रीनिंग, विस्तारण या आंकलन या आवेदन पर विनिश्चय के लिए सारवान हो, आवेदन को नामंजूर किए जाने या उस आधार पर मंजूर की गई पूर्व पर्यावरणीय अनापत्ति के रद्दकरण के लिए दायी बनाएगी। किसी आवेदन को नामंजूर करना या इस आधार पर पहले मंजूर की गई किसी पूर्व पर्यावरणीय अनापत्ति के रद्दकरण का विनिश्चय विनियामक प्राधिकरण द्वारा आवेदक की व्यक्तिगत सुनवाई करने के पश्चात् किया जाएगा और उसमें नैसर्गिक न्याय के सिद्धांतों का पालन किया जाएगा।

9. पर्यावरणीय अनापत्ति की विधिमान्यता,-

“पर्यावरणीय अनापत्ति की विधिमान्यता” से वह अवधि अभिप्रेत है जिससे विनियामक प्राधिकरण द्वारा मंजूर की गई पूर्व पर्यावरणीय अनापत्ति मंजूर की जाती है या आवेदक द्वारा यह समझा जा सकेगा कि यह ऊपर पैरा 7 के उपपैरा (iv) के अधीन परियोजना या क्रियाकलाप द्वारा उत्पादन प्रचालन आरंभ करने या संनिर्माण परियोजनाओं की दशा में (अनुसूची की मद 8) सभी संनिर्माण प्रचालन पूरा करने, जिसके लिए पूर्व पर्यावरण अनापत्ति के लिए

आवेदन का निर्देश करता है, मंजूर की गई है। किसी परियोजना या क्रियाकलाप के लिए नदी घाटी परियोजनाओं (अनुसूची की मद 1(ग)) की दशा में दस वर्ष की अवधि के लिए, विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा यथा प्राक्कलित परियोजना की अवधि खनन परियोजनाओं के लिए अधिकतम तीस वर्षों के लिए और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में पांच वर्ष होगी। तथापि क्षेत्र विकास परियोजनाओं और नगरीय की दशा में (मद 8(ख)) विधिमान्य अवधि केवल ऐसे क्रियाकलापों तक सीमित होगी जहां तक किसी विकासकर्ता के रूप में आवेदक का उत्तरदायित्व है। इस विधिमान्यता की अवधि को संबंधित विनियामक प्राधिकरण द्वारा पांच वर्ष की अधिकतम अवधि तक बढ़ाया जा सकेगा, परन्तु यह तब जब कि कोई आवेदन आवेदक द्वारा विनियामक प्राधिकरण को संनिर्माण परियोजनाओं या क्रियाकलापों के लिए (अनुसूची की मद 8) अद्यतन प्ररूप 1 और अनुपूरक प्ररूप 1क सहित विधिमान्य अवधि के भीतर किया जाता है। इस बाबत विनियामक प्राधिकरण, यथास्थिति, विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति से भी परामर्श कर सकेगा।

10. पश्च पर्यावरणीय अनापत्ति को मानीटर करना,-

(i) परियोजना प्रबंधन के लिए प्रत्येक कलेंडर वर्ष की 1 जून और 1 दिसंबर को संबंधित विनियामक प्राधिकरण को निश्चित पूर्व पर्यावरणीय अनापत्ति के निबंधनों और शर्तों के संबंध में अनुपालन रिपोर्टों को अर्धवार्षिक रूप में हार्ड और साफ्ट प्रतियों में प्रस्तुत करना आज्ञापक होगा।

(ii) परियोजना प्रबंधन द्वारा प्रस्तुत की गई सभी ऐसी अनुपालन रिपोर्टें लोक दस्तावेज होंगी, उसकी प्रतियां संबंधित विनियामक प्राधिकरण को आवेदन पर किसी व्यक्ति को दी जाएंगी। ऐसी अंतिम अनुपालन रिपोर्टें संबंधित विनियामक प्राधिकरण की वेबसाइट पर भी दर्शित की जाएगी।

11. पर्यावरणीय अनापत्ति की अंतरणीयता,-

किसी आवेदक को किसी विनिर्दिष्ट परियोजना या क्रियाकलाप के लिए मंजूर की गई कोई पूर्व पर्यावरणीय अनापत्ति अंतरक द्वारा या अंतरिकी द्वारा आवेदन पर परियोजना या क्रियाकलाप को करने के हकदार किसी अन्य विधिक व्यक्ति को अंतरक द्वारा लिखित "अनापत्ति सहित" जो इसकी विधिमान्यता की अवधि के दौरान संबंधित विनियामक प्राधिकरण द्वारा उन्हीं निबंधनों और शर्तों के अधीन पूर्व पर्यावरणीय अनापत्ति आरंभ में मंजूर की गई थी और उसी विधिमान्यता अवधि के लिए अंतरित की जा सकेगी। ऐसे मामलों में विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति को कोई निर्देश आवश्यक नहीं है।

12. लंबित मामलों के निपटान तक ई.आई.ए. अधिसूचना का प्रवर्तन,-

इस अधिसूचना के अंतिम प्रकाशन की तारीख से पर्यावरणीय समाघात निर्धारण की अधिसूचना सं० का.आ. 60(अ), तारीख 27 जनवरी, 1994 को, उन बातों के सिवाय, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने से लोप किया गया है, उस सीमा तक अधिक्रान्त किया जाता है कि पूर्व पर्यावरणीय अनापत्ति के लिए किए गए और इस अधिसूचना के अंतिम प्रकाशन की तारीख को लंबित सभी या कुछ प्रकार के आवेदनों को, परियोजनाओं या क्रियाकलापों को, उस सूची के सिवाय जिनमें अनुसूची 1 में पूर्व पर्यावरणीय अनापत्ति अपेक्षित है, इस अधिसूचना के किसी एक या सभी उपबंधों से छूट दे सकेगी या उक्त अधिसूचना के कुछ या सभी उपबंधों के प्रवर्तन को इस अधिसूचना के जारी करने की तारीख से एक वर्ष से अधिक अवधि के लिए जारी रख सकेगी।

1299

अनुसूची

(पैरा 2 और 7 देखें)

पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाओं या क्रियाकलापों की सूची

क्र. सं.	परियोजना या क्रियाकलाप	अवसीमा सहित प्रवर्ग		शर्तें, यदि कोई हों
		क	ख	
1	खनन, प्राकृतिक संसाधन का निष्कर्षण और विद्युत उत्पादन विनिर्दिष्ट उत्पादन क्षमता के लिए)			
1	2	3	4	5
1(क)	खनिज का खनन	खनन पट्टा क्षेत्र का ≥ 50 हे० किसी भी खनन क्षेत्र का ध्यान दिए बिना एंस्बैस्टज खनन	< 50 हेक्टेयर ≥ 5 हेक्टेयर खनन पट्टा क्षेत्र	साधारण शर्तें लागू होंगी टिप्पण खनिज पदार्थों के पूर्वक्षण (जिसमें ड्रिलिंग न हो) को छूट दी गई है बशर्त कि वास्तविक सर्वेक्षण के लिए छूट वाले क्षेत्रों की पूर्व अनुमति ली गई है।
1(ख)	अपतट और तटवर्ती तेल तथा गैस की खोज, विकास और उत्पादन	सभी परियोजनाएं	-	टिप्पण सार खोज सर्वेक्षण (जिसमें ड्रिलिंग न हो) को छूट दी गई है बशर्त कि वास्तविक सर्वेक्षण के लिए छूट वाले क्षेत्रों की पूर्व अनुमति ली गई है।
1(ग)	नदी घाटी परियोजनाएं	(i) ≥ 50 मे०वा० जल विद्युत उत्पादन (ii) $\geq 10,000$ हे०खेती योग्य प्रभावित क्षेत्र	(i) $< 50 \geq 25$ मे०वा० जल विद्युत उत्पादन (ii) $< 10,000$ हे० खेती योग्य प्रभावित क्षेत्र	साधारण शर्तें लागू होंगी
1(घ)	तापीय विद्युत संयंत्र	(कोयला लिग्नाइट और नेफ्था आधारित) ≥ 500 मे.वा. ≥ 50 मे.वा. (पैटकोक, डीजल और सभी अन्य ईंधन)	(कोयला/लिग्नाइट/नेफ्था एवं गैस आधारित) < 500 मे.वा. (पैटकोक, डीजल और सभी अन्य ईंधन) < 50 मे.वा ≥ 5 मे.वा.	साधारण शर्तें लागू होंगी
1(ङ)	आणविक विद्युत परियोजनाएं और आणविक ईंधन का प्रसंस्करण	सभी परियोजनाएं	-	
2	प्राथमिक प्रसंस्करण			
2(क)	कोयला धोवनशालाएं	≥ 1 मिलियन टन/ वार्षिक कोयले का उत्पादन	< 1 मिलियन टन/ वार्षिक कोयले का उत्पादन	साधारण शर्तें लागू होंगी (यदि खनन क्षेत्र के अंदर स्थित है तो प्रस्ताव का मूल्यांकन खनन प्रस्ताव के साथ किया जाना चाहिए)

2(ख)	खनिज सज्जीकरण	≥ 0.1 मिलियन टन/ वार्षिक कोयले का उत्पादन	< 0.1 मिलियन टन/ वार्षिक कोयले का उत्पादन	साधारण शर्त लागू होगी अनापत्ति प्रदान करने के लिए खनन प्रस्ताव का खनिज सज्जीकरण के साथ ही मूल्यांकन किया जाना चाहिए
3 पदार्थ उत्पादन -				
3(क)	धातुकर्म उद्योग (फेरस और गैर फेरस)	क) प्राथमिक धातुकर्म उद्योग सभी परियोजनाएं ख) स्पंज आयरन विनिर्माण ≥ 200 टन पी डी ग) गौण धातु कर्म प्रसंस्करण उद्योग सभी विषाक्त और भारी धातु उत्पादित करने वाली इकाइयां ≥ 20,000 टन/ वार्षिक	स्पंज आयरन विनिर्माण < 200 टन पी डी गौण धातु कर्म प्रसंस्करण उद्योग 1) सभी विषाक्त और भारी धातु उत्पादित करने वाली इकाइयां < 20,000 टन/ वार्षिक 2) अन्य सभी विषरहित गौण धातुकर्म प्रसंस्करण उद्योग > 5000 टन / वार्षिक	स्पंज आयरन विनिर्माण के लिए साधारण शर्त लागू होगी
3(ख)	सीमेंट संयंत्र	वार्षिक उत्पादन क्षमता ≥ 1.0 मिलियन टन	वार्षिक उत्पादन क्षमता < 1.0 मिलियन टन यह सभी ग्राइंडिंग इकाइयों के लिए लागू है	साधारण शर्त लागू होगी
4 पदार्थ प्रसंस्करण				
4(क)	पेट्रोलिम रिफाइनिंग उद्योग	सभी परियोजनाएं	-	-
4(ख)	कोक भट्टी संयंत्र	≥ 2,50,000 टन वार्षिक	< 2,50,000 एवं ≥ 25,000 टन वार्षिक	-
4(ग)	एस्बेस्टास मिलिंग और एस्बेस्टास आधारित उत्पाद	सभी परियोजनाएं	-	-
4(घ)	क्लोस्कार उद्योग,	उत्पादन क्षमता ≥ 300 टन पी डी या अधिसूचित औद्योगिक क्षेत्र/संपदा से बाह्य अवस्थित इकाई	उत्पादन क्षमता < 300 टन पी डी और अधिसूचित औद्योगिक क्षेत्र/संपदा में अवस्थित इकाई	विनिर्दिष्ट शर्त लागू होगी किसी नए पार प्रकोष्ठ आधारित संयंत्र को अनुज्ञा नहीं दी जाएगी और इस अधिसूचना द्वारा झिल्लीमय प्रकोष्ठ प्रौद्योगिकी में परिवर्तन करने वाली विद्यमान इकाई को छूट प्राप्त है।

4	सोडा भस्म उद्योग (ड)	सभी परियोजनाएं	-	-
4(च)	चमड़ा/त्वचा/खाल प्रसंस्करण उद्योग	औद्योगिक क्षेत्र से बाहर सभी नई परियोजनाएं या औद्योगिक क्षेत्र के बाहर विद्यमान ईकाइयों का विस्तार	अधिसूचित औद्योगिक क्षेत्र/संपदा में अवस्थित सभी नई परियोजनाएं या परियोजनाओं का विस्तार	विनिर्दिष्ट शर्त लागू होगी
5	उत्पादन/फैक्ट्रिकेशन			
5(क)	रासायनिक उर्वरक	सभी परियोजनाएं	-	-
5(ख)	कीटनाशक उद्योग और कीटनाशक विशिष्ट मध्यक जीवमार (विनिर्मिति को छोड़कर)	तकनीकी श्रेणी के कीटनाशकों को उत्पादन करने वाली सभी ईकाइयां	-	-
5(ग)	पेट्रो रसायन परिसर (पेट्रोलियम के अंश और प्राकृतिक गैस और/या सुगन्धितों में सुधार प्रसंस्करण आधारित उद्योग)	सभी परियोजनाएं	-	-
5(घ)	मानव निर्मित फाइबर का उत्पादन	रेयन	अन्य	साधारण शर्त लागू होगी
5(ङ)	पेट्रो रसायन आधारित प्रसंस्करण (भंजन से भिन्न अन्य प्रसंस्करण तथा सुधार और जो परिसर के भीतर समाविष्ट नहीं है)	अधिसूचित औद्योगिक क्षेत्र/संपदा के बाह्य अवस्थित	अधिसूचित औद्योगिक क्षेत्र/संपदा के भीतर अवस्थित	विनिर्दिष्ट शर्त लागू होगी
5(च)	संश्लिष्ट कार्बनिक रसायन उद्योग (रंजक और रंजक मध्यक; थोक औषधि और औषधि विनिर्मितियों को छोड़कर मध्यक: संश्लिष्ट रबड़ मूल कार्बनिक रसायन, अन्य संश्लिष्ट कार्बनिक रसायन और रसायन मध्यक)	अधिसूचित औद्योगिक क्षेत्र/संपदा के बाह्य अवस्थित	अधिसूचित औद्योगिक क्षेत्र/संपदा के भीतर अवस्थित	विनिर्दिष्ट शर्त लागू होगी
5(छ)	आसवनी	(i) सभी शीरा आधारित आसवनी । (ii) सभी गन्ने का रस/गैर-शीरा आधारित आसवनी ≥ 30 कि०ली० दैनिक	सभी गन्ने का रस/गैर शीरा आधारित आसवनी < 30 कि०ली० दैनिक	साधारण शर्त लागू होगी
5(ज)	समेकित पेंट उद्योग	-	सभी परियोजनाएं	साधारण शर्त लागू होगी
5(झ)	अपशिष्ट कागज से कागज का निर्माण और तैयार लुग्दी और विरंजन किए बिना तैयार लुग्दी से कागज निर्माण के अलावा लुग्दी एवं कागज	लुग्दी विनिर्माण और लुग्दी और कागज विनिर्माण उद्योग	लुग्दी विनिर्माण के बिना कागज विनिर्माण उद्योग	साधारण शर्त लागू होगी

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	उद्योग			
5(अ)	चीनी उद्योग		गन्ना पेरने की क्षमता \geq 5000 टन दैनिक	साधारण शर्त लागू होगी
5(ट)	प्रेरण/आर्क भट्टी/कुपोला भट्टी 5 टन प्रति घंटा या ज्यादा		सभी परियोजनाएं	साधारण शर्त लागू होगी
6	सेवा सेक्टर			
6(क)	राष्ट्रीय उद्यानों/ अभयारण्यों/ प्रवाल भित्तियों/ एल एन जी टर्मिनल सहित पारिस्थिकीय संवेदनशील क्षेत्रों से गुजरने वाली तेल और गैस परिवहन पाइप लाइनें (अपरिकृष्ट और परिष्करणी /पेट्रो रसायन उत्पाद)	सभी परियोजनाएं		
6(ख)	एकल भंडारकरण और परिसंकटमय रसायन को संभालना (एमएसआईएचसी नियम, 1989 और 2000 की संशोधित अनुसूची 2 और 3 के स्तंभ 3 में उपदर्शित अवसीमा योजना परिमाण के अनुसार		सभी परियोजनाएं	साधारण शर्त लागू होगी
7	पर्यावरणीय सेवाओं सहित भौतिक अवसंरचना			
7(क)	विमानपत्तन	सभी परियोजनाएं	-	-
7(ख)	सभी पोत भंजन यार्ड जिसमें पोत भंजन इकाई भी सम्मिलित है	सभी परियोजनाएं	-	-
7(ग)	औद्योगिक सम्पदा/पार्क/परिसर/ क्षेत्र/निर्यात प्रसंस्करण जोन (नि.प्र.जो.), विशेष आर्थिक जोन (वि.आ.जो.) जैव प्रौद्योगिकी पार्क वमझ परिसर	प्रस्तावित औद्योगिक संपदा में यदि एक भी उद्योग श्रेणी क के अंतर्गत आता है तो पूरे औद्योगिक क्षेत्र को श्रेणी क ही समझा जाएगा चाहे वह किसी भी क्षेत्र में हो 500 हेक्टेयर से ज्यादा क्षेत्र की औद्योगिक संपदाएं और जिनमें कम से कम एक श्रेणी ख का उद्योग स्थित हो	औद्योगिक संपदाएं और जिनमें कम से कम एक श्रेणी ख का उद्योग स्थित है और क्षेत्र < 500 हेक्टेयर हो औद्योगिक संपदाएं क्षेत्र > 500 हेक्टेयर और जिसमें श्रेणी क या ख श्रेणी का कोई उद्योग नहीं है	विशेष शर्त लागू होगी टिप्पण 500 हेक्टेयर से कम क्षेत्र की औद्योगिक संपदाओं जिनमें क या ख श्रेणी का कोई उद्योग नहीं है, को मंजूरी की आवश्यकता नहीं है
7(घ)	सामान्य परिसंकटमय अपशिष्ट उपचार भंडारकरण और निपटान सुविधाएं (उ.भं.नि.सु.)	सभी एकीकृत सुविधाएं जिनमें भस्मीकरण और भूमिभरण या केवल भस्मीकरण शामिल है	केवल भूमि भरण वाली सभी सुविधाएं	साधारण शर्त लागू होगी

7(ड)	पत्तन, बंदरगाह	≥ 5 मिलियन टन वार्षिक स्थोरा की उठाई-धराई की क्षमता (मत्स्य बंदरगाह से भिन्न)	< 5 मिलियन टन वार्षिक स्थोरा की उठाई-धराई की क्षमता और पत्तन/बंदरगाह में ≥ 10,000 टन वार्षिक मछली पकड़ने की क्षमता	साधारण शर्त लागू होगी
7(घ)	राजमार्ग	1) नए राष्ट्रीय राजमार्ग: और 2) 30 कि.मी. से ज्यादा लंबाई के राष्ट्रीय राजमार्गों का विस्तार जिनमें मार्ग के दोनों ओर अतिरिक्त भूमि अधिग्रहण 20 मीटर से ज्यादा है और एक से अधिक राज्यों से गुजरते हैं।	1) नए राज्य राजमार्ग: और 2) 30 कि.मी. से ज्यादा लंबे राष्ट्रीय/राज्य राजमार्गों का विस्तार जिनमें मार्ग के दोनों ओर अतिरिक्त भूमि अधिग्रहण 20 मीटर से ज्यादा है।	साधारण शर्त लागू होगी
7(छ)	आकाशी यात्री रज्जुमार्ग		सभी परियोजनाएं	साधारण शर्त लागू होगी
7(ज)	सामान्य ज्ञाप उपचार संयंत्र (स.स.उ.सं.)		सभी परियोजनाएं	साधारण शर्त लागू होगी
7(झ)	नगरपालिका ठोस अपशिष्ट प्रबंधन सुविधा (स.न.अ.प्र.स.)		सभी परियोजनाएं	साधारण शर्त लागू होगी
8	भवन/संनिर्माण परियोजनाएं/क्षेत्र विकास परियोजनाएं और शहरीकरण			
8(क)	भवन एवं संनिर्माण परियोजनाएं		≥ 20000 वर्ग मी. के निर्मित क्षेत्र और < 1,50,000 वर्ग मीटर के निर्मित क्षेत्र #	# आवृत संनिर्माण के लिए निर्मित क्षेत्र आकाश की ओर खुली सुविधाओं की दशा में यह क्रियाकलाप क्षेत्र भी होगा।
8(ख)	नगरी और क्षेत्र विकास परियोजनाएं		≥ 50 हे० क्षेत्र को सम्मिलित करते हुए और या निर्मित क्षेत्र ≥ 1,50,000 वर्ग मीटर ++	++ 8 (ख) के अंतर्गत सभी परियोजनाओं को ख 1 प्रवर्ग के अनुसार निबंधित किया जाएगा।

टिप्पण

साधारण शर्त (सा.श.)

प्रवर्ग "ख" में विनिर्दिष्ट किसी परियोजना या क्रियाकलाप को प्रवर्ग "क" माना जाएगा, यदि वह : (i) वन्य जीव (संरक्षण) अधिनियम, 1972 के अधीन अधिसूचित संरक्षित क्षेत्र; (ii) उसकी समय-समय पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा गंभीर रूप से प्रदूषित क्षेत्र के रूप में पहचान की गई है; (iii) परिस्थितिकी संवेदनशील क्षेत्र अधिसूचित है; और (iv) अंतरराज्यिक सीमाओं और अंतरराष्ट्रीय सीमाओं से दस किलोमीटर के भीतर संपूर्ण रूप से या आंशिक रूप में अवस्थित है।

विनिर्दिष्ट शर्त (वि.श.)

यदि कोई मद 4(घ), 4(च), 5(ड), 5(घ) जैसी समयुक्त की प्रकार का उद्योगों वाला औद्योगिक संपदा/कांप्लेक्स/निर्यात प्रसंस्करण जोन/विशेष आर्थिक जोन/जैव प्रौद्योगिकी उद्यान/चमड़ा परिसर या पूर्व निर्धारित गतिविधियों वाले उद्योग (आवश्यक नहीं कि वे समयुक्त हों) पूर्व पर्यावरणीय अनापत्ति प्राप्त करते हैं, तो ऐसी संपदाओं/कांप्लेक्सों के भीतर प्रस्तावित उद्योगों सहित निजी उद्योगों को तब तक पूर्व पर्यावरणीय अनापत्ति लेना अपेक्षित नहीं है जब तक कि औद्योगिक कांप्लेक्स/संपदा के लिए निबंधनों और शर्तों का अनुपालन नहीं करते (ऐसी संपदा/कांप्लेक्सों की पूर्व पर्यावरणीय अनापत्ति की निबंधनों और शर्तों के लिए सहमता सुनिश्चित करने के विधिक उत्तरदायित्व से स्पष्ट रूप से पहचान करने का प्रबंध होना चाहिए जिसे कांप्लेक्स/संपदा के सारे जीवन में उसके अतिक्रमण के लिए उत्तरदायी ठहराया जा सकेगा)।

[सं. जे-11013/56/2004-आईए-II(I)]

आर. चन्द्रमोहन, संयुक्त सचिव

1304
परिशिष्ट -I
(पैरा 6 देखें)
प्ररूप 1

(1) आधारभूत जानकारी

परियोजना का नाम :

विचाराधीन अनुकल्पी अवस्थिति/स्थान :

परियोजना का आकार * :

परियोजना की प्राक्कलित लागत

संपर्क जानकारी :

संवीक्षा प्रवर्ग :

- अंचलीय क्रियाकलाप के लिए तत्स्थानी क्षमता (जैसे विनिर्माण करने के लिए उत्पादन क्षमता, खनिज उत्पादन के लिए खनन पट्टा क्षेत्र और उत्पादन क्षमता, खनिज पूर्वक्षेत्र के लिए क्षेत्र, अनुरेख परिवहन अवसंरचना के लिए लंबाई, विद्युत उत्पादन आदि के उत्पादन क्षमता)

(II) क्रियाकलाप

1. परियोजना का संनिर्माण, प्रचालन या न निकालना जिसमें ऐसी कार्रवाई भी सम्मिलित है जो परिक्षेत्र में भौतिक परिवर्तनों का कारण होगी (स्थलाकृति, भूमि उपयोग, जल निकायों में परिवर्तन आदि)

क्र.सं.	जानकारी/जांच सूची पुष्टिकरण	हां/नहीं	उनके ब्यौरे (लगभग मात्रा/दरों, सहित, जो संभव हो, सहित) आंकड़ों की जानकारी के स्रोत सहित ।
1.1	भूमि उपयोग, समावेश भूमि या स्थलाकृति में स्थायी या अस्थायी जिसमें भूमि उपयोग की मात्रा (स्थानीय भूमि उपयोग योजना के बारे में वृद्धि भी सम्मिलित है)		
1.2	विद्यमान भूमि, वनस्पति और भवनों की अनापत्ति		
1.3	नई भूमि उपयोगों का सृजन		
1.4	संनिर्माण पूर्व अन्वेषण अर्थात बोर, गृह, मिट्टी का परिक्षण करना		
1.5	संनिर्माण कार्य		
1.6	विध्वंस कार्य		

