

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 33 OF 2018**

Mr. Sanjay alias Bala Bhegade & Ors. ...Applicants

Versus

The State of Maharashtra & Ors. ...Respondents

INDEX

Sr. No.	Exhibits	Particulars	Page Nos.
1.		Affidavit in Reply of Respondent No. 34.	3651-3694
2.	A	Copy of the Gram Panchayat Construction Permission dated 20 th February 2009.	3695
3.	B	Copy of the EIA Notification dated 14 th September 2006.	3696-3740
4.	C	Copy of the Guidelines dated 9 th February 2011.	3741-3752
5.	D1	Copy of Occupancy Certificate dated 5 th November 2018.	3753-3756
6.	D2	Copy of the Completion Certificate dated 18 th November 2018.	3757-3760
7.	D3	Copy of the 8A and 7/12 Extracts.	3761-3767



Advocate for the Respondent No. 34

3651



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 33 OF 2018**

Mr. Sanjay alias Bala Bhegade & Ors. ...Applicants

Versus

The State of Maharashtra & Ors. ...Respondents

**AFFIDAVIT-IN-REPLY OF RESPONDENT NO. 34 TO THE
ORIGINAL APPLICATION:**

I, Sawan Sutar, aged 42 years, Indian Inhabitant, residing at Flat H-02, Adhiraj Gardens Maple CHS, Plot 32, Sector 05, Kharghar, Navi Mumbai, Maharashtra 410210, the Constituted Attorney of the Respondent No. 34, do solemnly state on oath and affirm as under:-

1. I have gone through the above Original Application (the "Application") and the documents filed along with the said Original Application by the Applicants. I am familiar with the facts of the case

and am competent to depose to the facts in this Affidavit-in-Reply (the "Reply").

2. I am filing this Reply for the limited purpose of opposing the Original Application and the grant of any reliefs against the Respondent No. 34. I crave leave of this Hon'ble Tribunal to file a further affidavit or affidavits, should the need arise.
3. At the outset, I deny all allegations, contentions and submissions made in the Application, which are contrary to or inconsistent with what is stated in this Reply. Further, I oppose the reliefs prayed for in the Application in so far as they pertain to the Respondent No. 34. None of the allegations, contentions or submissions in the Application which have not been specifically dealt with or denied by me, should be deemed to be admitted.
4. Before dealing with the Application on merits, I submit that the present Original Application ought to be rejected at the threshold as regards the Respondent No. 34 on the basis of the following preliminary objections:



A. **BARRED BY LIMITATION:**

5. The Respondent No. 34 acquired the land bearing Survey No. 50, Hissa No. 2, lying and situate at Village Shewati, Sub District Maval, District Pune in July 2005 (the “**said Land**”).
6. The Respondent No. 34 commenced construction of structure upon the said land in the year 2009. This is evident from the Construction permission issued by the Gram Panchayat dated 20th February 2009. Hereto annexed and marked as “**Exhibit-A**” is a copy of the Gram Panchayat Construction Permission dated 20th February 2009.
7. The cause of action on the basis of which the present Original Application has been filed has been attributed in part to the construction carried out by the Respondent No. 34. The Gram Panchayat Construction permission clearly shows that the construction commenced in the year 2009.
8. The present Application was filed on 13th April, 2018 i.e. more than 9 years from the date on which the cause of action first arose. There is therefore a delay of approximately 8 years under Section 14 of the



NGT Act and 4 years in the filing of the present Original Application under Section 15 of the NGT Act. Since the delay is well beyond 60 days, the said delay cannot be condoned.

9. The Applicants have filed the present Application under Sections 14 and 15 of the National Green Tribunal Act, 2010 (the “NGT Act”).
10. Under sub section (3) of Section 14 of the NGT Act, no application can be entertained unless it is made within a period of six (6) months from the date on which the cause of action for such dispute first arose. This Hon’ble Tribunal has the power to condone a delay of further period up to 60 days in the filing of an application under Section 14, in the event the Applicants are able to show that they were prevented from filing the same within a period of 6 months.
11. Under sub section (3) of Section 15 of the NGT Act, no application can be entertained unless it is made within a period of five (5) years from the date on which the cause of action for such dispute first arose. This Hon’ble Tribunal has the power to condone a delay of further period up to 60 days in the filing of an application under Section 15,



in the event the Applicants are able to show that they were prevented from filing the same within a period of 5 years.

12. The Applicants have sought to attribute the substantial delay in preferring the present Application to the following reasons: (i) that the Applicants were in the process of gathering information through the Right to Information Act, 2005 (the “RTI Act”) about the alleged environmental destruction which according to the Applicants, was time intensive; (ii) that it took the Applicants time to understand that the alleged environmental degradation was taking place.

13. Without prejudice to the contentions raised by this Respondent No. 34 that the NGT Act does not contain any provision under which the delay in the filing of an application under Sections 14 or 15 can be condoned beyond a period of 60 days, the reasons cited by the Applicants do not adequately explain the gross delay in filing of the present Application, at least in so far as the Respondent No. 34 is concerned, for the following reasons:

(a) Knowledge and making of RTI Applications to gather information does not constitute as a valid ground for cause of

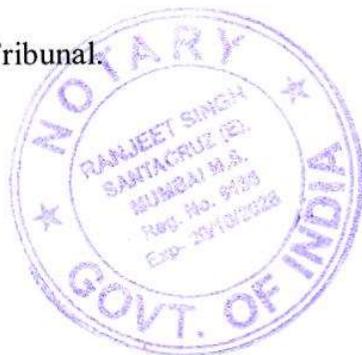


action. This view has been consistently taken by this Hon'ble Tribunal in the cases which will be cited at the time of arguments.

(b) The cause of action arose, at the latest, in the year 2009. The Applicants first applied for documents under the RTI Act in the year 2017 i.e., 8 years later. This gross delay on the part of the Applicants in seeking this information is entirely unexplained in the Application.

(c) The Applicants' contention that it took some time for them to understand that the alleged environmental degradation was taking place is wholly without merit. The Applicants are persons who live in the area in which they claim the alleged environmental degradation took place. There is no reason given by the Applicants as to why it took the Applicants 8 years to become cognizant of the alleged environmental degradation.

14. In the above facts and circumstances, the basis on which the Application is stated to be within time, ought to be rejected by this Hon'ble Tribunal.

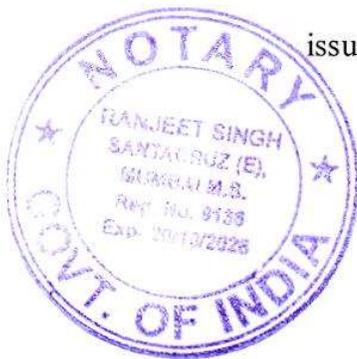


15. The Application is, for the reasons set out above, barred by limitation.

B. OUTSIDE THE PURVIEW OF THIS HON'BLE TRIBUNAL:

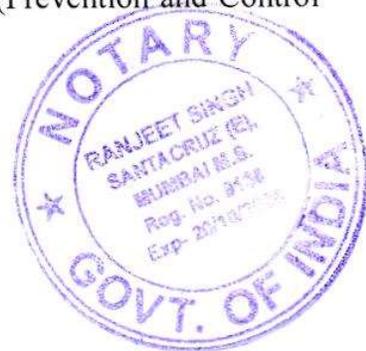
16. The Application alleges that the Respondents, including the Respondent No. 34, have constructed structures contrary to the provisions of the Maharashtra Regional and Town Planning Act, 1966 (the "MRTP Act"). The Applicants have, pursuant to the above allegation, sought directions to demolish 51 structures including the structure of the present Respondent No. 34.

17. Under sub section (1) of Section 14 of the NGT Act, this Hon'ble Tribunal has jurisdiction over all civil cases where a substantial question relating to the environment is involved. The above power under sub section (1) of Section 14 can be exercised by this Hon'ble Tribunal only when the substantial question relating to the environment arises out of the implementation of the enactments specified in Schedule I of the NGT Act. The enactments specified in Schedule I of the NGT Act do not include the MRTP Act. Under the MRTP Act, the responsibility to inquire into and adjudicate upon issues of alleged non compliance with the provisions of the MRTP



Act falls squarely upon the Planning Authority having territorial jurisdiction over the area in question. The Planning Authority in the present case is the Pune Metropolitan Region Development Authority (the “PMRDA”) i.e. the Respondent No. 2 herein.

18. As set out above, issues of alleged non compliance with the provisions of the MRTP Act cannot be gone into by this Hon’ble Tribunal. Consequently, this Hon’ble Tribunal cannot issue any directions in respect of alleged non compliance of the provisions of the MRTP Act. It is therefore submitted that this Hon’ble Tribunal does not have the jurisdiction to issue directions to the PMRDA under Section 14 or any other provision of the NGT Act, as prayed for in the Application.
19. In so far as the relief claimed under Section 15 of the NGT Act is concerned, the Respondent No. 34 submits that under Section 15(1)(a) of the NGT Act, this Hon’ble Tribunal is *inter alia*, empowered to provide for relief and compensation to the victims of pollution and environmental degradation arising under the enactments specified in Schedule I of the NGT Act. Schedule I enlists the following seven enactments: (i) The Water (Prevention and Control



of Pollution) Act, 1974; (ii) The Water (Prevention and Control of Pollution) Cess Act, 1977; (iii) The Forest (Conservation) Act, 1980; (iv) The Air (Prevention and Control of Pollution) Act, 1981; (v) The Environment (Protection) Act, 1986; (vi) The Public Liability Insurance Act, 1991; and (vii) The Biological Diversity Act, 2002. The present Application alleges environmental degradation arising on the basis of alleged violations by the Respondents of the MRTP Act. In light of the fact that the MRTP Act is not enlisted in Schedule I of the NGT Act, this Hon'ble Tribunal does not have jurisdiction to grant any relief of the nature set out in Section 15(1)(a) of the NGT Act.

