

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH AT PUNE****I.A. NO.20 OF 2023**

(For Amendment)

IN**O.A. NO.2 OF 2019 (WZ)****IN THE MATTER OF:**

Ashok Shrimali

....Applicant

Versus

Union of India and others

...Respondents

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Proof of Service

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FILED BY

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Ahmedabad

Dated:-05.05.2023

- 5 MAY 2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE**

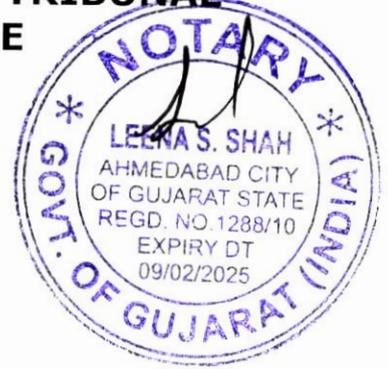
I.A. NO.20 OF 2023

(For Amendment)

IN

O.A. NO.2 OF 2019 (WZ)

IN THE MATTER OF:



Ashok Shrimali

....Applicant

Versus

Union of India and others

...Respondents

**Affidavit-cum-Reply on behalf of the Respondent
No.9- Hindustan Marble Private Limited**

I, Chintan Thakur, S/o. Shri Rajendra Kumar Thakur, Aged about 36 years, director and authorized person of Respondent No.9-Hindustan Marble Private Limited ("**HMPL**") have been served with a copy of the captioned IA 20 of 2023 (for Amendment) ("**Amendment Application**"), do hereby solemnly affirm and state as under:

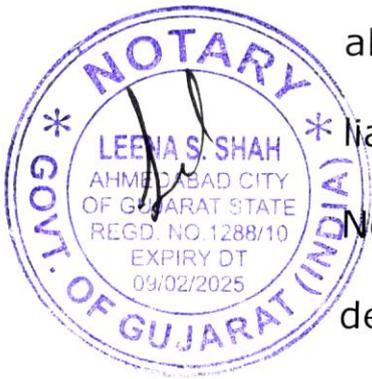
1. I state that I am the Director of the Respondent No.9-HMPL. I am familiar with the facts of the case. I am authorised to file the present Affidavit-in-Reply

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on behalf of Respondent No.9-HMPL. At the outset, I deny all statements, averments and submissions made in the Amendment Application (except those which are specifically admitted by me hereinafter), particularly to the extent the same pertains to the Respondent No.9-HMPL.

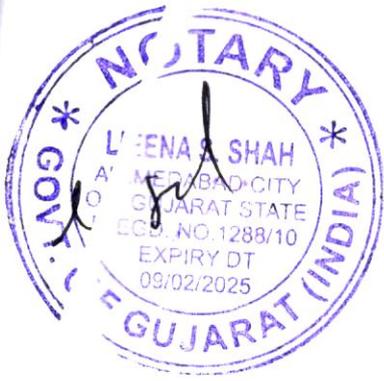
2. I state that I am filing the present Affidavit-in-Reply also with a view to demonstrate that the OA itself is liable to be dismissed in so far as the Respondent No.9-HMPL is concerned. I state that I am not dealing with Amendment Application parawise. I am dealing with Amendment Application in so far as the same pertains to / concerns the Respondent No.9-HMPL. I reserve liberty to file further detailed reply if and when necessary.



- 2.1 I state that the Applicant had filed the captioned Original Application no.2 of 2019 ("**Original Application**") in the year 2019, seeking following prayers;

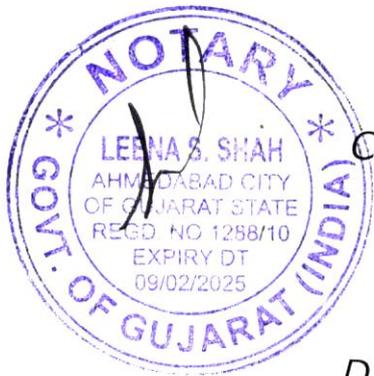
Ch. J. Shah

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"A. Direct official respondents, to prohibit mining of any kind in and around Balaram Ambaji sanctuary, District Banaskatha, Gujarat from peripheral area of wild life sanctuary, till the Ecologically Sensitive Area is declared and especially within one kilometer of the sanctuary;

B. Direct official respondents, to immediately take steps to declare the Ecologically sensitive area in and around the Balaram Ambaji Sanctuary in a time bound manner;



C. Direct the official respondents as well as private Respondents to restore the environment and habitat of the area that has been mined in and around the sanctuary to secure it for the future;

D. Constitute a High Level Committee to determine the boundaries of the peripheral area of wild life sanctuary beyond which only mining activities should remain confine and also oversee the entire process of restoration and restitution and the area in and around the said sanctuary and submit report including a time bound action plan of restitution of the environment of the area and declaration of ESA under the aegis of this Hon'ble Tribunal;

E. Direct official respondents to completely prohibit any further in the area as well as prosecute all those including the erring officials for committing such blatant illegality;

F. Punish the respondent authorities/officials under Section 28 of the NGT Act liable for the blatant violation of the orders of the Hon'ble Tribunal

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and statutory laws of the land thereby causing prejudice to the citizens including the Applicant;

- G. Punish the erring officials who have allowed such illegality in allowing mining by deliberately keeping the issue of boundary as well as ESA of the said sanctuary open, to perpetuate illegality in complete derogation of environmental norms;
- H. Pass any other order(s)/direction(s) as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of this present application."

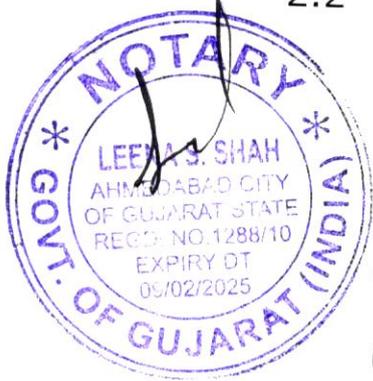
2.2 Thereafter, vide order dated 08.02.2019, this Hon'ble Tribunal observed that the Applicant has confined the reliefs in respect of Paras A,B,C of the prayer clause of the Original Application. A copy of order dated 08.02.2019 passed by this Hon'ble Tribunal is annexed herewith and marked as **Annexure-R-1**.

2.3 This Hon'ble Tribunal in its order dated 23.11.2022 observed as follows:

"6. At the time when he had filed this application, the parties who have been impleaded were those who were doing mining work within 10 kms. range of the said sanctuary, therefore, he says that the Original Application needs to be

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amended as regards the prayer clause in the light of the latest position of law.

7. We grant him an opportunity to move an appropriate amendment, if so required, within a period of two weeks from today, providing the copy of the same to all the Respondents so that the same may be disposed of in accordance with law.
8. During hearing of this matter today, the learned Counsels for the Respondent Nos. 7, 9 and 12 have vehemently argued that they have been impleaded by the Applicant in this case unnecessarily, in order to cause them financial loss and to put their reputation in jeopardy because none of them is involved in mining activity. The learned Counsel for the Respondent No.9 went to the extent of saying that he has valid Environment Clearance (EC) granted in respect of mining but the authorities are not allowing the Respondent No.9 to proceed because of this Original Application being pending.
10. Today, we repeatedly enquired from the learned Counsel for the Applicant as to whether the Respondent Nos. 7, 9 & 12 are unnecessarily made party in this case, he insisted that they are necessary party because their name finds mention in the list of 29 miners which has been obtained from the Assistant Geologist, Geology and Mining Department, Palanpur District,



[Signature]

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therefore, it is wrong to say that they are not involved in illegal mining.