1.7	संनिर्माण कार्य या संनिर्माण कर्मकारों के घर के प्रबंध के लिए उपयोग किए गए अस्थायी स्थल		
1.8	उपर्युक्त मू-भवन, संरचनाएं या भुस्त जिसमें अनुरेखीय संरचनाएं, काटनीं और मरनां या खुदाई भी सम्मिलित है ।		
1.9	भूमिगत कार्य जिसमें खनन या खुदाई बनाना भी सम्मिलित है ।		
1.10	भूमि उद्धार कार्य		
1.11	तलकषक		
1.12	अपतृप्त संरचनाएं		
1.13	उत्पादन और विनिर्माण प्रक्रियाएं		
1.14	सामग्रियों या माल के भंडार की सुविधाएं		
1.15	ठोस अपशिष्ट या तरल बहिःस्रावों के उपचार या निपटान के लिए सुविधाएं		
1.16	परिचालन कर्मकारों के दीर्घकालिक घर का प्रबंध के लिए सुविधाएं		
1.17	संनिर्माण या प्रचालन के दौरान नई सड़क, रेल या समुद्री यातायात		
1.18	नई सड़क, रेल, वायु जल वाहिन या अन्य परिवहन अवसंरचना जिसमें नए या परिवर्तित मार्ग और स्टेशन, पत्तन, विमानपत्तन आदि भी सम्मिलित है ।		
1.19	विद्यमान परिवहन मार्गों को बंद करना या अथर्वतन या यातायात परिचालन में परिवर्तनों के लिए प्रमुख अवसंरचना		
1.20	नई या अपवर्तित प्रेषण लाईनें या पाइपलाइनें		
1.21	अवरुद्ध करना, बांध बनाना, पुलिया बनाना, पुनःरेखांकन या जलमार्गों या एक्वीकरों के जल विज्ञान के लिए अन्य परिवर्तन		
1.22	प्रवाह पार		
1.23	भूजल या भूतल से जल का अंतरण या धृष्टकरण		
1.24	नालियों या प्रवाह को प्रभावित करने वाले जलनिष्पादों या भूमि स्तर में परिवर्तन		
1.25	संनिर्माण, परिचालन या म भिकालमे के लिए कार्मिक या सामग्रियों का परिवहन		
1.26	दीर्घकालिक रूप में तोड़ना, प्रारंभ करना या कार्य पुनः आरंभ करना ।		
1.27	आरंभ के दौरान जारी ऐसे क्रियाकलाप जो पर्यावरण पर समाघात कर सकेंगे ।		
1.28	जमता का किसी क्षेत्र के लिए या तो अस्थायी रूप से या स्थायी रूप से आना ।		
1.29	अन्य देशीय प्रजातियों का आना		
1.30	मूल निवासी प्रजातियों या आनुवंशिक विविधता की हानि		
1.31	अन्य कोई कार्यवाहियां		

2. परियोजना के संनिर्माण या प्रचालन के लिए प्राकृतिक संसाधनों का उपयोग (जैसे भूमि, जल सामग्री या ऊर्जा विशेष रूप से ऐसा कोई संसाधन जो नवीकरणीय नहीं है या जिसका प्रदाय कम है)

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यारे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
2.1	विशेष रूप से अविकसित भूमि या कृषि भूमि (हे0)		
2.2	जल (अनुमानित स्रोत और प्रतियोगी उपयोगकर्ता) इकाई : के.एल.डी.		
2.3	खनिज (एम.टी.)		
2.4	संनिर्माण सामग्री -- पत्थर और सत, बालू/मृदा (अनुमानित स्रोत एम.टी.)		
2.5	वन और इमारती लकड़ी (स्रोत -- एम.टी.)		
2.6	ऊर्जा जिसके अंतर्गत विद्युत् और ईंधन (स्रोत, प्रतियोगी उपयोगकर्ता) इकाई : ईंधन (एम.टी.) ऊर्जा (एम.डब्ल्यू)		
2.7	कोई अन्य प्राकृतिक संसाधन (समुचित मानक इकाइयों का उपयोग करें)		

3. पदार्थों या सामग्रियों का उपयोग भंडारण, परिवहन, उठाई धराई या उत्पादन, जो मानव स्वास्थ्य या पर्यावरण के लिए खतरनाक या जिनके मानव स्वास्थ्य की जोखिम की वास्तविकता के बारे में चिंताएं उठती हैं ।

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यारे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
3.1	पदार्थों या सामग्रियों का उपयोग जो मानव स्वास्थ्य या पर्यावरण (फ्लोरा, फोना और जल प्रदाय के लिए परिसंकटमय) (एम.एस.आई.एच.सी. नियमों के अनुसार) है		
3.2	रोग के होने में परिवर्तन या रोग वाहकों के रोग का प्रभाव (उदहरणार्थ कीट या जल-जन्य रोग)		
3.3	लोगों के कल्याण पर प्रभाव. उदहरणार्थ जीवन दशाओं में परिवर्तन करके		
3.4	लोगों के संवेदनशील समूह जो परियोजना अर्थात् अस्पताल रोगियों, बालकों, वृद्धों आदि द्वारा प्रभावित हो सकते हैं		
3.5	कोई अन्य कारण		

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4. निर्माण या प्रचालन या प्रारंभ न करने के दौरान टोस अपशिष्टों का उत्पादन (एम.टी./मास)

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
4.1	मृदा, अधिक भार या खान अपशिष्ट		
4.2	नगरपालिक अपशिष्ट (घरेलू और या वाणिज्यिक अपशिष्ट)		
4.3	परिसंकटमय अपशिष्ट (परिसंकटमय अपशिष्ट प्रबंध तंत्र नियमों के अनुसार)		
4.4	अन्य औद्योगिक प्रक्रिया अपशिष्ट		
4.5	अधिशेष उत्पाद		
4.6	मल बही-स्राव उपचार से मल गाद या अन्य गाद		
4.7	निर्माण या ढाये गए अपशिष्ट		
4.8	बेकार मशीनरी या उपस्कर		
4.9	संदूषित मृदाएं या अन्य सामग्रियां		
4.10	कृषि अपशिष्ट		
4.11	अन्य टोस अपशिष्ट		

5. वायु में संदूषकों या किसी परिसंकटमय विषैले या जहरीले पदार्थों का विसर्जन

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
5.1	लेखन सामग्री या चल संसाधनों से जीवाणु ईंधनों के दहन से उत्सर्जन		
5.2	उत्पादन प्रक्रियाओं से उत्सर्जन		
5.3	सामग्रियों की उठाई धराई से जिसके अंतर्गत भंडारण या परिवहन भी है, उत्सर्जन		
5.4	निर्माण क्रियाकलापों से जिसके अंतर्गत संयंत्र और उपस्कर भी हैं, उत्सर्जन		
5.5	सामग्रियों की उठाई धराई से जिसके अंतर्गत निर्माण सामग्री, मल और अपशिष्ट भी हैं, धूल या गंध		
5.6	अपशिष्ट के भस्मीकरण से उत्सर्जन		
5.7	खुली वायु में अपशिष्ट के जलने से उत्सर्जन (उदाहरणार्थ स्लैश सामग्री, निर्माण सामग्री का ढेर)		
5.8	किन्हीं अन्य स्रोतों से उत्सर्जन		

6. शोर और कंपन का पैदा होना तथा प्रकाश और उष्मा का उत्सर्जन

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
6.1	उपस्कर के प्रचालन से उदाहरणार्थ ईजन, वातायन संयंत्र, संदलनित्र		
6.2	औद्योगिक या उसी प्रकार की प्रक्रियाओं से		
6.3	निर्माण या ढहाने से		
6.4	विस्फोटन या पाइलिंग से		
6.5	निर्माण या प्रचालन संबंधी यातायात से		
6.6	प्रकाशन या प्रशीतन प्रणालियों से		
6.7	किन्हीं अन्य संसाधनों से		

7. भूमि या मल नालियों, सतही जल, भूमिगत जल, तटीय जल या समुद्र में प्रदूषकों के विसर्जन से भूमि या जल के संदूषण के जोखिम

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
7.1	परिसंकटमय सामग्री की उठाई धराई, भंडारण, उपयोग या गाद से		
7.2	जल या भूमि में (अनुमानित ढंग और विसर्जन का स्थान) मल या अन्य बही स्त्रावों के विसर्जन से		
7.3	वायु से भूमि या जल में उत्सर्जित प्रदूषकों के जमा होने से		
7.4	किन्हीं अन्य संसाधनों से		
7.5	क्या इन संसाधनों से पर्यावरण में प्रदूषकों के जमा होने से दीर्घकालिक जोखिम है ?		

8. परियोजना के निर्माण या प्रचालन के दौरान दुर्घटनाओं का जोखिम जो मानव स्वास्थ्य या पर्यावरण को प्रभावित कर सकते हैं

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
8.1	परिसंकटमय पदार्थों के विस्फोट, गाद, आग, भंडारण, उठाई धराई या उत्पादन से		
8.2	किन्हीं अन्य कारणों से		
8.3	क्या परियोजना प्राकृतिक विपदाओं द्वारा पर्यावरण को नुकसान पहुंचाएंगी (उदाहरणार्थ बाढ़, भूकंप, भू-सखलन, वृष्टिस्फोट आदि) ?		

9. बातें जिन पर विचार किया जाना चाहिए (जैसे पारिणामिक विकास) जिनके कारण पर्यावरणीय प्रभाव होते हैं या जो संचयी प्रभावों को करने के लिए अन्य विद्यमान प्रभावों सहित या पक्षेत्र में नियोजित क्रियाकलापों के लिए सामर्थवान हैं

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
9.1	जिसके कारण आधार का विकास, सहायक विकास या परियोजना द्वारा विकास को बल मिलता है जिसका पर्यावरण पर प्रभाव हो सकता है अर्थात् - <ul style="list-style-type: none"> • आधारीक अवसंरचना (सड़कें, बिजली प्रदाय, अपशिष्ट या अपशिष्ट जल उपचार आदि) • आवासन विकास • निष्कर्षित उद्योग • पूर्ति उद्योग • अन्य 		
9.2	जिसके कारण स्थल का बाद में उपयोग होता है जिसका पर्यावरण पर प्रभाव हो सकता है		
9.3	पश्चात्वर्ती विकासों के लिए उदाहरण स्थापित करना		
9.4	सामिप्य के कारण अन्य विद्यमान परियोजनाओं पर संचयी प्रभाव हैं या उसी प्रकार के प्रभावों सहित नियोजित परियोजनाएं		

(III) पर्यावरणीय संवेदनशीलता

क्र.सं.	क्षेत्र	नाम/पहचान	आकाशी दूरी (15 किलोमीटर के भीतर) प्रस्तावित परियोजना अवस्थान सीमा
1.	उनके पारिस्थितिक भू-दृश्य, सांस्कृतिक या अन्य संबंधित मूल्यों के लिए अंतरराष्ट्रीय कन्वेंशन, राष्ट्रीय या स्थानीय विधान के अधीन संरक्षित क्षेत्र ।		
2.	क्षेत्र जो पारिस्थितिक कारणों के लिए महत्वपूर्ण या संवेदनशील हैं - वेट लैंड्स, जल स्रोत या अन्य जल संबंधी निकाय, तटीय जोन, बायोस्फीयर, पहाड़ियां, वन		
3.	क्षेत्र जो प्रजनन, घोंसला बनाने, चारे के लिए, आराम करने के लिए, सर्दी के लिए, प्रवास के लिए फ्लोरा और फोना के संरक्षित महत्वपूर्ण या संवेदनशील प्रजातियों द्वारा उपयोग किए जाते हैं		
4.	अंतरदेशीय, तटीय, सामुद्रिक या भूमिगत जल		

5.	राज्य, राष्ट्रीय सीमाएं		
6.	मनोरंजन की या अन्य पर्यटक/यात्रियों वाले क्षेत्रों में पहुंच के लिए जनता द्वारा उपयोग किए जाने वाले मार्ग या सुविधाएं		
7.	रक्षा प्रतिष्ठापन		
8.	सघन रूप से बसे हुए या निर्मित क्षेत्र		
9.	संवेदनशील मानव निर्मित भूमि उपयोगों के अधिभोगाधीन क्षेत्र अस्पताल, पाठशालाएं, पूजा स्थल, सामुदायिक सुविधाएं		
10.	महत्वपूर्ण, उच्च क्वालिटी या दुर्लभ संसाधनों वाले क्षेत्र (भूमिगत जल संसाधन, भूतल संसाधन, वनोद्योग, कृषि, मत्स्य उद्योग, पर्यटन, खनिज)		
11.	क्षेत्र जो पहले से ही प्रदूषण या पर्यावरणीय नुकसान के अधीन हैं (वे जहां विद्यमान विधिक पर्यावरणीय मानक अधिक होते हैं)		
12.	क्षेत्र जहां प्राकृतिक संकट हो सकता है जो वर्तमान पर्यावरणीय समस्याओं की योजनाओं को प्रभावित कर सकते हैं (धंसना, भूस्खलन, भूमि कटाव, बाढ़ या अत्यंत या प्रतिकूल वातावरणीय दशाएं)		

परिशिष्ट 2
(पैरा 6 देखें)

प्रारूप 1क (केवल अनुसूची की मद 8 के अधीन सूचीबद्ध निर्माण परियोजनाओं के लिए)

पर्यावरणीय प्रभावों की जांच सूची

(पूर्ण जानकारी उपलब्ध कराने के लिए अपेक्षित परियोजना सलाहकार और जहां कहीं आवश्यक हो प्रारूप के साथ स्पष्टीकारक टिप्पण संलग्न करें तथा प्रस्तावित पर्यावरणीय प्रबंधन योजना और मॉनिटरिंग कार्यक्रम के साथ प्रस्तुत करें)

1. भूमि पर्यावरण

(परियोजना स्थल और आसपास का विशाल दृश्य संलग्न करें)

1.1 क्या विद्यमान भूमि के उपयोग में परियोजना से सारवान रूप से परिवर्तन किया जाएगा जो वातावरण आसपास से संगत नहीं है ? (प्रस्तावित भूमि उपयोग सक्षम प्राधिकारी के अनुमोदित मास्टर प्लान/विकास योजना के अनुरूप होना चाहिए। भूमि उपयोग में परिवर्तन यदि कोई हो और सक्षम प्राधिकारी से कानूनी अनुमोदन प्रस्तुत किया जाए)। (i) स्थल अवस्थान, (ii) प्रस्तावित स्थल (पांच सौ मीटर के भीतर आसपास के सक्षमों) और (iii) समुचित मापमान के स्थल (स्तर और समोच्च रेखा उपदर्शित करते हुए) के नक्शे संलग्न करें। यदि उपलब्ध नहीं है तो केवल अवधारणा युक्त योजना संलग्न करें।

1.2 भूमि क्षेत्र, निर्मित क्षेत्र, जल उपयोग, विद्युत अपेक्षा, संयोजकता, सामुदायिक सुविधाओं, पर्यावरण आवश्यकताओं आदि के अनुसार सभी बड़ी परियोजना की आवश्यकताओं को सूचीबद्ध करें।

1.3 प्रस्तावित स्थल से संलग्न विद्यमान सुविधाओं पर प्रस्तावित विनाशकारी के संभावित प्रभाव (यदि कोई हो) जैसे खुले स्थल, सामुदायिक सुविधाएं, विद्यमान भूमि उपयोग के ब्यारे, स्थानीय पारिस्थितिकी तंत्र आदि का विश्लेषण करें।

1.4 क्या किसी महत्वपूर्ण भूमि विज्ञान के परिणामस्वरूप भूस्खलन, भूमि कटाव, बाढ़, अत्यंत वातावरण, जल संकट, जल विज्ञान, डाल विश्लेषण, भूमि कटाव की संवेदनशीलता, भूकंपन आदि के जोखिम दिए गए हैं?

1.5 क्या प्राकृतिक मल निकास प्रणाली के परिवर्तन से संबंधित प्रस्ताव है ? (प्रस्तावित परियोजना स्थल के निकट प्राकृतिक मल निकासी को दर्शित करते हुए किसी समोच्च नक्शे के ब्यौरे दें)

1.6 निर्माण क्रियाकलाप — कर्तन, भरण, भूमि सुधार आदि में अंतर्वलित भूमि कार्य की मात्राएं क्या हैं ? (अंतर्वलित भूमि कार्य, स्थल आदि के बाहर से सामग्री भरने के परिवहन के ब्यौरे दें)

1.7 निर्माण अवधि के दौरान जल प्रदाय अपशिष्ट उठाई धराई आदि के संबंध में ब्यौरे दें ।

1.8 क्या नीचे के क्षेत्रों और वेट लैंड्स में परिवर्तन होंगे ? (वह ब्यौरे दें कि किस प्रकार निचले क्षेत्र और वेट लैंड्स प्रस्तावित क्रियाकलापों से उपांतरित हो रहे हैं)

1.9 क्या निर्माण के दौरान निर्माण के कूड़ा करकट और अपशिष्ट से स्वास्थ्य को खतरा होगा ? (निर्माण के दौरान जिसके अंतर्गत निर्माण श्रम और व्ययन की युक्तियां भी हैं, जनित अपशिष्टों की विभिन्न किस्मों की मात्राएं दें ।)

2. जल पर्यावरण

2.1 विभिन्न उपयोगों की अपेक्षाओं के विश्लेषण सहित प्रस्तावित परियोजना के लिए जल अपेक्षा की कुल मात्रा दें । जल अपेक्षा की पूर्ति कैसे होगी । स्रोतों और मात्राओं का कथन करें तथा एक जल अतिशेष विवरण दें ।

2.2 जल के प्रस्तावित स्रोत की क्षमता क्या है ? (बहाव या प्राप्ति के आधार पर)

2.3 अपेक्षित जल की क्वालिटी क्या है यदि पूर्ति किसी नगर पालिक स्रोत से नहीं है ? (जल की क्वालिटी के वर्ग सहित भौतिक, रासायनिक, जैव वैज्ञानिक लक्षणों को दर्शित करें)

2.4 कितनी जल अपेक्षा की उपचारित बेकार जल के पुनः चक्रण से पूर्ति हो सकती है ? (मात्राओं, स्रोतों और उपयोगिताओं के ब्यौरे दें ।)

2.5 क्या अन्य उपयोक्ताओं से जल का उपयोजन होगा ? (कृपया अन्य विद्यमान उपयोगों और उपभोग की मात्राओं पर परियोजना के प्रभाव का निर्धारण करें)

2.6 प्रस्तावित क्रियाकलापों से प्राप्त बेकार जल से प्रदूषण के भार में क्या वृद्धि है ? (प्रस्तावित क्रियाकलापों से प्राप्त बेकार जल की मात्राओं और संघटन के ब्यौरे दें)

2.7 जल अपेक्षाओं की जल संचयन से हुई पूर्ति के ब्यौरे दें । सृजित सुविधाओं के ब्यौरे प्रस्तुत करें ।

2.8 दीर्घकालिक आधार पर निर्माण चरण के पश्चात् क्षेत्र की प्रस्तावित परियोजना के पूरा होने के लक्षणों (मात्रात्मकता के साथ-साथ क्वालिटी भी) के कारण भूमि उपयोग में हुए परिवर्तनों का क्या प्रभाव होगा ? क्या इससे बाढ़ या जल के जमा होने की किसी रूप में समस्या में वृद्धि होगी ?

2.9 भूमिगत जल पर प्रस्ताव के क्या प्रभाव होंगे ? (क्या भूमिगत जल में नल लगाया जाएगा ; भूमिगत जल की सारणी, पुनः प्रभारण क्षमता और सक्षम प्राधिकारी से अभिप्राप्त अनुमोदन यदि कोई हों के ब्यौरे दें)

2.10 भूमि और पनिलों को प्रदूषित करने वाले निर्माण क्रियाकलापों से बचने के साधनों के लिए क्या सावधानियां/कदम उठाए जाने हैं ? (प्रतिकूल प्रभावों से बचने के लिए मात्राओं और अपनाए जाने वाले उपायों के ब्यौरे दें)

2.11 स्थल के भीतर किस प्रकार तेज जल की व्यवस्था की जाएगी ? (क्षेत्र में बाढ़ से बचने के लिए किए गए उपबंध, समोच्च स्तरों के उपदर्शन के स्थल अभिन्यास सहित उपलब्ध कराई गई जल निकासी सुविधाओं के ब्यौरे का कथन करें)

2.12 क्या आवश्यक अवधि में विशेष रूप से निर्माण श्रमिकों के लगाए जाने से परियोजना स्थल के आसपास अस्वच्छता दशाएं उत्पन्न हो जाती हैं ? (उचित स्पष्टीकरण से न्यायोचित ठहराएं)

2.13 स्थल सुविधाओं पर संग्रहण, उपचार और जल निकासी के सुरक्षित व्ययन के लिए क्या व्यवस्था की जाती है ? (पुनःचक्रण और व्ययन के लिए प्रौद्योगिकी और सुविधाओं सहित जनन, उपचार क्षमताओं की, चाहे जैसी हों मात्राओं के ब्यौरे दें)

2.14 दोहरी नलसाजी प्रणाली के ब्यौरे दें यदि उपयोग किए गए उपचारित अपशिष्ट का प्रसाधनों को बहाने या किसी अन्य उपयोग के लिए उपयोग किया जाता है ।

3 वनस्पति

3.1 क्या जैवविविधता पर परियोजना का कोई खतरा है ? (स्थानीय पारिस्थितिक प्रणाली का उसकी विशिष्ट बातों सहित यदि कोई हों वर्णन करें)

3.2 क्या निर्माण में वनस्पति की विस्तृत निकासी या उपांतरण अंतर्वलित है ? (परियोजना द्वारा प्रभावित वृक्षों और वनस्पति का विस्तृत लेखा जोखा दें)

3.3 महत्वपूर्ण स्थल की बातों पर प्रभावों को कम करने के लिए प्रस्तावित उपाय क्या हैं ? (किसी समुचित मापमान कि किसी अभिन्यास योजना सहित वृक्षारोपण, भूदृश्य, जल निकायों आदि के सृजन के प्रस्ताव के ब्यौरे दें)

4. जीव जन्तु

4.1 क्या जीव जन्तुओं, स्थलीय और जलीय रूप से किसी प्रकार हटाने या उनके चलने फिरने के लिए रुकावटें होने की संभावना है ? ब्यौरे दें ।

4.2 क्षेत्र के जीव जन्तुओं पर क्या कोई प्रत्यक्ष या अप्रत्यक्ष प्रभाव हैं ? ब्यौरे दें ।

4.3 जीवजन्तुओं पर प्रतिकूल प्रभावों को कम करने के लिए कारीडोर, मछली सीड़ियों आदि जैसे उपाय विहित करें ।

5. वायु पर्यावरण

5.1 क्या परियोजना से द्वीपों में गैसों के वायुमंडलीय सांद्रण में वृद्धि होगी और उसके परिणामस्वरूप उष्मा बढ़ेगी ? (प्रस्तावित निर्माणों के परिणामस्वरूप वर्धित यातायात बढ़ने को ध्यान में रखते हुए विक्षेपण आदर्शों पर आधारित अनुमानित मूल्यों सहित पृष्ठभूमि वायु क्वालिटी स्तरों के ब्यौरे दें)

5.2 धूल, जहरीली वाष्पों या अन्य परिसंकटमय गैसों के बनने पर क्या प्रभाव हैं ? सभी मौसम विज्ञान परिभाषों के संबंध में ब्यौरे दें ।

5.3 क्या प्रस्ताव से यानों को पार्क करने के स्थल में कमी आएगी ? परिवहन अवसंरचना और सुधार के लिए प्रस्तावित उपायों के, जिसके अंतर्गत परियोजना स्थल के प्रवेश और निर्गम पर यातायात व्यवस्था भी है, विद्यमान स्तर के ब्यौरे दें ।

5.4 प्रत्येक प्रवर्ग के अधीन क्षेत्रों में आंतरिक सड़कों, बाइसिकल मार्गों, पैदल यात्री मार्गों, पैदल मार्गों आदि पर चलने के पैदलों के ब्यारे दें।

5.5 क्या यातायात शोर और कंपन में महत्वपूर्ण वृद्धि होगी ? ऊपर वर्णित बातों को कम करने के लिए स्रोतों और प्रस्तावित उपायों के ब्यारे दें।

5.6 परियोजना स्थल के आसपास शोर स्तरों और कंपन तथा धिरी हुई वायु की क्वालिटी पर डीजी सेटों और अन्य उपकरणों पर क्या प्रभाव होगा ? ब्यारे दें।

6. सौन्दर्यबोद्धी

6.1 क्या प्रस्तावित निर्माणों के परिणामस्वरूप किसी दृश्य, दृश्यसुविधा या भूदृश्य में रुकावट होगी ? क्या प्रस्तावकों ने इन बातों पर विचार कर लिया है ?

6.2 क्या विद्यमान परिनिर्माणों पर नए निर्माण से कोई प्रतिकूल प्रभाव होगा ? किन बातों को ध्यान में रखा गया है ?

6.3 क्या डिजाइन मापमान को प्रभावित करने वाले शहर रूपी या शहरी डिजाइनों का कोई स्थानीय आकलन है ? उनका स्पष्ट रूप से उल्लेख किया जा सकता है।

6.4 क्या कोई मानव विज्ञान संबंधी या पुरातत्वीय स्थल या बाह्य चीजें आसपास में हैं ? कथन करें यदि कोई अन्य महत्वपूर्ण बात, जिसपर प्रस्तावित स्थल के परिक्षेत्र में होने पर विचार किया गया है।

7. सामाजिक - आर्थिक पहलू

7.1 क्या प्रस्ताव के परिणामस्वरूप स्थानीय जनता के समाज संबंधी परिनिर्माणों में कोई परिवर्तन होगा ? ब्यारे दें।

7.2 प्रस्तावित परियोजना के आसपास विद्यमान सामाजिक अवसंरचना के ब्यारे दें।

7.3 क्या परियोजना से स्थानीय समुदायों पर प्रतिकूल प्रभाव, पवित्र स्थलों या अन्य सांस्कृतिक मूल्यों में विघ्न पड़ेगा ? प्रस्तावित सुखापाय क्या हैं ?

8. निर्माण सामग्री

8.1 अधिक ऊर्जा सहित निर्माण सामग्री का उपयोग हो सकेगा। क्या ऊर्जा दक्ष प्रक्रियाओं सहित निर्माण सामग्री उत्पादित की जाती है ? (निर्माण सामग्री और उनकी ऊर्जा दक्षता का चयन करने में ऊर्जा संरक्षण उपायों के ब्यारे दें)

8.2 निर्माण के दौरान सामग्री का परिवहन और उठाई धराई के कारण प्रदूषण, शोर और लोक अशान्ति हो सकती है। इन प्रभावों को कम करने के लिए क्या उपाय किए जाने हैं ?

8.3 क्या सड़कों और ढाचों में पुनः चक्रीत सामग्री उपयोग की जाती है ? की गई बचतों की सीमा का कथन करें ?

8.4 परियोजना के प्रचालन संबंधी चरणों के दौरान हुए कूड़े के संग्रहण, पृथक्करण और व्ययन की पद्धति के ब्यारे दें।

9 ऊर्जा संरक्षण

9.1 विद्युत अपेक्षा प्रदाय के स्रोत, स्रोत आदि की पृष्ठभूमि आदि के ब्यौरे दें। निर्मित क्षेत्र में प्रति वर्ग फुट ऊर्जा खपत कितनी है ? ऊर्जा खपत को कम करने के लिए क्या प्रयास किए गए हैं ?