20. Vide Order dated 16th January 2023, the Applicants have withdrawn the said Original Application and this Hon'ble Tribunal was pleased to take into consideration the issue suo motu. The Respondent No. 34 reiterates that the Original Application taken up suo motu by this Hon'ble Tribunal cannot sustain as the issues pertain to violations of the MRTP Act which is outside the purview of the NGT Act and this Hon'ble Tribunal.



21. The Respondent No. 34 submits, for the reasons set out above, that the reliefs sought in the present Application fall outside the scope of this Hon'ble Tribunal's jurisdiction under Sections 14 and 15 of the NGT Act.

C. NO CASE OF ENVIRONMENTAL DESTRUCTION OR DEGRADATION AS REGARDS THE RESPONDENT NO. 34:

22. Section 15(1)(c) of the NGT Act empowers this Hon'ble Tribunal to order restitution of the environment. Although the Applicants have, in prayer (d) of the Original Application, sought directions for restitution of the environment, the Applicants have provided no particulars of: (i) the condition of the environment prior to the alleged destruction or degradation, in so far as the Respondent No. 34 is concerned; (ii) particulars of where the alleged destruction or degradation attributed to the Respondent No. 34 has occurred; (iii) particulars of what destruction or degradation has been caused by the Respondent No. 34. The Applicants have, therefore, made out no case whatsoever for the grant of reliefs under Section 15(1)(c) of the NGT Act.



23. The Application is based upon the allegation that the Respondents have carried out construction on the hilltops and hill slopes in the Pavnanagar region. It is the Applicants' case that the Respondents have, in the course of such construction, carried out destruction and degradation to the environment by reducing the green cover in the region and cutting the hilltops and hill slopes upon which the construction has been carried out.
24. It is pertinent that the above allegations have been made against all the Respondents *en masse*. There are no specific allegations or material mentioned in the original application to establish that the Respondent No. 34 has carried out any environmental degradation or destruction.

On Facts / Merits:

25. It has been prayed, on the basis of the preliminary points set out above, that the present Original Application be dismissed. Moreover, even on facts, no case has been made out against the Respondent No. 34 as set out in detail herein and hence, the present Original Application ought to be dismissed as regards the Respondent No. 34.



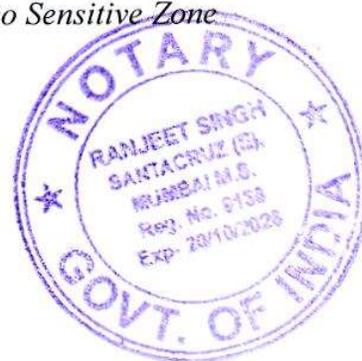
Alternately, the Respondent No. 34 ought to be deleted from the array of parties to the present Original Application.

The Environmental Impact Assessment Notification of 2006
("EIA Notification")

26. The Ministry of Environment and Forests, by its Notification dated 14th September 2006 dealt with the environmental impact of existing as also new projects or activities. The EIA Notification imposed a requirement of getting environmental clearance for existing as also new projects. The various types of projects requiring environmental clearance were set out in the Schedule to the above notification. It is pertinent to note that the construction of a farmhouse constructed by the Respondent No. 34 does not fall within the ambit of the above EIA Notification. The EIA Notification dated 14th September 2006 therefore does not apply to the present Respondent No. 34. Hereto annexed and marked as "**Exhibit-B**" is a copy of the EIA Notification dated 14th September 2006.

Subject Area is Not Declared as an Eco-Sensitive Zone

Procedure for an area to be declared as an Eco Sensitive Zone



27. The Ministry of Environment, Forest and Climate Change (“the MoEF & CC”) follows a detailed procedure for issuing notification declaring Eco Sensitive Zones (“ESZs”) prescribed under Rule 5 of the Environment (Protection) Rules, 1986 which flows from Section 3(v) of the Environment (Protection) Act, 1986. One of the factors for declaring ESZs is the proximity to a sanctuary, National Park, game reserve or closed area notified under the Wildlife Protection Act 1972. Under sub-rule 3(a) of Rule 5 of the Environment (Protection) Rules, 1986, when it is expedient to impose prohibition or restrictions, the Central Government is required to give notice of its intention to do so by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time. Under sub-rule 3(b) of Rule 5 of the Environment (Protection) Rules, 1986, every such notification is required to give a brief description of the area, the industries, operations processes in that area about which such notification pertains and also specify the reasons for imposition or restrictions on the location of the industries on carrying out of the processes or operations in that area. Under sub-rule 3(c) of Rule 5 of the Environment (Protection) Rules, 1986, any interested person is



entitled to file an objection to the Central Government within sixty (60) days from the publication in the notification in the Official Gazette. Under sub-rule 3(d) of Rule 5 of the Environment (Protection) Rules, 1986, the Central Government is required to issue a notification in the Official Gazette imposing such prohibition or restrictions within a prescribed period. The matter is thereafter placed before the Expert Committee consisting of 13 organizations having expertise in the relative field who does a close scrutiny at various levels. After due deliberation, if satisfied, the draft notification is recommended by the Expert Committee for final notification. This is then considered by the MoEF&CC and thereafter, a final ESZ Notification is published after due process as required by law.

Guidelines dated 9th February 2011

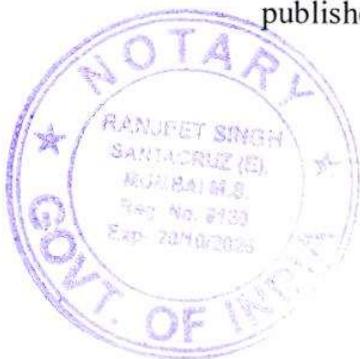
28. On 9th February 2011, the MoEF & CC framed a set of guidelines to facilitate the States/ Union Territories for declaration of ESZs around National Parks and Wildlife Sanctuaries. As per the guidelines, the purpose behind declaration of ESZs was to regulate rather than prohibit certain activities on the fragile ecosystem encompassing



these protected areas. As per the procedure laid down by these guidelines, once the proposal for declaration of ESZs is finalised at the State Government level, the same is to be forwarded to the MoEF & CC for further processing as per the Environment (Protection) Act 1986 and Environment (Protection) Rules 1986. Hereto annexed and marked as "Exhibit-C" is a copy of the Guidelines dated 9th February 2011.

Draft Notification dated 3rd October 2018

29. The Western Ghats traverse through six states in India viz. Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu. The Western Ghats constitute a global biodiversity hotspot. On 3rd October 2018, the Ministry of Environment and Forests, with a view to preserve the biodiversity existing within the Western Ghats passed a draft Notification notifying certain identified areas from the six States of Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu as Western Ghats Ecologically Sensitive Zones. It is pertinent to note that this is a draft notification, and a final notification has not been published. The area of Village Shewati where the property of



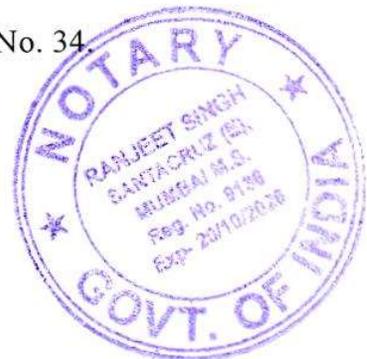
Respondent No. 34 is situated is not included in the draft notification. Hence, the draft notification dated 3rd October 2018 does not apply to the Respondent No. 34.

30. The Respondent No. 34 submits, for the reasons set out above, the area wherein the said land is situated is **not** designated as an eco-sensitive area/zone.

All Permissions have been granted qua the subject land of Respondent No. 34

31. The Respondent No. 34 submits that all permissions as regards the construction on the said land of Respondent No. 34 have been validly granted by the respective authorities, as more particularly set out below:

- a) Gram Panchayat Construction permission dated 20th February 2009.
- b) Occupancy Certificate dated 5th November 2018 issued by PMRDA in the name of the Respondent No. 34.
- c) Completion Certificate dated 18th September 2018 issued by PMRDA in the name of the Respondent No. 34.



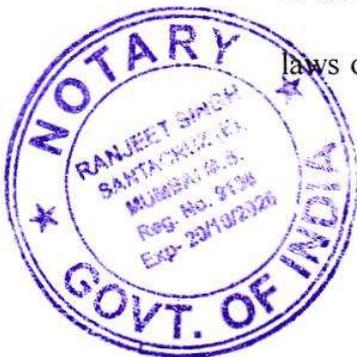
d) 8A and 7/12 Extracts of the said land in the name of Respondent No. 34.

