

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

Original Application No. 69/2025 (WZ)

In the matter of:

Saiprasad Mangesh Kalyankar ...Applicant

Versus

The Sarpanch, Grampanchayat Banda & Ors. ...Respondents

AFFIDAVIT ON BEHALF OF THE MAHARASHTRA POLLUTION CONTROL BOARD (RESPONDENT NO. 7) IN COMPLIANCE OF ORDER DATED 26.06.2025 PASSED BY THIS HON'BLE TRIBUNAL

I, Nikhil N. Gharat, aged about 39 years, presently working as the Regional Officer, Maharashtra Pollution Control Board (MPCB), Kolhapur, having office at Udyog Bhavan Building, Near Collectorate Office, Kolhapur – 416002, do hereby solemnly affirm and state as under:

1. I am serving as the Regional Officer, MPCB, Kolhapur and am duly authorized and competent to file this Affidavit on behalf of Respondent No. 7, in compliance with the directions issued by this Hon'ble Tribunal vide order dated 26.06.2025.
2. In compliance with the previously mentioned order, the officials of the Respondent Board from MPCB, Ratnagiri visited the site of M/s. Yugen Infra Pvt. Ltd., located at Gat No. 218/1, 218/2, 218/4 and 172/2, Village Banda, Tal. Sawantwadi, District Sindhudurg, on 03.07.2025. The site visit report is annexed hereto and marked as **Annexure-I**.
3. I say and submit that based on the observations made during the site visit and information provided by the representative of the project proponent, the following observations have been submitted:
 - o The area development project commenced in January 2025.
 - o The proposed Township and Area Development Project covers Survey Nos. 218/1, 218/2, and 218/4 over a total area of 30 acres (1,21,406 sq. m.).



- The proponent informed me that no building construction will be undertaken. The infrastructure will include internal roads, electricity, water supply, and drainage lines. A total of 151 plots (approx. 62,000 sq. m.) are proposed for sale.
- **Status as on the inspection date:-**
 - A retaining wall (1.2 m height, 60 m length) is constructed on the eastern boundary.
 - A precast wall (2 m height, 20 m length) is constructed on the southern boundary.
 - A precast wall (2 m height, 80 m length) is constructed on the western side.
 - Kuccha internal roads (approx. 2 km) have been developed by levelling, cutting, and filling of soil.
 - A site office measuring approx. 1,500 sq. ft. have been constructed.
 - The site is located 2 km from Banda village and 1 km from River Terekhol.
 - Around 60 to 70 trees have been cut down as informed by the project representative.
 - The source of water is proposed to be borewell, for which permission from CGWA is required.

4. I say and submit that in respect to Gat No. 172/2, the representative stated that it is located about 3 km away from the main project site and comprises 10 acres of land. No activity has been found at this location on the date of inspection.

5. It is submitted that the representative clarified that M/s Yugen Infra Pvt. Ltd. has not purchased land in Survey Nos. 171/1B, 171/2, 174/2, 174/3, 237/1, 166/1A, 175/A, 166/3, and 174/1B.

6. I say and submit that the Village Banda, Tal. Sawantwadi, Dist. Sindhudurg falls within the Eco-Sensitive Area of Western Ghats, as per the Draft Notification issued by the MoEF&CC dated 03.10.2018. As Clause 3(d) of the said notification prohibits all new and expansion projects involved:

○ Built-up area \geq 20,000 sq. m. (for building construction), and

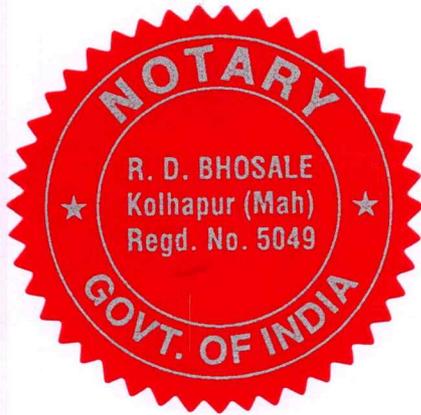


- o Township and area development projects with an area \geq 50 hectares or built-up area \geq 1,50,000 sq. m. There is, however, no restriction on repair or extension of existing residential houses. A copy of Draft Notification dated 03.10.2018 is annexed as **Annexure-II**.