11. *In view of this fact, we direct the learned Counsel for the Respondent Nos. 7, 9 & 12 to move an application to get their names deleted from the array of the parties with advance copy served to the learned Counsel for the Applicant, who would file objections against it."*

A copy of order dated 23.11.2022 passed by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE-R-2.**

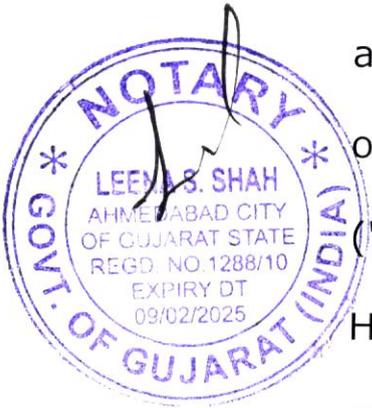
3. **Amendment Application:**

- 3.1 It is in the aforesaid background that the Applicant has filed the Amendment Application. By way of the Amendment Application and the proposed amendments, the Applicant is demonstrably filing a new substantive Application. The scope of the present Original Application is sought to be changed completely more particularly if viewed in the context of prayers A, B & C which are the only prayers for which this Original Application is pursued. It is further submitted that the Applicant has cleverly filed



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the Amendment Application for a new cause of action which arose after the judgment dated 03.06.2022 in *I.A. No. 1000 of 2003 alongwith some other I.As in Writ Petition (Civil) No. 202 of 1995 in Re. T.N. Godavarman Thirumulpad Vs Union of India & Ors.* and Notification dated 08.11.2021 issued by Ministry of Environment, Forest and Climate Control ("**MoEF&CC**"). It is humbly submitted that this Hon'ble Tribunal be pleased not to allow the captioned Amendment Application of the Applicant.

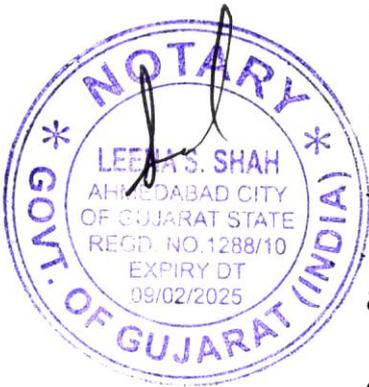
3.2 In so far as the Respondent No.9-HMPL is concerned, paragraph 3(e) of the Amendment Application is relevant. In view of the statements, averments and submissions made in paragraph 3(e) of the Amendment Application, the Applicant has sought to submit that the Environment Clearance dated 31.05.2022 ("**EC**") granted to Respondent No.9-HMPL is not legal and valid. I may now deal with the said paragraph 3(e) of the Amendment Application.

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Environment Clearance dated 31.05.2022:

3.3 In so far as the EC granted by State Level Environment Impact Assessment Authority ("**SEIAA**") to the Respondent No.9-HMPL is concerned, I deny that the EC is invalid because the same is granted for an area of 46.20.95 ha. even though the total lease area of the Respondent No.9-HMPL is 51.01.09 ha. In this regard, the Hon'ble Tribunal may be pleased to refer to condition nos. 3 and 4 of the EC (pages 509-510). Condition no.4 clearly explains why the EC is granted for 46.20.95 Ha. The Applicant has consciously avoided reference (in the memo of the Amendment Application and particularly para 3(e)) to condition nos. 3 and 4 of the EC. To reiterate, the total lease area of 51.01.09 ha undisputedly falls outside the Eco-Sensitive Zone boundary of Balaram Ambaji Wildlife Sanctuary ("**B.A.W.S.**"). Out of the said 51.01.09 ha, 4.80.14 ha falls within 1 km, outside the B.A.W.S. boundary



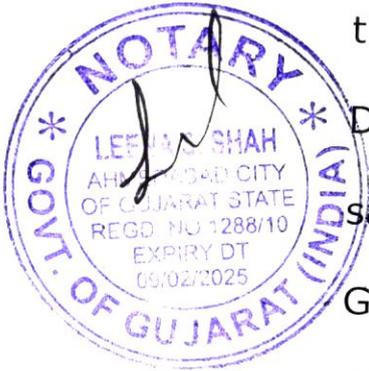
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and balance area is 46.20.95 ha for which the EC is granted.

Surrender of 4.80.14 Ha.

3.4 In so far as area admeasuring 4.80.14 ha which falls within 1 km. outside B.A.W.S. boundary, I state that the Respondent No.9-HMPL has since long surrendered the said area admeasuring 4.80.14 ha to the office of the Geologist, Geology and Mining Department, Palanpur, District Banaskantha. The same has been acknowledged by the Geologist, Geology and Mining Department vide letter dated 12.05.2020. The Applicant ought to have disclosed the said fact, more particularly in view of the claims and assertions made by the Applicant in paragraph 4 of the Original Application. A copy of Letter dated 12.05.2020 issued by the Geologist, Geology and Mining Department is annexed herewith and marked as **Annexure-R-3.**



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Clearance from Standing Committee of National Board for Wildlife:

3.5 In so far as clearance from Standing Committee of National Board for Wildlife is concerned, I firstly refer to a Office Memorandum no.F.No.22-43/2018-IA.III dated 08.08.2019 issued by MoEF&CC. Paragraph 4(ii) of the said Office Memorandum is as follows:

"4(ii)Proposals involving development activity/project located outside the stipulated boundary limit of notified ESZ and located within 10 km of National Park/Wildlife Sanctuary, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) may not be applicable. However, such proposals from environmental angle including habitat, if any, would be examined by the sector specific Expert Appraisal Committee and appropriate conservation measures in the form of recommendations shall be made. These recommendations shall be explicitly mentioned in the environmental clearance letter and shall be ensured by the member secretary concerned."

Thereafter the MoEF&CC vide Notification dated 08.11.2021 (pages 399-417) declared the Eco Sensitive Zone. In view of the said Notification dated 08.11.2021 read with the Office Memorandum dated

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08.08.2019, read with Condition no.4 of the EC, no clearance from the Standing Committee of National Board for Wildlife is required.

Categorization of the Project Under Category-B:

3.6 At the outset I state that the EC dated 31.05.2022 (page 508) rightly categorizes the project of the Respondent No.9-HMPL in Category B1 of the Environment Impact Assessment ("**EIA**") Notification dated 14.09.2006 as amended from time to time. I state that "General Condition" laid down in Serial No.1, Column 5 of the Schedule to EIA Notification dated 14.09.2006 (read with the subsequent amendments thereto) will not apply to the Respondent No.9-HMPL. I deny that the General Condition laid down under the EIA Notification dated 14.09.2006 applies to the project of the Respondent No.9-HMPL because the same is located within 5 kms. from the inter-state boundary shared between the State of Gujarat and the State of Rajasthan. I



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also deny that the said General Condition will apply because the lease of the Respondent No.9-HMPL is within 5 kms. from the boundary of the protected area which is the B.A.W.S. Copy of Environment Impact Assessment (EIA) Notification dated 14.09.2006 is annexed herewith and marked as **ANNEXURE R-4.**

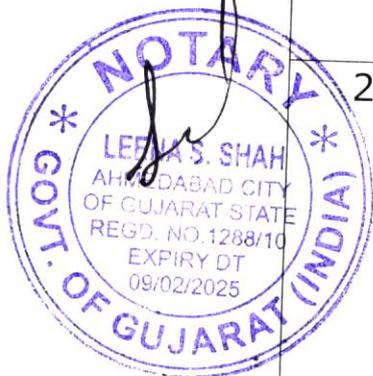


3.7 To demonstrate that the project / proposal of the Respondent No.9-HMPL is rightly categorized as Category B1 and to also demonstrate that the General Condition of EIA Notification dated 14.09.2006 (contained in the Schedule thereto) is not applicable to Respondent No.9-HMPL (which is concerned with mining of marble, a minor mineral), the following sequence of various Notifications is required to be noted:

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Sr. No.	Date of Notification / Office Memorandum	Particulars of Notification
1.	14.09.2006	The EIA Notification was issued. Paragraph 4 read with the Schedule is relevant. As the total lease area of the Respondent No.9-HMPL was more than 50 ha, Respondent No.9-HMPL would fall under Category 'A'.
2.	15.01.2016	The said Notification inter alia amended the EIA Notification dated 14/09/2006 and first time introduced Category B1 and B2. The Respondent No.9-HMPL would be classified under Category 'A' under the said Notification dtd 15/01/2016
3.	14.03.2017	MoEF&CC issued Notification (" Violation Notification "). Paragraph 13(2) of Violation Notification provided inter alia that if projects are being