Hereto annexed and marked as "Exhibit-D1" is a copy of the Occupancy Certificate dated 5th November 2018, "Exhibit-D2" is a copy of the Completion Certificate dated 18th September 2018 and "Exhibit-D3" is a copy of the 8A and 7/12 Extracts.

32. This Hon'ble Tribunal had, by an order dated 30th June 2020, constituted a committee to inquire into the allegations raised by the Applicants and submit a report to this Hon'ble Tribunal. Pursuant to the said order, the committee so constituted submitted a report dated 11th August 2021 (the "**Report**"). The Report states that only two of the constructions have obtained non-agriculture permission and the remaining constructions are unauthorized which is at the outset incorrect in so far as Respondent No. 34 is concerned. The Respondent No. 34 submits that the said land has all the requisite valid permissions as regards the said land as enumerated above.



33. The Application places heavy reliance on a report prepared by one Dr. Rahul Mungikar (the “**Mungikar Report**”) annexed as Annexure F to the Application. It is submitted that the Mungikar Report contains no specific allegations against the Respondent No. 34.
34. The Respondent No. 34 submits that it is clear from what is set out above that the Application fails to establish any circumstances which warrant the grant of reliefs against the Respondent No. 34. In the said circumstances, the Original Application ought to be dismissed against the Respondent No. 34.
35. The Respondent No. 34 now will deal with the Original Application paragraph wise:
36. With reference to paragraphs I and II of the Original Application the Respondent No. 34 states that the same need no reply.
37. With reference to paragraph III of the Original Application the Respondent No. 34 denies that he has engaged in illegal or anti environment construction or encroachment on a hill top or hill slope as alleged or at all. The Respondent No. 34 denies that he has violated laws or rules related to environmental protection as alleged or at all.



The Respondent No. 34 denies that this Hon'ble Tribunal can take cognizance of or adjudicate alleged violations of the MRTP Act or the Maharashtra Land Revenue Code, 1966 as alleged or at all.

38. With reference to paragraph IV of the Original Application the Respondent No. 34 denies that he has in any manner damaged the environment as alleged or at all. In the premises, the question of the Respondent No. 34 being directed to restitute the environment or commensurate compensation for damage allegedly done to ecology or society does not arise.
39. With reference to Paragraph 1 of the Original Application the Respondent No. 34 states that he is not aware of the particulars of the Applicant No. 1 as alleged or at all and puts the Applicant No. 1 to the strict proof thereof.
40. With reference to Paragraph 2 of the Original Application the Respondent No. 34 states that he is not aware of the particulars of the other Applicants as alleged or at all and puts the other Applicants to the strict proof thereof. The said Land is situated in Village Shewati which has not been designated as an eco-sensitive zone.



41. With reference to Paragraph 3 of the Original Application the Respondent No. 34 states that the same needs no reply save that the said Land situated in Village Shewati has not been designated an eco-sensitive zone.
42. With reference to Paragraph 4 of the Original Application the Respondent No. 34 states that the entire Mawal Taluka has not been designated as an eco-sensitive zone. Only certain villages within the Mawal Taluka have been designated as eco sensitive zones. Shewati Village in which the said Land is situated is not designated an eco-sensitive zone.
43. With reference to Paragraph 5 of the Original Application the Respondent No. 34 states that the same needs no reply.
44. With reference to Paragraph 6 of the Original Application the Respondent No. 34 denies that he has partaken in any of the activities set out in the paragraph under reference. The Respondent No. 34 states that there is no specific allegation made against him in that regard.



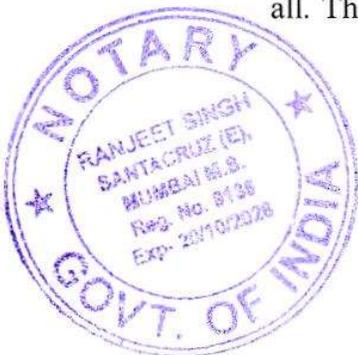
45. With reference to Paragraph 7 of the Original Application the Respondent No. 34 states that Shewati Village in Mawal Taluka where the said Land is situated is not designated an eco-sensitive zone.
46. With reference to Paragraph 8 of the Original Application the Respondent No. 34 denies that he is politically influential or economically strong as alleged or at all. The Respondent No. 34 denies that he has constructed his structure on a hill top or hill slope or that he has destroyed the ecology or environment as alleged or at all.
47. With reference to Paragraph 9 of the Original Application the Respondent No. 34 denies that he has created various approach roads to facilitate transportation of trucks, tractors JCBs as alleged or at all. The Respondent No. 34 denies that he has violated the law as alleged or at all. The Respondent No. 34 denies that he has cut any tree without permission in the process of construction as alleged or at all. The Respondent No. 34 reiterates that he had constructed the structure on the said Land almost 14 years ago. The question of spreading dust



or adversely affecting the ambient air quality as on the date of the Original Application does not arise.

48. With reference to Paragraph 10 of the Original Application the Respondent No. 34 denies that he has disturbed or destructed the natural contour of a hill top or hill slope or cut trees as alleged or at all. The Respondent No. 34 denies that the said Land is situated in an eco-sensitive zone or that he has created an artificial tableland on a hill top for constructing his structure as alleged or at all. The Respondent No. 34 denies that he has committed any act endangering human life or creating permanent destruction to the environment or surroundings as alleged or at all.

49. With reference to Paragraph 11 of the Original Application the Respondent No. 34 denies that the said Land or the structure standing thereon is in an eco sensitive zone, or on a hill top or on a hill slope as alleged or at all. In the premises, the question of making any hill barren does not arise as alleged or at all. The Respondent No. 34 denies that the structure constructed by him is “huge” as alleged or at all. The Respondent No. 34 denies that the permissions obtained by

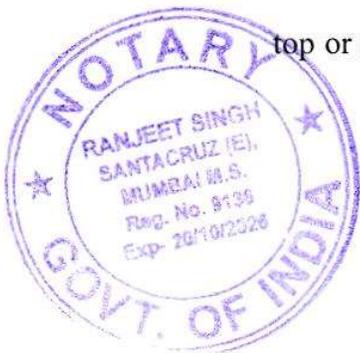


him are not legal or valid as alleged or at all. Assuming whilst denying that the Respondent No. 34 has breached the provisions of the MRTP Act, as set out above, this Hon'ble Tribunal does not have jurisdiction to adjudicate such alleged breach. The Respondent No. 34 denies that the structure on the said Land is illegal as alleged or at all.

50. With reference to Paragraph 12 of the Original Application the Respondent No. 34 denies that his structure is situated on a hill top or hill slope or has contributed in any manner to the need to conserve soil moisture or development of nurseries as alleged or at all.
51. With reference to Paragraph 13 of the Original Application the Respondent No. 34 denies that he has in any manner destroyed or contributed to the destruction of grass feeding animals as alleged or at all. The Respondent No. 34 denies that he has indulged in any activity resulting in diminishing the ecology or environment as alleged or at all. The Respondent No. 34 denies that he has been responsible for the alleged diminution or alleged disappearance of ecology or environment as alleged or at all.



52. With reference to paragraph 14 of the Original Application the Respondent No. 34 states that the same needs no reply except to state that the Report of the Western Ghats Ecology Expert Panel does not show any infraction on the part of the Respondent No. 34 of the NGT Act or any statute set out in the Schedule thereto.
53. With reference to Paragraph 15 of the Original Application the Respondent No. 34 states that the same needs no reply except that the same does not constitute any answer to the Respondent No. 34's plea of limitation as set out herein in detail.
54. With reference to paragraph 16 of the Original Application the Respondent No. 34 denies that he is an illegal encroacher or has violated the provisions of law as alleged or at all. The Respondent No. 34 denies that he has constructed his structure on a hill top or a hill slope as alleged or at all.
55. With reference to paragraph 17 of the Original Application the Respondent No. 34 denies that his structure is illegal as alleged or at all. The Respondent No. 34 denies that he has constructed on a hill top or a hill slope or in a reserved forest area as alleged or at all. As



regards the table under paragraph 17, the Respondent No. 34 is not dealing with any entry thereof except entry no. 32 as the same do not concern him. As regards entry no. 32 of the table, the Respondent No. 34 states that he has received notices under the MRTP Act which he is dealing with separately. As set out above, this Hon'ble Tribunal has no jurisdiction to deal with notices issued under the MRTP Act.

56. With reference to paragraph 18 of the Original Application the Respondent No. 34 denies that the said Land is situated on a hill top or a hill slope as alleged or at all.
57. With reference to paragraphs 19, 20 and 21 of the Original Application the Respondent No. 34 craves leave to refer to or rely upon the orders / judgement of the Hon'ble Supreme Court as also the Hon'ble National Green Tribunal when provided for their true meaning and legal effect. The Respondent No. 34 denies that the same apply to the facts as set out herein.
58. With reference to paragraph 22 of the Original Application the Respondent No. 34 denies that the said Land or the structure thereon is located on a hilltop or hill slope as alleged or at all. The Respondent

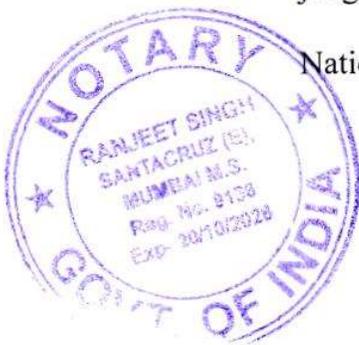


No. 34 denies that he has levelled the land or flattened the hill area or cut trees or contributed to soil erosion or land slide or mud slide as alleged or at all.

