

HONOURABLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 94 / 2016 (WZ)

Mr. Dinbandhu Singh & Ors Applicant

VERSUS

M/s Serene Developers & Ors Respondent

**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 3 (ENVIRONMENT DEPARTMENT,
GOVERNMENT OF MAHARASHTRA) AND
RESPONDENT NO. 7 (SEIAA-MAHARASHTRA)**

Next date: 13-Feb-2023

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Place/Date: Mumbai, 10-02-2023

Filed by:



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BE (Mechanical), ME (Industrial Management) VJTI Mumbai
Chartered Engineer, FIE, Arbitrator-IIIE, LLM **ADVOCATE**

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ABBREVIATIONS USED

Short	Full-form
EC	Environment Clearance
MoEFCC	Ministry of Environment, Forests, and Climate Change
ECMPCB	MPCB portal for Environmental Clearance
MoM	Minutes of Meeting
OM	Office Memorandum
MPCB	Maharashtra Pollution Control Board
PP	Serene Developers – Respondent No.1
SEAC	State Expert Appraisal Committee
SEIAA	State Environment Impact Assessment Authority

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SEIAA	State Environment Impact Assessment Authority

DIARY OF EVENTS

Sr.	Date (y-m-d)	Activity / Particulars
1.	2010/11/08	PP applied for Environmental Clearance
2.	2012/06/19	SEAC III 57 th MoM (non-compliance mentioned by the committee)
3.	2014/01/10	SEAC III 3 rd MoM (Probable violation was declared by committee)
4.	2015/02/--	MPCB Filed a case against PP
5.	2015/11/21	SEAC III 37 th MoM (Completed scrutiny of the project and RECOMMENDED it to SEIAA)
6.	2016/03/11	SEIAA 97 th MoM (Project differed as the court case was pending in SEIAA)
7.	2017/01/17	Last Affidavit filed in this matter
8.	2019/03/29	SEAC III 84 th MoM (the case was discussed)
9.	2019/08/28	SEIAA 174 th MoM (decided to refer back the proposal to SEAC III)
10.	2019/12/26	SEAC III 100 th MoM (ToR granted for EIA & EDA report preparation of the project)
11.	2022/05/10	SEIAA decided to reject the proposal after the request of PP
12.	2022/12/26	EIA report submitted on PARIVESH Portal
13.	2023/01/25	SEIAA send an email to NGT Registry regarding the update on the rejection of the Proposal as per PP request

MOST RESPECTFULLY SUBMITTED:

1. I Dattatray Bhalerao, Scientist-II, Environment Department, Government of Maharashtra, having my office on the 15th Floor, Environment Department, New Administrative Building, Mantralaya, Mumbai-400032, do hereby state on solemn affirmation on behalf of the Respondent No. 3 i.e., Chief Secretary, State of Maharashtra and Respondent No. 7 i.e., State Level Environment Impact Assessment Authority (SEIAA) as under.

2. We have already filed an affidavit on 17/01/2017. This is in continuation with the earlier affidavit, clarifying the further developments and stand of the above-answering respondent. I crave leave to file an additional Affidavit if required in the matter or otherwise as directed by this Hon'ble Tribunal.

3. I state and submit that I have enclosed the DIARY OF EVENTS which includes further developments related to this matter.

4. I state and submit that there was Gazette Notification from MoEFCC dated 14/03/2017 for handling violation cases. [Ax. A1 ■]. The PP who had violated the EIA Notification 14/09/2006 was allowed to file the application under this Notification. After litigation in Hon'ble High Court Madras, the window period of that was extended by MoEFCC up to 13/04/2018. [Ax. A2 ■].

5. I state and submit that PP submitted the application under this Notification on 13/04/2018 through portal.

6. I state and submit that MoEFCC issued OM dated 09/09/2019 for Clarification of Category B violation proposals to be decided at the respective State Level (SEIAA). [Ax. A3 ■].

7. I state and submit that MoEFCC issued OM dated 23/02/2021 for the processing of files for grant of ToR and EC through the PARIVESH portal. [Ax. A4 ■].

8. I state and submit that SEIAA issued a Circular dated 29/11/2022 regarding the processing of an application pending on the ECMPCB portal. [Ax. A5 ■].

9. I state and submit that a letter was issued by Principal Secretary to Serene Developers dated 10/05/2022. [Ax. A6 ■].

10. I state and submit that thereafter PP submitted the proposal that was considered in 136th SEAC on 25/03/2022. [Ax. A7 ■].