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		<p>carried on without the prior EC, the said projects be treated as cases of violation and further steps are required to be taken. Paragraph 13(2) provides as follows:</p> <p><i>"(2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment</i></p>
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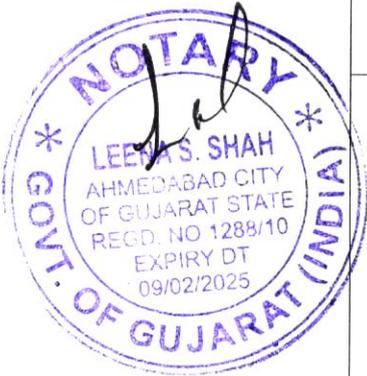
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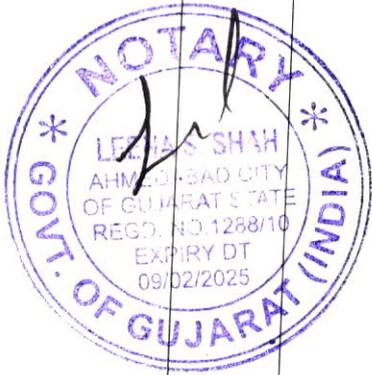
		<p>(Protection) Act, 1986 shall be appraised for grant of environmental clearance only by Expert Appraisal Committee and environmental clearance will be granted at the Central level."</p> <p>The Respondent No.9-HMPL being a case of violation would be appraised for grant of EC by the Central Level EAC.</p>
4.	23.07.2017	<p>The Respondent No.9-HMPL at this stage made Application for EC. As Respondent No.9-HMPL was a case of violation, in terms of paragraph 13(2) of the Violation Notification dated 14.03.2017, the appraisal for grant of EC was to be done by Central Level EAC.</p>
5.	08.03.2018	<p>Further Notification of the MoEF&CC amending the (violation) Notification dated 14.03.2017. In terms of the said Amendment Notification dated 08.03.2018</p>

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		<p>("Amendment Violation Notification"), the appraisal for EC under Category 'A' of the EIA Notification dated 14.09.2006 were to be appraised for grant of EC by Central Level EAC and for Category 'B' projects, it was to be appraised by the State Level EAC.</p> <p>Thus, the Respondent No.9-HMPL which was a Category 'A' project, under EIA Notification dated 14.09.2006, its EC was to be appraised by Central Level EAC.</p>
6.	15.03.2018	The MoEF&CC issued Office Memorandum effectively in line with the Violation Notification dated 14.03.2017 and the Amendment Violation Notification dated 08.03.2018.
7.	14.08.2018	MoEF&CC issued a further Notification amending the EIA Notification dated 14.09.2006



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including amending the categorization of the projects.

In terms of the newly defined categories, Category 'B' consisted of mining of minerals in less than 100 ha in respect of non-coal mine lease. The said Category 'B' has been further sub-classified/sub-categorized into inter alia Category 'B1' comprising of area which is more than 25 ha and less than 100 ha.

The Respondent No.9-HMPL would thus fall under Category 'B1' (i.e. more than 25 ha and less than 100 ha).

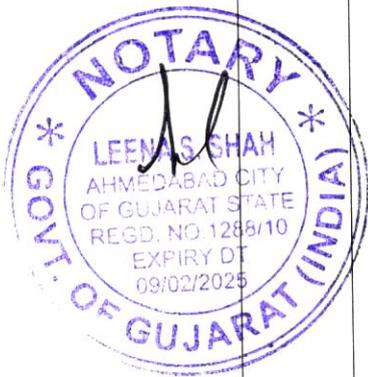
In so far as General Condition is concerned, the same provided as follows:

"General Conditions shall apply except:

- (i) *for project or activity of mining of minor minerals of Category 'B2' (upto 25*

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		<p>ha of mining lease area);</p> <p>(ii) for project or activity of mining of minor minerals of Category 'B1' in case of cluster of mining lease area; and</p> <p>(iii)</p> <p>Note:"</p> <p>Thus, on and from 14.08.2018, the Respondent No.9-HMPL was classified under Category 'B1' and the General Condition would not apply.</p>
8.	20.04.2022	<p>MoEF&CC issued further Notification amending the EIA Notification dated 14.09.2006 in so far as the schedule/categorization is concerned. By the said Notification, all mining lease areas in respect of minor minerals mining leases came to be categorized under Category 'B'. Copy of further Notification dated 20.04.2022</p>

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		issued by MoEF&CC amending the EIA Notification dated 14.09.2006 is annexed herewith and marked as ANNEXURE R-5.
9.	09.05.2022	MoEF&CC issued further Notification further amending the EIA Notification dated 14.09.2006 more particularly in respect of applicability of General Conditions to minor minerals. By the said Notification, the General Conditions stated in EIA Notification dated 14.09.2006 (as amended from time to time) ceased to apply to the mining of minor minerals. Copy of further Notification dated 09.05.2022 issued by MoEF&CC further amending the EIA Notification dated 14.09.2006 is annexed herewith and marked as ANNEXURE R-6.



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Thus, in view of the aforesaid, the EC dated 31.05.2022 rightly states that the proposal of the Respondent No.9-HMPL fall under Category 'B1'. The General Conditions under the EIA Notification dated 14.09.2006 will also not apply to the Respondent No.9-HMPL since the Respondent No.9-HMPL is doing mining of marble which is a minor mineral.

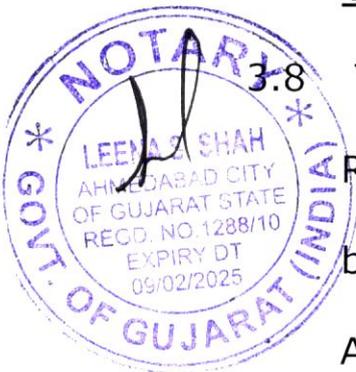
Violation Case:

3.8 That so far as classifying the project of the Respondent No.9-HMPL as a violation case and it being considered by the Central Level Expert Appraisal Committee, I reiterate what is hereinbefore stated with regard to the Amendment Violation Notification dated 08.03.2018.

3.9 In view of the above, I submit that the EC dated 31.05.2022 granted to the Respondent No.9-HMPL is legal and valid. The Respondent No.9-HMPL has submitted a bank guarantee for an aggregate sum of Rs.74.50 lacs as stated in the EC towards Remedial



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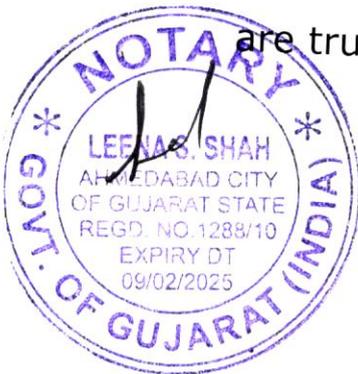


Plan And Natural and Community Resource Augmentation Plan with the Gujarat Pollution Control Board prior to the grant of the EC.

In view of the above, I submit that the Hon'ble Tribunal be pleased not to allow the captioned Amendment Application as the same change the complete nature and the scope of the Original Application. The EC is absolutely legal and valid. The Original Application itself is liable to be dismissed. As such prayers A, B & C of the Original Application does not survive. Lastly, I state that the EC dated 31.05.2022 was sought to be challenged before this Hon'ble Tribunal vide Appeal No.13 of 2023 (WZ). However, the Appellant withdrew the said Appeal vide order dated 12.04.2023.

A copy of order dated 12.04.2023 passed by the Hon'ble Tribunal in Appeal No. 13 of 2023 (WZ) is annexed herewith and marked as **Annexure-7** .

That the annexures attached alongwith the present reply are true copies of their respective originals



A handwritten signature in black ink, appearing to be "Lee Nag. Shah".