59. With reference to paragraph 23 of the Original Application the Respondent No. 34 states that the facts set out herein are not such as can constitute a loss (let alone irreparable or otherwise) to the biodiversity on the Western Ghats as alleged or at all. The Respondent No. 34 denies that the facts set out herein cause any restrictions on the animals in the area as alleged or at all.

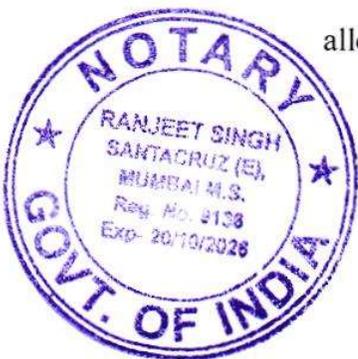
60. With reference to paragraph 24 of the Original Application the Respondent No. 34 craves leave to refer to or rely upon the orders / judgement of the Hon'ble National Green Tribunal when provided for its true meaning and legal effect. The Respondent No. 34 denies that the same applies to the facts as set out herein.

61. With reference to paragraph 25 of the Original Application the Respondent No. 34 craves leave to refer to or rely upon the orders / judgement of the Hon'ble Supreme Court as also the Hon'ble National Green Tribunal when provided for their true meaning and

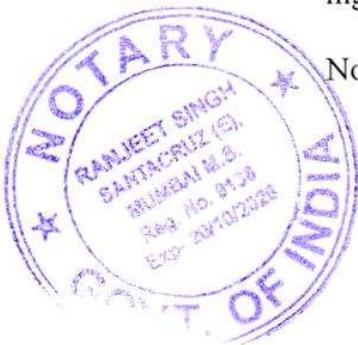


legal effect. The Respondent No. 34 denies that the same apply to the facts as set out herein.

62. With reference to paragraph 26 of the Original Application the Respondent No. 34 craves leave to refer to or rely upon the orders / judgement of the Hon'ble National Green Tribunal when provided for its true meaning and legal effect. The Respondent No. 34 denies that the same applies to the facts as set out herein.
63. With reference to paragraph 27 of the Original Application the Respondent No. 34 denies that the construction of the structure on the said Land has resulted in any degradation of the environment as alleged or at all. The Respondent No. 34 denies that any photograph annexed as part of Annexure E to the Original Application reveals any degradation of the environment on the part of the Respondent No. 34 as alleged or at all.
64. With reference to paragraph 28 of the Original Application the Respondent No. 34 denies that any alleged survey report would show any destruction of the environment by the Respondent No. 34 as alleged or at all.



65. With reference to paragraph 29 of the Original Application the Respondent No. 34 denies that he has done any construction on a hill top or hill slope as alleged or at all. The Respondent No. 34 denies that Annexure F to the Petition shows any alleged environmental degradation on the part of the Respondent No. 34 as alleged or at all.
66. With reference to paragraph 30 of the Original Application the Respondent No. 34 denies that the structure on the said Land amounts to a building or construction project of the nature banned under the survey report prepared under the chairmanship of Dr. Kasturirangan Committee as alleged or at all. The Respondent No. 34 denies that the structure on the said Land amounts to a project of the nature banned or requiring approval under the EIA Notification 2006 as alleged or at all. The Respondent No. 34 denies that the structure on the said Land is in violation of rules or regulations as alleged or at all. The Respondent No. 34 denies that the said Land falls within an eco-sensitive area or is located on a hill as alleged or at all. In the premises the question of requiring permission for construction to be done on high altitude hills does not arise as alleged or at all. The Respondent No. 34 denies that the structure on the said Land has caused an

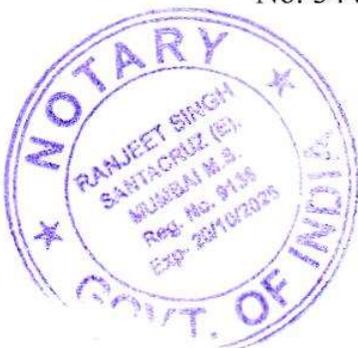


environmental impact (whether irreversible or not) as alleged in the Petition or at all. The Respondent No. 34 denies that the said Land or the structure thereon has caused or may cause a permanent loss of habitats for animals or insects as alleged or at all.

67. With reference to paragraph 31 of the Original Application the Respondent No. 34 denies that the said Land or the structure thereon has contributed to pollution or environmental degradation as alleged or at all. The Respondent No. 34 denies that the structure is situated on a hill top or hill slope or illegal as alleged or at all. The Respondent No. 34 denies that the Applicants are entitled to any relief qua any act or omission on the part of the Respondent No. 34 as alleged or at all.
68. With reference to paragraph 32 of the Original Application the Respondent No. 34 denies that the structure on the said Land disturbs the environment, ecology or biodiversity as alleged or at all.
69. With reference to Ground A of the Original Application the Respondent No. 34 denies that he has engaged in any construction activity on a hill top or any activity pertaining to extraction of minerals as alleged or at all.



70. With reference to Ground B of the Original Application the Respondent No. 34 denies that the structure on the said Land is constructed on a hill top or hill slope as alleged or at all.
71. With reference to Ground C of the Original Application the Respondent No. 34 denies that the structure on the said Land is situated on a hill top or hill slope or has destroyed forest or green cover or damaged the biodiversity of Mawal Taluka as alleged or at all. The Respondent No. 34 reiterates that the structure and the said Land are located at Shewati Village which is not an eco sensitive zone. The Respondent No. 34 denies that the structure is illegal as alleged or at all.
72. With reference to Ground D of the Original Application the Respondent No. 34 denies that the structure has been constructed on a hill top or hill slope or that the same has disturbed the ecology or environment in the Mawal area as alleged or at all. The rest of the paragraph is denied in toto as not being applicable to the Respondent No. 34 as alleged or at all.



73. With reference to Ground E of the Original Application the Respondent No. 34 once again denies that the structure is constructed on a hill top or a hill slope as alleged or at all.
74. With reference to Ground F of the Original Application the Respondent No. 34 denies that during the process of construction of the structure trees were cut as alleged or at all. The Respondent No. 34 denies that the ambient air quality was dented at the time of construction of the structure as alleged or at all. The Respondent No. 34 denies that the structure has been constructed on a hill top or a hill slope as alleged or at all. The Respondent No. 34 denies that he has created an artificial tableland on a hill top as alleged or at all. Consequently, the question of permanent destruction of the environment or surroundings as a result thereof does not arise as alleged or at all. The Respondent No. 34 denies that the structure on the said Land has ever endangered human life as alleged or at all.
75. With reference to Ground G of the Original Application the Respondent No. 34 once again denies that the said Land and structure is situated on a hilltop or hill slope or falls within an eco sensitive

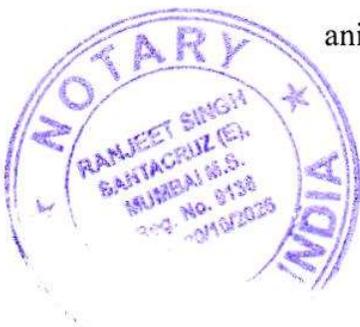


zone as alleged or at all. The question of showing any no objection certificate for construction in an eco sensitive zone does not arise.

76. With reference to Ground H of the Original Application the Respondent No. 34 denies that the said Land or structure are situated on a hill top or a hill slope or violate any environmental rules or norms as alleged or at all. The Respondent No. 34 reiterates that alleged violations of the MRTP Act cannot be adjudicated upon by this Hon'ble Tribunal.

77. With reference to Ground I of the Original Application the Respondent No. 34 denies that the said Land or the structure thereon is situated on a hill top or hill slope or has resulted in evaporation of soil moisture or soil erosion as alleged or at all. The Respondent No. 34 denies that he has created any threat to the environment as alleged or at all.

78. With reference to Ground J of the Original Application the Respondent No. 34 denies that the structure on the said Land has ever had any part to play in the alleged diminishing of rare species or animals or flora or fauna or in disturbing biodiversity as alleged or at



all. The Respondent No. 34 denies that Shewati Village falls within an eco sensitive zone as alleged or at all. The Respondent No. 34 denies that there is any need to reinstitute or restore the said Land to its original.

79. With reference to Ground K of the Original Application the Respondent No. 34 denies that he has made any construction on a hill top or hill slope or a reserved forest area as alleged or at all.
80. With reference to Ground L of the Original Application the Respondent No. 34 denies that Google maps images show existence of hills and green cover in the past as regards the said Land which has been allegedly destroyed now as alleged or at all. The Respondent No. 34 denies that he has engaged in illegal construction or hill cutting or tree cutting or deforestation as alleged or at all. The Respondent No. 34 denies that the said Land has turned barren as alleged or at all.
81. With reference to Ground M of the Original Application the Respondent No. 34 states that he will refer to such judgments as may be produced for their true meaning and legal effect. The Respondent No. 34, based on what is set out in the paragraph under reply, states



that the said judgements do not apply to the Respondent No. 34's case as set out herein.