11. I state and submit that the proposal was considered on 21/04/2022 in 242nd SEIAA. [Ax. A8 ■].

12. Project was submitted on ECMPCB portal dated 13/04/2018 under violation as per the MoEF&CC Notification dated 14/03/2017 and 8/03/2018.

13. ToR was granted in the 100th SEAC-III meeting dated 26/12/2019 for EIA preparation.

14. As per circular no. SEIAA-2021/C. R 104/SEIAA dated 29/11/2021 (regarding the processing of applications pending on the ECMPCB portal), PP has

informed that they have submitted the proposal on PARIVESH Portal dated 05/01/2022 vide proposal no. SIA/MH/MIS/249635/2022 under “fresh category” as there was no provision for “violation category” at that time on the PARIVESH portal then.

15. Project was included in the 136th SEAC-III meeting. MoM is enclosed. [Ax. A7 ■]. Accordingly, PP has withdrawn the proposal from PARIVESH Portal.

16. PP has then submitted the proposal on the PARIVESH portal along with EIA Report on 26/12/2022 vide application no. SIA/MH/INFRA2/411561/2022. PP has informed that the proposal is not visible on the website due to technical error, which PP is sorting out with PARIVESH Portal and NIC.

17. I state and submit that once the proposal is visible and all reports as required are submitted and uploaded, the application shall be kept before SEAC-III.

18. I state and submit that the decision shall be taken on merit as per MoEFCC Notification 14/03/2017, as the proposal was submitted on 13/04/2018 which is within the window period.

Date: 10/02/2023

Place: Mumbai



Dattatray Bhalerao

Scientist-II

VERIFICATION

Verified at Mumbai on this day of 10th February 2023 that the contents of the above affidavit are true and correct to best of my knowledge derived from the records maintained by the respondent in the normal course of the business, no part of it is false and nothing material has been concealed there from.

Solemnly affirmed on this 10th February 2023.

Date: 10/02/2023

Place: Mumbai



Dattatray Bhalerao

Scientist-II



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, मंगलवार, मार्च 14, 2017/फाल्गुन 23, 1938

No. 723]

NEW DELHI, TUESDAY, MARCH 14, 2017/PHALGUNA 23, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 मार्च, 2017

का.आ. 804(अ).—पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1705(अ) तारीख 10 मई, 2016, पर्यावरणीय अनापत्ति के निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन की प्रक्रिया को पूरा करने के लिए, जिनमें स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पर्यावरण संघात अधिसूचना 2006 के अधीन पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन किया है, द्वारा उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

2. और उक्त राजपत्र की प्रतियां जनता को 10 मई, 2016 को उपलब्ध करा दी गई थीं ;
3. और पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सभी सुझावों या आक्षेपों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है ;
4. पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अध्यधीन, अधिनियम की धारा 3 की उपधारा (1) के अधीन केंद्रीय सरकार को ऐसे सभी उपाय करने की शक्ति है, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार तथा पर्यावरण प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के प्रयोजनों के लिए आवश्यक और समीचीन समझती है ;
5. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 केंद्रीय सरकार को निदेश देने के लिए सशक्त करती है, जो इस प्रकार है "केंद्रीय सरकार किसी अन्य विधि में किसी बात के होते हुए भी, किन्तु इस अधिनियम के उपबंधों के अधीन रहते हुए इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कृत्यों के निर्वहन में किसी व्यक्ति, अधिकारी या प्राधिकरण को लिखित निदेश दे सकेगी और ऐसा व्यक्ति, अधिकारी या प्राधिकरण ऐसे निदेशों का अनुपालन करने के लिए आवद्ध होगा ;

6. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने उल्लंघन के मामलों में पर्यावरणीय अनापत्ति अनुदत्त करने के लिए प्रक्रिया स्थापित करने के लिए तारीख 12.12.2012 और तारीख 27.06.2013 को एक कार्यालय ज्ञापन जारी किया है ;
7. हिन्दुस्तान कापर लिमिटेड बनाम भारत संघ के मामले में 2014 की रिट याचिका (सिविल) सं0 2364 में माननीय झारखंड उच्च न्यायालय के तारीख 28 नवंबर, 2014 के आदेश के अनुसरण में माननीय न्यायालय ने यह अभिनिर्धारित किया कि तारीख 12 दिसंबर, 2012 के कार्यालय ज्ञापन के अधीन पैरा सं0 5(i) और पैरा सं0 5(ii) की शर्तें अवैध और असंवैधानिक थीं और न्यायालय ने यह और अभिनिर्धारित किया कि अभिकथित अतिक्रमण की कार्रवाई स्वतंत्र कार्यवाही और पृथक् कार्यवाही होगी और इसलिए पर्यावरण अनापत्ति के लिए प्रस्ताव पर विचार करने के लिए परियोजना प्रस्तावक के विरुद्ध कार्रवाई आरंभ करने की प्रतीक्षा नहीं की जा सकती। माननीय न्यायालय ने यह व्यवस्था और दी कि पर्यावरण अनापत्ति के प्रस्ताव की परीक्षा इसके गुणगुण, पर्यावरण विधियों के अभिकथित अतिक्रमण के लिए किसी प्रस्तावित कार्रवाई से मुक्त आधार पर की जानी चाहिए ;
8. और राष्ट्रीय हरित अधिकरण की प्रधान न्यायपीठ ने 2015 के मूल आवेदन सं0 37 तथा 2015 के मूल आवेदन सं0 213 में तारीख 7 जुलाई, 2015 के अपने आदेश द्वारा यह अभिनिर्धारित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 या पर्यावरण समाघात निर्धारण अधिसूचना, 2006 तथा तटीय विनियमन जोन अधिसूचना, 2011 के अतिक्रमणों वाले निर्देश के निबंधनों या पर्यावरण अनापत्ति या तटीय विनियमन जोन अनापत्ति के प्रस्तावों पर विचार के विषय पर तारीख 12 दिसंबर, 2012 और 24 जून, 2013 के कार्यालय ज्ञापन पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों को परिवर्तित या संशोधित नहीं कर सकते थे और अधिकरण ने उसे अपास्त कर दिया था ;
9. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को कतिपय प्रस्ताव, निर्देशों के निबंधनों और पर्यावरणीय अनापत्ति के लिए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन ऐसी परियोजनाओं के लिए प्राप्त हो रहे हैं, जिन्होंने स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पूर्व पर्यावरणीय अनापत्ति को प्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन कर दिया है ;
10. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने पर्यावरण की क्वालिटी के संरक्षण और उसमें सुधार के प्रयोजन के लिए और पर्यावरणीय प्रदूषण का उपशमन करने के लिए यह आवश्यक समझा कि वह सभी निकाय, जो पर्यावरण संचात निर्धारण अधिसूचना, 2006 के अधीन पर्यावरण विनियम का अनुपालन नहीं कर रहे हैं, को समीचीन रीति में पर्यावरणीय विधियों की अनुपालना के लिए उसके अंतर्गत लाया जाए ;
11. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ऐसी परियोजनाओं और क्रियाकलापों को शीघ्रतम पर्यावरणीय विधियों की अनुपालना के अधीन लाना आवश्यक समझता है न कि उन्हें अविनियमित और बिना किसी जांच के छोड़ना, जो पर्यावरण के लिए अधिक नुकसानदायक होगा तथा इस उद्देश्य को अग्रसर करने के लिए भारत सरकार ऐसी सत्ताओं को, जो अनुपालक थे, अनुपालक बनाने के लिए समुचित रक्षोपायों के साथ पर्यावरणीय अनापत्ति प्रदान करना आवश्यक समझती है, प्रक्रिया ऐसी होनी चाहिए, जो पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों के उल्लंघन पर रोक लगाए, जिससे अनुपालना और अनुपालना के धनीय लाभ भयोपरित हों तथा पर्यावरण के नुकसान के लिए समुचित रूप से प्रतिकर हो ;
12. और माननीय उच्चतम न्यायालय ने इंडियन काउंसिल फार एन्वायरो-लीगल एक्शन बनाम भारत संघ (बिछड़ी गांव औद्योगिक प्रदूषण का मामला) में 13 फरवरी, 1996 को निर्णय देते समय विधि के सभी सुसंगत उपबंधों का विश्लेषण किया और यह निष्कर्ष दिया कि पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन नुकसानी की वसूली की जा सकती है (1996(3) एससीसी 212)। माननीय न्यायालय ने यह संप्रेक्षित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 केंद्रीय सरकार (या, यथास्थिति, उसके प्रतिनिधि) को “ऐसे सभी उपाय करने, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन समझे.....” अभिव्यक्त रूप से सशक्त करती है। धारा 5 केंद्रीय सरकार (या उसके प्रतिनिधि) को अधिनियम के उद्देश्यों को प्राप्त करने के लिए निदेश जारी करने की शक्ति प्रदान करती है। धारा 2(क), धारा 3 और धारा 5 में “पर्यावरण” की विस्तृत परिभाषा के अनुसार केंद्रीय सरकार को ऐसी सभी शक्तियां हैं, जो “पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन” हैं। केंद्रीय सरकार, ऐसे सभी उपाय करने और ऐसे सभी निदेश जारी करने के लिए सशक्त है, जो पूर्वोक्त प्रयोजन के लिए आवश्यक हो। इस मामले में उक्त शक्तियों के अंतर्गत गाढ़े कीचड़ को हटाने, उपचारिक उपाय करने और उपचारिक उपाय करने की लागत को उल्लंघन करने वाले उद्योग पर अधिरोपित करने की शक्ति भी है तथा इस प्रकार वसूल की गई रकम का, उपचारिक उपायों को कार्यान्वित करने के लिए उपयोग करना भी है। माननीय न्यायालय ने यह और संप्रेक्षित किया है कि उपचारिक उपायों को कार्यान्वित करने के लिए अपेक्षित लागत का उद्ग्रहण धारा 3 और धारा 5 में अंतर्निहित है, जिसे अत्यधिक विस्तृत और व्यापक भाषा में व्यक्त किया गया है। पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 और धारा 5 जल और वायु अधिनियमों के अन्य उपबंधों के अतिरिक्त सरकार को ऐसे सभी निदेश करने के लिए और ऐसे सभी उपाय करने के लिए सशक्त करते हैं, जो “पर्यावरण” के संरक्षण और संवर्धन के लिए आवश्यक या समीचीन हों, जिस अभिव्यक्ति को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 2(क) में अत्यधिक विस्तृत और व्यापक शब्दों में परिभाषित किया गया है। इस शक्ति के अंतर्गत किसी उद्योग कि निकट किसी क्रियाकलाप को प्रतिषिद्ध करने, उपचारिक उपायों को कार्यान्वित करने का निदेश देने और जहां कहीं आवश्यक हो, उल्लंघन करने वाले उद्योग पर उपचारिक उपायों