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SERIAL No..... 2100
 BOOK No.....
 PAGE No..... 198
 RECEIPT No.....
 DATE..... 5 MAY 2023

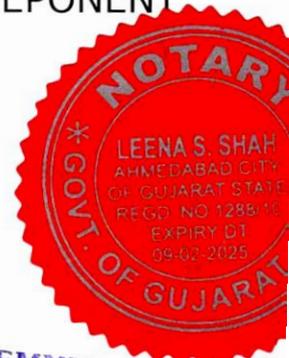
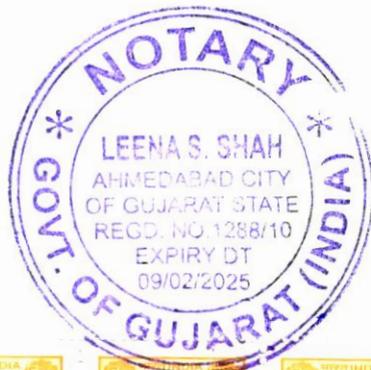
DEPONENT

VERIFICATION

Verified at Ahmedabad on this 5th day of May, 2023 that the contents of my present affidavit are true and correct to best of my knowledge. No part of it is false nor anything material has been concealed therefrom.



DEPONENT



SOLEMNLY AFFIRMED
BEFORE ME

LEENA S. SHAH
 NOTARY
 GOVT. OF GUJARAT

5 MAY 2023

Item No. 01 (Through VC)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 02/2019 (WZ)

Ashok Shrimali

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 08.02.2019

CORAM:

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s)

Mr. Sanjay Upadhyay, Mr. Salik
Shafique and Ms. Pavitra Balakrishan,
Advocates

For Respondent(s)

ORDER

The learned Counsel for the applicant submits that he confines himself to para nos. A, B and C of the prayer clause. The Learned Counsel for the applicant is directed to add Director, Department of Mining, and Government of Gujarat as party respondent and an amended cause title be filed within 3 days. Issue Notice to the Respondents. Notice Returnable within two weeks.

Meanwhile the Director, Department of Mining, and Government of Gujarat may submit report regarding mining leases which are around Balaram Sanctuary and also their distances from the boundary of the Sanctuary. A copy of

this order be sent to the Director, Department of Mining,
and Government of Gujarat through email.

List this matter on 7th March, 2019

Raghuvendra S. Rathore, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

February 08, 2019
ag



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Item No. 10

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No. 02/2019 (WZ)
(I.A. No. 146/2019, I.A. No. 149/2019,
I.A. No. 150/2019, I.A. No. 09/2020,
I.A. No. 10/2020 & I.A. No. 144/2022(WZ)

Ashok Shrimali

.....Applicant

Versus

Union of India & Ors.

....Respondent(s)

Date of hearing: 23.11.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Sanjay Upadhyay, Advocate
Respondent(s) : Mr. Parth H. Bhatt, Advocate for R-2, 3, 5, 6 & 13
Mr. Gursharan H. Virik, Advocate for R-7
Mr. Saurabh Rajpal, Advocate for R-9
Mr. Apurva Vakil, Advocate for R-9
Mr. Maulin Raval, Senior Advocate along-with Mr. Aditya
Mehta, Advocate for R-12
Mr. Shantanoo Saxena, Advocate for R-12

ORDER

1. In the present case from the side of Applicant, learned Counsel Mr. Sanjay Upadhyay has appeared who has prayed in the prayer clause of the Application that the Respondents be prohibited from mining of any kind in and around Balaram Ambaji Sanctuary, District Banaskatha, Gujarat in peripheral area (within one kilometer) of wild life sanctuary, till the Ecologically Sensitive Area is declared.

2. Further, it is prayed that the Respondents be directed to take steps to declare the ecologically sensitive area in and around the Balaram Ambaji Sanctuary in a time bound manner, to restore the environment

and habitat of the area that has been mined around the sanctuary to secure it for the future and a High Level Committee be constituted to determine the boundaries of the peripheral area of wild life sanctuary beyond which only mining activities should be allowed.

3. Today he has urged before us that the Hon'ble Apex Court has passed a *Judgment on 03.06.2022 in I.A. No. 1000 of 2003 along-with some other I.A.s in Writ Petition (Civil) No. 202 of 1995 in Re: T. N. Godavarman Thirumulpad vs. Union of India & Ors.*, where-in several guidelines have been laid down, which are as follows:-

“44 (a) Each protected forest, that is national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9th February 2011 shall be strictly adhered to. For Jamua Ramgarh wildlife sanctuary, it shall be 500 metres so far as subsisting activities are concerned.

(b) In the event, however, the ESZ is already prescribed as per law that goes beyond one kilometre buffer zone, the wider margin as ESZ shall prevail. If such wider buffer zone beyond one kilometre is proposed under any statutory instrument for a particular national park or wildlife sanctuary awaiting final decision in that regard, then till such final decision is taken, the ESZ covering the area beyond one kilometre as proposed shall be maintained.

(c) The Principal Chief Conservator of Forests as also the Home Secretary of each State and Union Territory shall remain responsible for proper compliance of the said Guidelines as regards nature of use within the ESZ of all national parks and sanctuaries within a particular State or Union Territory. The Principal Chief Conservator of Forests for each State and Union Territory shall also arrange to make a list of subsisting structures and other relevant details within the respective ESZs forthwith and a report shall be furnished before this Court by the Principal Chief Conservator of Forests of each State and Union Territory within a period of three months. For this purpose, such authority shall be entitled to take assistance of any governmental agency for satellite imaging or photography using drones.

(d) Mining within the national parks and wildlife sanctuaries shall not be permitted.

(e) In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9th February 2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ.

(f) The minimum width of the ESZ may be diluted in overwhelming public interest but for that purpose the State or Union Territory concerned shall approach the CEC and MoEF&CC and both these bodies shall give their respective opinions/recommendations before this Court. On that basis, this Court shall pass appropriate order.

(g) In the event the CEC, MoEF&CC, the Standing Committee of National Board of Wildlife or any other body of persons or individual having special interest in environmental issues consider it necessary for maintaining a wider or larger ESZ in respect of any national park or wildlife sanctuary, such body or individual shall approach the CEC. In such a situation the CEC shall be at liberty to examine the need of a wider ESZ in respect of any national park or wildlife sanctuary in consultation with all the stakeholders including the State or Union Territory concerned, MoEF&CC as also the Standing Committee of National Board of Wildlife and then approach this Court with its recommendations.

*(h) In respect of sanctuaries or national parks for which the proposal of a State or Union Territory has not been given, the 10 kilometres buffer zone as ESZ, as indicated in the order passed by this Court on 4th December 2006 in the case of **Goa Foundation** (supra) and also contained in the Guidelines of 9th February 2011 shall be implemented. Within that area, the entire set of restrictions concerning an ESZ shall operate till a final decision in that regard is arrived at.”*

4. In the light of above, he prays that within one kilometer of the Balaram Ambaji Sanctuary, no mining activity is permitted and according to the list of the miners who are involved in mining activity which is given at page 254 to 264 of the paper book, there are 20 miners who are falling

within one kilometer range from the periphery of the said mining sanctuary and therefore, they cannot be allowed to continue with the mining activity. He has also pointed out that in view of the Judgment which has been stated above, read with the Notification dated 8th November, 2021 issued by the Ministry of Environment, Forest & Climate Change (MoEF&CC), it is clear that *“the Eco-Sensitive Zone shall be 282.18 sq. kms. with an extent ranging from zero (0) to 3.519 kms. around the boundary of Balaram Ambaji Wildlife Sanctuary and the zero extent of the Eco-sensitive zone is due to inter-State border with Rajasthan.”*

5. In view of above, he has urged that all such miners who are indulging in mining activity between 1 km. to 3.519 kms., also need to be stopped in view of the Judgment cited above.

6. At the time when he had filed this application, the parties who have been impleaded were those who were doing mining work within 10 kms. range of the said sanctuary, therefore, he says that the Original Application needs to be amended as regards the prayer clause in the light of the latest position of law.

7. We grant him an opportunity to move an appropriate amendment, if so required, within a period of two weeks from today, providing the copy of the same to all the Respondents so that the same may be disposed of in accordance with law.

8. During hearing of this matter today, the learned Counsels for the Respondent Nos. 7, 9 and 12 have vehemently argued that they have been impleaded by the Applicant in this case unnecessarily, in order to cause them financial loss and to put their reputation in jeopardy because none of them is involved in mining activity. The learned Counsel for the Respondent No. 9 went to the extent of saying that he has valid

Environment Clearance (EC) granted in respect of mining but the authorities are not allowing the Respondent No. 9 to proceed because of this Original Application being pending.