82. With reference to Ground N of the Original Application the Respondent No. 34 denies that the said Land is situated in a eco sensitive zone as alleged or at all. The Respondent No. 34 denies that land use pattern of the said Land has been changed or that the same has resulted in or may result in soil erosion as alleged or at all.
83. With reference to Ground O of the Original Application the Respondent No. 34 once again denies that the said Land or the construction thereon has been made on hilly area as alleged or at all. The Respondent No. 34 denies that the structure on the said Land has had any effect on the territorial ecology or has resulted in a loss of biodiversity as alleged or at all.
84. With reference to Ground P of the Original Application the Respondent No. 34 denies that Annexure E to the present Original Application evidences any ecological issue having arisen on account of the actions or omissions of the Respondent No. 34 as alleged or at

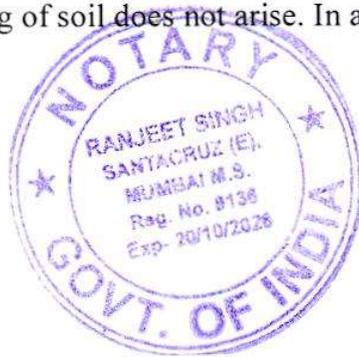


all. The Respondent No. 34 denies that the structure on the said Land is located on a hill top or hill slope as alleged or at all.

85. With reference to Ground Q(1) of the Original Application the Respondent No. 34 denies that the Shewati Village in which the said Land is situated forms part of a eco sensitive zone as alleged or at all. The Respondent No. 34 denies that the structure on the said Land is situated on a hill top or hill slope as alleged or at all.
86. With reference to Ground Q(2) of the Original Application the Respondent No. 34 states that the same needs no reply.
87. With reference to Ground Q(3) of the Original Application the Respondent No. 34 denies that the structure on the said Land forms a part of any cluster as alleged or at all. The question of the structure being deemed to be more than 20,000 sq. mts does not arise as alleged or at all.
88. With reference to Ground Q(4) of the Original Application the Respondent No. 34 denies that the hill development program covers the said Land or the structure thereon as alleged or at all.



89. With reference to Ground Q(5) of the Original Application the Respondent No. 34 denies that the structure on the said Land is situated on a ridge of hill tract or on a plateau top which areas are allegedly ecologically sensitive or fragile as alleged or at all.
90. With reference to Ground Q(6) of the Original Application the Respondent No. 34 denies that the structure or the said Land has affected the functional aspect of the ecosystem in its surroundings as alleged or at all. The Respondent No. 34 denies that the structure or the said Land have created any negative impact on its hydrological services as alleged or at all. The Respondent No. 34 denies that the structure or the said Land grabs all natural source of water available to low line of people or has diverted natural streams or has caused scarcity of water as alleged or at all. The Respondent No. 34 denies that the structure on the said Land has been constructed haphazardly or has disrupted water channels as alleged or at all. The Respondent No. 34 denies that the structure or the said Land is situated on a hill top as alleged or at all. The question of the structure on the said Land increasing the risk of landslides on account of erroneous digging or loosening of soil does not arise. In any event, the Respondent No. 34

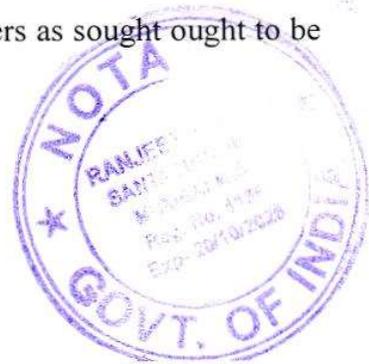


denies that he has engaged in erroneous digging or loosening of soil as alleged or at all. The Respondent No. 34 states that the examples of alleged digging on hill tops and slopes do not apply to the said Land or the structure thereon. The Respondent No. 34 denies that he has disrupted natural water percolation or destroyed the ecology as alleged or at all. The Respondent No. 34 denies that he has generated waste as alleged or at all. In the premises, the question of the same impacting free flowing streams or affecting water source(s) of villages downstream does not arise as alleged or at all. The Respondent No. 34 denies that the structure or the said Land has resulted in loss of biodiversity as alleged or at all. The Respondent No. 34 denies that he has taken any steps to affect in any manner the indigenous biodiversity of the area. The Respondent No. 34 denies that the structure or the said Land will affect any forest area or corridors or natural habitats of wild animals as the same is not situated in a forest area as alleged or at all. The Respondent No. 34 denies that the structure or the said Land is situated on a hill top or hill slope and consequently do not alter land use land cover pattern of such areas as alleged or at all. The Respondent No. 34 denies that the Hill



Development Act applies to the said Land as alleged or at all. The Respondent No. 34 denies that the structure on the said Land has been constructed on slope greater than 1:5 as alleged or at all. The Respondent No. 34 denies that the structure or the said Land is situated in an eco-sensitive area as alleged or at all.

91. With reference to Ground R of the Original Application the Respondent No. 34 denies that the Applicants are entitled to any relief qua the Respondent No. 34 or the structure or the said Land as alleged or at all.
92. With reference to the ground of limitation, the Respondent No. 34 reiterates what is set out herein and contends that the present Application as regards the Respondent No. 34 is barred by limitation.
93. With reference to the interim prayers, in the Original Application the Respondent No. 34 denies that the any interim prayers as sought ought to be granted to the Applicants and against the Respondent No. 34, the said Land and the structure thereon as alleged or at all.
94. With reference to the prayers, in the Original Application the Respondent No. 34 denies that the any prayers as sought ought to be



granted to the Applicants and against the Respondent No. 34, the said Land and the structure thereon as alleged or at all.

95. In these premises, the Respondent No. 34 states that the captioned Original Application deserves to be dismissed *in-toto* as against the Respondent No. 34.

Date: 12.05.2023

Place: Mumbai



Deponent

Constituted Attorney of Respondent No. 34



VERIFICATION

I, Sawan Sutar, aged 42 years, Indian Inhabitant, residing at Flat H-02, Adhiraj Gardens Maple CHS, Plot 32, Sector 05, Kharghar, Navi Mumbai, Maharashtra 410210, the Constituted Attorney of the Respondent No. 34, do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

Date: 22.05.2023

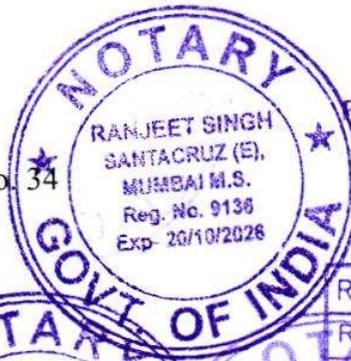
Place: Mumbai

[Signature]
Deponent

Constituted Attorney of Respondent No. 34

BEFORE ME

[Signature]
Advocate for Respondent No. 34



[Signature]
RANJEET SINGH
M.Sc LL.B
NOTARY
MAHARASHTRA
GOVT OF INDIA

RANJEET SINGH (Notary Govt. of India)
Register No. 9136
Dated 22 MAY 2023



3691



महाराष्ट्र MAHARASHTRA

2020

BA 538012



प्रधान मुद्रांक कार्यालय, मुंबई
 प.मु.वि.क्र. ८००००९९
 - 2 FEB 2021
 सशम अधिकारी

POWER OF ATTORNEY

श्री. दि. क. गवई

TO ALL TO WHOM THESE PRESENTS SHALL COME, I, **Jaidev Rajnikant Shroff**,
son of Mr. Rajnikant Shroff, age 55 years, residing 82, Pali hill, Bandra (West),
 Mumbai – 400 050, do hereby SEND GREETINGS:

Handwritten signature
 Jai

**WHEREAS:**

- A. I am the owner of and well and sufficiently entitled to several pieces and parcels of lands situate, lying and being at Village Shevati, Taluka Maval, District Pune.
- B. I have certain civil disputes and litigations going on before various Revenue authorities, Tribunals and Courts in Pune relating to the aforesaid properties. As I travel for business purposes for most part of the year, I am desirous of appointing some fit person as my true and lawful representative to act on my behalf and actively pursue any civil proceedings on my behalf as I am unable to personally attend the legal proceedings.
- C. Therefore, I am desirous of appointing, nominating and constituting **Mr. Sawan Sutar**, an Indian Inhabitant, aged 41 years, having his office at UPL office, off Western Express Highway, Bandra (East), Mumbai – 400 051, authorizing and empowering him as my true and lawful attorney, for me in my name and on my behalf with full power and authority to do and perform all legitimate acts, deeds, matters and things as hereinafter mentioned.

NOW KNOW YE ALL AND THESE PRESENTS WITNESSETH that I **Mr. Jaidev Rajnikant Shroff ("Donor")**, in my personal capacity do hereby nominate, constitute and appoint **Mr. Sawan Dattaram Sutar ("Donee")** as my true and lawful Attorney in fact and at law for myself to do, execute and perform, or cause to be done executed and performed, all or any of the following legitimate acts, deeds, matters or things for and on our behalf and in my name in respect of the aforesaid proceedings for the purposes hereinafter expressed that is to say:

1. To file, institute, appear, represent and defend me in any suits, writ petitions, actions or legal proceedings in any Court of Law or before any quasi-judicial authority, revenue authority, tribunal or any other forum, in any way concerning the Properties.
2. To appoint and engage Advocates, Solicitors and Counsel and to sign, verify and execute in our names and on our behalf all complaints, petitions, written statements, objections, counter claims, applications, appeals, rejoinders, affidavits and applications, vakalatnamas, etc. and to defend such suits, writ petitions, actions or legal proceedings as the Donee may deem fit and to abide by, observe,

perform and carry out all obligations under the suits and orders passed there under.