7. I say and submit that as per Item 8(b) of the Schedule of the EIA Notification dated 14.09.2006, prior Environmental Clearance (EC) is mandatory for township and area development projects having area \geq 50 hectares or built-up area \geq 1,50,000 sq. m. A copy of Notification dated 14.09.2006 is annexed as **Annexure-III**

In view of the above, this Affidavit is being filed in compliance with the order dated 26.06.2025 passed by this Hon'ble Tribunal. The Respondent Board shall abide by further directions issued by the Hon'ble Tribunal in this matter.

Solemnly affirmed at Kolhapur on this 22nd day of July 2025.



For and on behalf of Respondent
No. 7 Maharashtra Pollution
Control Board

(N. N Gharat)
Regional Officer, MPCB, Kolhapur



Notary/Sr./No.:- 2139/2025
Solemnly affirm & Signel / L. H. T. L. Before me
me by. विजय विठ्ठल धर्त
& State that the Contents of the Affidavit are
true and correct. Who is identified by. अ. न.

Adv. R. D. Bhosale
Notary Public (Govt. of India)
Dist. Kolhapur.

23 JUL 2025

MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, RATNAGIRI.

Tel. No. 02352 220813,
Fax No. 02352 220813.
e-mail: sroratnagiri@mpcb.gov.in



"Your Service is our Duty"

Central Administration Building No.
2, 2nd Floor, Collector Office,
Ratnagiri, Pin 415 612.

Visit Report

- 1) Name and Address of Industry :- M/s. Yugan Infra Pvt. Ltd.
Gut no./Survey no. 218/1, 218/2 & 218/4
Village- Banda, Tal. Sawantwadi, Dist. Sindhudurg
- 2) Date of visit :- 03/07/2025
- 3) Industry Representative :- Mr. Rohitash Tapal, Director
Mr. 9810152303, Mr. Nayan Barwa, Site Incharge/Supervisor
- 4) MPCB Official :- ① Sanjeev Redasani, SPO-Ratnagiri
② Nilesh Patil, FO, SPO-Ratnagiri
- 5) Consent Status :-

6) Observations :-

- ① Visited the site in respect of order dtd. 26/6/2025 passed by Hon'ble NGT in O.A. No. 69 of 2025 (WZ)
- ② At the time of visit the project development activity was found in progress and said is started from Jan.-2025 as informed by project Director present at the time of visit.
- ③ The project proponent (PP) has informed that they have started Township Development on only Gut no./Survey No. 218/1, 218/2 and 218/4 of Village Banda, Tal. Sawantwadi, Dist. Sindhudurg, Maharashtra.

2-- (PTO)

admeasuring area to the tune of Total - 30 Acres. (≈ 1,21,406 sq.m.). It is also informed that they will provide only Road, Street electricity, Water supply and drainage line in the area and will sale Total 15 nos. plots admeasuring area about 62,000 sq.m. It is also informed that they will not carry any Building construction activity in the said project.

- ④ The PP representative informed that they have obtained NA permission, Forest permission for cutting of tree, Approved Lay out, Gram panchayat NOC etc.
- ⑤ At Present Retaining Wall of 1.2m Ht. and 60m length is constructed at East side Boundary of the project.
- ⑥ Precast Wall of 2m Ht. x 20m length is constructed at South side Boundary of the project.
- ⑦ The precast Wall of 2m Ht. x 80m length is constructed at West side of the project.
- ⑧ Internal Kaeha Roads of approximate about 2 km length constructed by leveling, cutting and filling of soil.
- ⑨ The site office is constructed on approx. 1500 sq. ft. land.
- ⑩ The site is at about 2 km from village Banda and from River Terekhol is about 1 km
- ⑪ It is instructed to submit following documents immediately Grampanchayat NOC, NA Order, Forest permission, Planning Authority permission, Town planning permission etc.

continued -- 2.

(12) During visit it was informed to submit details about Proposed wastewater management plan, Solid Waste Management Plan, Green Zone Development, Non-conventional Energy Project, as well as steps/measures proposed for control of Pollution problems during development and after development of site along with amenities, Rain Water harvesting etc.

(13) The PP representative informed that they have cut about approx. 60 to 70 nos. of trees, (Kaju Tree)

(14) The source of water for development will be Bore Well, and for that CGWA permission required to obtained.