की लागत अधिरोपित करने की शक्ति भी है। प्रत्यर्थियों के उपचारिक उपायों की लागत की अदायगी के दायित्व का प्रश्न दूसरे दृष्टिकोण से भी देखा जा सकता है, जिसे अब सार्वभौमिक रूप से ठोस सिद्धांत के रूप में स्वीकार किया गया है, जैसे “प्रदूषणकर्ता संदाय करता है” का सिद्धांत। “प्रदूषणकर्ता संदाय करता है, सिद्धांत की यह मांग है कि प्रदूषण द्वारा कारित नुकसान को रोकने या उसका उपचार करने की वित्तीय लागत इस वचनबंध, कि जो प्रदूषण कारित करता है या ऐसे माल का उत्पादन करता है, जो प्रदूषण कारित करता है, के साथ होती है।”

13. (1) इसलिए अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि परियोजना या क्रियाकलाप या विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या क्रियाकलाप, जिनके द्वारा पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पूर्व पर्यावरणीय अनापत्ति अपेक्षित है भारत के किसी भाग में, यथास्थिति, केंद्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय सरकार या राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति प्राप्त किए बिना, जिसमें प्रक्रिया या प्रौद्योगिकी में परिवर्तन के साथ क्षमता में वर्धन या दोनों को शामिल किया गया है, को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा और उससे निम्नलिखित रीति में विनिर्दिष्ट प्रक्रिया के अनुसार व्यौहार किया जाएगा ;

(2) उस दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहां तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण संघात निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर अनुदत्त की जाएगी।

(3) उल्लंघन के मामलों में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के उपबंधों के अधीन संबंधित राज्य या राज्य प्रदूषण नियंत्रण बोर्ड द्वारा परियोजना प्रस्तावक के विरुद्ध कार्रवाई की जाएगी और इसके अतिरिक्त परियोजना को पर्यावरण अनापत्ति अनुदत्त किए जाने तक प्रचालन करने के लिए या अधिभोग प्रमाणपत्र जारी किए जाने के लिए अनुमति नहीं दी जाएगी।

(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित संबंधित क्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्याप्त पर्यावरणीय सुरक्षोपायों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भरणीय रूप से चलाया जा सकता है ; और उस दशा में जहां विशेषज्ञ मूल्यांकन समिति का निष्कर्ष नकारात्मक है, विधि के अधीन अन्य कार्रवाईयों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।

(5) उस दशा में जहां पूर्वोक्त उप पैरा (4) के बिन्दु पर विशेषज्ञ मूल्यांकन समिति के निष्कर्ष सकारात्मक हैं, इस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना तैयार करने के लिए समुचित निदेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय नुकसान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यायित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय नुकसान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्यक्ता अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।