9.2 विद्युत की पृष्ठभूमि की किस्म और क्षमता, जिसको देने की आपकी योजना है, क्या है ?

9.3 उपयोग किए जाने वाले कांच के अभिलक्षण क्या हैं ? शार्ट वेव और लांग वेव विकिरण दोनों से संबंधित उसके अभिलक्षणों के निर्देश दें।

9.4 भवन में कौन से अप्रत्यक्ष सौर वास्तविक कारक उपयोग किए जा रहे हैं ? प्रस्तावित परियोजना में किए गए उपयोग को स्पष्ट करें।

9.5 क्या गलियों और भवनों के अभिन्यास सौर ऊर्जा युक्तियों की क्षमता को अधिकतम करते हैं ? क्या आपने भवन कम्प्लैक्स में उपयोग के लिए सड़क प्रकाशन आपात प्रकाशन और सौर ताप्त जल प्रणालियों के उपयोग पर विचार कर लिया है ? ब्यौरों का सार दें।

9.6 क्या प्रशीतन/तापन भार को कम करने के लिए शेडिंग का प्रभावी रूप से उपयोग किया जाता है ? पूर्व और पश्चिम की दीवारों और छत पर शेडिंग को अधिकतम करने के लिए उपयोग करने के सिद्धांत क्या हैं ?

9.7 क्या परिनिर्माणों में ऊर्जा दक्ष स्थल शीतन, प्रकाशन और यांत्रिक प्रणालियों का उपयोग किया जाता है ? तकनीकी ब्यौरे दें। ट्रांसफार्मरों और मोटर दक्षता प्रकाशन तीव्रता और वायु प्रशीतन भार धारणाओं के ब्यौरे दें। क्या आप सीएफसी एचसीएफसी फ्री चिलर्स का उपयोग कर रहे हैं ? विनिर्देश दें।

9.8 सूक्ष्म जलवायु के परिवर्तन में भवन क्रियाकलापों के संभावित प्रभाव क्या हैं ? तप्त द्वीप और प्रतीपन प्रभावों के सृजन पर प्रस्तावित निर्माण के संभावित प्रभावों पर स्वतः निर्धारण का उल्लेख करें।

9.9 भवन आहाते के तापीय अभिलक्षण क्या हैं ? (क) छत ; (ख) बाह्य दीवारें ; और (ग) झरोखे ? उपयोग की गई सामग्री और व्यक्ति संघटकों के यू मूल्यों या आर मूल्यों के ब्यौरे दें।

9.10 अग्नि संकट के लिए प्रस्तावित सावधानियां और सुरक्षा उपाय क्या हैं ? आपात योजनाओं के ब्यौरे दें।

9.11 दिवाल सामग्री के रूप में यदि कांच का उपयोग किया जाता है तो ब्यौरे और विनिर्देश जिसके अंतर्गत उत्सर्जनता और तापीय अभिलक्षण भी हैं, दें।

9.12 भवन में वायु प्रवेशन की दर क्या है ? प्रवेशन के प्रभावों को कैसे कम कर रहे हैं, उसके ब्यौरे दें।

9.13 समग्र ऊर्जा खपत में अपारंपरिक ऊर्जा प्रौद्योगिकियों का किसी सीमा तक उपयोग किया जाता है ? उपयोग की गई नवीकरणीय ऊर्जा प्रौद्योगिकियों के ब्यौरे दें।

10 पर्यावरण प्रबंध योजना

पर्यावरण प्रबंध योजना में, निर्माण, प्रचालन और परियोजना के क्रियाकलापों के परिणामस्वरूप प्रतिकूल पर्यावरणीय प्रभावों को न्यूनतम करने के लिए समस्त जीवन चक्र के दौरान किए जाने वाले क्रियाकलापों की प्रत्येक मदवार के लिए सभी न्यूनतम करने वाले उपाय अंतर्विष्ट होंगे। इसमें विभिन्न पर्यावरणीय विनियमों के अनुपालन के लिए पर्यावरणीय मानिटरि योजना का आलेखन भी होगा। आपात की दशा में, जैसे स्थल पर दुर्घटना जिसके अंतर्गत आग लगना भी है, उठाए जाने वाले कदमों का कथन भी होगा।

परिशिष्ट 3
(पैरा 7 देखें)

पर्यावरणीय समाघात निर्धारण दस्तावेज की साधारण संरचना

क्र.सं.	ईआईए संरचना	अंतर्वस्तु
1.	प्राक्कथन	<ul style="list-style-type: none"> • रिपोर्ट का प्रयोजन • परियोजना और परियोजना प्रस्तावक की पहचान • परियोजना की प्रकृति, आकार, अवस्थान का संक्षिप्त वर्णन और देश, प्रदेश में इसका महत्व • अध्ययन का विस्तार — किए गए विनियामक विस्तार के ब्यौरे (सौंपे गए कृत्यों के अनुसार)
2.	परियोजना वर्णन	<ul style="list-style-type: none"> • परियोजना के उन पहलुओं का संघनित वर्णन (परियोजना साध्यता अध्ययन पर आधारित) जिनकी पर्यावरणीय प्रभाव कारित करने की संभावना है। निम्नलिखित को स्पष्ट करने के लिए ब्यौरे उपबंधित किए जाने चाहिए : • परियोजना के किस्म • परियोजना की आवश्यकता • अवस्थान (साधारण अवस्थान, विनिर्दिष्ट अवस्थान, परियोजना सीमा और परियोजना स्थल अभिन्यास को दर्शित करते हुए नक्शे) • प्रचालन का आकार या विस्तार (जिसके अंतर्गत परियोजना द्वारा या उसके लिए अपेक्षित सहयोजित क्रियाकलाप) • अनुमोदन और कार्यान्वयन के लिए प्रस्तावित अनुसूची • प्रौद्योगिकी और प्रक्रिया वर्णन • परियोजना वर्णन, जिसके अंतर्गत परियोजना अभिन्यास, परियोजना आदि के संघटकों को दर्शित करते हुए आरेखन। साध्यता आरेखनों के स्कीमबद्ध प्रतिनिधित्व जो ईआईए परियोजना के लिए महत्वपूर्ण जानकारी दें। • पर्यावरणीय मानकों, पर्यावरणीय प्रचालन दशाओं या अन्य ईआईए अपेक्षाओं की पूर्ति के लिए परियोजनाओं में सम्मिलित न्यूनिकरण उपायों का वर्णन (विस्तार द्वारा यथाअपेक्षित) • प्रौद्योगिकीय असफलता के जोखिम के लिए नई और अपरीक्षित प्रौद्योगिकी का निर्धारण
3.	पर्यावरण का वर्णन	<ul style="list-style-type: none"> • अध्ययन क्षेत्र, अवधि, संघटक और पद्धति • विस्तार में पहचान किए गए मूल्यवान पर्यावरणीय संघटकों के लिए आधारिक लेखा की स्थापना • सभी पर्यावरणीय संघटकों के आधार नक्शे
4.	अनुमानित पर्यावरणीय समाघात और न्यूनिकरण उपाय	<ul style="list-style-type: none"> • परियोजना अवस्थान, संभावित दुर्घटनाओं, परियोजना डिजाइन, परियोजना निर्माण, नियमित प्रचालनों, पूरी की गई परियोजना को अंतिम रूप से बंद करना या पुनर्स्थापन के कारण अन्वेषित पर्यावरणीय समाघातों के ब्यौरे। • पहचान किए गए प्रतिकूल समाघातों न्यूनिकृत और/या दूर करने के लिए उपाय • पर्यावरणीय संघटकों के असंपरिवर्तनीय और पुनः प्राप्त न किए जा सकने वाले आश्वासन।

		<ul style="list-style-type: none"> समाघातों के महत्व का निर्धारण (महत्व महत्व निर्धारण का अवधारणा करने के लिए मानदण्ड) न्यूनीकरण उपाय
5.	अनुकल्पियों का विश्लेषण (प्रौद्योगिकी और स्थल)	<ul style="list-style-type: none"> यदि विस्तारित करने के कार्य के परिणामस्वरूप अनुकल्पियों की आवश्यकता होती है : प्रत्येक अनुकल्पी का वर्णन प्रत्येक अनुकल्पी के प्रतिकूल समाघातों का सार प्रत्येक अनुकल्पी के लिए प्रस्तावित न्यूनीकरण उपाय और अनुकल्पी का चयन
6.	पर्यावरणीय मानीटरी कार्यक्रम	<ul style="list-style-type: none"> न्यूनीकरण उपायों की प्रभावशीलता को मानीटर करने के तकनीकी पहलू (जिसके अंतर्गत माप, पद्धति, आवर्त, अवस्थान, आंकड़े विश्लेषण, रिपोर्ट करने की अनुसूचियां, आपात प्रक्रियाएं, विस्तृत बजट और उपापन अनुसूचियां भी हैं)
7.	अतिरिक्त अध्ययन	<ul style="list-style-type: none"> लोक परामर्श जोखिम निर्धारण सामाजिक समाघात निर्धारण आर और आर अनुवर्ती योजनाएं
8.	परियोजना के फायदे	<ul style="list-style-type: none"> भौतिक अवसंरचना में सुधार सामाजिक अवसंरचना में सुधार नियोजन क्षमता - कुशल ; अर्धकुशल और अकुशल अन्य मूर्त फायदे
9.	पर्यावरणीय लागत फायदा विश्लेषण	यदि विस्तारण प्रक्रम पर सिफारिश की जाती है ।
10.	ईएमपी	<ul style="list-style-type: none"> यह सुनिश्चित करने के लिए कि न्यूनीकरण संबंधी उपाय कार्यान्वित किए गए हैं और ईआईए के अनुमोदन के पश्चात् उनकी प्रभावी मानीटरी की गई है, प्रशासनिक पहलुओं का वर्णन ।
11.	संक्षिप्त सार और निष्कर्ष (यह ईआईए रिपोर्ट का संक्षिप्त सार होगा)	<ul style="list-style-type: none"> परियोजना के कार्यान्वयन के लिए समग्र औचित्य । यह स्पष्टीकरण कि प्रतिकूल प्रभाव किस प्रकार कम किए जाते हैं
12.	नियोजित परामर्शियों का प्रकटन	<ul style="list-style-type: none"> उनके संक्षिप्त कार्य और दिए गए परामर्श की प्रकृति सहित नियोजित किए गए परामर्शियों के नाम.

परिशिष्ट 3क

(पेस 7 देखें)

संक्षिप्त पर्यावरणीय समाघात निर्धारण की अंतर्घरस्तु

पर्यावरणीय समाघात निर्धारण का संक्षिप्त सार अधिकतम ए-4 आकार के दस पृष्ठों पर पूरी पर्यावरणीय समाघात निर्धारण का एक संक्षिप्त सार होगा । इसमें संक्षेप में अनिवार्य रूप से पूर्ण पर्यावरणीय समाघात निर्धारण रिपोर्ट के निम्नलिखित अध्याय होने चाहिए :-

- (1) परियोजना वर्णन :
- (2) पर्यावरण का वर्णन :
- (3) अनुमानित पर्यावरणीय समाघात और न्यूनीकरण उपाय :
- (4) पर्यावरणीय मानीटरी कार्यक्रम :
- (5) अतिरिक्त अध्ययन :
- (6) परियोजना के फायदे :
- (7) पर्यावरण प्रबंधन योजना :

परिशिष्ट 4

(पैरा 7 देखिए)

लोक सुनवाई को संचालित करने के लिए प्रक्रिया

1.0 लोक सुनवाई की, संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा परियोजना स्थल (स्थलों) में या उसके निकटस्थ परिसर में जिला वार एक प्रणालीबद्ध, समयबद्ध और पारदर्शी रीति में अधिकतम संभव लोक भागीदारी को सुनिश्चित करते हुए व्यवस्था की जाएगी।

2.0 प्रक्रिया :

2.1 आवेदक, उस राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के सदस्य सचिव को, जिसकी अधिकारिता में परियोजना अवस्थित है, विहित कानूनी अवधि के भीतर लोक सुनवाई की व्यवस्था करने के लिए एक सादा पत्र के माध्यम से अनुरोध करेगा। यदि परियोजना स्थल का किसी राज्य या संघ राज्यक्षेत्र के परे विस्तार है तो प्रत्येक राज्य या संघ राज्यक्षेत्र में जिसमें परियोजना स्थित है, लोक सुनवाई आज्ञापक है और आवेदक, इस प्रक्रिया के अनुसार लोक सुनवाई करने के लिए प्रत्येक संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को पृथक अनुरोध करेगा।

2.2 आवेदक, अनुरोध पत्र के साथ प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की कम से कम दस हार्ड प्रतियां और जसी के बराबर सॉफ्ट (इलेक्ट्रॉनिक) प्रतियां, परिशिष्ट 3 में दी गई सामान्य संरचना सहित (जिसके अंतर्गत विस्तार (प्रक्रम 2) के पश्चात् संसूचित किए गए सौंपे गए कृत्यों के अनुसार निर्बाध रूप से अंग्रेजी और स्थानीय भाषा में तैयार की गई संक्षिप्त पर्यावरणीय समाघात निर्धारण रिपोर्ट सम्मिलित है) संलग्न की जाएगी। इसके साथ-साथ आवेदक संक्षिप्त पर्यावरणीय समाघात निर्धारण रिपोर्ट के साथ ऊपर प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक हार्ड प्रति और एक सॉफ्ट प्रति पर्यावरण और वन मंत्रालय तथा निम्नलिखित प्राधिकारियों या कार्यालयों को **प्लिनकी** अधिकारिता में परियोजना अवस्थित होगी, अग्रेषित करने की व्यवस्था करेगा :

(क) जिला मजिस्ट्रेट

(ख) जिला परिषद या नगर निगम

(ग) जिला उद्योग कार्यालय

(घ) पर्यावरण और वन मंत्रालय का संबंधित प्रादेशिक कार्यालय

2.3 ऊपर उल्लिखित प्राधिकारी, पर्यावरण और वन मंत्रालय के सिवाय, प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति पर, अपनी अधिकारिताओं के भीतर, उसमें हितबद्ध व्यक्तियों से संबंधित विनियामक प्राधिकरणों को अपनी टीका-टिप्पणियां भेजने का अनुरोध करते हुए, विस्तृत प्रचार करने की व्यवस्था करेंगे। वे लोक सुनवाई होने तक सामान्य कार्यालय घंटों के दौरान जनता को इलेक्ट्रॉनिक रूप से या अन्यथा निरीक्षण करने के लिए प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट भी उपलब्ध कराएंगे। पर्यावरण और वन मंत्रालय अपनी वेबसाइट पर प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट का सार तत्परता से प्रदर्शित करेगा और दिल्ली स्थित मंत्रालय में सामान्य कार्यालय घंटों के दौरान किसी अधिसूचित स्थान पर निर्देश के लिए पूरे प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट को भी उपलब्ध करेगा।

2.4 संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य प्रदूषण नियंत्रण समिति भी राज्य/संघ राज्यक्षेत्र के भीतर परियोजना की बाबत प्रचार करने के लिए उसी प्रकार की व्यवस्था करेगी और चयनित कार्यालयों या लोक पुस्तकालयों या पंचायतों आदि में निरीक्षण के लिए प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट (परिशिष्ट 3क) का संक्षिप्त सार उपलब्ध कराएगी। वे उपर्युक्त पांच प्राधिकारियों/कार्यालयों अर्थात् पर्यावरण और वन मंत्रालय, जिला मजिस्ट्रेट आदि को प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक प्रति अतिरिक्त रूप से भी उपलब्ध कराएंगे।

3.0 लोक सुनवाई की सूचना

3.1 संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति का सदस्य सचिव परियोजना सलाहकार से प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति की तारीख से तीस दिनों के भीतर लोक सुनवाई संचालित करने के लिए तारीख, समय और निश्चित स्थान को अंतिम रूप देगा और उसको मुख्य राष्ट्रीय दैनिक में और एक प्रादेशिक भाषा के दैनिक समाचारपत्र में विज्ञापित करेगा। जनता को अपनी प्रतिक्रियाएं देने के लिए कम से कम तीस दिनों की सूचना उपलब्ध कराई जाएगी ;

3.2 विज्ञापन, जनता को उन स्थानों या कार्यालयों की बाबत भी सूचित करेगा जहां प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट और पर्यावरणीय समाघात निर्धारण रिपोर्ट के संक्षिप्त सार तक सुनवाई से पूर्व जनता की पहुंच हो सके ;

3.3 लोक सुनवाई की तारीख, समय और स्थान को तब तक आस्थगित नहीं किया जाएगा जब तक कोई अवांछित आपात स्थिति न आ जाए और केवल संबंधित जिला मजिस्ट्रेट की सिफारिश पर किया आस्थगन को उन्हीं राष्ट्रीय और प्रादेशिक भाषा के समाचार पत्रों के माध्यम से अधिसूचित किया जाएगा तथा संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा पहचान किए सभी कार्यालयों में मुख्य रूप से प्रदर्शित भी किया जाएगा ;

3.4 ऊमर आपवादिक परिस्थितियों में, केवल जिला मजिस्ट्रेट के परामर्श से संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के सदस्य-सचिव द्वारा लोक परामर्श के लिए नई तारीख, समय और स्थान का विनिश्चय किया जाएगा और ऊमर 3.1 के अधीन प्रक्रिया के अनुसार नए सिरे से अधिसूचित किया जाएगा ।

4.0 पैनल

जिला मजिस्ट्रेट या किसी अपर जिला मजिस्ट्रेट से अन्यून की पंक्ति का उसका प्रतिनिधि, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के प्रतिनिधि की सहायता से समस्त लोक सुनवाई प्रक्रिया का पर्यवेक्षण करेगा और उसकी अध्यक्षता करेगा ।

5.0 वीडियोग्राफी

राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, समस्त कार्यवाहियों की वीडियो फिल्म तैयार करने की व्यवस्था करेगी । संबंधित विनियामक प्राधिकरण को इसे अग्रेषित करते समय वीडियो टेप की एक प्रति या एक सीडी लोक सुनवाई कार्रवाइयों के साथ संलग्न की जाएगी ।

6.0 कार्यवाहियां

6.1 उन सभी व्यक्तियों की उपस्थिति को जो स्थल पर विद्यमान हैं, अंतिम कार्यवाहियों के साथ संलग्न किया जाएगा ।

6.2 कार्यवाहियों को आरंभ करने के लिए उपस्थिति हेतु कोई गणपूर्ति अपेक्षित नहीं होगी ।

6.3 आवेदक का कोई प्रतिनिधि, परियोजना और पर्यावरण समाघात निर्धारण रिपोर्ट के संक्षिप्त सार की प्रस्तुति के साथ कार्यवाहियां आरंभ करेगा ।

6.4 स्थल पर उपस्थित प्रत्येक व्यक्ति को, आवेदक से परियोजना पर सूचना या स्पष्टीकरण मांगने का अवसर दिया जाएगा । लोक सुनवाई कार्यवाहियों का संक्षिप्त सार ठीक रूप से प्रदर्शित करते हुए अभिव्यक्त सभी विचारों और अभिव्यक्त चिंताओं को राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के प्रतिनिधि द्वारा अभिलिखित किया जाएगा और प्रांतीय भाषा में अंतर्वस्तुओं को स्पष्ट करते हुए कार्यवाहियों के अंत में श्रोताओं को पढ़ कर सुनाया जाएगा तथा कसर पाए गए कार्यवृत्त पर उसी दिन जिला मजिस्ट्रेट या उसके प्रतिनिधि द्वारा हस्ताक्षर किए जाएंगे तथा संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को अग्रेषित किया जाएगा ।

6.5 जनता द्वारा उठाए गए मुद्दों का एक विवरण और आवेदक की टीका-टिप्पणियों को भी स्थानीय भाषा में और अंग्रेजी भाषा में तैयार किया जाएगा तथा कार्यवाहियों के साथ संलग्न किया जाएगा ।

6.6 लोक सुनवाई की कार्यवाहियों को उस पंचायत घर के कार्यालय पर, जिसकी अधिकारिता में परियोजना अवस्थित है, संबंधित जिला परिषद, जिला मजिस्ट्रेट और राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के कार्यालय में सहजदृश्य रूप से प्रदर्शित किया जाएगा। राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति साधारण जानकारी के लिए अपने वेबसाइट पर कार्यवाहियों को प्रदर्शित भी करेगी। कार्यवाहियों पर टीका-टिप्पणियों को, यदि कोई हों, संबंधित विनियामक प्राधिकरणों और संबंधित आवेदक को प्रत्यक्षतः भेजी जा सकेगी।

7.0 लोक सुनवाई को पूरा करने के लिए कालावधि :

7.1 लोक सुनवाई, आवेदक से अनुरोध पत्र की प्राप्ति की तारीख से पैंतालीस दिन की अवधि के भीतर पूरी की जाएगी। अतः संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति लोक सुनवाई के पूरा होने के आठ दिनों के भीतर संबंधित विनियामक प्राधिकरण को लोक सुनवाई की कार्यवाहियों को भेजेगी। आवेदक, लोक सुनवाई और लोक परामर्श के पश्चात् तैयार की गई अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट या प्रासंग्य पर्यावरण समाघात निर्धारण रिपोर्ट पर अनुपूरक रिपोर्ट की प्रति के साथ संबंधित विनियामक प्राधिकरण को, अनुमोदित लोक सुनवाई कार्यवाहियों की एक प्रति प्रत्यक्षतः भी अग्रेषित करेगा।

7.2 यदि राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति, नियत पैंतालीस दिनों के भीतर लोक सुनवाई करने में असफल रहती है तो केन्द्रीय सरकार, पर्यावरण और वन मंत्रालय, प्रवर्ग 'क' परियोजना या क्रियाकलाप के लिए और प्रवर्ग ख परियोजना या क्रियाकलाप के लिए और राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, राज्य पर्यावरणीय समाघात निर्धारण प्राधिकरण के अनुरोध पर, किसी अन्य अभिकरण या प्राधिकरण को इस अधिसूचना में अधिकथित प्रक्रिया के अनुसार प्रक्रिया को पूरा करने के लिए नियोजित करेगी।

परिशिष्ट 5

(पैरा 7 देखिए)

आंकलन के लिए विहित प्रक्रिया

1. आवेदक, संबंधित विनियामक प्राधिकरण को निम्नलिखित दस्तावेजों को संलग्न करते हुए, जहां लोक परामर्श आज्ञापक है, एक सादा सूचना के माध्यम से आवेदन करेगा :-

- अंतिम पर्यावरण समाघात निर्धारण रिपोर्ट की बीस हार्ड प्रतियां और एक साफ्ट प्रति
- लोक सुनवाई की कार्यवाहियों की वीडियो टेप की एक प्रति या सी.डी.
- अंतिम अभिन्यास योजना की बीस प्रतियां
- परियोजना साध्यता रिपोर्ट की एक प्रति

2. आवेदक द्वारा प्रस्तुत की गई अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट और अन्य सुसंगत दस्तावेजों की संबंधित विनियामक प्राधिकरण द्वारा उसकी प्राप्ति की तारीख से तीस दिनों के भीतर कार्यालय में तत्परता से टीओआर के प्रतिनिर्देश से समीक्षा की जाएगी और ध्यान में रखी गई अपर्याप्तताओं को प्रत्येक अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक प्रति संलग्न करते हुए, जिसके अंतर्गत लोक सुनवाई कार्यवाहियां और प्राप्त की गई अन्य लोक प्रतिक्रियाएं भी हैं, प्ररूप 1 या प्ररूप 1क की एक प्रति और प्रस्तावों पर विचार करने के लिए पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की बैठकों के लिए निश्चित तारीख सहित पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति के सदस्यों को एकल सेट में इलेक्ट्रानिक रूप से या अन्यथा संसूचित किया जाएगा।

3. जहां कोई लोक परामर्श आज़ापक नहीं है और इसलिए कोई औपचारिक पर्यावरणीय समाघात निर्धारण अध्ययन अपेक्षित नहीं है, वहां आंकलन, विहित आवेदन प्ररूप 1 के आधार पर और अनुसूची की मद 8 से भिन्न सभी परियोजनाओं और क्रियाकलापों की दशा में किसी पूर्व साध्यता रिपोर्ट के आधार पर किया जाएगा। अनुसूची की मद 8 की दशा में, इसके विलक्षण परियोजना चक्र को ध्यान में रखते हुए, संबंधित पर्यावरणीय निर्धारण समिति या राज्य पर्यावरणीय निर्धारण समिति, प्ररूप 1, प्ररूप 1क और धारणा योजना के आधार पर सभी प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों का आंकलन करेगी और पर्यावरणीय अनापत्ति के लिए शर्तें नियत करेगी। जब कभी आवेदक सभी अन्य आवश्यक कानूनी अनुमोदनों सहित निश्चित पर्यावरणीय अनापत्ति शर्तों को पूरा करते हुए अनुमोदित स्कीम/भवन योजना प्रस्तुत करता है तो पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति, सक्षम प्राधिकारी को पर्यावरणीय अनापत्ति मंजूर करने की सिफारिश करेगी।

4. प्रत्येक आवेदन, पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति के समक्ष और इसका पूरा आंकलन, विहित रीति में अपेक्षित दस्तावेजों/ब्यौरों सहित इसकी प्राप्ति के साठ दिनों के भीतर रखा जाएगा।

5. आवेदक को परियोजना प्रस्ताव पर विचार करने के लिए पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की निश्चित तारीख से कम से कम पन्द्रह दिन पूर्व सूचित किया जाएगा।

6. पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की बैठक के कार्यवृत्त को बैठक के पांच कार्यकरण दिनों के भीतर अंतिम रूप दिया जाएगा और संबंधित विनियामक प्राधिकरण के वेबसाइट पर प्रदर्शित किया जाएगा। परियोजना या क्रियाकलापों को पर्यावरणीय अनापत्ति को मंजूर किए जाने के लिए सिफारिश की दशा में, कार्यवृत्त में विनिर्दिष्ट पर्यावरणीय सुस्थापायों और शर्तों को स्पष्ट रूप से सूचीबद्ध किया जाएगा। यदि सिफारिशें नामंजूर करने के लिए हैं तो उसके कारणों को भी स्पष्ट रूप से कथित किया जाएगा।

परिशिष्ट 6

(पैरा 5 देखिए)