9. The learned Counsel for the Respondent No. 7 has brought to our notice that on 24.09.2021, this Tribunal had noted in its order that it pleaded that it was not involved in the mining activity since the year 1992, therefore, the name of the Respondent No. 7 should be deleted from the array of the parties in Original Application but even then the Applicant did not move any application for deleting the name of the Respondent No. 7 which has caused tremendous harassment to him. In the order dated 12.08.2022 also, it has been observed by the Tribunal that he is a formal party.

10. Today, we repeatedly enquired from the learned Counsel for the Applicant as to whether the Respondent Nos. 7, 9 & 12 are unnecessarily made party in this case, he insisted that they are necessary party because their name finds mention in the list of 29 miners which has been obtained from the Assistant Geologist, Geology and Mining Department, Palanpur District, therefore, it is wrong to say that they are not involved in illegal mining.

11. In view of this fact, we direct the learned Counsel for the Respondent Nos. 7, 9 & 12 to move an application to get their names deleted from the array of the parties with advance copy served to the learned Counsel for the Applicant, who would file objections against it.

12. From the side of Respondent Nos. 2, 3, 5, 6 & 13, learned Counsel Mr. Parth H. Bhatt has appeared and pointed out that the argument made by the learned Counsel for the Applicant today with respect to the fact that 20 miners fall within the range of one kilometer of the periphery

of the sanctuary and that the miners who fall within the area of 1 km. to 3.519 kms., need to be ascertained, is a new argument being raised today. Therefore, it has to come on record in the pleadings as well as in the prayer clause then only some response can be filed from their side. Further, it is pointed out by him that earlier he had moved an I.A. No. 149/2019(WZ) and I.A. No. 150/2019 (WZ). The first I.A. is with respect to condoning delay in moving the application of I.A. No. 150/2019(WZ), where-in prayer is made for recalling the order dated 24.09.2019, where-by a cost of Rs. 5,00,000 /-(Rupees five lakhs) has been imposed upon the said Respondents. It is apprised by him that a copy of the same has been provided to the learned Counsel for the Applicant which is admitted by him but the learned Counsel for the Applicant prayed that he may be allowed some time to file objection against the same. We allow 15 days' time to file objections against the said applications and direct Registry to list these applications for disposal on merit on the next date i.e. 20.01.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 23, 2022
Original Application No. 02/2019 (WZ)
(I.A. No. 146/2019, I.A. No. 149/2019,
I.A. No. 150/2019, I.A. No. 09/2020,
I.A. No. 10/2020 & I.A. No. 144/2022(WZ)
P.Kr


// True Copy//

Annexure - 3
Office of the Geologist,
Geology & Mining Department
Collector Office, Palanpur Dist :-Banaskantha

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GBK/QL/Marble/Part surrender/ 7229

Dt :-12/05/2020

To,
M/s Hindustan Marble Pvt Ltd.
Jetvas village, near GIDC Estate,
State Highway No.9 Ambaji
Ta.Danta Dist :-Banaskantha
385110.

Sub :- Regarding part surrender application of your Marble mines.

- Ref :- (1) Your Letter No.HMPL/GMD/PD/19-20 dated 19.02.2020.
(2) Your Letter No.HMPL/GMD/PD/19-20/2 dated 07.03.2020.
(3) Our office letter no.GBK/QL/Marble/Part Surrender/6906 dated 16.3.2020.
(4) Your Letter No.HMPL/GMD/PD/19-20 dated 11.05.2020.

With reference to your letters dated 19/02/2020, 07/03/2020 & 11/05/2020 mentioned above you have been already informed vide this office letter dated 16/03/2020 that the part surrender application of 4.80.14 Hect. out of total 51-01-09 Hect. mines located at villages Chikhla, Zarivav, Koteshvar & Khokharbilli of Danta taluka of Banaskantha district is received by this office vide your letter dated 19.02.2020.

While this office has initiated the process of your surrender application, you are requested to submit the evidence of implementation of approved mine closure plan for the area to be surrendered as per rule 42 (2) of Gujarat minor mineral concession rules 2017.

You are also requested to produce the Environment clearance certificate for the said mines at the earliest.


Geologist
Geology & Mining Department
Palanpur Dist :-Banaskantha.

// True Copy//

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 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 (E) dated the 15th September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be 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, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category ‘B’ projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category ‘B’ projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category ‘B1’ and remaining projects shall be termed Category ‘B2’ and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) “Scoping”: refers to the process by which the Expert Appraisal Committee in the case of Category ‘A’ projects or activities, and State level Expert Appraisal Committee in the case of Category ‘B1’ projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category ‘B’ in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of

Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (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 I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

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.

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

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)
1(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><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(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
1(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)

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 B1

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).

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?		
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 form 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		
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		

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
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	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, lities, 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.

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) • 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 -1or 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.



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भारत का राजपत्र

The Gazette of India

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EXTRAORDINARY

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 20 अप्रैल, 2022

का.आ. 1886(अ).—केंद्रीय सरकार पर्यावरण और वन विभाग के पूर्ववर्ती मंत्रालय में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा (3) की उप-धारा (1) और उप-धारा (2) के खंड (v) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण समाघात निर्धारण अधिसूचना, 2006 (जिसे इसमें इसके पश्चात ईआईए अधिसूचना, 2006 कहा गया है), परियोजनाओं की कतिपय प्रवर्ग के लिए पूर्व पर्यावरणीय मंजूरी आज्ञापक बनाने के लिए, संख्या का.आ.1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की है।

और राज्य पर्यावरण समाघात निर्धारण प्राधिकरण (एसईआईए) का गठन प्रवर्ग ख के अधीन सभी प्रस्तावों के लिए पर्यावरण मंजूरी (ईसी) पर विचार और अनुदान के लिए प्रत्यायोजित शक्तियों का प्रयोग करने हेतु राज्य स्तर पर ईआईए अधिसूचना, 2006 के कार्यान्वयन के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (3) के अधीन किया गया है;

और राज्य पर्यावरण समाघात निर्धारण प्राधिकरण ने पर्यावरण मंजूरी मूल्यांकन प्रक्रिया में पिछले पंद्रह वर्षों में पर्याप्त अनुभव प्राप्त किया है और राज्य स्तर पर पर्यावरण मंजूरी प्रस्तावों के कुशल और पारदर्शी निपटान के लिए परिवेश पोर्टल के माध्यम से पूरी तरह से ऑनलाइन कर दिया गया है;

और केंद्रीय सरकार राज्य स्तर पर मंजूरी की प्रसुविधा के लिए पर्यावरण मंजूरी प्रक्रिया को और विकेंद्रीकृत करना आवश्यक समझती है;

और आज की तारीख में, सुरक्षा भागीदारी के महत्वपूर्ण तत्वों के साथ राष्ट्रीय रक्षा और सामरिक महत्व से संबंधित प्रवर्ग ख की परियोजनाओं का राज्य स्तर पर भी मूल्यांकन किया जा रहा है, जिसे केंद्रीय सरकार राष्ट्रीय सुरक्षा चिंताओं को ध्यान में रखते हुए केंद्रीय रूप से मूल्यांकन करना आवश्यक समझती है;

अतः अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त नियमों के नियम 5 के उप-नियम (3) के खंड (क) के अधीन नोटिस की अपेक्षा को समाप्त करने के पश्चात्, लोकहित में भारत सरकार की तत्कालीन पर्यावरण एवं वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ), तारीख 14 सितम्बर, 2006, की अधिसूचना में निम्नलिखित और संशोधन करती है अर्थात्:-

उक्त अधिसूचना में-

(1) पैरा 4 में, उप-पैरा (iii) क) के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्: -

(iii) क) राष्ट्रीय रक्षा या सामरिक या सुरक्षा महत्व से संबंधित हैं या जिन्हें केंद्रीय सरकार द्वारा संकटकाल जैसे महामारी, प्राकृतिक आपदाओं जैसी अत्यावश्यकताओं के कारण ऐसी प्रवर्ग 'ख' परियोजनाओं को अधिसूचित किया गया है या राष्ट्रीय कार्यक्रमों या स्कीमों या मिशन या ऐसी परियोजनाओं के अधीन पर्यावरण के अनुकूल क्रियाकलापों का संवर्धन करने के लिए जो इस अधिसूचना में यथा अधिकथित समय-सीमा से अधिक विलंबित हैं और समय-समय पर इस संबंध में यथा-अधिकथित मानदंडों को पूरा करती हैं, उन्हें केंद्रीय स्तर पर प्रवर्ग 'ख' परियोजनाओं के रूप में विचार किया जाएगा;