(15) The PP informed that they have only 10 acre land in survey no. 172/2 which is at about 3km from the above said site & yet not started any development at S.no. 172/2. The PP informed that they have not purchased land in Survey no. 171/1B, 171/2, 174/2, 174/3, 237/1, 166/1/A, 175/A, 166/3 & 174/1B in the name of M/s. Yugen Infra Pvt. Ltd.


(Nayan Barwa)
Site Supervisor


(Nitesh Patil)
FO, SRO-Radnagiri


(Sanjeev Redasni)
SRO-Radnagiri

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 3rd October, 2018

S.O. 5135(E).—The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, in supersession of the notification of the Government of India, Ministry of Environment, Forest and Climate Change published in Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii) vide notification number S.O. 667(E), dated the 27th February, 2017, as except as respects things done or omitted to be done before such supersession, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor bagh Road, Ali Ganj, New Delhi-110003, or at e-mail address: esz-mef@nic.in.

Draft notification

WHEREAS, Western Ghats is an important geological landform on the fringe of the west coast of India and it is the origin of Godavari, Krishna, Cauvery and a number of other rivers and extends over a distance of approximately 1500 kilometre from Tapti river in the north to Kanyakumari in the south with an average elevation of more than 600 metre and traverses through six States namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu;

AND WHEREAS, Western Ghats is a global biodiversity hotspot and a treasure trove of biological diversity and it harbours many endemic species of flowering plants, endemic fishes, amphibians, reptiles, birds, mammals and invertebrates and is also an important center of evolution of economically important domesticated plant species such as pepper, cardamom, cinnamom, mango and jackfruit;

AND WHEREAS, Western Ghats has many unique habitats which are home to a variety of endemic species of flora and fauna such as Myristica swamps, the flat-topped lateritic plateaus, the Sholas and wetland and riverine Eco-systems;

AND WHEREAS, UNESCO has included certain identified parts of Western Ghats in the UNESCO World Natural Heritage List because Western Ghats is a Centre of origin of many species as also home for rich endemic biodiversity and hence a cradle for biological evolution;

AND WHEREAS, the Western Ghats not only harbour rich biodiversity, but also support a population of approximately fifty million people and include areas of high human population density and therefore, there is a need to conserve and protect the unique biodiversity of Western Ghats while allowing for sustainable and inclusive development of the region;

AND WHEREAS, the Ministry constituted a High Level Working Group to study the ecology, environmental integrity and holistic development of the Western Ghats in view of their rich and unique biodiversity and it was also tasked with the mandate to take a holistic view of the issue and to bring synergy between protection of environment and biodiversity and needs and aspirations of the local and indigenous people, sustainable development and environmental integrity of the region and to suggest steps and way forward to prevent further degradation of the fragile ecology of the Western Ghats;

AND WHEREAS, the High Level Working Group had since submitted its report to the Ministry on the 15th April, 2013 which was kept in the public domain seeking comments/views of concerned stakeholders and was also sent to the concerned six State Governments of the Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu for their considered comments/views on the report;

AND WHEREAS, the High Level Working Group has identified approximately thirty-seven percent the Western Ghats as ecologically sensitive which covers an area of 59,940 square kilometre. of natural

landscape of Western Ghats and represents a continuous band of natural vegetation extending over a horizontal distance of 1,500 kilometre and is spread across six states of Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu and includes Protected Areas and World Heritage Sites of Western Ghats and the High Level Working Group has recommended prohibition or regulation of identified projects and activities in the Ecologically Sensitive Area which have maximum interventionist and destructive impacts on Eco-systems;

AND WHEREAS, the Ministry vide OM No. 1-4/2012 – RE (Pt.), dated the 20th December 2013, had *inter alia* sought suggestions from the State Governments on modifications in the boundary of the Ecologically Sensitive Area as identified by the High Level Working Group on the basis of physical verification;

AND WHEREAS, the State Government of Kerala had earlier accordingly undertaken the exercise of demarcating Ecologically Sensitive Area in the State by physical verification the Ecologically Sensitive Area recommended by the Kerala State Government is spread over of an area of 9993.7 square kilometre, which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and Ecologically Sensitive Area in that State works out to 9,993.7 square kilometre as compared to 13,108 square kilometre recommended by High Level Working Group;

AND WHEREAS, earlier the Ministry issued a draft notification vide S. O. No. 733 (E), dated the 10th March 2014, declaring Ecologically Sensitive Area in the Western Ghats taking into account the Ecologically Sensitive Area demarcated by Kerala Government for the State of Kerala instead of Ecologically Sensitive Area recommended by High Level Working Group for the State, while for other States of Western Ghats region the Ecologically sensitive Area recommended by the High Level Working Group was considered;