केन्द्रीय सरकार द्वारा गठित की जाने वाली प्रवर्ग 'क' परियोजनाओं के लिए सेक्टर/परियोजना विनिर्दिष्ट विशेषज्ञ आंकलन समिति और प्रवर्ग 'ख' परियोजनाओं के लिए राज्य/संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समितियों की संरचना

1. विशेषज्ञ आंकलन समितियां और राज्य/संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समितियां केवल निम्नलिखित पात्रता कसौटी को पूरा करने वाले वृत्तिकों और विशेषज्ञों से मिलकर बनेगी

वृत्तिक : ऐसा व्यक्ति जिसके पास कम से कम (i) एम.ए./एम.एस.सी डिग्री सहित संबंधित विद्या शाखा में पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण या (ii) इंजीनियरी/प्रौद्योगिकी/वास्तुविद विद्या शाखाओं की दशा में, बी.टेक/बी.ई./बी.आर्क. डिग्री सहित क्षेत्र में विहित व्यावहारिक प्रशिक्षण सहित किसी वृत्तिक प्रशिक्षण पाठ्यक्रम में चार वर्षीय औपचारिक प्रशिक्षण या (iii) अन्य वृत्तिक डिग्री (जैसे विधि) जिसमें पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण या विहित व्यावहारिक प्रशिक्षण अंतर्बलित है, या (iv) विहित शिक्षुता/कारीगरी तथा संबंधित वृत्तिक संगम द्वारा संचालित परिक्षाएं उत्तीर्ण की हो (जैसे चार्टर्ड अकाउंटेंसी) या (v) किसी विश्वविद्यालय डिग्री के पश्चात् किसी विश्वविद्यालय या सेवा अकादमी में दो वर्ष का औपचारिक प्रशिक्षण (जैसे एम.बी.ए./आई.ए.एस./आई.एफ.एस.) व्यष्टि वृत्तिकों का चयन करते समय उनके द्वारा उनके क्षेत्रों में प्राप्त अनुभव को ध्यान में रखा जाएगा ।

विशेषज्ञ : ऊपर पात्रता कसौटी को पूरा करने वाला कोई वृत्तिक जिसके पास क्षेत्र में कम से कम पंद्रह वर्ष का सुसंगत अनुभव या संबंधित क्षेत्र में कोई उच्चतर डिग्री हो (जैसे पी.एच.डी. और कम से कम दस वर्ष का सुसंगत अनुभव) ।

आयु : सत्तर वर्ष से नीचे । तथापि, किसी क्षेत्र में विशेषज्ञों की अनुपलब्धता/कमी की दशा में विशेषज्ञ आंकलन समिति के सदस्यों की अधिकतम आयु को पचहतर वर्ष तक अनुज्ञात किया जा सकेगा ।

2. पर्यावरणीय निर्धारण समिति के सदस्य निम्नलिखित क्षेत्रों/विद्या शाखाओं में अपेक्षित विशेषज्ञता और अनुभव वाले विशेषज्ञ होंगे । उस दशा में कि "विशेषज्ञ" की कसौटी को पूरा करने वाले व्यक्ति उपलब्ध नहीं हैं, तो उसी क्षेत्र में पर्याप्त अनुभव रखने वाले वृत्तिकों पर भी विचार किया जा सकेगा ।

- पर्यावरण क्वालिटी विशेषज्ञ : पर्यावरणीय क्वालिटी के संबंध में माप/मानिटरी, विश्लेषण और निर्वचन में विशेषज्ञ ।

- परियोजना प्रबंधन में क्षेत्रीय विशेषज्ञ : परियोजना प्रबंधन या सुसंगत क्षेत्रों में प्रक्रिया /प्रचालन/सुविधा प्रबंधन में विशेषज्ञ ।
 - पर्यावरणीय समाघात निर्धारण प्रक्रिया विशेषज्ञ : पर्यावरणीय समाघात निर्धारण का संचालन और कार्यान्वयन तथा पर्यावरणीय प्रबंधन योजना और अन्य प्रबंधन योजना तैयार करने में विशेषज्ञ और जो पर्यावरणीय समाघात निर्धारण प्रक्रिया में उपयोग की जाने वाली भावी तकनीकों और औजारों में विस्तृत विशेषज्ञता और ज्ञान रखते हों ।
 - जोखिम निर्धारण विशेषज्ञ ।
 - पेड़ - पौधे और जीव- जन्तु प्रबंधन में प्राणी विज्ञान विशेषज्ञ ।
 - वन और वन्य जीव विशेषज्ञ ।
 - परियोजना आंकलन में अनुभव सहित पर्यावरणीय अर्थशास्त्र विशेषज्ञ ।
3. पर्यावरणीय निर्धारण समिति की सदस्यता पंद्रह नियमित सदस्यों से अधिक की नहीं होगी । तथापि, अध्यक्ष, समिति की किसी विशिष्ट बैठक के लिए किसी सुसंगत क्षेत्र में किसी विशेषज्ञ को सदस्य के रूप में सहयोजित कर सकेगा ।
4. अध्यक्ष, सुसंगत विकास क्षेत्र में एक प्रतिष्ठित और पर्यावरणीय निति या प्रबंधन में अथवा लोक प्रशासन में अनुभव प्राप्त विशेषज्ञ होगा ।
5. अध्यक्ष, सदस्यों में से एक सदस्य को उपाध्यक्ष के रूप में नामनिर्देशित करेगा जो अध्यक्ष की अनुपस्थिति में पर्यावरणीय निर्धारण समिति की बैठक की अध्यक्षता करेगा ।
6. पर्यावरण और वन मंत्रालय का एक प्रतिनिधि उसके सचिव के रूप में समिति की सहायता करेगा ।
7. किसी सदस्य की अधिकतम पदावधि, जिसके अंतर्गत अध्यक्ष भी है, प्रत्येक तीन वर्ष की दो पदावधि होगी ।
8. अध्यक्ष/सदस्य को किसी कारण और समुचित जांच के बिना पदावधि के अवसान से पूर्व नहीं हटाया जा सकेगा ।

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MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 14th September, 2006

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 India¹, 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(B), 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 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.
- (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 unanimous and taken in a meeting.

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 or SEAC, a Category 'B' project shall be treated as a Category 'A' 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 I 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 of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form I 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

1. 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 I 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 concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form I/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 I/ 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 I. 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 I, 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).

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- (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.
 - (d) all Building /Construction projects/Area Development projects and Townships (item 8).
 - (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 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) 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 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 1 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 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 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:

(i) 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.

(ii) 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.

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)
I(a)	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p><50 ha</p> <p>≥ 5 ha .of mining lease area.</p>	<p>General Condition shall apply</p> <p>Note Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
I(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p>Note Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
I(c)	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) < 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) < 10,000 ha. of culturable command area</p>	General Condition shall apply
I(d)	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naphtha & gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>< 500 MW (coal/lignite/naphtha & gas based);</p> <p><50 MW</p> <p>≥ 5MW (Pet coke ,diesel and all other fuels)</p>	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		
2		Primary Processing		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

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3 Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200 TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum	Sponge iron manufacturing < 200 TPD Secondary metallurgical processing industry i.) All toxic and heavy metal producing units $< 20,000$ tonnes /annum ii.) All other non-toxic secondary metallurgical processing industries > 5000 tonnes/annum	General Condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	< 1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply

4				
Materials Processing				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/estate	<300 TPD production capacity and located within a notified industrial area/estate	Specific Condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
5				
Manufacturing/Fabrication				
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD	All Cane juice/non-molasses based distilleries - < 30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	-	All projects	General Condition shall apply
6		Service Sectors		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects		

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7	Physical Infrastructure including Environmental Services			
7(a)	Air ports	All projects	-	-
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	**All projects under Item 8(b) shall be appraised as Category B I

Note:-**General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre -defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

[No. J-11013/56/2004-IA-II(I)]
R. CHANDRAMOHAN, Jt. Secy.

APPENDIX I

(See paragraph - 6)

FORM 1**(I) Basic Information**

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

- Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc..)

(II) Activity

- 1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		

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1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		

2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		

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4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

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7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
3.2	From any other causes		
3.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other 		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		

2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)		

(IV). Proposed Terms of Reference for EIA studies

APPENDIX II**(See paragraph 6)****FORM-1 A (only for construction projects listed under item 8 of the Schedule)****CHECK LIST OF ENVIRONMENTAL IMPACTS**

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. LAND ENVIRONMENT

(Attach panoramic view of the project site and the vicinity)

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

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- 7.2. Give details of the existing social infrastructure around the proposed project.
- 7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

- 8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)
- 8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?
- 8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?
- 8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

- 9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?
- 9.2. What type of, and capacity of, power back-up to you plan to provide?
- 9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?
- 9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.
- 9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.
- 9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?
- 9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.
- 9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX III

(See paragraph 7)

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout)

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		<ul style="list-style-type: none"> • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure
3.	Description of the Environment	<ul style="list-style-type: none"> • Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative

6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled. • Other tangible benefits
9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> • Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11.	Summary & Conclusion (This will constitute the summary of the EIA Report)	<ul style="list-style-type: none"> • Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> • The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A
(See paragraph 7).

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

APPENDIX IV

(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally

make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

4.0 The Panel

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public

hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings:

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall send the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

APPENDIX -V (See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC

/SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -I or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

APPENDIX VI

(See paragraph 5)

COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of "Experts" are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**
- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

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

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

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

Dated: 29th 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.

F. No. 21-442/2024-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi-110 003
Dated: 2nd January, 2025

To

The Principal Secretary,
Environment Department,
Government of Delhi,
6th Level, C-Wing, IP Estate,
Delhi Secretariat, Delhi – 110 002.

Subject: Development of Integrated Multi-Sports Arena at Sector 19-B, Dwarka, New Delhi by M/s World Street Sports Limited – For Grant of Environmental Clearance - reg.

Ref. No.: Proposal No. IA/DL/INFRA2/462047/2024 received on 08.02.2024.

Sir,

This has reference to above mentioned project vide proposal no. IA/DL/INFRA2/462047/2024 received online through PARIVESH Portal for seeking Environmental Clearance (EC), as per the provisions of EIA Notification, 2006 as amended under the Environment (Protection) Act, 1986.

2. The project/activity is covered under item 8(b) 'Townships and Area Development Projects' of the Schedule to the EIA Notification, 2006 as amended, and requires appraisal at the State level. However, due to the temporary absence of SEIAA/SEAC in Delhi. This proposal was transferred by SEIAA, Delhi to the Ministry for further action as per the provisions of the OM No. IA3-22/10/2022-IA.III [E 177258] dated 02.08.2023 for appraisal at the Central level by sectoral EAC.
3. The above-mentioned proposal for Environmental Clearance was examined by the Expert Appraisal Committee (Infra-2) in its 131st meeting held on 30th September - 1st October, 2024 and recommended for grant of Environmental Clearance with some specific and standard conditions.
4. It was observed that the project proponent has proposed 1,965 trees to be cut for the aforesaid project and also submitted the undertaking stating that no tree-cutting will be done without permission from the State Forest Department.

5. In view of the above, it is requested to provide the details of procedure /SOPs being followed by the Government of Delhi in pursuance of directions of Hon'ble Court in Delhi.
6. This issues with approval of the Competent Authority.


(Munna Kumar Shah)
Scientist E

Copy to:

1. The Principal Chief Conservator of Forests, Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Government of National Capital Territory of Delhi, A-Block, 2nd Floor, Vikas Bhawan, I.P. Estate, New Delhi-110 002 – **Kindly provide the details of the procedure /SOPs being followed by the Government of Delhi in pursuance of directions of Hon'ble Court in Delhi regarding tree cuttings.**
2. The Director, M/s Worldstreet Sports Center Limited, No.7, LSC, Kalkaji, New Delhi-110019, E. Mail.: rajneeshpabbi@omaxe.com. – for information.

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ANNEXURE - R4
GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P.ESTATE,
NEW DELHI – 110002.

No. FAWL-L/2/2025-Tree Cell/e-227462/ 9020-24

Dated:- 30.01.2025

To,

Scientist-E,
Impact Assessment Division,
Ministry of Environment, Forests and Climate Change,
Govt. of India, Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj, New Delhi-110003.

Sub:- Development of Integrated Multi Sports Arena at Sector-19 B Dwarka, New Delhi by M/s Worldstreet Sports Limited for grant of Environment Clearance – reg.

Ref:- Your office letter F.No.21-442/2024-IA.III dated 02.01.2025.

Sir,

In reference to your office letter on subject cited above, it is informed that the permission for tree transplantation / felling for non-forest area is granted under the Delhi Preservation of Tree Act (DPTA), 1994. It is to mention here that different Hon'ble Courts have given various orders that direct the procedure for granting tree transplantation / felling permission under DPTA, 1994. The copy of relevant Act, Rules and order dated 19.12.2024 of the Hon'ble Supreme Court of India, orders dated 30.11.2011, 25.05.2015, 26.11.2021, 17.01.2022, 31.08.2023, 14.09.2023 & 09.08.2024 of the Hon'ble High Court of Delhi and order dated 01.11.2013 of the Hon'ble Nation Green Tribunal in this regard are enclosed herewith for your kind reference. In this regard, it is also informed that any other relevant order of the Hon'ble Supreme Court of India, the Hon'ble High Court of Delhi and the Hon'ble Nation Green Tribunal shall be applicable while applying the tree transplantation / felling application.

If the project area falls in geo-Morphological Ridge (non-forest area forest) then prior to obtaining the approval under DPTA, 1994, the recommendation from Ridge Management Board, Hon'ble CEC and approval of Hon'ble Supreme Court of India is mandatory. In respect of forest areas, a detailed letter regarding applicability of the provisions of Forest (Conservation) Act, 1980 has been written to all land owning agencies / Govt. Departments. The copy of letter dated 28.11.2023 regarding applicability of the provisions of Forest (Conservation) Act, 1980 is also enclosed herewith.

As the project site falls in the jurisdiction of the Tree Officer / DCF (West). He may be contact for further information on this matter.

This issues with the approval of the Competent Authority.

Encl: As above.



(Ankit Kumar)
Deputy Conservator of Forests (P&M)

No. FAWL-L/2/2025-Tree Cell/e-227462/ 9020-24

Dated:- 30.01.2025

Copy for kind information to:

1. PS to APCCF / HOD, Department of Forests & Wildlife, Govt. Of NCT of Delhi.
2. PA to CF, Department of Forests & Wildlife, Govt. Of NCT of Delhi.
3. Sh. Avneet Soni, President, Omaxe World Street Pvt Ltd., 10, Local Shopping Centre, Kalkaji, New Delhi-110019 w.r.t your office letter No.DEL/25/JAN/169/3936 dated 10.01.2025.
4. DCF (West), West Forest Division, Department of Forests & Wildlife, Govt. of NCT of Delhi-110060.



(Ankit Kumar)
Deputy Conservator of Forests (P&M)

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F. No. 21-442/2024-IA.III

Government of India

Ministry of Environment, Forest and Climate Change
(IA-III Section)

Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi-110 003
Dated: 7th February, 2025

To

The Tree Officer/Deputy Conservator of Forests (West),
Office of the Deputy Conservator of Forests,
Mandir Marg, Mandir Lane,
Delhi-110 060.
Email: dcfwest.gnctd@gov.in.

Subject: Development of Integrated Multi-Sports Arena at Sector 19-B, Dwarka, New Delhi by M/s World Street Sports Limited – For Grant of Environmental Clearance - reg.

Ref. No.: Proposal No. IA/DL/INFRA2/462047/2024 received on 08.02.2024.

Sir,

This has reference to above mentioned proposal No. IA/DL/INFRA2/462047/2024 received on 08.02.2024 online through PARIVESH Portal for seeking Environmental Clearance (EC), as per the provisions of EIA Notification, 2006 as amended under the Environment (Protection) Act, 1986.

2. The project/activity is covered under item 8(b) 'Townships and Area Development Projects' of the Schedule to the EIA Notification, 2006 as amended, and requires appraisal at the State level. However, due to the temporary absence of SEIAA/SEAC in Delhi. This proposal was transferred by SEIAA, Delhi to the Ministry for further action as per the provisions of the OM No. IA3-22/10/2022-IA.III [E 177258] dated 02.08.2023 for appraisal at the Central level by sectoral EAC.
3. The above-mentioned proposal for Environmental Clearance has been examined by the Expert Appraisal Committee (Infra-2) in its 131st meeting held on 30th September - 1st October, 2024 and recommended for the grant of Environmental Clearance with some specific and standard conditions.
4. It was observed that the project proponent has proposed 1,965 trees to be cut for the aforesaid project and also submitted the undertaking and stated that no tree-cutting will be done without permission from the State Forest Department.
5. In view of the above, it is requested to provide details of the procedure /SOPs being followed by the Government of Delhi in pursuance of directions of Hon'ble Court in Delhi regarding tree cuttings.
6. This issues with approval of the Competent Authority.


(Dr S. Prabhu) 7/2/2025
Scientist-D

Copy to:

1. The Director, M/s Worldstreet Sports Center Limited, No.7, LSC, Kalkaji, New Delhi-110019, E. Mail.: rajneeshpabbi@omaxe.com. – for information.

Ref: DEL/25/FEB/177/3983

To
Member Secretary (Infra-II),
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan, Jor Bagh Road, Lodhi Road
New Delhi-110003

Date : 15.02.2025

Subject: ADS Reply for the project- Development of Integrated Multi-Sports Arena at Sector-19-B, Dwarka, New Delhi by M/s Worldstreet Sports Center Limited.

Proposal No. IA/DL/INFRA2/462047/2024

Reference: ADS raised on 02.01.2025.

Respected Sir,

The appraisal of the above-said project was held in the 131st EAC Infra 2 meeting on 01.10.2024. An ADS has been raised to refer the letter vide F.No. 21-442/2024-IA.III, dated 02.01.2025 has been issued by MOEFCC to the Environment Department requesting to provide the details of procedure/SOPs being followed by the Government of Delhi in pursuance of directions of Hon'ble Court in Delhi. Same is attached as Annexure- 1.

In response to this letter, a reply has been sent from the Department of Forest and Wildlife, GNCTD vide letter no. FAWL-L/2/2025-Tree Cell/e-227462/9020-24 dated 30.01.2025. Same is attached as Annexure- 2

Subsequently again a letter vide F.No. 21-442/2024-IA.III, dated 07.02.2025, was issued by MOEFCC to the Deputy Conservator of Forests (West). In response to this letter, DCF (West) provides the same details of procedure/SOPs being followed by the Government of Delhi which have been sent by Department of Forest and Wildlife, GNCTD. Same is attached as Annexure- 3.

In this regard, we are hereby submit that No tree cutting shall be done at the project site without taking prior permission from the Forest Department as per law.

We shall be thankful if Environmental Clearance be issued to us at the earliest as per the approved Minutes of Meeting date 10 of October 2025

Thanking you,

For M/s Worldstreet Sports Center Limited



Avneet Soni
(President Planning)

WORLDSTREET SPORTS CENTER LIMITED

(Wholly Owned Subsidiary of Omaxe Limited)

Registered Office: 10, Local Shopping Centre, Kalkaji, New Delhi-110019. CIN: U70109DL2022PLC399496
Tel.: 011-41893100 Email: secretarial_1@omaxe.com Website: www.omaxe.com

**ANNEXURE 1 : Letter issued by MOEFCC to
the Environment Department**

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F. No. 21-442/2024-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi-110 003
Dated: 2nd January, 2025

To

The Principal Secretary,
Environment Department,
Government of Delhi,
6th Level, C-Wing, IP Estate,
Delhi Secretariat, Delhi – 110 002.

Subject: Development of Integrated Multi-Sports Arena at Sector 19-B, Dwarka, New Delhi by M/s World Street Sports Limited – For Grant of Environmental Clearance - reg.

Ref. No.: Proposal No. IA/DL/INFRA2/462047/2024 received on 08.02.2024.

Sir,

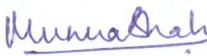
This has reference to above mentioned project vide proposal no. IA/DL/INFRA2/462047/2024 received online through PARIVESH Portal for seeking Environmental Clearance (EC), as per the provisions of EIA Notification, 2006 as amended under the Environment (Protection) Act, 1986.

2. The project/activity is covered under item 8(b) 'Townships and Area Development Projects' of the Schedule to the EIA Notification, 2006 as amended, and requires appraisal at the State level. However, due to the temporary absence of SEIAA/SEAC in Delhi. This proposal was transferred by SEIAA, Delhi to the Ministry for further action as per the provisions of the OM No. IA3-22/10/2022-IA.III [E 177258] dated 02.08.2023 for appraisal at the Central level by sectoral EAC.
3. The above-mentioned proposal for Environmental Clearance was examined by the Expert Appraisal Committee (Infra-2) in its 131st meeting held on 30th September - 1st October, 2024 and recommended for grant of Environmental Clearance with some specific and standard conditions.
4. It was observed that the project proponent has proposed 1,965 trees to be cut for the aforesaid project and also submitted the undertaking stating that no tree-cutting will be done without permission from the State Forest Department.

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5. In view of the above, it is requested to provide the details of procedure /SOPs being followed by the Government of Delhi in pursuance of directions of Hon'ble Court in Delhi.

6. This issues with approval of the Competent Authority.


(Munna Kumar Shah)
Scientist E

Copy to:

1. The Principal Chief Conservator of Forests, Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Government of National Capital Territory of Delhi, A-Block, 2nd Floor, Vikas Bhawan, I.P. Estate, New Delhi-110 002 – **Kindly provide the details of the procedure /SOPs being followed by the Government of Delhi in pursuance of directions of Hon'ble Court in Delhi regarding tree cuttings.**
2. The Director, M/s Worldstreet Sports Center Limited, No.7, LSC, Kalkaji, New Delhi-110019, E. Mail.: rajneeshpabbi@omaxe.com. – for information.

**ANNEXURE 2 : Reply from Environment
Department**

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GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P.ESTATE,
NEW DELHI – 110002.

No. FAWL-L/2/2025-Tree Cell/e-227462/ 9020-24

Dated:- 30.01.2025

To,

Scientist-E,
Impact Assessment Division,
Ministry of Environment, Forests and Climate Change,
Govt. of India, Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj, New Delhi-110003.

Sub:- Development of Integrated Multi Sports Arena at Sector-19 B Dwarka, New Delhi by M/s Worldstreet Sports Limited for grant of Environment Clearance – reg.

Ref:- Your office letter F.No.21-442/2024-IA.III dated 02.01.2025.

Sir,

In reference to your office letter on subject cited above, it is informed that the permission for tree transplantation / felling for non-forest area is granted under the Delhi Preservation of Tree Act (DPTA), 1994. It is to mention here that different Hon'ble Courts have given various orders that direct the procedure for granting tree transplantation / felling permission under DPTA, 1994. The copy of relevant Act, Rules and order dated 19.12.2024 of the Hon'ble Supreme Court of India, orders dated 30.11.2011, 25.05.2015, 26.11.2021, 17.01.2022, 31.08.2023, 14.09.2023 & 09.08.2024 of the Hon'ble High Court of Delhi and order dated 01.11.2013 of the Hon'ble Nation Green Tribunal in this regard are enclosed herewith for your kind reference. In this regard, it is also informed that any other relevant order of the Hon'ble Supreme Court of India, the Hon'ble High Court of Delhi and the Hon'ble Nation Green Tribunal shall be applicable while applying the tree transplantation / felling application.

If the project area falls in geo-Morphological Ridge (non-forest area forest) then prior to obtaining the approval under DPTA, 1994, the recommendation from Ridge Management Board, Hon'ble CEC and approval of Hon'ble Supreme Court of India is mandatory. In respect of forest areas, a detailed letter regarding applicability of the provisions of Forest (Conservation) Act, 1980 has been written to all land owning agencies / Govt. Departments. The copy of letter dated 28.11.2023 regarding applicability of the provisions of Forest (Conservation) Act, 1980 is also enclosed herewith.

As the project site falls in the jurisdiction of the Tree Officer / DCF (West). He may be contact for further information on this matter.

This issues with the approval of the Competent Authority.

Encl: As above.



(Ankit Kumar)
Deputy Conservator of Forests (P&M)

No. FAWL-L/2/2025-Tree Cell/e-227462/ 9020-24

Dated:- 30.01.2025

Copy for kind information to:

1. PS to APCCF / HOD, Department of Forests & Wildlife, Govt. Of NCT of Delhi.
2. PA to CF, Department of Forests & Wildlife, Govt. Of NCT of Delhi.
3. Sh. Avneet Soni, President, Omaxe World Street Pvt Ltd., 10, Local Shopping Centre, Kalkaji, New Delhi-110019 w.r.t your office letter No.DEL/25/JAN/169/3936 dated 10.01.2025.
4. DCF (West), West Forest Division, Department of Forests & Wildlife, Govt. of NCT of Delhi-110060.



(Ankit Kumar)
Deputy Conservator of Forests (P&M)

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**DEPARTMENT OF FORESTS & WILDLIFE
GOVERNMENT OF NCT OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN
I.P.ESTATE, NEW DELHI-110002**

F1(2497)/Legal/HQ/2020-21/Part-2/dcfpm/216

Dated: 28.11.2023

To,

(As per list attached)

Sub: Applicability of the provisions of Forest Conservation Act(FCA), 1980-reg.

Sir/Madam

Your kind attention is invited towards the Section 2 of Forest (Conservation) Act, 1980 which restricts non-forestry use of forest land. The relevant portion of the FCA, 1980 is reproduced below:

*"2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.—Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, **except with the prior approval of the Central Government**, any order directing,—*

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

*(ii) that **any forest land or any portion thereof may be used for any non-forest purpose;** 1[(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;*

*(iv) that **any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.**"*

Further, may kindly peruse judgment dated 21.07.2022 of Hon'ble Supreme Court of India in C.A.NO. 10294 OF 2013 which provides clarity over the concept of "forest land" or "forest" mentioned in above section. The relevant part of the judgment is reproduced below:

"38. Now, coming to the meaning of "forest" or "any forest land" covered by Section 2, this Court in 1997 Godavaraman's case¹ has explained the legal position. Paragraphs 3 and 4 of the said decision read thus:-

".....The term "forest land", occurring in Section 2, **will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership.** This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof...."