(2) अनुसूची में, -

(i) मद 1(क) के सामने, -

(क) स्तंभ (3) में, -

(क) गैर-कोयला खनन पट्टे के संबंध में "> 100 हेक्टेयर खनन पट्टा क्षेत्र" के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्: -

"कोयले के अलावा अन्य प्रमुख खनिज खनन पट्टे के संबंध में >250 हेक्टेयर खनन पट्टा क्षेत्र";

(ख) ">150 हेक्टेयर" प्रतीक, अंक और अक्षर के स्थान पर, "> 500 हेक्टेयर" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) स्तंभ (4) में, -

(क) गैर-कोयला खनन के संबंध में <100 हेक्टेयर खनन पट्टा क्षेत्र के स्थान पर,

पट्टा", निम्नलिखित रखा जाएगा, अर्थात्: -

"लघु खनिज खनन पट्टों के संबंध में सभी खनन पट्टा क्षेत्र और कोयले के अलावा अन्य प्रमुख खनिज खनन पट्टे के संबंध में <250 हेक्टेयर खनन पट्टा क्षेत्र";

(ख) "<150 हेक्टेयर" के प्रतीकों, अंकों और अक्षरों के स्थान पर "<500 हेक्टेयर" के प्रतीक, अंक और अक्षर रखे जाएंगे;

(ii) मद 1(ग) के सामने, -

(क) स्तंभ (3) में, -

(क) क्रम संख्या (i) में, "> 50 मेगावाट, प्रतीकों, अंकों और अक्षरों के स्थान पर "> 100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) क्रम संख्या (ii) और उससे संबंधित प्रविष्टियों का लोप किया जाएगा;

(ख) स्तंभ (4) में, -

(क) क्रम संख्या (i) में, "<50 मेगावाट" प्रतीक, अंक और अक्षर के स्थान पर, "<100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) क्रम संख्या (ii) में, -

(I) "और <50,000 हेक्टेयर" शब्द, प्रतीक और अंक का लोप किया जाएगा;

(II) बिंदु (ग) में सारणी में, "से <50,000" शब्द, प्रतीक और अंक का लोप किया जाएगा; ।

(ग) स्तंभ (5) में, क्रम संख्या (ii) के पश्चात, निम्नलिखित क्रम संख्या अंतःस्थापित किया जाएगा, अर्थात् :-

"(iii) अंतर-राज्यीय मुद्दों से संबंधित सिंचाई परियोजनाओं का मूल्यांकन केंद्रीय स्तर पर श्रेणी में परिवर्तन के बिना किया जाएगा।";

(iii) मद 1(घ) के सामने,-

(क) स्तंभ (3) में, "> 50 मेगावाट" प्रतीकों, अंकों और अक्षरों के स्थान पर, "> 100 मेगावाट" प्रतीकों, अंकों और अक्षरों को रखा जाएगा;

(ख) स्तंभ (4) में, "<50 मेगावाट" प्रतीक, अंक और अक्षर के स्थान पर, "<100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(iv) मद 2(क) के सामने, -

(क) स्तंभ (3) में, ">1" प्रतीकों और अंक के स्थान पर, ">2.5" प्रतीकों और अंक को रखा जाएगा;

(ख) स्तंभ (4) में, "<1" प्रतीकों और अंक के स्थान पर, "< 2.5" प्रतीक और अंक रखे जाएंगे;

(ग) स्तंभ (5) में, विद्यमान पैरा के पश्चात, निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात्: -

"खनन पट्टा क्षेत्र के भीतर स्थित धुलाई मशीनों के साथ एकीकृत कोयला खनन परियोजनाओं को कोयला खनन परियोजनाओं के लिए विद्यमान सीमा के अनुसार केंद्रीय स्तर या राज्य स्तर पर, यथास्थिति, विचार किया जाना जारी रहेगा।";

(v) मद 2 (ख) के सामने, -

(क) स्तंभ (3) में, विद्यमान प्रविष्टियों का लोप किया जाएगा;

(ख) स्तंभ (4) में, "<0.5 मिलियन टीपीए का उत्पादन" प्रतीक, अंक, शब्द और अक्षर के स्थान पर, "सभी खनिज परिष्करण परियोजना, परिष्करण की प्रक्रिया पर ध्यान दिए बिना" शब्द रखे जाएंगे;

(ग) स्तंभ (5) में, विद्यमान पैरा के पश्चात, निम्नलिखित पैरा रखा जाएगा,

अर्थात्: -

"भीतर स्थित लाभकारी संयंत्रों के साथ एकीकृत खनन परियोजनाएं खनन पट्टा क्षेत्र पर केन्द्रीय स्तर पर विचार किया जाता रहेगा या यथास्थिति, राज्य स्तर, खनन परियोजनाओं के लिए विद्यमान सीमा के अनुसार।";

(vi) मद 7 (क) के सामने,-

(क) स्तंभ (3) में, "सभी परियोजनाओं" शब्दों के स्थान पर "सभी नई परियोजनाएं" शब्द रखे जाएंगे;

(ख) स्तंभ (4) में, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्: -

"सभी विस्तार परियोजनाएं, जिनमें हवाई पट्टियां भी सम्मिलित हैं, जो वाणिज्यिक उपयोग के लिए हैं।"

[फा. सं. आईए 3-22/10/2022-आईए. III]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड III, उप-खंड (ii), संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिसूचना संख्या का.आ. 1807(अ), तारीख 12 अप्रैल, 2022 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 20th April, 2022

S.O. 1886(E).—WHEREAS, the Central Government in the erstwhile Ministry of Environment and Forests, in exercise of its powers under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 (hereinafter referred to as the EIA Notification, 2006), vide number S.O.1533 (E), dated the 14th September, 2006 for mandating prior environmental clearance for certain category of projects;

And whereas, the State Environment Impact Assessment Authorities (SEIAAs) have been constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for implementation of the EIA Notification, 2006 at State level for exercising delegated powers to consider and grant Environmental Clearance (EC) for all proposals under Category B;

And whereas, the SEIAAs have gained substantial experience over the past fifteen years in the EC appraisal process and the process at the State level has also been made completely online through the PARIVESH portal for efficient and transparent disposal of EC proposals;

And whereas, the Central Government deems it necessary to further decentralise the EC process for facilitating clearances at State level;

And whereas, as on date, category 'B' projects, relating to national defence and strategic importance with significant element of security involvement are also being appraised at the State level which, the Central Government deems it necessary to be appraised centrally taking into account national security concerns;

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 (29 of 1986), read with sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, hereby makes the following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14th September, 2006, namely:-

In the said notification,-

(1) in paragraph 4, for sub-paragraph (iii a), the following shall be substituted, namely:-

(iii a) Such Category 'B' projects, relating to the National defence or strategic or security importance or those as notified by the Central Government on account of exigencies such as pandemics, natural disasters or to promote environmentally friendly activities under National Programmes or Schemes or Missions or such projects which are inordinately delayed beyond the stipulated timeline as laid down in this notification and also meet the criteria as laid down in this regard from time to time, shall be considered at the Central level as Category 'B' projects;

(2) in the Schedule,-

(i) against item 1(a),-

(a) in column (3),-

(A) for ">100 ha. of mining lease area in respect of non-coal mining lease", the following shall be substituted, namely:-

">250 ha mining lease area in respect of major mineral mining lease other than coal";

(B) for the symbol, figures and letters "> 150 ha", the symbol, figures and letters "> 500 ha" shall be substituted;

(b) in column (4),-

(A) for "≤ 100 ha of mining lease area in respect of non-coal mine lease", the following shall be substituted, namely:-

"All mining lease area in respect of minor mineral mining leases and ≤ 250 ha mining lease area in respect of major mineral mining lease other than coal";