AND WHEREAS, while responding to the said draft notification number S.O. 733 (E), dated the 10th March, 2014 some of the States of Western Ghats region had sought an opportunity to undertake demarcation of Ecologically Sensitive Area by physical verification and the same was accorded by the Central Government vide letter dated the 9th June, 2014 except for the State of Kerala;

AND WHEREAS, the Central Government had convened meetings of the State Environment and Forest Ministers of the Western Ghat region on the 7th July, 2015 and Members of Parliament of Western Ghats region on the 3rd August, 2015 to review the progress of demarcation of Ecologically Sensitive Area by physical verification and also to address the apprehensions /concerns expressed by the State Governments and the various stakeholders of Western Ghats from time to time;

AND WHEREAS, the representatives of the State Governments of Western Ghats region had informed during the meeting held on the 7th July, 2015 that demarcation of Ecologically Sensitive Area by physical verification is in advanced stages of completeness;

AND WHEREAS, it was resolved in both the meetings to clarify that there will be no displacement or dislocation of the local people living in habitations within the Ecologically Sensitive Areas demarcated in the Western Ghats and practicing of agriculture and plantation activity shall also not be affected due to the provisions contained in the draft notification;

And Whereas, the Central Government convened a meeting with the Members of Parliament of the Western Ghats region on 11th August, 2016 and decided that the Draft Notification dated 4th September, 2015 would be the basis for further discussion to finalize it.

And Whereas, further, the Central Government convened a meeting with concerned State Govt. representatives in the Ministry on 11th April, 2018 and decided that the Draft Notification dated 27th February, 2017 would be the basis for further discussion to finalize it.

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies the identified area of 56,825 square kilometre which is spread across six States, namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu, as the Western Ghats Ecologically Sensitive Area.

2. Boundary and Description of Western Ghats Eco-sensitive Area.- (1) The boundary and description of Eco-sensitive Area as recommended by High Level Working Group excluding the State of Kerala is as under:-

- (a) the extent of Eco-sensitive area falling in each state is as per Annexure A;
- (b) the State-wise map of the portion of the Eco-sensitive area in each State is as per Annexure – B1 to B5;
- (c) the State-wise list of villages falling within the Eco-sensitive Area along with respective Districts and Talukas is as per Annexure-C.

(2) The Eco-sensitive Area in the State of Kerala is spread over of an area of 9993.7 square kilometre which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and the boundary and description of Eco-sensitive Area and the village-wise details of Eco-sensitive area proposed by the State Government are available on the website of the Kerala State Biodiversity Board.

3. Projects and activities to be prohibited or regulated in the Eco-sensitive area.- (1) The following categories of projects and activities shall be prohibited in Eco-sensitive Area except those proposals which have been received by Expert Appraisal Committees or the Ministry of Environment, Forest and Climate Change or State Level Expert Appraisal Committees or the State Level Environment Impact Assessment Authorities before the 17th April, 2013, the date on which the High Level Working Group report was uploaded on the website of the Ministry and are pending consideration and such proposals shall be dealt in accordance with the guidelines and rules in existence at that time.

(a) Mining.- There shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area and all existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, whichever is earlier.

(b) Thermal power plants.- No new thermal power projects and expansion of existing plants shall be allowed in the Ecologically Sensitive Area.

(c) Industry.- All new 'Red' category of industries as specified by the Central Pollution Control Board or State Pollution Control Board and the expansion of such existing industries shall be banned and the list of 'Red' category of industries shall be as specified by the Central Pollution Control Board:

provided that all existing 'Red' category of industries including health care establishments shall continue in Eco-sensitive Area under the applicable rules and regulations.

(d) Building, construction, township and area development projects.- All new and expansion projects of building and construction with built up area of 20,000 square metres and above and all new and expansion townships and area development projects with an area of 50 hectares and above or with built up area of 1,50,000 square metres and above shall be prohibited and there shall be no restriction on repair or extension or renovation of existing residential houses in the Eco-sensitive Area as per prevailing laws and regulations.

Note: (1) All existing health care establishments can continue in Eco-sensitive Area and proposed Primary Health Centres established as per laws and regulations. 2 No restriction in change in ownership of property.