Thus, according to the aforesaid decision, Section 2 applies to three categories of forests:

i. Statutorily recognized forests such as reserved or protected forests to which clause (i) of Section 2 is applicable;

ii. The forests as understood in accordance with dictionary sense and

iii. Any area recorded as a forest in Government records. So far as the first category of forests is concerned, it poses no difficulty as the forests under the said category covered by Clause (i) of Section 2 are statutorily recognized forests.

39. It is the second category which poses some difficulty. As the object of Section 2 of the 1980 Forest Act is to ensure that only sustainable growth/development takes place on forest lands. The need for giving a wider meaning to "forest" or "forest land" contemplated by the 1980 Forest Act can be well understood and justified. Moreover, the object of the 1980 Forest Act is to prevent ecological imbalance resulting from deforestation. The provision is aimed at protecting inter-dependence between the right to development of an individual and the right to the natural environment of the public at large. The Legislature has used the words "any forest" in Clauses (ii) to (iv) of Section 2 after referring to the reserved forests in Clause (i) of Section 2. The intention is to bring all the forests, whether covered by the 1927 Forest Act or not, within the sweep of the 1980 Forest Act. A dictionary always contains the meaning of the words as they are understood by people for generations. It contains the meaning of a word which is already legitimized. Lexicographers include a word in the dictionary when it is used by many in the same way. Therefore, forest as understood by its dictionary meaning is covered by Section 2."

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In continuation of above, your kind attention is drawn towards the affidavit dated 15.09.1997 of the then Conservator of Forests, GNCTD filed before Hon'ble Supreme Court of India in WPC No. 202/ 1997 enlisted forest areas across NCT of Delhi, which includes details of reserve forest, protected forest and deemed forest. The areas considered as deemed forest have already been communicated to your office by Department of Forest and Wildlife, GNCTD through letter dated 11.09.2023 (**copy enclosed**).

The preliminary notification of Ridge Reserve Forest of Delhi under Section-4, Indian Forest Act (IFA) 1927 was done vide notification no. F.10(12)/I/PA/DCF/93/2012-17(1) dated 24.05.1994, F11(40)/PA/DCF/96(1) dated 19.03.1996 & F1(29)/PA/DC/95 dated 02.04.1996 and your kind attention is drawn to the fact that provisions of FCA, 1980 are applicable on the land notified under Section 4 of Indian Forest Act, 1927 which has been emphasized by the Hon'ble Supreme Court of India vide its order dated 07.05.2010 in WPC 202/1995. The relevant extract of the order is reproduced below:

*"We are of the view, that the aforesaid order was with reference to the **transitory period**, namely, from the date of the issuance of the notification under Section 4 of the Forest Act, till the culmination of the process of declaration under Section 20 of the Forest Act. We are of the view, that the afore-stated direction was inevitable, in view of the fact, that **in case an individual was desirous of using forest land for non-forest purposes, permission under Section 2 of the Forest (Conservation) Act, 1980 was imperative, and it is therefore, that even during the transitory period, it would be open to the Ministry of Environment and Forests, to approve a request for use of forest area for non-forest purposes, under Section 2 afore-mentioned.**"*

The protection of Ridge & forest, as per the provisions of Forest (Conservation) Act, 1980 and the relevant orders of the Hon'ble Supreme Court of India, is the responsibility of respective ridge managing agency.

In view of the above, if any non-forestry work is proposed in ridge/ reserve forest, it is mandatory for forest & ridge managing agency to obtain following permissions/approvals as per status of land mentioned below:

Category 1: Part of ridge notified as Forest	
Step 1:	Recommendation of Ridge Management Board
Step 2:	Recommendation of Central Empowered Committee
Step 3:	Approval of Hon'ble Supreme Court
Step 4:	Permission under Forest (Conservation) Act, 1980.
Category 2: Part of ridge outside notified Forest	
Step 1:	Recommendation of Ridge Management Board
Step 2:	Recommendation of Central Empowered Committee
Step 3:	Approval of Hon'ble Supreme Court
Step 4:	Permission under Forest (Conservation) Act, 1980/Delhi Tree Preservation Act, 1994 (as the case may be)
Category 3: Other forest areas attracting provisions of FCA, 1980.	
Step 1:	Permission under Forest (Conservation) Act, 1980.

In case of forest & ridge, the proposals must be submitted to Department of Forest & Wildlife, GNCTD through concerned Dy. Conservator of Forests.

In case any violation, under FCA, 1980 i.e., use of forest land for non-forestry purpose, is done by the ridge & reserve forest managing agency, action may be initiated as per the following provisions of FCA, 1980:

“Section 3A. Penalty for contravention of the provisions of the Act
— *Whoever contravenes or abets the contravention or any of the provisions of section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.*

Section 3B. Offences by authorities and Government departments.—

(1) *Where any offence under this Act has been committed—*

(a) *by any department of Government, the head of the department; or*
(b) *by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:*

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) *Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of government or any authority referred to in clause (b) of sub-section (1) and*

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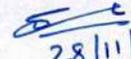
it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of, any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.]”

This issue was also emphasized in the last meeting of Oversight Committee, constituted by the Hon’ble National Green Tribunal through its judgment dated 15.01.2021 in OA No. 58/2013 “Sonya Ghosh Vs. GNCTS & Ors.” under chairmanship of Director General of Forests & SS, Government of India, held on 14.11.2023. The Minutes of 7th Oversight Committee was shared via email dated 21.11.2023. (copy of email is enclosed)

In view of this, you are requested to sensitize all the concerned officers/officials of your department/ organization with regard to the contents of this letter.

This issues with the approval of competent authority.

Yours faithfully


28/11/23

**(Saurabh Sharma, IFS)
Conservator of Forests**

To,

1. The Commissioner of Police, Jai Singh Road, New Delhi-110001.
2. The Vice Chairman, Delhi Development Authority, B- Block, 1st Floor, Vikas Sadan, New Delhi-110073
3. The Commissioner, MCD Dr. S.P. Mukherjee Civic Center, JLN Marg, New Delhi-110002.
4. The Defence Estate Officer, Delhi Cantt. New Delhi-110010.
5. The Commissioner (Land), DDA, Vikas Sadan, New Delhi- 110023.
6. The Executive Enineer, CPWD, Bhagwan Mahavir Vanasthali Park Malcha Marg Delhi, Delhi
7. The Secretary,NDMC, Palika Kendra, Parliament Street, New Delhi-110001
8. The Dy. Commissioner, North MCD, SPM CIVIC Centre, Minto Road New Delhi-110002

9. The Land and Development Officer, Ministry of Housing & Urban Affairs, Land & Development Office, Room no. 623-A Wing, Nirman Bhawan, New Delhi-110001.
10. The Deputy Director, SAI, Jawaharlal Nehru Stadium, Lodhi Road, Delhi, India.
11. Engineer in Chief & Head of Department, Irrigation and Water Resources Department, Government of Uttar Pradesh, Sinchai Bhawan, Cantt Road, Udaiganj, Lucknow - 226001
12. Chairman, NHAI, National Highways Authority of India, G 5&6, Sector-10, Dwarka, New Delhi - 110075.
13. CGM (SD, EMG & Ash Management), NTPC Limited, NTPC Bhawan, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi - 110003.
14. The Chief Executive Officer, Delhi Cantonment Board, Delhi-110010.
15. The Pr. Chief Engineer Northern Railways, Baroda House, Delhi/ the Divisional Engineer (Hort.), Office of the Northern Railway Divisional Office, State Entry Road New Delhi.
16. JGM/ Land, DMRC, Metro Bhawan, 13, Fire Brigade Lane, Barakhmbha Road, Delhi-110001.
17. The Manager (Civil), HQ, DTC, Office of Sr. Manager (Civil), I.P. Estate, New Delhi-110002.
18. The CEO, Delhi Parks & Garden Society, 6th Floor, C-Wing, Delhi Secretariat, New Delhi.
19. The Superintending Engineer (Environment) DSIIDC, Technical Center Ground Floor Building Wazirpur Delhi-110052.
20. Director (HE), Directorate of Higher Education, BTE Complex, Muni Maya Ram Marg, Pitampura, Delhi-110034.
21. The Director, Education Department, Old Street, Delhi-110054.
22. The CEO/Director, DUSIB (Delhi Urban Shelter Improvement Board), ITO, New Delhi.
23. Dy. Director (Hort.) (North), PWD, 13th Floor, MSO Building, I.P Estate, New Delhi - 110002.
24. Director (Horticulture), Delhi Jal Board (HQ), Varunalaya Ph-II, Jhandewalan, Karol Bagh, New Delhi-110005.
25. The Director (Hort.), Environment Department, 11th Floor, MSO Building, I.P. Estate, New Delhi 110002.
26. The Director (Hort), NDMC, Palika Kendra, New Delhi-110001.

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27. The Director (Hort), Central Public Works Department (C.P. W.D) New Delhi, I.P. Estate.
28. Chief Engineer (I&FC), Zone-I, L.M. Bund Office Complex, Shastri Nagar, Delhi-110031.
29. Chief Engineer (I&FC), Zone-II, L.M. Bund Office Complex, Shastri Nagar, Delhi-110031.
30. The DGM (CSR), NDPL, Distt. Office, T-Block, Mangol Puri, Delhi-110083.
31. The GM/ CSR, BSES Rajdhani Power Ltd., BSES Bhawan, Nehru Place, New Delhi-110019.

F1(2497)/Legal/HQ/2020-21/Part-2/dcfpm/216

Dated: 28.11.2023

Copy to(for kind information):

1. PPS to DG Forest and Special Secretary, Ministry of Environment, Forest and Climate Change, GoI, Indira Paryavaran Bhawan Jorbagh Road New Delhi - 110 003
2. SO to Chief Secretary, Delhi Secretariat, IP Estate, New Delhi.
3. PPS to Pr. Secretary(E&F), GNCTD
4. PS to APCCF/HoD, Department of Forests and Wildlife, GNCTD.
5. PA to CCF(A), Department of Forests and Wildlife, GNCTD.
6. DCF(South), (West), (Central), (North), Department of Forests and Wildlife, GNCTD.


28/11/23
(Saurabh Sharma, IFS)
Conservator of Forests



\$~1(SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1149/2022**
BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Gautam Narayan,
Ms. Prabhsahay Kaur, *Amici Curiae*
Mr. Aditya N Prasad, Mr. Pratyush Jain, Mr.
Satyam Chandra Gupta, Ms. Poorvi, Advs.

versus

SHRI C. D. SINGH AND ORS.

.....Respondent

Through: Ms. Mehak Nakra, ASC

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
09.08.2024

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CM APPL. 45986/2024

1. This is an application seeking stay of following felling permissions granted by the respondent:-
 - a. Permission dated 05.08.2024 for felling of 126 trees granted to the Irrigation and flood control department, GNCTD for Widening of Road of RME from RD 0 M to RD 3550 M (from Madanpur Khadar Police Post), New Delhi.
 - b. Permission dated 06.08.2024 for felling of 16 trees granted to the Irrigation and flood control department, GNCTD for Re-development of NCCE, Existing Hostel Building at National Co-operative Union of India (NCUI) complex 3, NCUI



Institutional area, August Kranti Marg.

- c. Permission dated 05.08.2024 for felling of 100 Trees to the CPWD for construction of General Pool Residential Accommodation at Srinivaspuri Phase-II, New Delhi.
2. Additionally, it is also prayed that the Additional Chief Secretary (I & FC) and DG, CPWD shall maintain status quo with regard to permissions granted for felling of trees.
3. A perusal of the aforementioned permissions seem to suggest that even though the Tree Officer has inspected the site and has seen the site for the proposed transplantation, yet the permissions granted are totally silent on as to whether any effort has been made to see if some changes can be made in the plans to save the trees.
4. The Hon'ble Supreme Court recently in order dated 05.08.2024 passed in "***M.C. Mehta vs. Union of India & Ors.,***" WP(C) No. 13381/1984 has held as under:-

"23. Keeping in view the spirit of Article 51A of the Constitution of India and right of citizens to a healthy environment, every public authority which makes an application before this Court seeking permission for felling the trees must make the best endeavour to reduce the number of trees which are required to be cut by re-examining the alignment of the public project. The applicant(s) will re-do the exercise and will file an additional affidavit before 6th September, 2024."
5. Issue notice. Ms. Nakra, learned ASC accepts notice on behalf of the respondent, seeks and is granted 2 weeks to file a reply.
6. In the meanwhile, since there is nothing on record to show the efforts made to prevent felling of these trees, all the three permissions granted



shall remain stayed till the next date of hearing and Additional Chief Secretary (I & FC) and DG, CPWD are directed to maintain *status quo*.

7. The order has been passed in the presence of Ms. Nakra, learned ASC and has been told to communicate the same to Additional Chief Secretary (I & FC) and DG, CPWD through email as well as on Whatsapp during the course of the day. She shall also communicate the same to the concerned Department during the course of the day.
8. In addition, Mr. Narayan, learned *Amicus Curiae* has sought clarification of the order dated 31.08.2023 and more particularly paragraph 6, which reads as under:-

“6. Mr Gupta states that till the next date of hearing no permission for felling of trees for any individuals will be granted and any permission required for important projects will be intimated to the Court.”

9. It is stated that the Tree Officer in purported compliance of the above said order has continued to grant permissions for felling of trees and sent a copy of the permissions as purported intimation to the court.
10. The purpose of the order dated 31.08.2023 is that in case any permission is required to be granted for felling / transplantation of trees, the same shall, in the first instance, be intimated to the Court by way of an application and only on allowing of the application, the permission shall be granted and communicated to the concerned parties. This position was previously clarified by this court in the order dated 29.05.2024 wherein the following was observed:-

“6. Even though on subsequent date, the application was withdrawn, the fact remains that even as per respondent No. 2's own understanding, respondent No. 2 was fully aware



that permissions were to be intimated to this Hon'ble Court as mandated in the order dated 31.08.2023.

7. Despite the application as well as the clear ambit of the order dated 31.08.2023, admittedly, the permission granted by respondent No. 2 for construction of building at ISTM, Old JNU Campus has not been intimated to the court.

8. The above observations are in no way a blanket permission to the DCF's to construe that the order dated 31.08.2023 permits them to grant permission to cut trees for important projects."

11. Further, this court on 05.07.2024 once again made it clear that the Respondent No. 2 shall not grant any other further permissions till the contempt petition is decided by this Court. Nonetheless, the respondent has continued to grant permissions in contravention of orders of this court. This is unacceptable.
12. Additionally, the learned *Amicus Curiae* has shown satellite photographs of the site wherein on 14.08.2021 right next to the canal is a dense forest which has been cleared, as shown in image dated 15.02.2022, and subsequently concretised, as shown in image dated 15.10.2023. The photographs are reproduced below:-



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 24/08/2024 at 17:00:01



13. Similarly on 14.08.2021, there is another green dense forest, which is totally cleared on 08.12.2023 and seems to be concretised on 15.10.2023. The photographs of the same are reproduced below:-





This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 24/08/2024 at 17:00:01



14. In this view, the respondent No.2, i.e. the Tree Officer (South), will ensure that the *status quo* is maintained with regard to these two areas shown in the application. In addition the respondent shall also file an affidavit regarding the above.
15. List on 03.09.2024, the date already fixed.
16. *Dasti* under the signature of the Court Master.

AUGUST 9, 2024 / (MS)

JASMEET SINGH, J

Click here to check corrigendum, if any

ANNEXURE-P/4

\$~10 (1)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 778/2021

BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Aditya N. Prasad and Ms. Dhriti
Chhabra, Advocates.

versus

GYANESH BHARTI & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, Standing
Counsel for SDMC along with Mr.
S.P. Meena, DDH/S2, Mr. Jaivir
Singh, ADH/S2 and Mr. R.D.
Chaudhary, AE (Civil).Mr. Shadan Farasat, ASC, GNCTD
and Mr. Bharat Gupta, Advocate
along with Mr. Satbir Singh, DD
(HRT), Mr. Vivek Anand Vats, AE
(PWD) Civil and Mr. Anil Kumar
Singh, EE (PWD) Civil for R-2. Mr.
Naushad Ahmed Khan, ASC (Civil),
GNCTD along with Ms. Manisha
Chauhan, Advocate for Delhi Police
with SI Deepak Tanwar.Mr. Gautam Narayan, ASC, GNCTD
along with Mr. Adithya Nair,
Advocate for DCF (West).**CORAM:****HON'BLE MR. JUSTICE NAJMI WAZIRI****ORDER**

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17.01.2022

The hearing was conducted through video conferencing.

1. Mr. Shadan Farasat, the learned ASC, GNCTD refers to two compliance affidavits filed by PWD, GNCTD. The first one shows that the trees all along the outer Ring Road from Modi Mill to the Airport

have been regularly washed and kept duly watered. Referring to the second compliance affidavit filed by the Horticulture Department, he submits that out of the 1793 trees in Vasant Vihar area, requisite de-concretization has been ensured around 1688 trees. Apropos the remaining trees, he submits that the Department is in the process of de-concretizing the area around them as well. That although the PWD is seeking community participation in the process it will nevertheless go ahead with the programme, so that the order is duly complied with. Let a compliance affidavit be filed, along with photographs, within two weeks.

2. The affidavit filed by Delhi Police is, yet again, evasive apropos parking of cars on the footpath of Vasant Vihar area. For reasons best known to the SHO PS Vasant Vihar, New Delhi, the affidavit shows photographs only with respect to the peripheral road around the colony and not of the footpath outside the houses. The court would note that the said affidavit was to be filed by the Delhi Police with prior approval of the DCP concerned. The court is assured by Mr. Khan, the learned ASC, GNCTD, upon instructions from SI Deepak Tanwar, who is present in the court during virtual hearing, that a compliance affidavit, with better particulars, will be filed by the Delhi Police, with prior approval of the DCP concerned before the next date. Let the same be done.
3. Extensive photographs have been shared by the learned Standing Counsel for SDMC, showing the removal of concrete around the trees; some horticultural care of the trees is seen, the trees have been numbered. Let a list of the numbered trees/census be filed. He submits

that the process is on-going. It is heartening to see that all departments concerned have taken care of the vegetation in the colony.

4. The learned counsel for the petitioner refers to a letter dated 14.10.2021, which is more of an advice note, to the Commissioners of the three Municipal Corporations and to the Chairman of the New Delhi Municipal Council ('NDMC'). The said letter *inter-alia*, takes a holistic view of the gradual depletion of the tree count in residential colonies in Delhi. Therefore, he has requested the local bodies to ensure the following:

“ ...

I. All existing trees, located in the construction zone as well as the set-back area of the plot, be duly marked on the Site Plan as mandated by the UBBL in Chapter 2: Procedure and Documentation for Sanction/Occupancy-cum-Completion of Building Plans, Clause 2.04, Subclause (f): Details to be shown in Site Plan. Furthermore, all existing Tree(s) located just outside the plot boundary on public land/road be directed to be marked on the Site Plan.

II. Only the minimum number of gates/entrances should be approved/sanctioned in the Site Plan which are essential to provide requisite access to the parking spaces in the building.

III. All possibilities must be explored if modification of design/layout and location of gates can save the existing Trees(s). All efforts must be taken to minimise felling of Trees considering the impact on the environment.

... ”

5. An affidavit, in this regard, would be imperative from the aforesaid municipal bodies. Let affidavits be filed by the Commissioners of the three Municipal Corporations of Delhi and by the Chairman of NDMC before the next date.

6. There is no report regarding the levelling of footpaths or the removal of concrete-ramps over the footpaths. The EE, SDMC, shall file a layout plan of Vasant Vihar and ensure that all the footpath have been levelled and made user friendly. Photographs of each street shall be filed. Similar exercise shall be done by the EE, PWD. Both the executive engineers shall be present on the next date. The confusion regarding the ownership and maintenance of roads in Delhi, has been cleared by way of a notification dated 10.01.2012, issued by the Urban Development Department, GNCTD, whereby roads above 60ft in width are under the management and care of the PWD, GNCTD. All roads of lesser width are under the management and care of local bodies i.e. Municipal Corporations and the NDMC.
7. In view of the above, the roads in Vasant Vihar shall be maintained by the respective authorities, and an affidavit, apropos the same, shall be filed before the next date by the SDMC and the PWD. Let the petitioner too verify the action taken by the respondents.
8. In terms of the GNCTD's public notice dated 08.10.2015, a penalty of Rs.10,000/- was to be imposed upon all persons found to have victimized trees, under section 8 of the Delhi Preservation of Trees Act, 1994, by putting up sign boards, names, advertisements any kind of boards or signages, electric wires and high tension cables etc. placed on trees. The Conservator of Forest shall file an affidavit stating in how many cases such fines have been imposed and/or the amount collected in this regard or how many cases are pending apropos such complaints, as may be. Compliance in this regard is also to be done by all land owning agencies. It will be open to the departments, in this petition, to

intimate if they have taken any action in terms of the said public notice, reiterated by GNCTD through a communication/advertisement on 30.11.2021, and subsequently re-advertised in local newspapers on 07.12.2201 and 15.12.2021. It will be open to the GNCTD to put in the public domain its aforesaid notice more prominently and the requirements to comply with the mandate of law, and the directions passed by this court and the NGT.

9. List on 14.02.2022.

10. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

JANUARY 17, 2022/rd/ss



ANNEXURE-P/22

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 827/2015 & CM No. 1448/2015

BINDU KAPUREA & ORS. Petitioners
Through: Mr Aagney Sail, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents
Through: Mr Raman Duggal, Standing Counsel
with Mr Sudhir Kumar, Adv. for R-1.
Mr Sanjeev Sabharwal, Adv. for DDA.
Ms Sunita Narain, Amicus Curiae.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****ORDER**

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25.05.2015

1. The petitioners had approached this court, essentially, to ventilate their grievance with regard to the decision taken by respondent no. 1 and 2 to cut down 810 trees for facilitating their road widening project undertaken on the Mehrauli- Mahipalpur Road. The widening of the road is a project which has its starting point located at Andheria Modh and is supposed to terminate at the traffic light located at Fortis Hospital.

2. The petitioners, who are residents of Vasant Kunj, assailed the decision taken in this behalf by respondent no.1 and 2.

2.1 Primarily, the case which was set up by the petitioners before me, was that, respondent no.3 i.e. UTTIPEC, as per its own approved plan, had in the first instance, taken a decision that the road widening project would require felling of 226 trees, and this decision underwent a dramatic change as, thereafter, a view was firmed up to cut-down 810 trees.

2.2 Based on this plea, I had issued notice in the writ petition on



28.01.2015 and directed status quo to be maintained vis-à-vis felling of trees by the respondents.

2.3 Since, the matter required some amount of domain expertise, vide order dated 11.03.2015, I appointed Ms Sunita Narain, an environmentalist, who is associated with Centre for Science, to act as an amicus curiae. Thereafter several hearings were held in the matter and directions were issued by me, from time to time, so that a composite report could be prepared, which reflect the consensus of all those who are concerned and/or could possibly get impacted by the issue raised in the present writ petition.

2.4 Ms Narain, to achieve this end, convened several meetings which were attended to, by not only the representatives of the petitioner, but also, by the officials of respondent no.2/ PWD, UTTIPEC and the Forest Department. The consensus which has emerged, and which largely forms part of the final report dated 13.05.2015, submitted by Ms Narain, is as follows:

- (i) 167 trees, on the 6.4 metre (mtr) footpath, **will not be cut**. PWD will, however, ensure that the footpath is, appropriately, made so that pedestrians face no difficulty in using the same
- (ii) 43 trees in the 3 mtr median **will not be cut**.
- (iii) 309 trees, which fall in the 7 mtr, fourth (4th) bus lane, **will not be cut** for the present. In case fourth (4th) bus lane is required to be constructed, PWD will seek fresh permission for cutting the said trees. The UTTIPEC in its plan, I am told, for this stretch of road has indicated that the fourth (4th) bus lane/ BRT space, will be used as Multi-Utility Zone (MUZ) till it is actually constructed.
- (iv) 113 trees, on the 6 mtr cycle track **will be cut**. PWD, will attempt to minimize the number of trees which are required to be cut without



compromising safety and accessibility.

(v) 189 trees on the three (3) lane carriage way, falling on either side, ***will be cut*** so as to ensure safety of those who commute on the carriage way.

(vi) For the present 832 trees, which stand on the 27 mtr MUZ and shared street, ***will not be cut***. The area will be converted into a green buffer zone. Provision will be made for common services, such as, electricity etc. This area will be maintained as a green buffer zone to enable liveable conditions to sustain, for the nearby residents, and also help, in protecting them from dust, pollution and noise. As and when shared street is required for vehicular movement by PWD, the 446 trees standing thereon may be cut subject to PWD seeking the requisite permissions under the Delhi Preservation of Trees Act, 1994 (in short the Trees Act). PWD will, however, make this request only if, changed circumstances require the shared street to be used for vehicular movement.

(vii) PWD, as a measure of compensatory afforestation, will plant 644 trees on the same stretch of the road, in the area, which is demarcated as green buffer zone.

(viii) PWD, in consultation with the authorities dealing with traffic, will endeavour to install, if necessary, additional traffic lights, and also, Foot-Over Bridges (FOBs) to ensure safety and convenience of those persons, who would move around on foot.

(ix) Since, there is a bottleneck at the point, at which, Merhraul-Mahipalpur road meets, the Mehrauli-Gurgaon stretch, because of delay, in the acquisition of land, in the interregnum, PWD will take measures which will do away with inconvenience caused to pedestrians, and those, who use public transport, such as, the metro rail.

(x) PWD, will construct the road as per the plan approved by UTTIPEC.



(xi) PWD, will also provide a footpath, having a minimum width of 1.5 mtr. In the interregnum, a temporary bus shelter will also be built. The carriageway will be 7 mtr wide, which situation will obtain till further land is acquired.

(xii) PWD, will place in public domain the composite road project plan. The said plan would, inter alia, provide details of trees that have to be cut, the provision made for pedestrian crossings including exit and entry points for residential sectors and other services which PWD would provide. The plan would also indicate the particulars of the person and the office which would be involved in the execution of the project. The said plan will also be uploaded on PWD's website for the benefit of general public.

(xiii) PWD will also upload on its website the details of its compensatory afforestation plan. A copy of the same will also be made available at the PWD project office.

(xiv) PWD, will ensure that the green buffer zone, which is adverted to above, will be maintained. Every endeavour will be made to ensure that it does not turn into a dumping ground for garbage. Steps will also be taken to prevent encroachment. In this behalf, PWD will collaborate with the Residents Welfare Association and Traders Association. The green buffer zone will be fenced with suitable entry and exit points.