(B) for the symbols, figures and letters “ ≤ 150 ha”, the symbols, figures and letters “ ≤ 500 ha” shall be substituted;

(ii) against item 1(c),—

(a) in column (3),—

(A) in serial number (i), for the symbols, figures and letters “ ≥ 50 MW”, the symbols, figures and letters “ ≥ 100 MW” shall be substituted;

(B) serial number (ii) and the entries relating thereto shall be omitted;

(b) in column (4),—

(A) in serial number (i), for the symbol, figures and letters “ < 50 MW”, the symbol, figures and letters “ < 100 MW” shall be substituted;

(B) in serial number (ii),—

(I) the word, symbol and figures “and $< 50,000$ ha.” shall be omitted;

(II) in point (c) in the table, the word, symbol and figures “to $< 50,000$ ” shall be omitted;

(c) in column (5), after serial number (ii), the following serial number shall be inserted, namely:—

“(iii) Irrigation projects involving Inter-State issues shall be appraised at Central level without change in category.”;

(iii) against item 1(d),—

(a) in column (3), for the symbols, figures and letters “ ≥ 50 MW”, the symbols, figures and letters “ ≥ 100 MW” shall be substituted;

(b) in column (4), for the symbol, figures and letters “ < 50 MW”, the symbol, figures and letters “ < 100 MW” shall be substituted;

(iv) against item 2(a),—

(a) in column (3), for the symbols and figure “ ≥ 1 ”, the symbols and figures “ ≥ 2.5 ” shall be substituted;

(b) in column (4), for the symbols and figure “ < 1 ”, the symbols and figures “ < 2.5 ” shall be substituted;

(c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—

“Integrated coal mining projects with washeries located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for coal mining projects.”;

(v) against item 2 (b),—

(a) in column (3), the existing entries shall be omitted;

(b) in column (4), for the symbol, figures, words and letters “ < 0.5 million TPA throughput”, the words “All mineral beneficiation projects irrespective of the procedure for beneficiation” shall be substituted;

(c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—

“Integrated mining projects with beneficiation plants located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for mining projects.”;

(vi) against item 7 (a),—

(a) in column (3), for the words “All projects”, the words “All new projects” shall be substituted;

(b) in column (4), the following shall be inserted, namely:—

“All expansions projects, including airstrips, which are for commercial use.”.

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

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section III, sub-section (ii), vide, number S.O. 1533(E), dated the 14th September, 2006 and was last amended, vide, the notification number S.O. 1807(E), dated the 12th April, 2022.



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भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

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

प्राधिकार से प्रकाशित
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नई दिल्ली, सोमवार, मई 9, 2022/वैशाख 19, 1944
NEW DELHI, MONDAY, MAY 9, 2022/VAISAKHA 19, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 9 मई, 2022

का.आ. 2163(अ).—केन्द्रीय सरकार के तत्कालीन पर्यावरण और वन मंत्रालय ने पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उसकी उपधारा (2) के खंड (v) के अधीन अपनी शक्तियों का प्रयोग करते हुए, परियोजनाओं के कतिपय प्रवर्ग के लिए पूर्व पर्यावरण अनापत्ति (ईसी) को अनिवार्य बनाने के लिए, का.आ. सं. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा पर्यावरण समाघात निर्धारण अधिसूचना, 2006 (जिसे इसमें इसके पश्चात् ईआईए अधिसूचना 2006 कहा गया है) प्रकाशित की थी ;

और, पूर्व पर्यावरण अनापत्ति की मंजूरी के लिए जन सुनवाई अनिवार्य है और यह तब तक पर्यावरण प्रक्रिया का अभिन्न अंग है, जब तक, समय-समय पर यथा संशोधित, पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में यथा उल्लिखित कतिपय क्रियाकलापों के लिए विनिर्दिष्ट रूप से छूट न दे दी जाए ;

और, कतिपय अवसरों पर, जन सुनवाई को विभिन्न कारणों से, जो प्रायः परियोजना प्रस्तावक के नियंत्रण से परे होते हुए स्थगित कर दिया गया है और ईआईए अधिसूचना 2006 के उपबंधों के अनुसार, जन सुनवाई की संपूर्ण प्रक्रिया नए सिरे से आरंभ करनी होती है, जिसका परिणाम पर्यावरण अनापत्ति प्रक्रिया को पूरा करने में अनुचित विलंब होता है ;

और, ऐसे कारकों में एक कारक, जिसका परिणाम जन सुनवाई में विलंब या उनका स्थगन होता है, जन सुनवाई की कार्यवाहियों की अध्यक्षता करने के लिए जिला मजिस्ट्रेट या अतिरिक्त जिला मजिस्ट्रेट की पंक्ति से अन्यून उसके प्रतिनिधि की अनुपलब्धता है ;

और, केंद्रीय सरकार को जन सुनवाई संबंधी कार्यवाही को सुव्यवस्थित करने के लिए अभ्यावेदन प्राप्त होते रहे हैं ;

और, केंद्रीय सरकार, अंतर्वलित जनहित को ध्यान में रखते हुए, परियोजना से संबंधित जानकारी तक पहुंच में व्यवधान डाले बिना, अनुचित विलंबों को कम करके और जन भागीदारी को सुकर बनाकर जन सुनवाई की प्रक्रिया को सुव्यवस्थित करने के लिए तथा ऐसे विलंब से बचने हेतु जन सुनवाई की अध्यक्षता करने के लिए उपमंडल मजिस्ट्रेट की पंक्ति से अन्यून पंक्ति के अधिकारी को प्राधिकृत करने हेतु जिला मजिस्ट्रेट के लिए भी व्यवस्था करना, आवश्यक समझती है;

और, केंद्रीय सरकार यह और आवश्यक समझती है कि अधिसूचना का.आ. सं0 236(अ), तारीख 16 जनवरी, 2020 द्वारा यथा संशोधित अपतट और तटीय तेल और गैस खोज, विकास एवं उत्पादन के संबंध में अनुसूची 1(ख) में संदिग्धता को स्पष्ट किया जाए और चूंकि केंद्रीय सरकार ने, खान पट्टा क्षेत्र को ध्यान में रखे बिना, राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को सभी लघु खनिज खनन परियोजनाओं को पर्यावरण अनापत्ति प्रदान करने की शक्ति प्रत्यायोजित की है, लघु खनिजों के लिए साधारण शर्त की प्रयोज्यता ने इसके परिणामस्वरूप अपनी सुसंगतता खो दी है, इस संबंध में, केंद्रीय सरकार यह भी आवश्यक समझती है कि लघु खनिजों के खनन के लिए साधारण शर्त के लागू होने को हटाया जाए ;

अतः, अब, केंद्रीय सरकार, पर्यावरण (संरक्षण)नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जनहित में, उक्त नियम के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्त होने के पश्चात्, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना का.आ. सं. 1533(अ), तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में,--

(क) अनुसूची में,--

(i) मद 1(क) के सामने, स्तंभ (5) में, "सामान्य शर्तें लागू होंगी" शब्दों से आरंभ होने वाले और "नदी तल खनन परियोजनाएं।" शब्दों पर समाप्त होने वाले भाग के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात् :-

"सामान्य शर्तें लघु खनिजों के खनन के सिवाए लागू होंगी।";

(ii) मद 1(ख) के सामने, स्तंभ (3) में, "के सिवाए" शब्दों के स्थान पर, "सहित या रहित" शब्द रखे जाएंगे;

(ख) परिशिष्ट 4 में,--

(i) पैरा 3 में, उपपैरा 3.3 के पश्चात्, निम्नलिखित उपपैरा सम्मिलित किया जाएगा, अर्थात् :-