(6) विशेषज्ञ मूल्यांकन समिति, पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उद्भूत आर्थिक फायदे की तत्स्थानी होगी।

(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने

से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।

14. ऐसी परियोजनाएं और क्रियाकलाप, जो इस अधिसूचना की तारीख को उल्लंघनकारी हैं, इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए आवेदन करने के पात्र होंगे और परियोजना प्रस्तावक इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए केवल इस अधिसूचना की तारीख से छह मास के भीतर ही आवेदन कर सकते हैं।

[फा. सं. 22-116/2015-आईए-III]

मनोज कुमार सिंह, संयुक्त सचिव

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

New Delhi, the 14th March, 2017

S.O. 804(E).—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), *vide* number S.O. 1705(E), dated the 10th May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 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;

2. And whereas, copies of the said notification were made available to the public on the 10th May, 2016;

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

4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;

5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as “Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.

7. Whereas, the Hon’ble High Court of Jharkhand had passed an order dated the 28th November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *Versus* Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12th December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon’ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

8. And whereas, Hon'ble National Green Tribunal, Principal Bench *vide* its order dated 7th July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12th December, 2012 and 24th June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;

9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;

12. And whereas, Hon'ble Supreme Court in *Indian Council for Enviro-Legal Action Vs. Union of India* (the Bichhri village industrial pollution case), while delivering its judgment on 13th. February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures..... Hon'ble Court has further observed that levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures can also be

looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) 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; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-

(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 (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.

(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

(6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

F. No.Z-11013/22/2017-IA.II (M)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-3

Dated:16th March, 2018

OFFICE MEMORANDUM

Sub: Compliance of the order dated 14th March, 2018 of Hon'ble High Court of Judicature at Madras in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017 - reg.

The Ministry has issued a Notification number S.O.804(E) dated 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one-time opportunity to submit the request in this regard within 6 months.

2. Pursuant to the Ministry's Notification number S.O.1030(E) dated 8th March, 2018 regarding consideration of proposals by the Expert Appraisal Committee or the SEAC/SEIAA depending upon the categorization of projects/activities (A or B) listed in the schedule to the Environment Impact Assessment Notification, 2006, the Ministry has issued Office Memorandum on 15th March, 2018 (copy enclosed) to operationalize the same.

3. Hon'ble High Court of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017, has directed as under:

"24. In this view of the matter, considering that sub-clause (i)(d) of Stage III of paragraph 7(i) of parent notification as contained in item No. 8(a) of the Schedule being housing projects, we deem it necessary to clarify that projects and project proponents falling under category alone shall be governed by the 'public consultation' clause in the parent notification.

25. With regard to the prayer of MOEF for extension of time for submission of proposals by project proponents, we are of the view that it will serve the ends of justice if time is extended by 30 (thirty) days from the date of delivery of this order in open court."

4. In view of the above orders of Hon'ble High Court, following directions are being issued for compliance with immediate effect: -

- i. The project proponent, who have not submitted the proposals within six months window i.e. up to 13th September, 2017 in pursuance of this Ministry's Notification S.O.804 (E) dated 14th March, 2017, are required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.

- ii. (The project proponent, who have submitted the proposals on the Ministry's portal after 13th September, 2017, are also required to submit the proposals afresh within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.
 - iii. The projects/activities pertaining to all sectors, shall be considered as per the directions of Hon'ble High of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017.
 - iv. The directions issued vide this Ministry's OM dated 15th March, 2018 shall continue to apply.
5. This issues with approval of the competent authority.

Sharath Kumar Pallerla
16/3/18

(Sharath Kumar Pallerla)
Scientist F/Director

To,

1. The Chairman of all the SEAC/SEIAA of States/UTs
2. The Member Secretary of all the SEAC/SEIAA of States/UTs

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS for Environment, Forest and Climate Change
3. PPS to Secretary (EF&CC)
4. PPS to AS (AKJ)/AS (AKM)
5. PS to JS (GB)/JS (JT)
6. All officers in IA Division
7. Website, MoEF&CC
8. Guard File

F. No. 22-10/2019-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi - 110003
sharath.kr@gov.in

Date: 9th September, 2019

OFFICE MEMORANDUM

Subject: Consideration of Category B violation proposals at the State level as per the provisions of Notification S.O 804 (E) dated 14.03.2017 through lateral entry - regarding.