3. I am informed that if the aforementioned directions are complied with, 298 trees will be saved, out of a total of 810 trees. Accordingly, the respondents are directed to adhere to the directions contained in para 2.4 (i) to 2.4 (xiv) above.

4. Apart from the above, what came to light, was that, more often than not, the difficulties which arose in the present matter, could have been avoided had the relevant authorities been brought on board at the appropriate



stage. Experience has shown that governmental authorities, which are tasked with executing infrastructural projects, approach the Forest Department under the Trees Act only after tenders have been issued and plans have been approved by UTTIPEC. Though personnel of the Forest Departments are inducted as members of the committees formed by UTTIPEC, their input at that stage is inadequate as they do not have with them the necessary information as regards the number of trees that are to be felled if, a project is to be implemented. As a matter of fact, delays are caused in obtaining relevant approval under the Trees Act and, more often than not, legal entanglements arise on this account. This causes prejudice to all stake holders, which include, inhabitants, bidders, public authorities etc.

5. Accordingly, in so far as future projects are concerned, once again, with the help of the amicus curiae, respondents have agreed to the following:

(i) UTTIPEC will obtain from the PWD and other road owning agencies, in the very first instance, a composite plan which will include details of number of standing trees which obtain in the project area, and those, which are required to be cut-down. The information obtained by UTTIPEC should be provided to the Forest Department, as well. The Forest Department should participate in the proceedings at the project approval stage, so that, requisite inputs are obtained at that stage itself, and if, necessary, necessary modifications are incorporated in the plan so that least amount of damage is caused to the trees.

(ii) A formal application should be made under the Trees Act by PWD, and other road owning agencies, after a modified plan with requisite input of Forest Department in place.

(iii) The permission for cutting the trees would be given by the Deputy Conservator of Forest, who is the authorized tree officer.



(iv) The Forest Department should prepare a quarterly report detailing out the particulars of permission given in the city for felling of trees. This report should be placed in public domain by having it uploaded on its website.

(v) The Forest Department should monitor and ensure compensatory afforestation and in that behalf prepare an annual report of compliance. The report should also include details of instances, where security deposit, given for felling of trees, is forfeited. This report should also be placed in public domain by having it uploaded on its website.

(vi) In order to ensure, that in future road projects requisite provision is made for path ways and cycle tracks, PWD and other road owning agencies, would implement and execute the work envisaged in the UTTIPEC approved plans by adopting *end-to-middle* principle as against middle-to-end principle in the execution of its projects.

(vii) Post the execution of the project, UTTIPEC should carry out a compliance audit so as to ensure that the execution is in line with the approved plan/ drawings. The compliance report of the project should also be placed in the public domain by having it uploaded on the website of UTTIPEC as well as the road owning agency.

6. The aforesaid directions contained in paragraph 5(i) to 5(vii) will be complied with by the respondents and other road owning agencies qua their future projects.

6.1 Needless to say, the official respondents, in particular the PWD, would be entitled to apply for suitable adjustments in respect of 298 trees which would be saved as regards obligations undertaken by them for compensatory afforestation and monies deposited with the relevant authorities.

7. No further directions are called for. Writ petition and the pending



application are disposed of in accordance with the directions contained hereinabove. Accordingly, the interim order stands vacated in view of the final directions issued by this order.

8. Before I conclude, I must record my appreciation for the assistance rendered by Ms Sunita Narain and the support extended to the cause, not only by the counsels who appeared for opposing parties, but also the officers of the various departments, who were involved in the matter.

RAJIV SHAKDHER, J

MAY 25, 2015

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ANNEXURE-P/3

\$~ 11 (1)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 778/2021

BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Aditya N. Prasad and Ms. Dhriti Chhabra, Advocates.

versus

GYANESH BHARTI & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, Standing Counsel for SDMC/R-1.

Mr. Gautain Narayan, ASC for GNCTD with Mr. Aditya Nair, advocate.

Mr. Naushad Ahmed Khan, ASC (Civil), GNCTD along with Mr. Zahid and Ms. Manisha Chauhan, advocates for Delhi Police.(ascgnctd@gmail.com) (Mob.-9868111799) SI Deepak Tanwar, PS-Vasant Vihar.

Mr. Shadan Farasat, ASC, GNCTD/PWD(sfarasat@farasatlaw.com) with Mr Bharat Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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26.11.2021

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. As per the report of the Tree Officer, 549 trees were concretized on the streets in Vasant Vihar, under the jurisdiction of PWD. They are as under:-

3.1 Munirka Marg - 65 trees,

3.1 .2. A-9 .Marg - 99 trees

3. 1 .3. Poorvi Marg - 140 trees

3. 1.4. Paschimi .Marg - 145 trees

3.1.5 Vasant Marg- 100 trees.

2. Some of the photographs are reproduced hereunder:





Asst. Director (Hort.)

3. The court is informed that only in Block-A, Vasant Vihar, the earth around 651 trees, falling under the jurisdiction of South Delhi Municipal Corporation was found to have been concretized.

4. Requisite notices have been issued to both the PWD as well as the MCD for immediate de-concretization but despite issuance of notices by the Tree Officer, none appeared before him, on their behalf on the date fixed i.e., 17.11.2021. Let there be due appearance before the Tree Officer on 30.11.2021 and affidavits shall be filed by the said parties/noticees as to why they had not appeared on the earlier date fixed before the Tree Officer.

5. Mr Gautam Narayan, the learned Additional Standing Counsel for GNCTD submits that the Tree Officers, Department of Forests, GNCTD generally notice rampant cutting down of trees, either in private property or on public land, whenever some constructions and/or renovations are sanctioned. He further submits that it is a known fact that building plans are applied and sanctioned online, the construction sites are never visited by the Municipal Corporation; the latter is often taken unawares apropos the existence of trees – sometimes decades-old. Building plans are sanctioned unbeknownst of the consequences that would befall a neighbourhood by chopping-down fully-grown trees. Albeit, petitions are filed before this court seeking remedial measures but by that time irreparable damage has already been done. Mr. Narayan suggests that some cautionary and preventive steps be mandated by the Municipal Corporations so that building plans/modification plans/completion certificates are not sanctioned by the Municipal Corporation/Authority concerned, unless it is intimated in advance of the existence of trees or other foliage in and around the

land/building apropos which approval of building plan is sought.

6. Let the Commissioners of each of the Municipal Corporations look into the matter and consider incorporating in the rules regarding submission of building plans, that photographs taken from inside as well as from the outside building/site, at least from east, west south and north directions, along with a panoramic photograph of the streets immediately outside the plot of land/building concerned, need to be filed along with the building plans, to facilitate the Corporation to ascertain as to whether any tree exists inside or outside the property, which could possibly be endangered by any kind of construction activity. Should it be so found, the Corporation would refer the matter to the Tree Officer, GNCTD to take appropriate action, as may be. There is no dispute between the learned counsel for the respondents apropos that preservation of fully grown trees is an absolute necessity especially because compensatory afforestation can never replace the lost green cover of a neighbourhood. In any case, compensatory afforestation ordinarily happens along the borders of NCT of Delhi, which would have no effect whatsoever on the affected neighbourhood, for almost two generations.

7. The learned counsel for the petitioner draws the court's attention to a communication from the Deputy Conservator Forests (South) which duly cautions all four municipal authorities in Delhi that if the callous attitude towards trees continues, then very soon the city will have no green cover left and all the care exercised in the past many decades would be reduced to naught, subjecting future generations to deprivation of natural trees and forests.

8. The learned counsel for the petitioner seeks to bring the said

communication on record. Let him do so.

9. For the period that building construction and demolition activity has been kept in abeyance, the Municipal Corporation and PWD would do well to wash-off the layers of dust settled on trees in Vasant Vihar and its surrounding areas. Let the South Delhi Municipal Corporation and the PWD spray water on the trees lining the avenues maintained by them respectively. The learned counsel for the said authorities agree that this will assist in bringing down dust levels substantially and provide some respite to all living beings.

10. Should it be feasible the PWD may endeavour to extend this exercise to the entire stretch of Outer Ring Road, beginning from Modi Mills all the way to the Airport. Water may be sourced from the nearest STP, if deemed necessary.

11. The learned counsel for the parties submit that other streets bearing heavy motor-traffic such as Mukarba Chawk (North Delhi); Lajpat Nagar and Mathura Road (South Delhi) too, may be beneficiaries of similar ameliorative measures. Let the Municipal Corporations concerned look into the matter.

12. The Executive Engineer concerned shall be present in the court on the next date.

13. Renotify on 29.11.2021.

NAJMI WAZIRI, J

NOVEMBER 26, 2021*/rd/ha*

S-17

* THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 3339/2011 & CM No.12417/2011 (for stay)

ASHOK KUMAR TANWAR

Through: Mr. M.K. Gautam & Mr. Ritesh
Tanwar, Advocates. Petitioner

Versus

UNION OF INDIA AND ORS

Through: Mr. S.C. Sharma, Adv. for R-1&3 to 5.
Mr. Najmi Waziri with Ms. Neha
Kapoor, Advocates for R-2. RespondentsCORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAWORDER
30.11.2011

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1. The petitioner is alleging unauthorized construction known as OTM accommodation for Supervisors/ORs of HQ DGBR at Naraina, New Delhi on land surrounded at West by Inderpuri Road and Naraina Industrial Area i.e. Central Ridge in NCT of Delhi as per Notification dated 24th May, 1994.
2. As per the petitioner, the area is part of Central Ridge and therefore as per the orders of the Supreme Court, no construction is permissible there upon. The Govt. of NCT of Delhi as well as Border Road Organization (BRO) have filed the affidavits explaining the nature of the land in question. As per Govt. of NCT of Delhi though it is not exactly ridge area, but it is geologically extended ridge area.
3. Today, short affidavit on behalf of Govt. of NCT of Delhi is handed over wherein it is stated that after carefully examining the matter and taking the views of Ridge Management Board following position emerges:

W.P.(C) 3339/2011

Page 1 of 4

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High Court of Delhi
Authorized Under Section 70 of
Indian Evidence Act

“i. That approximately 864 Hectares of ridge land of the Central Ridge was notified as ‘proposed reserved forest’ under Section 4 of the Indian Forest Act, 1927, vide Notification dated 24th May, 1994.

ii. That the Hon’ble Supreme Court in its order dated 9th May, 1996 in W.P.(C) No.4677/1985 viz. *M.C. Mehta Vs. UOI and Ors.* clearly enunciate that:

“.....some parts of the Ridge have been erased in the Central City area. No. further infringement of the Ridge is to be permitted. It should be maintained in its pristine glory.....”

iii. That both impugned sites form a part of the Defense Estate Land and are of the character of a ‘Geological Ridge’, though falling outside the Notified Forest Ridge Land.

iv. That none of the organizations under the Ministry of Defence, Government of India have sought any clearance either from the Ridge Management Board or the Hon’ble Supreme Court through the Central Empowered Committee (CEC), before undertaking any construction in the area. Such permission is a pre-requisite in view of the directions of the Hon’ble Supreme Court in its order as aforementioned.

v. That the Ridge Management Board in similar cases in the past has granted clearance to the DMRC for laying of Metro Lines and NHAI for upgradation of NH-236 in non-forest land having morphological features of the Ridge but situated outside the notified forest land. The said permission was also confirmed by the Hon’ble Supreme court through the CEC.”

4. It is clear from the aforesaid that the area in question is given the character of a “Geological Ridge” though falling outside the Notified Forest Ridge Land. Even in respect of such a land, clearance from the Ridge Management Board or the Hon’ble Supreme Court through the Central Empowered Committed is to be obtained before carrying out any construction. Such permission is a pre-requisite in view of the directions of



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High Court of Daini
Authorized Under Section 70 of
Indian Evidence Act

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the Supreme Court. It is also mentioned that for laying of Metro Lines and NHAI for upgradation of NH-236 in the said area, DMRC and NHAI had taken permission of the Ridge Management Board in the non-forest land having morphological features of the Ridge. Admittedly, no such permission is sought by the BRO.

5. Learned counsel appearing for the BRO submits that the area does not fall in the Central Ridge Area which is concluded by the Ridge Committee constituted by the Supreme Court. He has drawn our attention to the Action Taken Report filed by Deputy Conservator of Forests (West) along with its covering letter dated 23rd September, 2010. No doubt according to the report this area is not a part of Ridge Area, however the report itself suggests that it morphologically appeared to be Ridge Area. The report further states that for this reason, even letter dated 10th June, 2009, was written to the BRO requesting it to stop ongoing construction work immediately till the status of the land is ascertained. Whether further deliberations were carried out by the said Committee and status of the area is finally determined or not, is not clear.

6. One fact which clearly emerges is that clearance of Ridge Management Board or the Supreme Court through the Central Empowered Committee is required for carrying out any construction. No such permission is sought, on the contrary Central Empowered Committee had asked the BRO vide letter dated 10th June, 2009 to stop the ongoing construction work.



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Examiner, Judicial Department
High Court of Delhi
Authorized Under Section 70 of
Indian Evidence Act

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7. In these circumstances, we restrain the BRO from carrying out any further construction works on the land aforesaid till it obtains necessary clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committee

8. It is not necessary to go to other prayers as the Supreme Court is seized of the matter in *M.C. Mehta* case.

The petition is accordingly disposed of.

sd

ACTING CHIEF JUSTICE

sd

RAJIV SAHAI ENDLAW, J

NOVEMBER 30, 2011

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High Court of Delhi
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Indian Evidence Act



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 1149/2022
BHAVREEN KANDHARI Petitioner
Through: Mr. AN Prasad, Mr. Harshvardhan,
Advs.
versus
SHRI C. D. SINGH AND ORS. Respondent
Through: Mr. Anupam Srivastava, ASC with
Mr. Dhairya Gupta, Advs. for GNCTD

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **31.08.2023**

CM APPL. 44854/2023-EX.

Allowed subject to all just exceptions.

The application stands disposed of.

CM APPL. 44853/2023- EARLY HEARING

1. This is an application seeking early hearing of the matter as it is stated that despite the order dated 28.04.2022. The respondents are recklessly granting permission for felling of trees.
2. A perusal of the permissions granted by the respondent for felling of trees seems to suggest that there is total non-application of mind while granting permissions. Some of the permissions show that trees have been permitted to be cut for individuals requiring parking spaces for their vehicles.
3. It is therefore, directed that the respondents shall bring the files pertaining to granting of permissions (as per this application) of all the trees which have been felled at 10:30 a.m. on the next date of hearing.
4. Mr. Prasad, learned counsel for the petitioner shall have a look at these



files and the matter will be taken up on 14.09.2023 at 2:30 p.m.

5. The respondents shall join through video conferencing mode on those dates.
6. Mr Gupta states that till the next date of hearing no permission for felling of trees for any individuals will be granted and any permission required for important projects will be intimated to the Court.
7. List on 14.09.2023, the date already fixed.

JASMEET SINGH, J

AUGUST 31, 2023 / (MS)

[Click here to check corrigendum, if any](#)



\$~29-30

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + CONT.CAS(C) 1149/2022 & CM APPL. 26421/2023, CM APPL.
 44853/2023

BHAVREEN KANDHARI Petitioner

Through: Mr. Aditya N Prasad, Adv.

versus

SHRI C. D. SINGH AND ORS. Respondent

Through: Mr. Sarvagya Vidyarthi, Ms. Nikita
 Mishra, Mr. Vipin, Advs.

Mr. Sarosh Ari, LC for DCF

Mr. Anupam Srivastava, ASC with Mr. Dhairya
 Gupta, Advs.

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+ CONT.CAS(C) 387/2023

HARSH VARDHAN Petitioner

Through: Mr. Aditya N Prasad, Adv.

versus

MANDEEP MITTAL & ANR. Respondent

Through: Mr. Avishkar Singhvi, Mr. Naved
 Ahmed, Mr. Vivek Kumar, Advs. for R-3-4

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

%

14.09.2023

1. Mr. Srivastava, learned ASC seeks and is granted 2 weeks to file a detailed status report with regard to the status of transplantation and compensatory replantation of trees. Let the same be done.
2. In the meantime, the directions contained in the order dated 31.08.2023 shall continue till the next date of hearing.
3. Further, no permission shall be granted for felling of trees for construction of houses.
4. The concerned DCF shall remain present through video conferencing



mode.

5. List on 06.10.2023 at 3:30 p.m.

CM APPL. 29347/2023 in CONT.CAS(C) 387/2023

6. This is an application seeking impleadment of Delhi Police through DCP (South Police District) and SHO, PS Chittaranjan Park, Delhi for effective adjudication of the present petition.
7. For the reasons stated, the application is allowed and the Delhi Police through DCP (South Police District) and SHO, PS Chittaranjan Park, Delhi are impleaded as the respondent Nos. 5 and 6 respectively.
8. Let notice be issued to the newly impleaded respondents through Mr. Sameer Vashisht, learned ASC.

JASMEET SINGH, J

SEPTEMBER 14, 2023 / (MS)

Click here to check corrigendum, if any

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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 169 of 2013

Aditya N. Prasad &Ors.Vs. Union of India &Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B. S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: Applicant: Mr.Aditya N. Prasad, Applicant in person
Respondent No. 1: Mr B.V. Niren, Advocate
Respondent No. : Mr. Vivek Kumar Tandon, Advocate
2, 3, 4 & 6
Respondent No. 5: Mr. Umesh Yadav, Advocate for Mr. Sangram Patnaik,
Advocate
Respondent No. 7: Ms. P. B. Singh Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 6 November 1, 2013</p>	<p>Learned Counsel appearing for Respondent No. 5 as well as for DDA submits that UTTIPEC is a section of DDA itself. He further states that the decision has been taken by the competent Authority and the Learned Counsel has instructions to inform the Tribunal that UTTIPEC shall henceforth have an Environmentalist and a very senior official or private person having expertise in Forest nominated to the UTTIPEC Board for considering all the projects for clearance. He further states that a Notification in this regard would be issued by the DDA within 3 weeks from today.</p> <p>In view of the statements made on behalf of these two Respondents this Application does not survive.</p> <p>Thus, on accepting the statements made on behalf DDA and UTTIPEC this Application stands disposed of with a clear direction that the Vice Chairman, DDA shall ensure issuance of the Notification within 3 weeks from today.</p> <p>In view of the above order this Application stands disposed of without any order as to costs.</p> <p style="text-align: right;">.....,CP (Swatanter Kumar)</p> <p style="text-align: right;">.....,JM (U.D. Salvi)</p>

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(B. K. Sajwan)

.....,EM
(Dr. R.C. Trivedi)



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ITEM NO.46

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION(S)(CIVIL) NO(S). 4677/1985

M.C.MEHTA

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

([TO BE TAKEN UP AT 2:00 P.M.] 1) IN RE: TREES ACT AND 2) I.A. NO. 135709/2024 (APPLN. FOR DIRECTION ON BEHALF OF BHAVREEN KANDHARI) 3) IA NOS. 267661 AND 267966/2024 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O INDERPURI RESIDENTS ASSN.) AND 4) IN RE: COMPLIANCE OF ORDER DT. 26.06.2024 AND 30.09.2024 NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. PRAVEEN SWARUP, MS. MANIKA TRIPATHY, MR. CHIRAG M. SHROFF, MS. MALVIKA KAPILA, MR. ANAND VERMA MR. MAYANK AGGARWAL MR. KARUNAKAR MAHALIK, MR. ZEESHAN DIWAN, MR. MANAN VERMA, ADVOCATES)

WITH Diary No(s). 57901/2024

Date : 19-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Mr. A.D.N.Rao, Sr.Adv. (Amicus Curiae)
Mr. S Guru Krishna Kumar, Sr.Adv.(Amicus Curiae)
Ms. Srishti Agnihotri, AOR
Mr. Ashwin K, Adv.
Mr. Vishesh Goel, Adv.
Ms. Sanjana Grace Thomas, Adv.
Mr. D.P.singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

For the parties:

Ms. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Sr.Adv.
Ms. Swarupama Chaturvedi, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Verma, Adv.
Ms. Chitrangda Rashtravara, Adv.

Signature Not Verified
Digitally signed by
ASHISH KUMAR
Date: 2024.12.21
16:49:28 IST
Reason:

1419

Ms. Shagun Thakur, Adv.
 Mr. Bhuvan Kapoor, Adv.
 Ms. Suhashini Sen, Adv.
 Mr. Rajat Nair, Adv.
 Mr. B.K.Satija, Adv.
 Mr. Shagun Thakur, Adv.
 Ms. Chitrangda Rastravara, Adv.
 Ms. Chinmayee Chandra, Adv.
 Dr. N. Visakamurthy, AOR
 Mr. Mukesh Kumar Maroria, AOR
 Mr. Rajesh Kumar Singh, Adv.
 Mr. Rajat Nair, Adv.
 Mr. S S Rebello, Adv.
 Mr. Navanjay Mahapatra, Adv.
 Mr. T S Sabarish, Adv.
 Mr. Mayank Pandey, Adv.
 Mr. Madhav Sinhal, Adv.
 Mr. A Sirajudeen, Adv.
 Mr. P V Yogeswaran, Adv.
 Mr. Sharath Nambiar, Adv.
 Ms. Shraddha Deshmukh, Adv.
 Mr. Chitransh Sharma, Adv.
 Mr. Sarthak Karol, Adv.
 Mr. Kritagya Kumar Kait, Adv.
 Mr. Manish, Adv.
 Ms. Sunanda Shukla, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
 Mr. Manan Verma, AOR
 Mr. Sumit Kumar, Adv.
 Mr. Shubham Arora, Adv.

Ms. Garima Prasad, Sr. Adv.
 Mr. Praveen Swarup, AOR
 Mr. Ravi Kumar, Adv.
 Mr. Pragyan Mishra, Adv.
 Mr. Devesh Maurya, Adv.
 Mr. Sukhamrit Singh, Adv.
 Mr. Saurabh Rohilla, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.
 Mr. Aditya N Prasad, Adv.
 Mr. Manan Verma, AOR
 Mr. Vishal Sinha, Adv.
 Mr. Tushar Shrivastava, Adv.
 Mr. Sumit Kumar, Adv.
 Mr. Shubham Arora, Adv.
 Mr. Pratyush Jain, Adv.
 Mr. Lokesh Sinhal, Sr. A.A.G.
 Mr. B.k. Satija, A.A.G.
 Mr. Akshay Amritanshu, AOR

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Mr. Rahul Khurana, Adv.
 Ms. Himanshi Shakya, Adv.
 Mr. Nikunj Gupta, Adv.
 Ms. Drishti Saraf, Adv.
 Ms. Pragya Upadhyay, Adv.
 Ms. Swati Mishra, Adv.
 Ms. Aakanksha, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
 Mr. B.K. Satija, A.A.G.
 Mr. Rahul Khurana, Adv.
 Mr. Samar Vijay Singh, AOR
 Mr. Nikunj Gupta, Adv.
 Ms. Himanshi Sakhya, Adv.
 Ms. Aakanksha, Adv.
 Ms. Sabarni Som, Adv.
 Mr. Fateh Singh, Adv.
 Mr. Abhishek Kumar Suman, Adv.
 Ms. Shalini Satyanarayan, Adv.
 Dr. Ratipal Singh Tanwar, Adv.
 Mr. Venkatesh Rajput, Adv.
 Mr. Keshav Mittal, Adv.

Mr. Rajiv Dutta, Sr. Adv.
 Ms. Neha Singh, Adv.

Petitioner-in-person

Dr. Surender Singh Hooda, AOR

M/S. Parekh & Co., AOR

Ms. Manju Jetley, AOR

Ms. Sharmila Upadhyay, AOR

Mr. Satish Aggarwal, AOR

Mr. Shivam Birt, Adv.
 Mr. Roshan Singh Thakur, Adv.
 Mr. Vishal Rathee, Adv.
 Mr. Satyendra Kumar, AOR

Mr. Ajit Sharma, AOR

Mr. Suresh Chandra Tripathy, AOR

Mr. Md. Farman, AOR

Ms. Ruby Singh Ahuja, AOR

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Mr. Sudhir Naagar, AOR
Mr. Venkateswara Rao Anumolu, AOR
Mr. Abhijit Sengupta, AOR
Mr. Neeraj Kumar Gupta, AOR
Mr. Tarun Johri, AOR
Mr. Avinash Kr. Lakhanpal, AOR
Mr. Sanjay Kapur, AOR
Mr. T. L. Garg, AOR
Mr. Shiv Prakash Pandey, AOR
Mr. Pranaya Kumar Mohapatra, AOR
Mr. Ashwani Kumar, AOR
Mrs. Rachana Joshi Issar, AOR
Mr. Harish Pandey, AOR
Mr. V. K. Verma, AOR
Mr. Prashant Chaudhary, AOR
Mrs. Rekha Pandey, AOR
Mr. Pravir Choudhary, AOR
Mr. Nikilesh Ramachandran, AOR
Ms. Prerna Mehta, AOR
Mr. Sunil Kumar Jain, AOR
Mr. Ravi Kumar Tomar, AOR
Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.
Mr. Pradeep Kar, Adv.
Mr. P. Parmeswaran, AOR
Mr. Gunnam Venkateswara Rao, AOR
Mr. Abhay Kumar, AOR

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Mr. Devendra Singh, AOR
Mr. A. Venayagam Balan, AOR
Ms. Binu Tamta, AOR
Mr. Shekhar Kumar, AOR
Mrs. Anil Katiyar, AOR
Ms. Anu Gupta, AOR
Mr. Harsh V. Surana, AOR
Mr. Raj Kamal, AOR
Mr. Himinder Lal, AOR
Ms. Rukhsana Choudhury, AOR
Mr. Krishna Pal Singh, AOR
M/S. Karanjawala & Co., AOR
Mr. Ashok Anand, AOR
Ms. K. V. Bharathi Upadhyaya, AOR
Ms. Rooh-e-hina Dua, AOR
Mr. Haresh Raichura, AOR
Mrs. Saroj Raichura, Adv.
Ms. Shagun Matta, AOR
Mr. Samir Malik, AOR
Mrs. Priya Puri, AOR
Mr. Zeeshan Diwan, AOR
Mr. M. M. Kashyap, AOR
Mr. Shiv Mangal Sharma, A.A.G.
Mr. Milind Kumar, AOR
Ms. Udit Singh, AOR
Ms. Anuradha Mutatkar, AOR
Mr. Chirag M. Shroff, AOR

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Mr. Shyam D. Nandan, AOR

Mr. Anand Shankar, AOR

Mr. Ajay Vikram Singh, AOR

Ms. Priyanka Singh, Adv.