3. To give evidence in any legal proceedings and to file documents and take return of the same and defend any complaints, suits, petitions, complaints, applications or any other legal proceedings in appropriate Court of law, government authority, department or tribunal, judicial or quasi judicial authority and if necessary or desirable to raise and file claims and counter claims and implead third parties in the legal proceedings in any of the abovementioned forums and to do all acts and things as necessary or expedient in this regard.
4. To apply to the government, quasi judicial authorities, statutory bodies and other Authorities, Talathi, Mamlatdar, Tahsildar, Town Planning Officer, Assessor & Collector, Municipal Corporation, Electricity authority, Superintendent of Land Records, Collector, and other revenue authorities, other Governmental and Semi-Governmental authorities and all other public or private bodies or authorities with respect to the Properties and for that purpose to address, all correspondence and take actions, including making any application, receiving letters, orders, representation and prefer any appeal, reference, review in that behalf.
5. To lodge complaints with all authorities including local Police Station and to do all such other acts, deed, matters and things as may be necessary for protection of the Properties.
6. To prefer appeal or appeals, make revision, review and reference, applications, Writ petitions, miscellaneous petitions, execution petitions, rejoinders, applications, interim proceedings, ex-parte proceedings, etc. against any of the orders which may be passed by the Competent Authority or other authorities under any applicable law or by other officers and authorities under other acts, rules, regulations as the Donee may require or be advised and to do all acts, deeds, matters and things and to institute and file such appeals, revisions, petitions and for the purpose to sign and declare all petitions, memo of appeals, applications, affidavits, plaint and all other proceedings in all courts including the Bombay High Court and any judicial or quasi judicial authority as may be required for the said purpose.
7. To file application for execution of decree or order passed in any legal proceedings and to sign and verify such application.
8. To apply for inspection and peruse documents and records and also to obtain certified copies of documents and records.
9. To do all other acts, deeds, matters and things which may be necessary for the conduct of the legal proceedings to be done in respect of the Properties and

Atul J



which is not covered under these presents and for also rendering these presents valid and effectual to all intents and purposes according to Laws and customs of India as I could do in my own proper person if these presents had not been made.

10. AND we do hereby declare that the said powers and authorities and discretion hereby conferred upon the Donee will continue to be valid for a period of 03 (Three) years from the date of execution hereof unless revoked earlier by the Donor by giving notice to Donee in writing to this effect.

11. AND we hereby agree to ratify and confirm all and whatsoever legitimate and lawful acts the Donee shall do or purport to do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF I, Jaidev Rajnikant Shroff, do hereunto set my hand on this _____ day of February, 2021.

Signed, Sealed and Delivered by]

Mr. Jaidev Rajnikant Shroff]

Donor :]



SIGNATURE



LEFT THUMB IMPRESSION



I accept this Power of Attorney]

Mr. Sawan Dattaram Sutar]

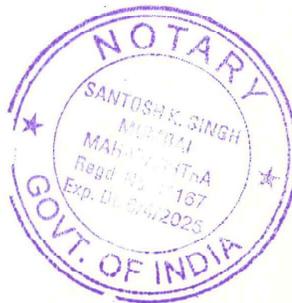
Donee :]



SIGNATURE



LEFT THUMB IMPRESSION



BEFORE ME

SANTOSH K. SINGH
NOTARY
MAHARASHTRA
(Govt. of India)

23 FEB 2021

Register No. 92/2021
Santosh K. Singh 23 FEB 2021

3695

Exhibit-A



मि.ठी. - तिळो कार्यालय
४२, बुधवार पेठ,
लक्ष्मी रोड, पुणे-२.
फोन : ४४५६६७६

घरबांधणी व दुरुस्ती परवाना (सर्टिफिकेट)
(ग्रामपंचायत अधिनियम सन १९५८ कलम ५२ प्रमाणे)

सुचना
नको असलेले
मजकूर खोडाय

सरपंच ग्रामपंचायत मु. आंबेगाव ता. मावळ जि. पुणे येथील ग्रामपंचायत
यांजकडून श्री. जयदेव रजनीकांत-बाई सा. शेखराजि यांस
ग्रामपंचायत कार्यक्षेत्रातील रस्त्यांचे नाव जोडणे साहे घर नंबर वॉर्ड नंबर यामध्ये
तारीख १५/११/२००५ रोजी दिलेल्या अर्जावरून आपणास कळविण्यात येते की,
(खालील तर्तीवर घर बांधण्यास / दुरुस्तीस परवानगी देण्यात आली आहे.)

- (१) सार्वजनिक रस्त्यापासून जाण्यायेण्यास कुठल्याही प्रकारचा अडथळा व धोका होता कामा नये.
- (२) शेजारच्या जागेत अतिक्रमण होईल असे कुठलेही कृत्य करता कामा नये.
- (३) बांधकामास परवानगी दिल्यापासून १ वर्षाचे आत काम पुरे करावे ते न केल्यास आपणास दिलेली परवानगी रद्द झाली असे समजण्यात येईल. घरबांधणी करताना घराचे आजूबाजूस सारखी जागा मोकळी ठेवून पूर्वीच्या परिस्थितीपेक्षा जास्त काम करता कामा नये.
- (४) ग्रामपंचायतीने बांधणीच्या परवानगीशिवाय काम बांधले असे पंचायतीच्या नजरेस आले तर ते काम बंद केले जाईल त्यास कुठल्याही प्रकारचा अडथळा करता कामा नये अगर कायदेशीर मार्ग पत्करता येणार नाही.
- (५) शेतजमिनीत काम बांधावयाचे असल्यास त्याकरिता लागणारी बिगर शेतीची परवानगी मे कलेक्टरसाहेब यांजकडून परस्पर घ्यावी ती न मिळाल्यास ग्रामपंचायतीकडून कुठल्याही प्रकारची परवानगी मिळणार नाही.
- (६) संपूर्णपणे घरबांधणी अगर दुरुस्ती अगर रिपेअर्स झाल्यानंतर पंचायतीस झालेला खर्च कळविण्यात येईल.
- (७) वरीलप्रमाणे लिहिलेल्या सर्व अटी तुम्हाला मान्य असून त्याचे विरुद्ध वर्तन करता कामा नये केल्यास होणाऱ्या कायदेशीर परिणामास पात्र रहावे लागेल कळावे.

प्रत मिळाली

स्थळ - ग्रामपंचायत मु.

Smoly
ग्रामपंचायत
मु. आंबेगाव
ता. मावळ, जि. पुणे.



दिनांक २०/०२/०९

जि.
Pradate
सरपंच

मु. आंबेगाव
ता. मावळ, जि. पुणे.

Exhibit-B

(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(E). - Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India, 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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.

Includes 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.

I; II; III (i); (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O. 1533(E) dated 14.09.2006

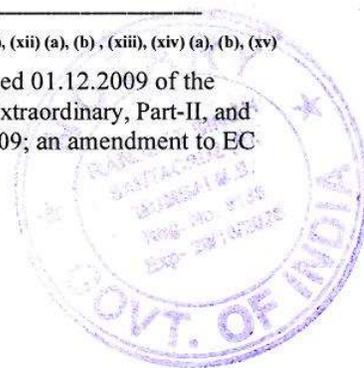


- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 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).
- ¹“(7) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous:
Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and copy thereof sent to MoEF.”

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. ¹¹ “In the absence of a duly constituted SEIAA

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



or SEAC, a Category 'B' project shall be considered at Central Level as a Category 'B' project;"

5. Screening, Scoping and Appraisal Committees:-

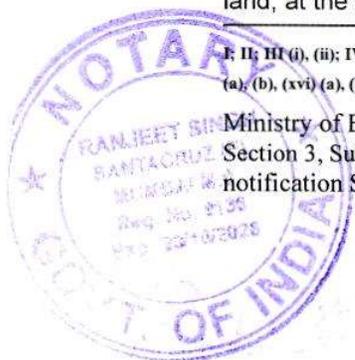
The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at 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 Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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:-

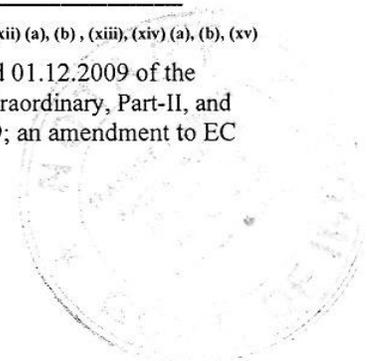
- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).