The Ministry of Environment Forest and Climate Change issued a Notification vide S.O 804 (E) dated 14th March 2017 under the Environmental (Protection) Act, 1986 to appraise the projects, which have started the work onsite without taking prior environmental clearance in terms of the provisions of the Environment Impact Assessment (EIA) Notification, 2006. Time period of six months (14.03.2017 to 13.09.2017) was given vide aforesaid Notification to the proponents to submit proposals.

2. Soon after the publication of aforesaid notification, a PIL challenging the validity of the Notification dated 14.03.2017 was filed in Hon'ble High Court of Madras. Hon'ble High Court of Madras vide Order dated 7th June, 2017 prohibited from taking any further action pursuant to the Notification dated 14.03.2017 and therefore appraisal process for violation cases could not be taken up further. Hon'ble High Court of Madras vide order dated 13.10.2017 vacated the order while upholding validity of the Notification dated 14.03.2017.

3. Pursuant to the notification dated 14th March 2017, Ministry received a number of proposals relating to all sectors covered under category A and category B. As per the said notification all the proposals of violation, irrespective of its categories were required to be appraised at Central level by the Expert Appraisal Committee (EAC).

4. Further, Ministry vide Notification S.O 1030 (E) dated 08.03.2018 amended the Notification S.O 804 (E) dated 14.03.2017 and delegated the power to the States for appraisal of category B proposals which are under violation of EIA Notification.

5. Subsequently, the Ministry issued an OM dated 15.03.2018 for the implementation of Notification S. O 1030 (E) dated 08.03.2018. All the category B proposals were transferred to the concerned State Level Environment Impact Assessment Authority (SEIAA).

6. The Hon'ble High Court of Madras vide order dated 14.03.2018 was of the view that it will serve the ends of justice if time is extended by 30 (thirty) days from the date of delivery of the order, thereby extending the time till 13th April 2018, providing time for violators to apply as per the provisions of Notification S.O 804 (E). Therefore, again a one-month window was given from the date of order of Hon'ble High court (14.03.2018-13.04.2018) to submit proposals under violation of EIA Notification. The Ministry has issued OM dated 16.03.2018 for the compliance of the order dated 14.03.2018 of Hon'ble High court of Madras.

7. Proposals involving violation of EIA Notification, which had applied during the window (14.03.2017 to 13.09.2017 & 14.03.2018 to 13.04.2018) under violation category are being considered by the violation committee. However, in addition to such proposals, there were many category A proposals submitted in the respective sectoral committees for regular appraisal during or prior to violation window period. Sectoral committee while deliberating on the proposals, identified these as violation of EIA Notification. These proposals were subsequently forwarded to the violation committee after approval by the Competent Authority and such proposals are termed as "lateral entry proposals".

8. It is possible that there may be certain category B proposals which were submitted at SEIAA during or prior to the violation window period but not under violation category and later during the appraisal by State Level Expert Appraisal committee (SEAC) identified as violation proposals.

9. Now, a decision has been taken in the Ministry that such proposals as mentioned in para (8) above, may be considered in terms of provisions of Ministry's Notification dated 14.03.2017 & 08.03.2018 by the SEIAA. It is clarified that only those proposals may be taken up for consideration under this provision which had been submitted to SEAC during the window or prior to it as detailed above.

10. This issues with the approval of the competent authority.



(Sharath Kumar Pallerla)
Director, IA (Policy) Division

To

1. All the officers of IA Division
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman of all the Expert Appraisal Committees
4. Chairman, CPCB
5. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

Copy for information:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS (EF&CC)
3. PPS to Secretary(EF&CC)
4. PPS to AS(AKJ) / AS (AKM)
5. PPS to JS (GB)/ JS(JT)
6. Website, MoEF&CC
7. Guard file

F. No. 22-37/2018-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(IA-III Section)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi – 3

Dated: 23rd February, 2021

OFFICE MEMORANDUM

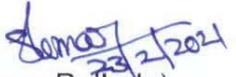
Sub: Processing of files for grant of Terms of Reference and Environmental Clearance through PARIVESH - reg.

The PARIVESH, a workflow based application, is being implemented in two phases with the first phase for facilitating online submission of proposals and tracking the status of such proposals at each stage of processing. The second phase involves online processing of these proposals subsequent to finalization of minutes by the EAC/SEAC and approval by the competent authorities through the PARIVESH portal. The Ministry vide D.O. letter dated 16th July, 2019 has directed to each SEIAAs for implementation of the PARIVESH.

2. It has been observed that the compliance of the above direction and implementation of second phase of PARIVESH by the SEIAAs has not been satisfactory.