Mr. M.Aamir Faiyaz, Adv.

Mr. Shubham Kumar Singh, Adv.

Mr. Rakesh Mishra, AOR

Mr. Alok Kumar Pandey, Adv.

Ms. Kiran Pandey, Adv.

Mr. Pratyaksh Semwal, Adv.

Ms. Madhumeet Kaur, Adv.

M/S. M. V. Kini & Associates, AOR

Mr. Rajivkumar, AOR

Mr. Manoj K. Mishra, AOR

Mr. A. Baskar, Adv.

Mr. Bheem Pratap Singh, Adv.

Mr. Umesh Dubey, Adv.

Mr. Mithilesh Kumar Mishra, Adv.

Ms. Vuzmal Nehru, Adv.

Mr. Amrish Kumar, AOR

Ms. Supriya Juneja, AOR

Mr. Abhas Kumar, AOR

Ms. Akriti Chaubey, AOR

Ms. Pratibha Jain, AOR

Mr. Ajay Pal, AOR

Mr. Shekhar G Devasa, Sr. Adv.

Mr. Manish Tiwari, Adv.

Ms. Thashmitha Muthanna, Adv.

Mr. Prashanth Dixit, Adv.

Mr. Shashi Bhushan Nagar, Adv.

Mr. Vishwanath Chaturvedi, Adv.

For M/S. Devasa & Co., AOR

Ms. Astha Sharma, AOR

Ms. Ripul Swati Kumari, Adv.

Ms. Manika Tripathy, AOR

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Mr. Ashutosh Kaushik, Adv.
Mr. Mayank Aggarwal, AOR
Mr. Ajay Kumar Singh, AOR
Mr. Rahul Narayan, AOR
Mr. Dhananjay Garg, AOR
Ms. B. Vijayalakshmi Menon, AOR
Mr. Nishit Agrawal, AOR
Ms. Rakhi Ray, AOR
Mr. Anando Mukherjee, AOR
Mr. Jasmeet Singh, AOR
Mr. Rajat Joseph, AOR
Mr. Gaurav Goel, AOR
Mr. Umesh Kumar Khaitan, AOR
Ms. Vanita Bhargava, AOR
Mr. Amit Kumar Singh, AOR
Mr. Kailas Bajirao Autade, AOR
Mr. Anand Varma, AOR
Mr. T. Mahipal, AOR
Mr. S. S. Shroff, AOR
Ms. Firdouse Qutb Wani, AOR
Mr. Kamal Mohan Gupta, AOR
Mr. Sunny Choudhary, AOR
Mr. D. K. Devesh, AOR
Mr. Abhinav Agrawal, AOR
Mr. Avadh Bihari Kaushik, AOR
Mr. Arvind Kumar Sharma, AOR

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Mr. Rameshwar Prasad Goyal, AOR

Mr. Prithu Garg, AOR

Mr. Krishnanand Pandeya, AOR

Ms. Neha Sharma, AOR

Mr. Smarhar Singh, AOR

Ms. Shweta Kumari, Adv.

Mr. Vikas Chopra, Adv.

Mr. Siddhartha Chowdhury, AOR

Mr. Sanjeev Malhotra, AOR

Mr. Shekhar Prit Jha, AOR

Ms. S. Janani, AOR

Mrs. Gargi Khanna, AOR

Mr. Somnath Mukherjee, AOR

Ms. Mayuri Raghuvanshi, AOR

Mr. Saurabh Mishra, AOR

Mr. Shrimay Mishra, Adv.

Mr. Rakesh Chander, Adv.

Mr. Purna Chandra Patnaik, AOR

Mr. Amarjit Singh Bedi, AOR

Mr. Vishnu Sharma, AOR

Mrs. Anupama Sharma, Adv.

Mr. Amarjyoti Sharma, Adv.

Ms. Ishtha Singh, Adv.

Mr. Sparsh Saxena, Adv.

Ms. Avni Singh, Adv.

Mr. Vivek Narayan Sharma, AOR

Mr. Ravindra Kumar, Sr. Adv.

Mr. Binay Kumar Das, AOR

Ms. Priyanka Das, Adv.

Ms. Neha Das, Adv.

Mr. Shivam Saxena, Adv.

Mr. Vikas Bharti, Adv.

Mr. V P Pandey, Adv.

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Mr. Guntur Pramod Kumar, AOR
Mr. Arunabha Ganguli, Adv.
Mr. Dhruv Yadav, Adv.
Mr. Keshav Singh, Adv.

Mr. Abinash Kumar Mishra, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Shrey Kapoor, AOR

Mr. Ramesh Kumar Mishra, AOR

Mr. Arvind Gupta, AOR

Dr. Arvind S. Avhad, AOR

Ms. Madhu Sikri, AOR

Mr. K. V. Mohan, AOR

Mr. Arjun Garg, AOR

Mr. V. N. Raghupathy, AOR

Mr. Karunakar Mahalik, AOR
Mr. Sarbendra Kumar, Adv.

Mr. Yoginder Handoo, AOR

Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.
Mr. Pradeep Kar, Adv.

Mr. Ambhoj Kumar Sinha, AOR

Ms. Binu Tamta, AOR

Mrs. Rani Chhabra, AOR

Mr. Vishnu Kant, AOR
Mr. Praveen, Adv.

Mr. Abhinav Shrivastava, AOR

Mr. A. Raghunath, AOR

Mr. Prakash Ranjan Nayak, AOR

Ms. Sharmila Upadhyay, AOR

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Mr. R. C. Kohli, AOR
Mr. T. V. George, AOR
Ms. Smita Maan, AOR
Mr. Tarun Gupta, AOR
Mr. Prashant Bhushan, AOR
Mr. Alok Gupta, AOR
M/S. Unuc Legal Llp, AOR
Mr. D S Mehra, AOR
M/S. Mitter & Mitter Co., AOR
Mr. Bimlesh Kumar Singh, AOR
Mr. Akshay Verma, AOR

Mr. Ravinder Kumar Yadav, AOR
Ms. Aarti Anupriya, Adv.
Mr. Kartikey, Adv.
Mr. Paras Juneja, Adv.
Ms. Kritika Yadav, Adv.
Mr. Vineet Yadav, Adv.
Mr. Amir Yadav, Adv.

Mr. Dinesh Chandra Pandey, AOR

Mr. Raj Bahadur Yadav, AOR

Mr. Kiran Kumar Patra, AOR
Mr. Preetish Sahu, Adv.

Mr. Rajesh Kumar Chaurasia, AOR

Ms. Richa Kapoor, AOR

Mr. Gagan Gupta, AOR

Mr. Anand Mishra, AOR

Mr. Ejaz Maqbool, AOR

Mr. Chanchal Kumar Ganguli, AOR

Dr. Surender Singh Hooda, AOR

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Mr. Siddharth Sengar, Adv.
Mr. Shantanu Krishna, AOR
Mr. Alok Kumar, Adv.

Mr. Ekansh Mishra, AOR

UPON hearing the counsel the Court made the following
O R D E R

WRIT PETITION(CIVIL)NO.4677/1985

1. The first issue we are dealing with is about the implementation of the Delhi Preservation of Trees Act, 1994 (for short, “the 1994 Act”). At the outset, we must say that much can be said about the failure of all the concerned Authorities to implement the 1994 Act effectively. We have already flagged the issue of providing proper infrastructure to the Tree Officers and the Tree Authority.

2. After having perused the provisions of the 1994 Act, we must state here that the object of the 1994 Act is to preserve the trees and not to permit cutting or felling of the trees. Considering the object of the 1994 Act, it is evident that permission for felling or cutting of the trees can be granted only by way of an exception and not in a routine manner. The provisions of the 1994 Act reiterate the public trust doctrine, which enjoins the State to protect the natural resources, including the trees. On a conjoint reading of Articles 21, 48A and 51A(g) of the Constitution of India, it is apparent that the State is mandated to protect and improve the natural environment and safeguard the environment. Trees are a vital part of our environment. The precautionary principle requires the governments to anticipate, prevent, and remedy or eradicate the causes of environmental

degradation, including acting sternly against the violators. Illegal felling of even one fully grown tree hurts the environment and several human beings.

3. There are three major parts of the 1994 Act. The first part deals with the grant of permissions to fell the trees, the second part is about the duties of the Tree Authority, and the third part is about penalising the persons for committing breaches of the provisions of the 1994 Act. There are other provisions, such as the obligation of the owners of the lands to preserve the trees.

4. Today, we are taking up the issue regarding the grant of permissions by the Tree Officers under Section 8 read with Section 9 of the 1994 Act. We are of the view that considering the limited infrastructure available to the Tree Officers and the manner in which the provisions have been implemented, the work of granting permissions for tree felling must be supervised. We, therefore, direct that whenever a Tree Officer grants permission for the felling of 50 or more trees in accordance with Section 8 read with Section 9 of the 1994 Act, the said permission shall not be acted upon unless the same is approved by the Central Empowered Committee (for short, "the CEC"). Whenever the Tree Officers under the 1994 Act grant permission for the felling of 50 or more trees, immediately after granting such permission, the Tree Officers shall forward the entire record of the application along with a copy of the permission to the CEC. Upon receipt of the documents, it will be open for the CEC to call

upon the concerned Tree Officer to furnish additional information and additional documents.

5. The CEC will carefully consider the applications and all relevant aspects and will decide whether the permission deserves to be granted or whether any modification is required to the permission or the terms and conditions imposed under the permission. We make it clear that while granting permission to fell 50 or more trees, unless the case is exceptional, a condition should be imposed that unless compliance is made with the requirement of planting trees by way of compensatory afforestation, actual tree-cutting work shall not be undertaken. After receiving orders of the CEC, the Tree officers shall amend the orders passed by them to give effect to the order of the CEC. What will prevail will be the order of the CEC.

6. The CEC, after examining the entire case, shall be empowered either to allow or reject the application, to allow the application partly or to modify the terms and conditions on which permission is granted by the Tree Officer. After the Tree Officer passes an order granting permission, copies thereof shall not be provided to the applicant. Only after the CEC passes an appropriate order, the Tree Officer will supply the copy of his order as amended by the CEC to the concerned applicant.

7. Our attention is invited to sub-Section (4) of Section 9 of the 1994 Act which introduces a deeming fiction. We direct the Tree

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Officers to ensure that a decision on every application is taken within sixty days from receipt, as provided in sub-Section (3) of Section 9. We also direct that as soon as an application is received under Section 9, the Tree Officers shall forward copies to the CEC so that the CEC can ensure that sub-Section (4) of Section 9 does not operate. For the time being, in the exercise of our jurisdiction under Article 142 of the Constitution of India, we direct that no one shall act upon the deemed permission under sub-Section (4) of Section 9 without prior consent of this Court.

8. We direct the Tree Officers to inform every applicant as soon as the application is received that even if the Tree Officer grants permission, the same shall not be acted upon unless the application is vetted and cleared by the CEC. As soon as the application is made, the Tree Officer shall issue a communication to the applicant that under no circumstances will the applicant be entitled to take benefit of sub-Section (4) of Section 9 of the 1994 Act because of the directions mentioned above issued by us under Article 142 of the Constitution.

9. The *proviso* to sub-Section (3) of Section 9 reads thus:

“9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree.-

(3)...

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.”

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10. If the Tree Officer finds that a second application is made in the same year in respect of the same area for the felling of trees and if the total number of trees covered by the first and second applications exceeds 49, the directions issued as above will apply to the second application even if the permission sought by the second application is in respect of fewer than 50 trees and the permission granted on the second application shall not be acted upon unless the same is vetted and approved by the CEC as directed above. We also direct that the Tree Officers shall not entertain any application under Section 9 of the 1994 Act unless there is a declaration supported by documents about the number of applications made under Section 9 of the 1994 Act in that particular year regarding the same property. We also clarify that on the requisition being made by the CEC, the project proponent or the applicant who makes an application under Section 9 of the 1994 Act shall be bound to appear before the CEC.

TREE CENSUS

11. The most vital obligation of the Tree Authority under Section 7(b) of the 1994 Act is to carry out the census of the existing trees and obtain, whenever necessary, declarations from all owners or occupants about the number of trees in their lands. Though the 1994 Act is 30 years old, unfortunately, this important duty has not been performed by the Tree Authority. We must highlight the importance of carrying out the census of the existing trees. Unless the data of existing trees is available, it will be impossible for any of the Authorities to ascertain whether anyone has engaged in illegal tree

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elling or cutting. Therefore, we direct the Tree Authority constituted under the 1994 Act to immediately undertake the census of the existing trees in terms of clause (b) of Section 7 of the 1994 Act. The Tree Authority shall appoint the Forest Research Institute (FRI), Kaulagarh Road, PO. I.P.E. 248195, Dehradun, Uttarakhand, as an Authority to carry out census in terms of clause (b) of Section 7 of the 1994 Act. The Tree Authority, as well as the FRI, shall take guidance from the following three experts: Shri Ishwar Singh, a retired IFS Officer; Shri Sunil Limaye, a retired IFS officer; and Shri Pradip Kishen, an ecological gardener. The Tree Authority, the FRI and the three experts shall act as a team. The funds required for carrying out the activities in terms of clause (b) of Section 7 of the 1994 Act shall be provided by the Government of India on the requisition being made by the Tree Authority. The Tree Authority shall immediately pass a formal order appointing the FRI and the aforesaid three experts. After holding meetings with FRI and the three experts, the Tree Authority shall file an affidavit before this Court setting out the manner and mode in which the census of the existing trees shall be carried out. The affidavit will also indicate the necessary timelines. The said affidavit shall be filed on or before 10th February, 2025, which shall be considered at an appropriate stage. We make it clear that all the Departments of the State Government, as well as the Government of India, shall assist the Tree Authority and FRI in carrying out the census work. Needless to add, while carrying out the census work, the second part of clause (b) of Section 7 of getting a declaration from

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the owners and occupants shall be given effect. It will be open for the Government of India to utilise the Compensatory Afforestation Fund to meet the expenses of the trees census.

12. Coming back to the issue of granting permissions under Section 9 of the 1994 Act, we reiterate what we have stated earlier. The basic function and duty of the Tree Authority and the Tree Officers is to preserve the trees and, therefore, only in case of necessity and for good reasons that the permissions for cutting or felling of trees can be granted. It is obvious that the Tree Officer cannot grant permissions mechanically. Firstly, the Tree Officers will have to apply their mind after visiting the site whether the felling or trans-location of the trees as sought by the applicant is really necessary. The Tree Officers will make an effort to save as many trees as possible. This is the first satisfaction that the Tree Officers must record. Secondly, the Tree Officers cannot pass a mechanical order of compensatory afforestation. They will have to decide the type of trees which should be planted and also at which place. If the applicant has offered a particular land for compensatory afforestation, the Tree Officers will have to examine the site and, thereafter, apply their mind to which category of trees should be planted which are suitable for that land. While doing so, the Tree Officers shall consider whether, by pruning or by some other methods, the trees can be saved from felling. These are the broad considerations that the Tree Officers must consider while dealing with the applications for the felling of trees. However,

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what we have laid down is not exhaustive. It will always be open for the CEC to lay down additional guidelines for consideration of the Tree Officers.

13. We reiterate that it will be the duty of the Tree Officers to implement all the suggestions/directions issued by the CEC.

14. The affidavits filed by the Tree Officers indicate that in the past, a number of permissions have been granted for the felling of trees. We direct the concerned Tree Officers to undertake a systematic exercise of ascertaining whether compliance with the conditions on which the tree felling was permitted has been made. The Tree Officers will also have to ascertain whether the plantations made by way of compensatory afforestation have survived. We grant time till the end of February 2025 to all the Tree Officers to complete this exercise. A comprehensive report shall be prepared by the State Government after collating the reports submitted by the Tree Officers so that this Court can initiate action. Needless to add, wherever the Tree Officers find that the breaches of the terms and conditions have been committed on which the permission for cutting or felling of trees was granted, the Tree Officers shall initiate action as provided in Chapter VI of the 1994 Act.

15. As in the earlier orders, we had flagged the issue of making available the proper infrastructure to the Tree Authority and the Tree Officers. At the appropriate stage, the CEC may ascertain whether the

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infrastructural machinery provided to the Tree Authority and the Tree Officers is adequate and submit a report in that behalf to this Court. The report on that behalf shall be submitted by the CEC in the first week of March 2025.

16. Our attention is invited to Section 29 of the 1994 Act. Whenever the State Government exercises the powers under Section 29, we make it clear that the order under Section 29 shall not be given effect unless it is vetted and approved by the CEC. The orders will be subject to the orders passed by the CEC.

17. We clarify that the directions issued under this order will apply to all the pending applications under Section 8, read with Section 9 of the 1994 Act.

18. At the appropriate stage, we will take up the issue of strict implementation of the other provisions of the 1994 Act.

19. At this stage, we may note that for dealing with different issues, different dates have been assigned. We modify our earlier orders and direct that the issues shall be considered on the following dates:

Sl. No.	Issue	Date Given for Hearing
1.	IA No. 267661/2024 and 267966/2024 (application for intervention/impleadment and appropriate orders/directions on behalf of Manan Verma)	17.01.2025
2.	IA No. 77503 and 82069/2024 (applications for directions and permission on behalf of Indian Oil Corp): Counsel for A seeks further time for	17.01.2025

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	instructions. Posted finally.	
3.	IA No. 230937 and 230939/2024 (application for setting aside order interim relief): Issue notice to the MCD and other parties.	17.01.2025
4.	To consider Report No. 189 of the Monitoring Committee. [regarding replacement of Mr. Nand Kishore Gupta]	17.01.2025
5.	IA No. 203618/2024: Direct MCD to respond to Para 6 of the affidavit dt. 06.12.24 within a period of 1 month.	17.01.2025
6.	IA No. 204094 and 218090/2024: Direct MCD to respond to Para 6 of the affidavit dt. 06.12.24 within a period of 1 month.	17.01.2025
7.	IA No. 140093 and 140094/2019: SC directed the applicant to implead Delhi Urban Shelter Improvement Board through its Chief Executive Officer as a party respondent to the application. Issue notice to the added party.	17.01.2025
8.	IA No. 181186 and 181193/2022: We grant time to the Delhi Government till the end of the year.	17.01.2025
9.	The Deputy Commissioner admits that 140 trees planted have not survived. Delhi Police to plant 280 plants of various species at an identified suitable land and will submit a proposal to the CEC. If CEC is satisfied with the location, it should decide the species of trees planted and communicate it to the Delhi Police. Exercise to be completed by 24.01.2025. For Compliance.	31.01.2025
10.	SC directs CEC to verify the correctness of the statements made in the affidavit of Shri Manoj Kumar, Chief Engineer including the rate of survival.	31.01.2025
11.	In Re: NBCC (Construction of Craft Complex, Vasant Kunj): Compliance affidavit is not clear about how many trees were felled or the number of trees planted by way of compensatory afforestation.	31.01.2025
12.	In Re: NBCC (Construction of CBI Housing Complex): A green belt of trees along with the boundary of the proposed site adjacent to the Sanctuary has not been made. CEC will verify	31.01.2025

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	compliance regarding creation of percolation pond in terms of order dt. 09.08.18. CEC shall file an affidavit by 24.01.2025	
13.	In Re: Directorate of Revenue Intelligence: CEC shall look into all aspects of compliance with various terms and conditions of the order dt. 08.02.23 and submit a report by 24.01.25.	31.01.2025
14.	In Re: Ministry of Defence (Navy): CEC will examine the conditions for permitting right of way to lay 2500 meters long optical fibre cable.	31.01.2025
15.	In Re: JNU and MCD: JNU and MCD have not complied with directions contained in order dt. 06.09.24 and 25.10.24. For Compliance.	31.01.2025
16.	In Re: Report No. 192: DDA and MCD have not complied with the directions contained in para 25 of order dt. 25.10.24.	31.01.2025

20. If the CEC faces any difficulty as regards the implementation of the directions issued above, the CEC is free to submit a report to seek necessary clarification or further directions.

DIARY NO(S). 57901/2024

21. We permit the petitioner to file an additional affidavit within a period of three weeks from today.

22. To be listed on 17th January, 2025 at the end of the cause list.

**(ASHISH KONDLE)
COURT MASTER**

**(AVGV RAMU)
COURT MASTER**

**ANNEXURE 3 : Letter issued by MOEFCC to
the DCF (West) & reply from DCF**

1440
F. No. 21-442/2024-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(IA-III Section)

Indira Paryavaran Bhawan
 Jor Bag Road, Aliganj
 New Delhi-110 003
 Dated: ~~7th~~ February, 2025

To

The Tree Officer/Deputy Conservator of Forests (West),
 Office of the Deputy Conservator of Forests,
 Mandir Marg, Mandir Lane,
 Delhi-110 060.
 Email: dcfwest.gnctd@gov.in.

Subject: Development of Integrated Multi-Sports Arena at Sector 19-B, Dwarka, New Delhi by M/s World Street Sports Limited – For Grant of Environmental Clearance - reg.

Ref. No.: Proposal No. IA/DL/INFRA2/462047/2024 received on 08.02.2024.

Sir,

This has reference to above mentioned proposal No. IA/DL/INFRA2/462047/2024 received on 08.02.2024 online through PARIVESH Portal for seeking Environmental Clearance (EC), as per the provisions of EIA Notification, 2006 as amended under the Environment (Protection) Act, 1986.

2. The project/activity is covered under item 8(b) 'Townships and Area Development Projects' of the Schedule to the EIA Notification, 2006 as amended, and requires appraisal at the State level. However, due to the temporary absence of SEIAA/SEAC in Delhi. This proposal was transferred by SEIAA, Delhi to the Ministry for further action as per the provisions of the OM No. IA3-22/10/2022-IA.III [E 177258] dated 02.08.2023 for appraisal at the Central level by sectoral EAC.
3. The above-mentioned proposal for Environmental Clearance has been examined by the Expert Appraisal Committee (Infra-2) in its 131st meeting held on 30th September - 1st October, 2024 and recommended for the grant of Environmental Clearance with some specific and standard conditions.
4. It was observed that the project proponent has proposed 1,965 trees to be cut for the aforesaid project and also submitted the undertaking and stated that no tree-cutting will be done without permission from the State Forest Department.
5. In view of the above, it is requested to provide details of the procedure /SOPs being followed by the Government of Delhi in pursuance of directions of Hon'ble Court in Delhi regarding tree cuttings.
6. This issues with approval of the Competent Authority.


(Dr S. Prabhu) 7/2/2025
 Scientist-D

Copy to:

1. The Director, M/s Worldstreet Sports Center Limited, No.7, LSC, Kalkaji, New Delhi-110019, E. Mail.: rajneeshpabbi@omaxe.com. – for information.

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From: **dcfwest.gnctd** <dcfwest.gnctd@gov.in>

Date: Thu, 13 Feb 2025 at 4:18 PM

Subject: Re: Development of Integrated Multi-Sports Arena at Sector 19-B, Dwarka, New Delhi by M/s World Street Sports Limited – For Grant of Environmental Clearance - reg. Ref. No.: Proposal No. IA/DL/INFRA2/462047/2024 received on 08.02.2024.

To: S. PRABHU <p.subramani@gov.in>

Cc: rajneeshpabbi <rajneeshpabbi@omaxe.com>, Munna Kumar Shah <munna.shah@gov.in>, Alok Baral <alok.baral95@gov.in>

Sir,

In reference to your office letter no. F.No. 21-442/2024-IA.III dated 07.02.2025 on subject cited above, reply from Department of Forest and Wildlife, GNCTD has already sent to you vide letter no. FAWL-L/2/2025-TreeCell/e-227462/9020-24 dated 30.01.2025. Copy of the same is attached.

Thanks,

----- On Fri, 07 Feb 2025 18:39:51 +0530 **Alok Baral** <alok.baral95@gov.in> wrote --
-

Respected Sir/Madam,

Please find attached herewith letter dated 07.02.2025 on the subject cited above.

Regards,
Alok Baral
Assistant Section Officer
Impact Assessment Division
Indira Paryavaran Bhawan
Jorbagh, New Delhi-110003

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Proposal Details Potential PMG Project

Table with 2 columns: Field Name and Value. Fields include Proposal No., Single Window No., CAF No., Project Name, State, Proposal For, Activity, Sector, Proposal Submission Date, Proponent Name, MoEFCC File No., and State File No.

Proposal History/Timeline

Table with 2 columns: Activity and Start Date - End Date. Lists various activities like ADS Raised, Forwarded to MS, Forwarded to AS, and Forwarded, with corresponding date ranges.

ITEM NO.46

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION(S)(CIVIL) NO(S). 4677/1985

M.C.MEHTA

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

([TO BE TAKEN UP AT 2:00 P.M.] 1) IN RE: TREES ACT AND 2) I.A. NO. 135709/2024 (APPLN. FOR DIRECTION ON BEHALF OF BHAVREEN KANDHARI) 3) IA NOS. 267661 AND 267966/2024 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O INDERPURI RESIDENTS ASSN.) AND 4) IN RE: COMPLIANCE OF ORDER DT. 26.06.2024 AND 30.09.2024 NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. PRAVEEN SWARUP, MS. MANIKA TRIPATHY, MR. CHIRAG M. SHROFF, MS. MALVIKA KAPILA, MR. ANAND VERMA MR. MAYANK AGGARWAL MR. KARUNAKAR MAHALIK, MR. ZEESHAN DIWAN, MR. MANAN VERMA, ADVOCATES)

WITH Diary No(s). 57901/2024

Date : 19-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

Mr. A.D.N.Rao, Sr.Adv. (Amicus Curiae)
Mr. S Guru Krishna Kumar, Sr.Adv.(Amicus Curiae)
Ms. Srishti Agnihotri, AOR
Mr. Ashwin K, Adv.
Mr. Vishesh Goel, Adv.
Ms. Sanjana Grace Thomas, Adv.
Mr. D.P.singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

For the parties:

Ms. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Sr.Adv.
Ms. Swarupama Chaturvedi, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Verma, Adv.
Ms. Chitrangda Rashtravara, Adv.