"3.3 (क). पैरा 3.3 में निर्दिष्ट किसी ऐसे स्थान की दशा में, पुनःनियत की गई जन सुनवाई आयोजित करने की समयावधि जन सुनवाई की आरंभिक तारीख के लिए पैरा 3.1 के अनुसार पहले से ही प्रकाशित प्रथम विज्ञापन की तारीख से कम से कम पैंतालीस दिन से कम की नहीं होनी चाहिए और यह सुनिश्चित किया जाएगा कि पन्द्रह दिन की न्यूनतम सूचना अवधि लिखित में उत्तर प्रस्तुत करने के लिए जन सुनवाई पुनः नियत की गई तारीख से पूर्व जनता को उपलब्ध कराई जाएगी : परंतु यह तब जबकि पैरा 2.2 में यथा उल्लिखित संबद्ध प्राधिकरणों के साथ एसपीसीबी या यूटीपीसीसी यह सुनिश्चित करेंगे कि सभी अपेक्षित दस्तावेज, सुनवाई की आरंभिक तारीख के लिए प्रकाशित प्रथम विज्ञापन की

तारीख से उपपैरा 2.3 और उप पैरा 2.4 के अनुसार पुनःनियत की गई जन सुनवाई के आयोजित होने तक जनता के लिए उपलब्ध हैं।”;

(ii) पैरा 4.0 में,—

(क) “किसी अपर जिला मजिस्ट्रेट से अन्यून की पंक्ति का उसका प्रतिनिधि” शब्दों के पश्चात्, “या उसके द्वारा इस निमित्त प्राधिकृत कोई अन्य जिला स्तरीय अधिकारी” शब्द अंतःस्थापित किए जाएंगे ;

(ख) विद्यमान पैरा के पश्चात्, निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :—

“परंतु यदि कोई परियोजना या क्रियाकलाप एक उपखंड की राजक्षेत्रीय अधिकारिता तक सीमित है तो, यथास्थिति, जिला मजिस्ट्रेट/ जिला कलेक्टर/उपायुक्त, यथास्थिति, एसपीसीबी या यूटीपीसीसी के प्रतिनिधि द्वारा सहायता प्राप्त संपूर्ण जन सुनवाई प्रक्रिया का पर्यवेक्षण और उसकी अध्यक्षता करने के लिए उपखंड मजिस्ट्रेट की पंक्ति से अन्यून की पंक्ति के किसी अधिकारी को अनुकल्पी रूप से प्राधिकृत कर सकेगा।”।

[फा. सं. आईए 3-22/10/2022-आईए.III-भाग(1)]

डा. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में का.आ. सं. 1533(अ) तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिसूचना सं. का.आ. 1953(अ) तारीख 27 अप्रैल, 2022 द्वारा उसमें अंतिम बार संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 9th May, 2022

S.O. 2163(E).—Whereas, the Central Government in the *erstwhile* Ministry of Environment and Forests, in exercise of its powers under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 (hereinafter referred to as the EIA Notification, 2006) vide number S.O.1533 (E), dated the 14th September, 2006, for mandating prior Environmental Clearance (EC) for certain category of projects;

And whereas, for the grant of prior EC, public hearing is mandatory and it is an integral part of the EC process, unless specifically exempted for certain activities as mentioned in the EIA Notification 2006, as amended from time to time;

And whereas, on certain occasions, the public hearings have been postponed due to various reasons often being beyond the control of the Project Proponent and as per the provisions of the EIA Notification 2006, the whole process for the public hearing is to be started afresh resulting in undue delay in completing the EC process;

And whereas, one of the factors which results in delay or postponement of the public hearings is the non-availability of the District Magistrate or his representative not below the rank of an Additional District Magistrate to preside over the proceedings of the public hearing;

And whereas, the Central Government has been receiving representations to streamline the public hearing process;

And whereas, the Central Government taking into account the public interest involved, deems it necessary to streamline the process of the public hearing by reducing undue delays and facilitating public participation without interrupting the access to the information pertaining to the project and also make a provision for the District Magistrate to authorise an officer not below the rank of Sub-Divisional Magistrate to preside over the Public Hearing to avoid such delay;

And whereas, the Central Government further deems it necessary to clarify the ambiguity in Schedule 1(b) with regard to off-shore and on-shore oil and gas exploration, development and production, as amended *vide* notification no. S.O. 236(E), dated the 16th January, 2020 and as the Central Government has delegated the power to the State Environmental Impact Assessment Authority to grant ECs to all minor mineral mining projects, irrespective of mine lease area, the applicability of the general condition for minor minerals has lost its relevance thereby, in this regard, the Central Government also deems it necessary to remove the applicability of the general condition for mining of minor minerals;

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 (29 of 1986), readwith sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule(3) of rule 5 of the said rules, in public interest, hereby makes the following further amendments in the notification of the Government of India in the *erstwhile* Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006, namely:-

In the said notification,-

(A) In the Schedule,-

(i) against item 1(a), in column (5), for the portion beginning with the words “General Conditions shall apply except:” and ending with the words “on account of inter-state boundary”, the following shall be substituted, namely:-

“General Conditions shall apply except for mining of minor minerals.”;

(ii) against item 1(b), in column (3), for word “*except*”, the words “*with or without*” shall be substituted;

(B) in Appendix IV,-

(i) in paragraph 3, after sub-paragraph 3.3, the following sub-paragraph shall be included namely :-

“3.3 (a) *In the event of any such postponement referred to in sub-paragraph 3.3, the time duration for convening the rescheduled public hearing should not be less than forty-five days from the date of first advertisement already published in accordance to para 3.1 for initial date of public hearing and it shall be ensured that a minimum notice period of fifteen days shall be provided to the public before the re-scheduled date of the public hearing, for furnishing the responses in writing: Provided that SPCB or UTPCC along with concerned authorities, as mentioned at para 2.2, shall ensure that all requisite documents are available to public in accordance with sub-paragraphs 2.3 and 2.4 from the date of first advertisement published for the initial date of public hearing till convening of the rescheduled public hearing.*”;

(ii) in paragraph 4.0,-

(a) after the words “*his or her representative not below the rank of an Additional District Magistrate*”, the words “*or any other District Level Officer authorised by him or her in this behalf*” shall be inserted;

(b) after the existing paragraph, the following proviso shall be inserted, namely :-

“*Provided that in case the project or activity is confined to the territorial jurisdiction of one sub-division, the District Magistrate/District Collector/Deputy Commissioner, as the case may be, may alternatively authorise any officer not below the rank of Sub-Divisional Magistrate to supervise and preside over the entire public hearing process assisted by a representative of SPCB or UTPCC, as the case may be.*”.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, sub section(ii), *vide* number S.O. 1533(E), dated the 14th September, 2006 and was last amended, *vide* the notification number S.O. 1953(E), dated the 27th April, 2022.

[F. No. IA3-22/10/2022-IA.III-Part(1)]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, sub section(ii), *vide* number S.O. 1533(E), dated the 14th September, 2006 and was last amended, *vide* the notification number S.O. 1953(E), dated the 27th April, 2022

Item No.1

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

APPEAL NO.13 OF 2023 (WZ)

Mori Manasabhai Nanabhai Appellant

Versus

Union of India & Ors. Respondents

Date of Hearing : 12.04.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Mr. Shantanoo Saxena, Advocate

Respondents : Mr. Rahul Garg and Mr. Raghvendra Kulkarni,
Advocates for R-1
Mr. Maulik Nanavati, Advocate for R-2 and R-3
Mr. Saurabh Kulkarni, Advocate for R-4**ORDER**

1. From the side of the appellant, learned counsel Mr. Shantanoo Saxena has appeared.
2. From the side of Respondent No.1 – MoEF&CC, learned counsel Mr. Rahul Garg has appeared.
3. From the side of respondent No.2 – SEIAA, Gujarat and respondent No. 3 – Gujarat PCB, learned counsel Mr. Maulik Nanavati has appeared.
4. From the side of respondent No.4 – Hindustan Marble Pvt. Ltd., learned counsel Mr. Saurabh Kulkarni has appeared.
5. After having heard the learned counsel for the appellant for some time, he prayed for grant of permission to withdraw this appeal.

Accordingly, the permission is granted as prayed for. The appeal is dismissed as withdrawn.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 12, 2023
APPEAL NO.13/2023 (WZ)
npj



// True Copy//



saurabh rajpal <saurebh.rajpal@gmail.com>

Reply in Ashok Shirmali on behalf of Respondent No. 9

saurabh rajpal <saurebh.rajpal@gmail.com>
To: <su@vsnl.com>

Fri, 5 May at 7:23 PM

PFA
Final Reply - HMPL - OA 2-2019.pdf