3. In view of the above, SEIAAs are directed to ensure that the files for approval of Terms of Reference (ToR) as well as Environmental Clearance (EC) are processed strictly through PARIVESH only from 1st March, 2021 onwards.

This issues with the approval of the competent authority.


(Sharath Kumar Pallerla)
Director (CPC)

To

1. The Chairman, all the SEIAAs
2. The Member Secretary, all the SEIAAs

Copy to:

1. PS to Hon'ble Minister (EF&CC) / PS to Hon'ble MoS(EF&CC)
2. PPS to Secretary (EF&CC)
3. PPS to AS(RA)/AS(RSP)
4. PS to JS(GM)/ JS(SKB)

State Environment Impact Assessment Authority

No. SEIAA-2021/C.R.104 /SEIAA
Environment and Climate Change
Department
Room No. 217, 2nd Floor,
Mantralaya, Mumbai- 32.
Date- 29.11.2021

Circular

Subject- Regarding Processing of applications pending on ecmpcb portal

Whereas, State Environment Impact Assessment Authority (SEIAA), Maharashtra has introduced ecmpcb portal for processing of application for granting Environment Clearance in May, 2017,

And, whereas, Ministry of Environment, Forest and Climate Change (MoEF&CC) has made it mandatory to use PARIVESH portal for processing of application for granting Environment Clearance,

And, whereas, State Environment Impact Assessment Authority (SEIAA) has started to use PARIVESH portal for processing of application for granting Environment Clearance from 10th August, 2019 and 100 % new proposals are processed only through PARIVESH portal.

And, whereas, now MoEF&CC vide OM dated 06.10.2021 introduced EC identification number from 20.10.2021 for Category B projects and any new EC issued on or after 20.10.2021 without EC Identification number and e-sign shall be treated as invalid.

And, whereas, some legacy applications (application in pipeline) from ecmpcb portal are still pending at various stages,

Therefore, all the project proponents and their accredited consultants whose projects are pending at any stage on ecmpcb portal are instructed to migrate and apply on parivesh portal immediately. Such proposals will be processed on the basis of the date of original legacy (ecmpcb) application.


(Manisha Patankar-Mhaiskar)
Principal Secretary (E&CC)
Member Secretary, SEIAA

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No SIA/MH/MIS/249635/2022
Environment & Climate
Change Department
Room No. 217, 2nd Floor,
Mantralaya, Mumbai- 400032.
Date- 10/05/2022

To
M/s.Serene developers,
S.no 12/6, 27/7,47/2,47/3,47/4,47/5/1,47/18,
47/19, 50/1/1A/1, 55/15, 82 A/P Marunji,
Tal Mulashi, Dist Pune.

Subject : Environment Clearance for Proposed Residential project "Air Castle"
at S.no 12/6, 27/7,47/2,47/3,47/4,47/5/1,47/18, 47/19, 50/1/1A/1, 55/15,
82 A/P Marunji, Tal Mulashi, Dist Pune by M/s.Serene developers.

Reference : Application no. SIA/MH/MIS/249635/2022.

This has reference to your communication on the above-mentioned subject. Your proposal was considered in 242nd (Day-2) meeting of SEIAA and following decision is taken-

"SEAC-3 in its 136th meeting pointed out that, PP has applied on MPCB portal under violation category in the amnesty period. PP further stated that the ToR for the same granted SEAC in its 100th meeting held on 26/12/2019. SEAC further pointed out that the EIA & Ecological damage assessment studies are under process from PP's end but due to circular issued by SEIAA vide dated 29th November, 2021 PP has submitted the application on Parivesh portal. SEAC opined that, as there is no EIA submitted for appraisal & the project already received the ToR for the same, the application cannot be considered for the appraisal. PP requested SEAC to allow them to withdraw the proposal under consideration. SEAC noted & accepted the same. Hence, application is forwarded to SEIAA with the recommendation for rejection of the application under consideration. SEIAA after deliberation decided to reject the proposal as per the request of PP."


Manisha Patankar Mhaiskar
(Member Secretary, SEIAA)
10/05/2022

T.C.



	Management			Provided	parking (m2)
		4-Wheeler	201	201	12.5
		2-Wheeler	785	785	2.00
		Bicycles	-	-	-
36	Details of Court cases / litigations w.r.t. the project and project location if any	PP states that there is no court case against project or project location as on date			

Deliberations :-

PP stated that proposed project is of residential and commercial project. PP also informed that IOD is awaited. The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(b) B2.