(2) The following categories of projects and activities shall be regulated as given below:-

(a) Hydropower projects- New Hydropower projects shall be allowed as per the Environment Impact Assessment notification, published vide number S.O. 1533 (E), dated the 14th September, 2006, subject to the following conditions, namely:-

(i) uninterrupted ecological flow of at least thirty percent of the rivers flow in lean season, till a comprehensive study establishes individual baselines for each project;

(ii) a cumulative study which assesses the impact of each project on the flow pattern of the rivers and forest and biodiversity loss;

(iii) the minimum distance between one project and the other is maintained at three kilometre and not more than fifty per cent. of the river basin is affected at any time,

(b) The "Orange/White" category of Industries as specified by the Central Pollution Control Board or State Pollution Control Board shall be allowed with strict compliance of environmental regulations but all efforts shall be made to promote industries with low environmental impacts.

(c) In the case of activities that are covered in the schedule to the Environment Impact Assessment notification number S.O. 1533 (E), dated 14th September, 2006, published by the erstwhile Ministry of Environment and Forests and are falling in the Eco-sensitive Area, except the projects and activities which are specifically prohibited under sub-para (1) shall be scrutinised and assessed for cumulative impacts and development needs before considering for prior environmental clearance by the Ministry under the provisions of the said notification.

(d) In particular and without prejudice to the provisions of the relevant Acts, in cases of diversion of forest land for non-forestry purposes in the Eco-sensitive Area, all information of the project, from application stage to approval shall be placed in the public domain on the website of the Ministry of Environment, Forest and Climate Change and of the Forest Department of the respective States.

(e) The requirements of prior informed consent under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) shall be complied with and the consent of Gram Sabha for undertaking projects and activities shall be mandatory.

4. Implementation and Monitoring mechanism.- (1) The responsibility for monitoring and enforcement of provisions of this notification shall be with the concerned State Governments of Western Ghats region and the State Governments shall ensure placing of required mechanisms for effective monitoring and enforcement of restrictions in the Eco-sensitive Area and while placing such mechanisms, the State Governments shall inter-alia ensure strengthening of existing regulatory institutions and processes, and participation and involvement of local communities in decision making and the details of such mechanisms shall be shared by the concerned State Governments with the Ministry of Environment, Forest and Climate Change .

(2) A Decision Support and Monitoring Centre for Western Ghats shall be established by the Ministry of Environment, Forest and Climate Change in collaboration with the six State Governments of the Western Ghats region which shall assess and report on the status of ecology of Western Ghats on regular basis and provide decision support facility in the implementation of the provisions of this notification and shall also facilitate mechanisms for scientific decision making and strengthening enforcement.

(3) The post clearance monitoring of projects and activities allowed in the Eco-sensitive Area shall be carried out by the concerned State Government, State Pollution Control Board and the Regional Office of the Ministry and all projects in the Eco-sensitive Area which have been given Environmental Clearance or Forest Clearance shall be monitored at least once a year by the concerned Regional Office of the Ministry of Environment, Forest and Climate Change .

(4) All projects in the Eco-sensitive Area which have been given consent to establish or Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) shall be monitored at least once a year by the concerned State Pollution Control Board and the concerned State Governments shall prepare 'State of Health Report' in respect of Western Ghats region falling within their jurisdiction on an annual basis giving inter-alia the details of steps taken in monitoring and enforcement of provisions of this notification and make the same available in public domain.

5. Action for contravention.- In case of any contravention of the provisions of this notification, action under the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and other relevant statutes shall be taken accordingly.

6. The provisions in this notification shall be subject to the final orders of the court in pending litigation.

7. The provisions of this notification shall not affect the ownership of the property in the Eco-sensitive Area.

[F. No. 1-4-2012-ESZ]

Dr. SATISH C. GARKOTI, Scientist 'G'

(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 I and Form I 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/naptha & gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>< 500 MW (coal/lignite/naptha & 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 out side 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 out side 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.	<p>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.</p> <p>Industrial estates with area greater than 500 ha. and housing at least one Category B industry.</p>	<p>-Industrial estates housing at least one Category B industry and area <500 ha.</p> <p>Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.</p>	<p>Special condition shall apply</p> <p>Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.</p>
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	<p>i) New National High ways; and</p> <p>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.</p>	<p>i) New State High ways; and</p> <p>ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.</p>	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).