I; II; III (f), (g); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



- (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.
- III “(cc) maintenance dredging provided the dredged material shall be disposed within port limits.”;
- III “(d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8(a) and 8(b) in the Schedule to the notification).”
- 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

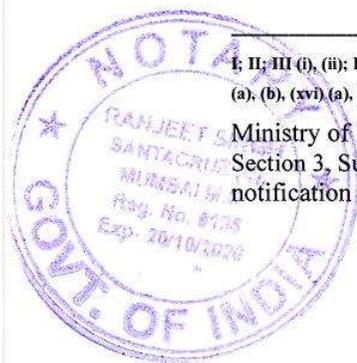


authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.

- (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; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

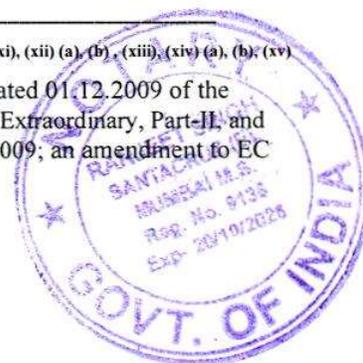


- (i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.
- (ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.
- (iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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

I, B. III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



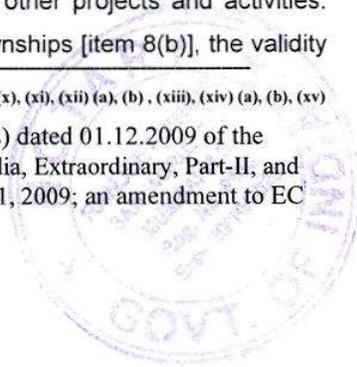
applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

- (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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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:

- IV (i)(a) In respect of Category 'A' project, it shall be mandatory for the project proponent to make public the environment clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent's website permanently.
- (b) In respect of Category 'B' projects, irrespective of its clearance by MoEF / SEIAA, the project proponent shall prominently advertise in the newspapers indicating that the project has been accorded environment clearance and the details of the MoEF website where it is displayed.
- (c) The Ministry of Environment and Forests and the State/Union Territory Level Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Governmental portal.
- (d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.”;
- IV (ii) 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.
- IV (iii) 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

I: II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

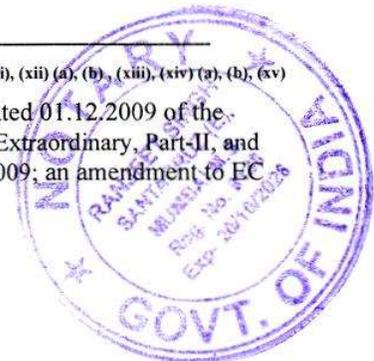
11. Transferability of Environmental Clearance (EC):

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.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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)
v "1(a)	(i) Mining of minerals.	≥ 50 ha. of mining lease area in respect of non-coal mine lease. > 150 ha of mining lease area in respect of coal mine lease. Asbestos mining irrespective of mining area All projects.	<50 ha ≥ 5 ha .of mining lease area in respect of non-coal mine lease. ≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.	General Condition shall apply Note: Mineral prospecting is exempted.";
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	v "General Condition shall apply. Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category 'B' Projects.";



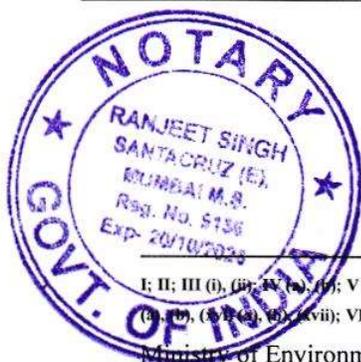
I; II; III (a), (b); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii) (a), (b); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
1(d)	Thermal Power Plants	v ≥ 500 MW (coal / lignite / naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW (based on biomass or non hazardous municipal waste as fuel).";	< 500 MW (coal / lignite / naphtha & gas based); <50 MW ≥ 5 MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW > 15 MW (based on biomass or non hazardous municipal waste as fuel).";	v "General Condition shall apply. Note: (i) Power plant up to 15 MW, based on biomass and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (ii) Power plant up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.";
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	≥ 0.1 million 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)



I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

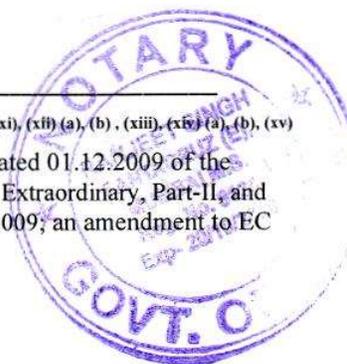
3				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing \geq 200TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units \geq 20,000 tonnes /annum	Sponge iron manufacturing <200TPD 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	^v "General condition shall apply. Note: (i) The recycling industrial units registered under the HSM Rules, are exempted. (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electrical arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance. (iii) Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted."
3(b)	Cement plants	\geq 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply
4				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	\geq 2,50,000 tonnes/annum	<2,50,000 & \geq 25,000 tonnes/annum	^v "General Condition shall apply."
4(c)	Asbestos milling and asbestos based products	All projects	-	-



I; II; III (i), (ii), IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

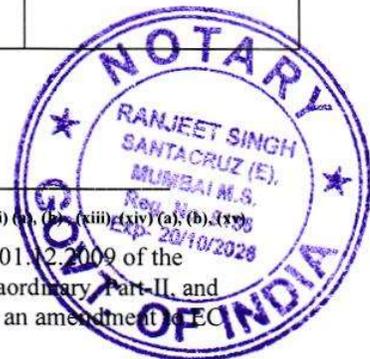
(1)	(2)	(3)	(4)	(5)
4(d)	Chlor-alkali industry	≥300 TPD production Capacity or a unit located out side the notified industrial area/ estate	√ “(i) All projects irrespective of the size, if located in a Notified Industrial Area/ Estate. (ii) <300 tonnes per day (TPD) and located outside a Notified Industrial Area/ Estate.”	√ “General as well as 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	√ “General as well as specific condition shall apply.”
5		Manufacturing / Fabrication		
5(a)	Chemical fertilizers	√ “All projects except Single Super Phosphate.”	√ “Single Super Phosphate.”	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibers 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	√ “General as well as specific condition shall apply.”

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



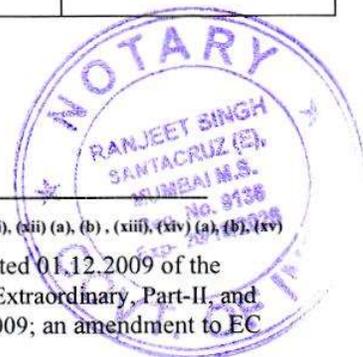
(1)	(2)	(3)	(4)	(5)
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	^v "General as well as 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
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)	^v Omitted			
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	-	-

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii) (a), (b), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment of E.O notification S.O.1533(E) dated 14.09.2006



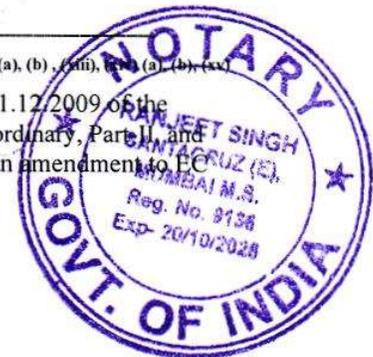
(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		
7(a)	Air ports	^v "All projects including airstrips, which are for commercial use."	-	^v "Note: Air strips, which do not involve bunkering/ refueling facility and or Air Traffic Control, are exempted."
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7©	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	^v "General as well as special conditions shall apply. Note: 1. Industrial Estate of area below 500 ha. and not housing any industry of Category 'A' or 'B' does not require clearance. 2. If the area is less than 500 ha. but contains building and construction projects > 20,000 Sq. mts. And or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be."
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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



(1)	(2)	(3)	(4)	(5)
7(e)	^v "Ports, harbours, break waters, dredging."	≥ 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	^v "General Condition shall apply. Note: 1. Capital dredging inside and outside the ports or harbors and channels are included; 2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained."
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	^v " i) All State Highway Project; and ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas."	General Condition shall apply. Note: Highways include expressways."
7(g)	Aerial ropeways	^{v(xvi)(a)} "(i) All projects located at altitude of 1,000 mtr. And above. (ii) All projects located in notified ecologically sensitive areas."	^{v(xvi)(b)} "All projects except those covered in column (3)."	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
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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



Note:-

^{V(xvii)} **“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 identified by the Central Pollution Control Board from time to time, (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

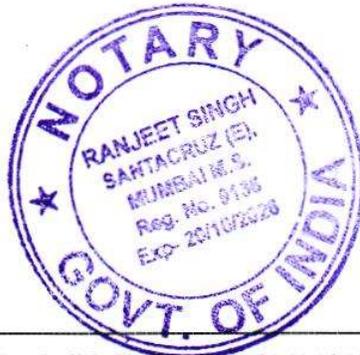
Provided that the requirement regarding distance of 10 km of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or U.Ts sharing the common boundary in case the activity does not fall within 10 kilometres of the areas mentioned at item (i), (ii) and (iii) above.”