During discussion following points emerged:

1. PP to ensure to provide indigenous trees in landscape areas.
2. PP to submit the refuge area calculations.
3. PP to provide minimum 30% of total parking arrangement with electric charging facility by providing charging points at suitable places.
4. PP to ensure that, the water proposed to use for construction phase should not be drinking water. They can use recycled water or tanker water for proposed construction.

Decision: -

After deliberation, Committee decided to recommend the proposal for Environmental Clearance to SEIAA, subject to compliance of above points.

44.	P-44	SIA/MH/MIS/2 49635/2022	Proposed Residential project "Air Castle" at S.no 12/6, 27/7,47/2,47/3,47/4,47/5/1,47/18, 47/19, 50/1/1A/1, 55/15, 82 A/P Marunji, Tal Mulashi. Dist Pune by Serene developers
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Representative of PP was present during the meeting along with environmental consultant M/s. VKe: environmental LLP.

PP stated that, they have applied there application on MPCB portal vide application no 0000001279 for violation category. PP further stated that the ToR for the same granted by committee in 100th meeting held on 26/12/2019. PP informed that the EIA & Ecological damage assessment studies are under process but due to circular issued by SEIAA vide dated 29th November, 2021 they have re submitted the application on Parivesh portal.

As there is no EIA submitted for appraisal & the project already received the ToR for the same, the application cannot be considered for the appraisal. PP stated that they will withdraw this application & submit the new application whenever there EIA ready. PP requested to withdraw the proposal under consideration. **Committee noted & accepted the same. Hence, application is forwarded to SEIAA with the recommendation for rejection of the application under consideration.**

45.	P-45	SIA/MH/MIS/7 1433/2022	Proposed Affordable Housing under Pradhan Mantri Awas Yojana at Plot Bearing Gat No 420/A/8 at Solapur by Maharashtra Housing Development Corporation LTD
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PP vide email dated 24/03/2022 requested to withdraw the application. Committee noted & accepted the same, hence application is forwarded to SEIAA with the recommendation that PP may be allowed to withdraw the project.

46.	P-46	SIA/MH/MIS/7 1322/2022	Residential plus commercial project by M/S. NYATI BUILDERS PVT. LTD
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Representative of PP Mr. Piyush Nitin Nyati was present during the meeting along with environmental consultant M/s. Sneha Hi Tech Products.

Item no. 8

Proposal No.:- SIA/MH/MIS/249635/2022

Type of Project: EC

Subject- Proposed Residential project "Air Castle" at S.no 12/6, 27/7,47/2,47/3,47/4,47/5/1,47/18, 47/19, 50/1/1A/1, 55/15, 82 A/P Marunji, Tal Mulashi, Dist Pune by Serene developers

Project Details-

SEAC Deliberation –

Representative of PP was present during the meeting along with environmental consultant M/s. VKe: environmental LLP.

PP stated that, they have applied there application on MPCB portal vide application no 0000001279 for violation category. PP further stated that the ToR for the same granted by committee in 100th meeting held on 26/12/2019. PP informed that the EIA & Ecological damage assessment studies are under process but due to circular issued by SEIAA vide dated 29th November, 2021 they have re submitted the application on Parivesh portal.

As there is no EIA submitted for appraisal & the project already received the ToR for the same, the application cannot be considered for the appraisal. PP stated that they will withdraw this application & submit the new application whenever there EIA ready. PP requested to withdraw the proposal under consideration. Committee noted & accepted the same. Hence, application is forwarded to SEIAA with the recommendation for rejection of the application under consideration.

Recommendations of SEAC-

Application is forwarded to SEIAA with the recommendation for rejection of the application under consideration.

Deliberation in SEIAA-

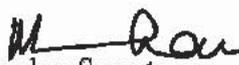
SEAC-3 in its 136th meeting pointed out that, PP has applied on MPCB portal under violation category in the amnesty period. PP further stated that the ToR for the same granted SEAC in its 100th meeting held on 26/12/2019. SEAC further pointed out that the EIA & Ecological damage assessment studies are under process from PP's end but due to circular issued by SEIAA vide dated 29th November, 2021 PP has submitted the application on Parivesh portal.

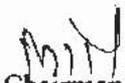
SEAC opined that, as there is no EIA submitted for appraisal & the project already received the ToR for the same, the application cannot be considered for the appraisal. PP requested SEAC to allow them to withdraw the proposal under consideration. SEAC noted & accepted the same. Hence, application is forwarded to SEIAA with the recommendation for rejection of the application under consideration.

SEIAA after deliberation decided to reject the proposal as per the request of PP.

SEIAA Decision-

SEIAA after deliberation decided to reject the proposal.


Member Secretary


Chairman

T.C.