Signature Not Verified
Digitally signed by
ASHISH KUMAR
Date: 2024.12.21
16:49:28 IST
Reason:

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Ms. Shagun Thakur, Adv.
 Mr. Bhuvan Kapoor, Adv.
 Ms. Suhashini Sen, Adv.
 Mr. Rajat Nair, Adv.
 Mr. B.K.Satija, Adv.
 Mr. Shagun Thakur, Adv.
 Ms. Chitragda Rastravara, Adv.
 Ms. Chinmayee Chandra, Adv.
 Dr. N. Visakamurthy, AOR
 Mr. Mukesh Kumar Maroria, AOR
 Mr. Rajesh Kumar Singh, Adv.
 Mr. Rajat Nair, Adv.
 Mr. S S Rebello, Adv.
 Mr. Navanjay Mahapatra, Adv.
 Mr. T S Sabarish, Adv.
 Mr. Mayank Pandey, Adv.
 Mr. Madhav Sinhal, Adv.
 Mr. A Sirajudeen, Adv.
 Mr. P V Yogeswaran, Adv.
 Mr. Sharath Nambiar, Adv.
 Ms. Shraddha Deshmukh, Adv.
 Mr. Chitransh Sharma, Adv.
 Mr. Sarthak Karol, Adv.
 Mr. Kritagya Kumar Kait, Adv.
 Mr. Manish, Adv.
 Ms. Sunanda Shukla, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
 Mr. Manan Verma, AOR
 Mr. Sumit Kumar, Adv.
 Mr. Shubham Arora, Adv.

Ms. Garima Prasad, Sr. Adv.
 Mr. Praveen Swarup, AOR
 Mr. Ravi Kumar, Adv.
 Mr. Pragyan Mishra, Adv.
 Mr. Devesh Maurya, Adv.
 Mr. Sukhamrit Singh, Adv.
 Mr. Saurabh Rohilla, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.
 Mr. Aditya N Prasad, Adv.
 Mr. Manan Verma, AOR
 Mr. Vishal Sinha, Adv.
 Mr. Tushar Shrivastava, Adv.
 Mr. Sumit Kumar, Adv.
 Mr. Shubham Arora, Adv.
 Mr. Pratyush Jain, Adv.
 Mr. Lokesh Sinhal, Sr. A.A.G.
 Mr. B.k. Satija, A.A.G.
 Mr. Akshay Amritanshu, AOR

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Mr. Rahul Khurana, Adv.
 Ms. Himanshi Shakya, Adv.
 Mr. Nikunj Gupta, Adv.
 Ms. Drishti Saraf, Adv.
 Ms. Pragya Upadhyay, Adv.
 Ms. Swati Mishra, Adv.
 Ms. Aakanksha, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
 Mr. B.K. Satija, A.A.G.
 Mr. Rahul Khurana, Adv.
 Mr. Samar Vijay Singh, AOR
 Mr. Nikunj Gupta, Adv.
 Ms. Himanshi Sakhya, Adv.
 Ms. Aakanksha, Adv.
 Ms. Sabarni Som, Adv.
 Mr. Fateh Singh, Adv.
 Mr. Abhishek Kumar Suman, Adv.
 Ms. Shalini Satyanarayan, Adv.
 Dr. Ratipal Singh Tanwar, Adv.
 Mr. Venkatesh Rajput, Adv.
 Mr. Keshav Mittal, Adv.

Mr. Rajiv Dutta, Sr. Adv.
 Ms. Neha Singh, Adv.

Petitioner-in-person

Dr. Surender Singh Hooda, AOR

M/S. Parekh & Co., AOR

Ms. Manju Jetley, AOR

Ms. Sharmila Upadhyay, AOR

Mr. Satish Aggarwal, AOR

Mr. Shivam Birt, Adv.
 Mr. Roshan Singh Thakur, Adv.
 Mr. Vishal Rathee, Adv.
 Mr. Satyendra Kumar, AOR

Mr. Ajit Sharma, AOR

Mr. Suresh Chandra Tripathy, AOR

Mr. Md. Farman, AOR

Ms. Ruby Singh Ahuja, AOR

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Mr. Sudhir Naagar, AOR
Mr. Venkateswara Rao Anumolu, AOR
Mr. Abhijit Sengupta, AOR
Mr. Neeraj Kumar Gupta, AOR
Mr. Tarun Johri, AOR
Mr. Avinash Kr. Lakhanpal, AOR
Mr. Sanjay Kapur, AOR
Mr. T. L. Garg, AOR
Mr. Shiv Prakash Pandey, AOR
Mr. Pranaya Kumar Mohapatra, AOR
Mr. Ashwani Kumar, AOR
Mrs. Rachana Joshi Issar, AOR
Mr. Harish Pandey, AOR
Mr. V. K. Verma, AOR
Mr. Prashant Chaudhary, AOR
Mrs. Rekha Pandey, AOR
Mr. Pravir Choudhary, AOR
Mr. Nikilesh Ramachandran, AOR
Ms. Prerna Mehta, AOR
Mr. Sunil Kumar Jain, AOR
Mr. Ravi Kumar Tomar, AOR
Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.
Mr. Pradeep Kar, Adv.
Mr. P. Parmeswaran, AOR
Mr. Gunnam Venkateswara Rao, AOR
Mr. Abhay Kumar, AOR

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Mr. Devendra Singh, AOR
Mr. A. Venayagam Balan, AOR
Ms. Binu Tamta, AOR
Mr. Shekhar Kumar, AOR
Mrs. Anil Katiyar, AOR
Ms. Anu Gupta, AOR
Mr. Harsh V. Surana, AOR
Mr. Raj Kamal, AOR
Mr. Himinder Lal, AOR
Ms. Rukhsana Choudhury, AOR
Mr. Krishna Pal Singh, AOR
M/S. Karanjawala & Co., AOR
Mr. Ashok Anand, AOR
Ms. K. V. Bharathi Upadhyaya, AOR
Ms. Rooh-e-hina Dua, AOR
Mr. Haresh Raichura, AOR
Mrs. Saroj Raichura, Adv.
Ms. Shagun Matta, AOR
Mr. Samir Malik, AOR
Mrs. Priya Puri, AOR
Mr. Zeeshan Diwan, AOR
Mr. M. M. Kashyap, AOR
Mr. Shiv Mangal Sharma, A.A.G.
Mr. Milind Kumar, AOR
Ms. Udit Singh, AOR
Ms. Anuradha Mutatkar, AOR
Mr. Chirag M. Shroff, AOR

1448

Mr. Shyam D. Nandan, AOR

Mr. Anand Shankar, AOR

Mr. Ajay Vikram Singh, AOR

Ms. Priyanka Singh, Adv.

Mr. M.Aamir Faiyaz, Adv.

Mr. Shubham Kumar Singh, Adv.

Mr. Rakesh Mishra, AOR

Mr. Alok Kumar Pandey, Adv.

Ms. Kiran Pandey, Adv.

Mr. Pratyaksh Semwal, Adv.

Ms. Madhumeet Kaur, Adv.

M/S. M. V. Kini & Associates, AOR

Mr. Rajivkumar, AOR

Mr. Manoj K. Mishra, AOR

Mr. A. Baskar, Adv.

Mr. Bheem Pratap Singh, Adv.

Mr. Umesh Dubey, Adv.

Mr. Mithilesh Kumar Mishra, Adv.

Ms. Vuzmal Nehru, Adv.

Mr. Amrish Kumar, AOR

Ms. Supriya Juneja, AOR

Mr. Abhas Kumar, AOR

Ms. Akriti Chaubey, AOR

Ms. Pratibha Jain, AOR

Mr. Ajay Pal, AOR

Mr. Shekhar G Devasa, Sr. Adv.

Mr. Manish Tiwari, Adv.

Ms. Thashmitha Muthanna, Adv.

Mr. Prashanth Dixit, Adv.

Mr. Shashi Bhushan Nagar, Adv.

Mr. Vishwanath Chaturvedi, Adv.

For M/S. Devasa & Co., AOR

Ms. Astha Sharma, AOR

Ms. Ripul Swati Kumari, Adv.

Ms. Manika Tripathy, AOR

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Mr. Ashutosh Kaushik, Adv.
Mr. Mayank Aggarwal, AOR
Mr. Ajay Kumar Singh, AOR
Mr. Rahul Narayan, AOR
Mr. Dhananjay Garg, AOR
Ms. B. Vijayalakshmi Menon, AOR
Mr. Nishit Agrawal, AOR
Ms. Rakhi Ray, AOR
Mr. Anando Mukherjee, AOR
Mr. Jasmeet Singh, AOR
Mr. Rajat Joseph, AOR
Mr. Gaurav Goel, AOR
Mr. Umesh Kumar Khaitan, AOR
Ms. Vanita Bhargava, AOR
Mr. Amit Kumar Singh, AOR
Mr. Kailas Bajirao Autade, AOR
Mr. Anand Varma, AOR
Mr. T. Mahipal, AOR
Mr. S. S. Shroff, AOR
Ms. Firdouse Qutb Wani, AOR
Mr. Kamal Mohan Gupta, AOR
Mr. Sunny Choudhary, AOR
Mr. D. K. Devesh, AOR
Mr. Abhinav Agrawal, AOR
Mr. Avadh Bihari Kaushik, AOR
Mr. Arvind Kumar Sharma, AOR

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Mr. Rameshwar Prasad Goyal, AOR
Mr. Prithu Garg, AOR
Mr. Krishnanand Pandeya, AOR
Ms. Neha Sharma, AOR
Mr. Smarhar Singh, AOR
Ms. Shweta Kumari, Adv.
Mr. Vikas Chopra, Adv.
Mr. Siddhartha Chowdhury, AOR
Mr. Sanjeev Malhotra, AOR
Mr. Shekhar Prit Jha, AOR
Ms. S. Janani, AOR
Mrs. Gargi Khanna, AOR
Mr. Somnath Mukherjee, AOR
Ms. Mayuri Raghuvanshi, AOR
Mr. Saurabh Mishra, AOR
Mr. Shrimay Mishra, Adv.
Mr. Rakesh Chander, Adv.
Mr. Purna Chandra Patnaik, AOR
Mr. Amarjit Singh Bedi, AOR
Mr. Vishnu Sharma, AOR
Mrs. Anupama Sharma, Adv.
Mr. Amarjyoti Sharma, Adv.
Ms. Ishtha Singh, Adv.
Mr. Sparsh Saxena, Adv.
Ms. Avni Singh, Adv.
Mr. Vivek Narayan Sharma, AOR
Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saxena, Adv.
Mr. Vikas Bharti, Adv.
Mr. V P Pandey, Adv.

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Mr. Guntur Pramod Kumar, AOR
Mr. Arunabha Ganguli, Adv.
Mr. Dhruv Yadav, Adv.
Mr. Keshav Singh, Adv.

Mr. Abinash Kumar Mishra, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Shrey Kapoor, AOR

Mr. Ramesh Kumar Mishra, AOR

Mr. Arvind Gupta, AOR

Dr. Arvind S. Avhad, AOR

Ms. Madhu Sikri, AOR

Mr. K. V. Mohan, AOR

Mr. Arjun Garg, AOR

Mr. V. N. Raghupathy, AOR

Mr. Karunakar Mahalik, AOR
Mr. Sarbendra Kumar, Adv.

Mr. Yoginder Handoo, AOR

Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.
Mr. Pradeep Kar, Adv.

Mr. Ambhoj Kumar Sinha, AOR

Ms. Binu Tamta, AOR

Mrs. Rani Chhabra, AOR

Mr. Vishnu Kant, AOR
Mr. Praveen, Adv.

Mr. Abhinav Shrivastava, AOR

Mr. A. Raghunath, AOR

Mr. Prakash Ranjan Nayak, AOR

Ms. Sharmila Upadhyay, AOR

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Mr. R. C. Kohli, AOR
Mr. T. V. George, AOR
Ms. Smita Maan, AOR
Mr. Tarun Gupta, AOR
Mr. Prashant Bhushan, AOR
Mr. Alok Gupta, AOR
M/S. Unuc Legal Llp, AOR
Mr. D S Mehra, AOR
M/S. Mitter & Mitter Co., AOR
Mr. Bimlesh Kumar Singh, AOR
Mr. Akshay Verma, AOR

Mr. Ravinder Kumar Yadav, AOR
Ms. Aarti Anupriya, Adv.
Mr. Kartikey, Adv.
Mr. Paras Juneja, Adv.
Ms. Kritika Yadav, Adv.
Mr. Vineet Yadav, Adv.
Mr. Amir Yadav, Adv.

Mr. Dinesh Chandra Pandey, AOR

Mr. Raj Bahadur Yadav, AOR

Mr. Kiran Kumar Patra, AOR
Mr. Preetish Sahu, Adv.

Mr. Rajesh Kumar Chaurasia, AOR

Ms. Richa Kapoor, AOR

Mr. Gagan Gupta, AOR

Mr. Anand Mishra, AOR

Mr. Ejaz Maqbool, AOR

Mr. Chanchal Kumar Ganguli, AOR

Dr. Surender Singh Hooda, AOR

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Mr. Siddharth Sengar, Adv.
Mr. Shantanu Krishna, AOR
Mr. Alok Kumar, Adv.

Mr. Ekansh Mishra, AOR

UPON hearing the counsel the Court made the following
O R D E R

WRIT PETITION(CIVIL)NO.4677/1985

1. The first issue we are dealing with is about the implementation of the Delhi Preservation of Trees Act, 1994 (for short, “the 1994 Act”). At the outset, we must say that much can be said about the failure of all the concerned Authorities to implement the 1994 Act effectively. We have already flagged the issue of providing proper infrastructure to the Tree Officers and the Tree Authority.

2. After having perused the provisions of the 1994 Act, we must state here that the object of the 1994 Act is to preserve the trees and not to permit cutting or felling of the trees. Considering the object of the 1994 Act, it is evident that permission for felling or cutting of the trees can be granted only by way of an exception and not in a routine manner. The provisions of the 1994 Act reiterate the public trust doctrine, which enjoins the State to protect the natural resources, including the trees. On a conjoint reading of Articles 21, 48A and 51A(g) of the Constitution of India, it is apparent that the State is mandated to protect and improve the natural environment and safeguard the environment. Trees are a vital part of our environment. The precautionary principle requires the governments to anticipate, prevent, and remedy or eradicate the causes of environmental

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degradation, including acting sternly against the violators. Illegal felling of even one fully grown tree hurts the environment and several human beings.

3. There are three major parts of the 1994 Act. The first part deals with the grant of permissions to fell the trees, the second part is about the duties of the Tree Authority, and the third part is about penalising the persons for committing breaches of the provisions of the 1994 Act. There are other provisions, such as the obligation of the owners of the lands to preserve the trees.

4. Today, we are taking up the issue regarding the grant of permissions by the Tree Officers under Section 8 read with Section 9 of the 1994 Act. We are of the view that considering the limited infrastructure available to the Tree Officers and the manner in which the provisions have been implemented, the work of granting permissions for tree felling must be supervised. We, therefore, direct that whenever a Tree Officer grants permission for the felling of 50 or more trees in accordance with Section 8 read with Section 9 of the 1994 Act, the said permission shall not be acted upon unless the same is approved by the Central Empowered Committee (for short, "the CEC"). Whenever the Tree Officers under the 1994 Act grant permission for the felling of 50 or more trees, immediately after granting such permission, the Tree Officers shall forward the entire record of the application along with a copy of the permission to the CEC. Upon receipt of the documents, it will be open for the CEC to call

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upon the concerned Tree Officer to furnish additional information and additional documents.

5. The CEC will carefully consider the applications and all relevant aspects and will decide whether the permission deserves to be granted or whether any modification is required to the permission or the terms and conditions imposed under the permission. We make it clear that while granting permission to fell 50 or more trees, unless the case is exceptional, a condition should be imposed that unless compliance is made with the requirement of planting trees by way of compensatory afforestation, actual tree-cutting work shall not be undertaken. After receiving orders of the CEC, the Tree officers shall amend the orders passed by them to give effect to the order of the CEC. What will prevail will be the order of the CEC.

6. The CEC, after examining the entire case, shall be empowered either to allow or reject the application, to allow the application partly or to modify the terms and conditions on which permission is granted by the Tree Officer. After the Tree Officer passes an order granting permission, copies thereof shall not be provided to the applicant. Only after the CEC passes an appropriate order, the Tree Officer will supply the copy of his order as amended by the CEC to the concerned applicant.

7. Our attention is invited to sub-Section (4) of Section 9 of the 1994 Act which introduces a deeming fiction. We direct the Tree

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Officers to ensure that a decision on every application is taken within sixty days from receipt, as provided in sub-Section (3) of Section 9. We also direct that as soon as an application is received under Section 9, the Tree Officers shall forward copies to the CEC so that the CEC can ensure that sub-Section (4) of Section 9 does not operate. For the time being, in the exercise of our jurisdiction under Article 142 of the Constitution of India, we direct that no one shall act upon the deemed permission under sub-Section (4) of Section 9 without prior consent of this Court.

8. We direct the Tree Officers to inform every applicant as soon as the application is received that even if the Tree Officer grants permission, the same shall not be acted upon unless the application is vetted and cleared by the CEC. As soon as the application is made, the Tree Officer shall issue a communication to the applicant that under no circumstances will the applicant be entitled to take benefit of sub-Section (4) of Section 9 of the 1994 Act because of the directions mentioned above issued by us under Article 142 of the Constitution.

9. The *proviso* to sub-Section (3) of Section 9 reads thus:

“9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree.-

(3)...

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.”

10. If the Tree Officer finds that a second application is made in the same year in respect of the same area for the felling of trees and if the total number of trees covered by the first and second applications exceeds 49, the directions issued as above will apply to the second application even if the permission sought by the second application is in respect of fewer than 50 trees and the permission granted on the second application shall not be acted upon unless the same is vetted and approved by the CEC as directed above. We also direct that the Tree Officers shall not entertain any application under Section 9 of the 1994 Act unless there is a declaration supported by documents about the number of applications made under Section 9 of the 1994 Act in that particular year regarding the same property. We also clarify that on the requisition being made by the CEC, the project proponent or the applicant who makes an application under Section 9 of the 1994 Act shall be bound to appear before the CEC.

TREE CENSUS

11. The most vital obligation of the Tree Authority under Section 7(b) of the 1994 Act is to carry out the census of the existing trees and obtain, whenever necessary, declarations from all owners or occupants about the number of trees in their lands. Though the 1994 Act is 30 years old, unfortunately, this important duty has not been performed by the Tree Authority. We must highlight the importance of carrying out the census of the existing trees. Unless the data of existing trees is available, it will be impossible for any of the Authorities to ascertain whether anyone has engaged in illegal tree

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fellings or cutting. Therefore, we direct the Tree Authority constituted under the 1994 Act to immediately undertake the census of the existing trees in terms of clause (b) of Section 7 of the 1994 Act. The Tree Authority shall appoint the Forest Research Institute (FRI), Kaulagarh Road, PO. I.P.E. 248195, Dehradun, Uttarakhand, as an Authority to carry out census in terms of clause (b) of Section 7 of the 1994 Act. The Tree Authority, as well as the FRI, shall take guidance from the following three experts: Shri Ishwar Singh, a retired IFS Officer; Shri Sunil Limaye, a retired IFS officer; and Shri Pradip Kishen, an ecological gardener. The Tree Authority, the FRI and the three experts shall act as a team. The funds required for carrying out the activities in terms of clause (b) of Section 7 of the 1994 Act shall be provided by the Government of India on the requisition being made by the Tree Authority. The Tree Authority shall immediately pass a formal order appointing the FRI and the aforesaid three experts. After holding meetings with FRI and the three experts, the Tree Authority shall file an affidavit before this Court setting out the manner and mode in which the census of the existing trees shall be carried out. The affidavit will also indicate the necessary timelines. The said affidavit shall be filed on or before 10th February, 2025, which shall be considered at an appropriate stage. We make it clear that all the Departments of the State Government, as well as the Government of India, shall assist the Tree Authority and FRI in carrying out the census work. Needless to add, while carrying out the census work, the second part of clause (b) of Section 7 of getting a declaration from

the owners and occupants shall be given effect. It will be open for the Government of India to utilise the Compensatory Afforestation Fund to meet the expenses of the trees census.

12. Coming back to the issue of granting permissions under Section 9 of the 1994 Act, we reiterate what we have stated earlier. The basic function and duty of the Tree Authority and the Tree Officers is to preserve the trees and, therefore, only in case of necessity and for good reasons that the permissions for cutting or felling of trees can be granted. It is obvious that the Tree Officer cannot grant permissions mechanically. Firstly, the Tree Officers will have to apply their mind after visiting the site whether the felling or trans-location of the trees as sought by the applicant is really necessary. The Tree Officers will make an effort to save as many trees as possible. This is the first satisfaction that the Tree Officers must record. Secondly, the Tree Officers cannot pass a mechanical order of compensatory afforestation. They will have to decide the type of trees which should be planted and also at which place. If the applicant has offered a particular land for compensatory afforestation, the Tree Officers will have to examine the site and, thereafter, apply their mind to which category of trees should be planted which are suitable for that land. While doing so, the Tree Officers shall consider whether, by pruning or by some other methods, the trees can be saved from felling. These are the broad considerations that the Tree Officers must consider while dealing with the applications for the felling of trees. However,

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what we have laid down is not exhaustive. It will always be open for the CEC to lay down additional guidelines for consideration of the Tree Officers.

13. We reiterate that it will be the duty of the Tree Officers to implement all the suggestions/directions issued by the CEC.

14. The affidavits filed by the Tree Officers indicate that in the past, a number of permissions have been granted for the felling of trees. We direct the concerned Tree Officers to undertake a systematic exercise of ascertaining whether compliance with the conditions on which the tree felling was permitted has been made. The Tree Officers will also have to ascertain whether the plantations made by way of compensatory afforestation have survived. We grant time till the end of February 2025 to all the Tree Officers to complete this exercise. A comprehensive report shall be prepared by the State Government after collating the reports submitted by the Tree Officers so that this Court can initiate action. Needless to add, wherever the Tree Officers find that the breaches of the terms and conditions have been committed on which the permission for cutting or felling of trees was granted, the Tree Officers shall initiate action as provided in Chapter VI of the 1994 Act.

15. As in the earlier orders, we had flagged the issue of making available the proper infrastructure to the Tree Authority and the Tree Officers. At the appropriate stage, the CEC may ascertain whether the

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infrastructural machinery provided to the Tree Authority and the Tree Officers is adequate and submit a report in that behalf to this Court. The report on that behalf shall be submitted by the CEC in the first week of March 2025.

16. Our attention is invited to Section 29 of the 1994 Act. Whenever the State Government exercises the powers under Section 29, we make it clear that the order under Section 29 shall not be given effect unless it is vetted and approved by the CEC. The orders will be subject to the orders passed by the CEC.

17. We clarify that the directions issued under this order will apply to all the pending applications under Section 8, read with Section 9 of the 1994 Act.

18. At the appropriate stage, we will take up the issue of strict implementation of the other provisions of the 1994 Act.

19. At this stage, we may note that for dealing with different issues, different dates have been assigned. We modify our earlier orders and direct that the issues shall be considered on the following dates:

Sl. No.	Issue	Date Given for Hearing
1.	IA No. 267661/2024 and 267966/2024 (application for intervention/impleadment and appropriate orders/directions on behalf of Manan Verma)	17.01.2025
2.	IA No. 77503 and 82069/2024 (applications for directions and permission on behalf of Indian Oil Corp): Counsel for A seeks further time for	17.01.2025

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	instructions. Posted finally.	
3.	IA No. 230937 and 230939/2024 (application for setting aside order interim relief): Issue notice to the MCD and other parties.	17.01.2025
4.	To consider Report No. 189 of the Monitoring Committee. [regarding replacement of Mr. Nand Kishore Gupta]	17.01.2025
5.	IA No. 203618/2024: Direct MCD to respond to Para 6 of the affidavit dt. 06.12.24 within a period of 1 month.	17.01.2025
6.	IA No. 204094 and 218090/2024: Direct MCD to respond to Para 6 of the affidavit dt. 06.12.24 within a period of 1 month.	17.01.2025
7.	IA No. 140093 and 140094/2019: SC directed the applicant to implead Delhi Urban Shelter Improvement Board through its Chief Executive Officer as a party respondent to the application. Issue notice to the added party.	17.01.2025
8.	IA No. 181186 and 181193/2022: We grant time to the Delhi Government till the end of the year.	17.01.2025
9.	The Deputy Commissioner admits that 140 trees planted have not survived. Delhi Police to plant 280 plants of various species at an identified suitable land and will submit a proposal to the CEC. If CEC is satisfied with the location, it should decide the species of trees planted and communicate it to the Delhi Police. Exercise to be completed by 24.01.2025. For Compliance.	31.01.2025
10.	SC directs CEC to verify the correctness of the statements made in the affidavit of Shri Manoj Kumar, Chief Engineer including the rate of survival.	31.01.2025
11.	In Re: NBCC (Construction of Craft Complex, Vasant Kunj): Compliance affidavit is not clear about how many trees were felled or the number of trees planted by way of compensatory afforestation.	31.01.2025
12.	In Re: NBCC (Construction of CBI Housing Complex): A green belt of trees along with the boundary of the proposed site adjacent to the Sanctuary has not been made. CEC will verify	31.01.2025

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	compliance regarding creation of percolation pond in terms of order dt. 09.08.18. CEC shall file an affidavit by 24.01.2025	
13.	In Re: Directorate of Revenue Intelligence: CEC shall look into all aspects of compliance with various terms and conditions of the order dt. 08.02.23 and submit a report by 24.01.25.	31.01.2025
14.	In Re: Ministry of Defence (Navy): CEC will examine the conditions for permitting right of way to lay 2500 meters long optical fibre cable.	31.01.2025
15.	In Re: JNU and MCD: JNU and MCD have not complied with directions contained in order dt. 06.09.24 and 25.10.24. For Compliance.	31.01.2025
16.	In Re: Report No. 192: DDA and MCD have not complied with the directions contained in para 25 of order dt. 25.10.24.	31.01.2025

20. If the CEC faces any difficulty as regards the implementation of the directions issued above, the CEC is free to submit a report to seek necessary clarification or further directions.

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21. We permit the petitioner to file an additional affidavit within a period of three weeks from today.

22. To be listed on 17th January, 2025 at the end of the cause list.

**(ASHISH KONDLE)
COURT MASTER**

**(AVGV RAMU)
COURT MASTER**