Specific Condition (SC):

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

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

JOINT SECRETARY TO THE GOVERNMENT OF INDIA



I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

APPENDIX I

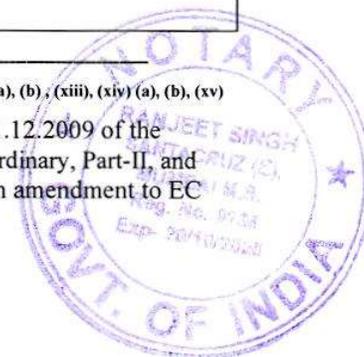
(See paragraph – 6)

FORM 1

VI(a) "(I) Basic Information

Serial Number	Item	Details
1.	Name of the project/s	
2.	S. No. in schedule	
3.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number of wells to be drilled	
4.	New/Expansion/Modernization	
5.	Existing Capacity/Area etc.	
6.	Category of Project i.e. 'A' or 'B'	
7.	Does it attract the general condition? If Yes, please specify.	
8.	Does it attract the specific condition? If Yes, please specify.	
9.	Location	
	Plot/Survey/Khasra No.	
	Village	
	Tehsil	
	District	
	State	
10.	Nearest railway station/airport along with distance in kms.	
11.	Nearest Town, city, District Headquarters along with distance in kms.	
12.	Village Panchayats, Zilla Parishad, Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given)	
13.	Name of the applicant	
14.	Registered Address	
15.	Address for correspondence:	
	Name	
	Designation (Owner/Partner/CEO)	
	Address	
	Pin Code	
	E-mail	
	Telephone No.	
	Fax No.	
16	Details of Alternative Sites examined, if any. Location of these sites should be shown on a topo sheet.	Village-District-State 1. 2. 3.
17.	Interlinked Projects	
18	Whether separate application of interlinked project has been submitted?	

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



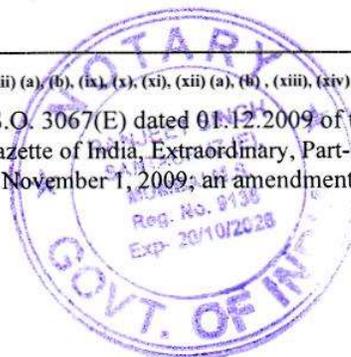
19.	If yes, date of submission	
20.	If no, reason	
21.	Whether the proposal involves approval/ clearance under: If yes, details of the same and their status to be given. (a) The Forest (Conservation) Act, 1980 ? (b) The Wildlife (Protection) Act, 1972 ? (c) The C.R.Z. Notification, 1991 ?	
22.	Whether there is any Government Order/Policy relevant/ relating to the site ?	
23.	Forest land involved (hectares)	
24.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up ? (a) Name of the Court. (b) Case No. (c) Orders/directions of the Court, if any and its relevance with the proposed project.	

(II) Activity

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

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part II and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

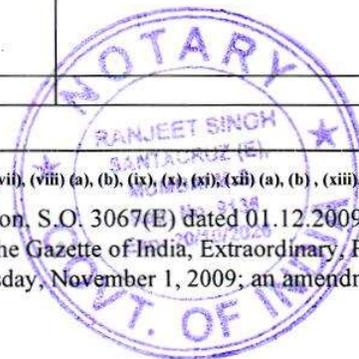
2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, sand / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

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

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment.		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

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

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to the notification S.O. 1533(E) dated 14.09.2006



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

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

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

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

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



I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

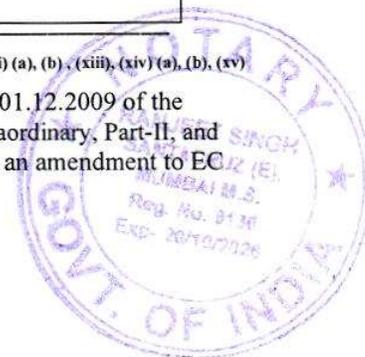
8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

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

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

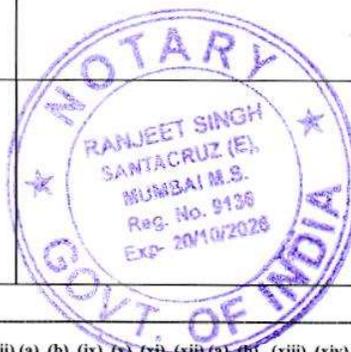
S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting, utilities, ancillary development or development stimulated by the project which could have impact on the environment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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, esting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce Resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental Problems (<i>earthquakes, subsidence, landslides, erosion, Flooding or extreme or adverse climatic conditions</i>)		



I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(IV). Proposed Terms of Reference for EIA studies

^{VI(b)} "I hereby given undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance give, if any to the project will be revoked at our risk and cost."

Date: _____

Place: _____

Signature of the applicant
With Name and Full Address
(Project Proponent/Authorised Signatory)

NOTE:

1. The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C.R.Z. map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z. (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z. Notification, 1991 for the activities to be located in the CRZ.
2. The projects to be located within 10 km of the National Prks, Sancturries, Biosphere Reserves, Migratory Corridors of Wile Animals, the project proponenet shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon (at the stage of EC)."
3. All correspondence with the Ministry of Environment & Forests including abumission of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being and authorized signatory for the specific project."

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01/12/2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part III, Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to notification S.O.1533(E) dated 14.09.2006



APPENDIX II (See paragraph 6)

FORM-1 A (only for construction projects listed under item 8 of the Schedule)

CHECK LIST OF ENVIRONMENTAL IMPACTS

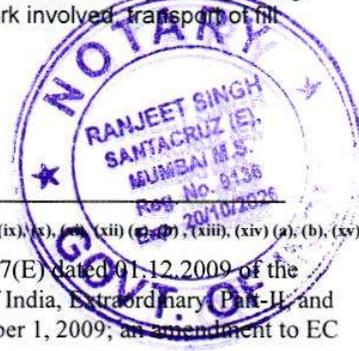
(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. LAND ENVIRONMENT

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

- 1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.
- 1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.
- 1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).
- 1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).
- 1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)
- 1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

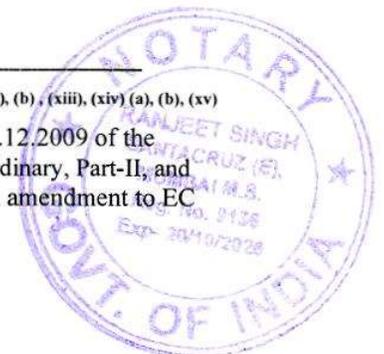


- 1.7. Give details regarding water supply, waste handling etc during the construction period.
- 1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)
- 1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

- 2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.
- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)
- 3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)
- 3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

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



I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x) (a), (b), (xi) (a), (b), (xii), (xiii) (a), (b), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2005 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.
- 4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

- 5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)
- 5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.
- 5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.
- 5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.
- 5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.
- 5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

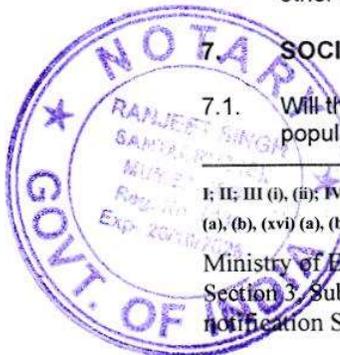
6. AESTHETICS

- 6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?
- 6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?
- 6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.
- 6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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

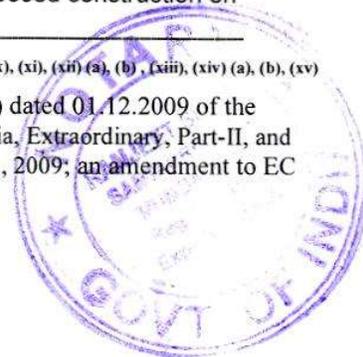
8. BUILDING MATERIALS

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

9. ENERGY CONSERVATION

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



creation of heat island & inversion effects?

- 9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.
- 9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.
- 9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.
- 9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.
- 9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

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



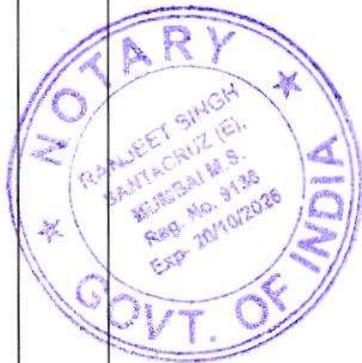
I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

APPENDIX III

(See paragraph 7

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout) • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure



I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

3.	Description of the Environment	<ul style="list-style-type: none"> • Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure • Improvements in the social infrastructure

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to the notification S.O.1533(E) dated 14.09.2006



		<ul style="list-style-type: none"> • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits
9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> • Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11	Summary & Conclusion (This will constitute the summary of the EIA Report)	<ul style="list-style-type: none"> • Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> • The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A

(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

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

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



I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

APPENDIX IV

(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

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

2.0 The Process:

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

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

- (a) District Magistrate/District collector/Deputy commissioner/s
- (b) Zila Parishad or Municipal Corporation or Panchayats Union
- (c) District Industries Office
- (d) Urban Local Bodies (ULBs) / PRIs Concerned / Development authorities.
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the abovementioned authorities except the Regional Office of MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part III, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment notification S.O.1533(E) dated 14.09.2006



inspection in select offices or public libraries or any other suitable location etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices as given in para 2.2.

3.0 Notice of Public Hearing:

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

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing. In places where the newspapers do not reach, the Competent Authority should arrange to inform the local public about the public hearing by other means such as by way of beating of drums as well as advertisement / announcement on radio / television.

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

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

4.0 Supervision and Presiding over the Hearing:

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

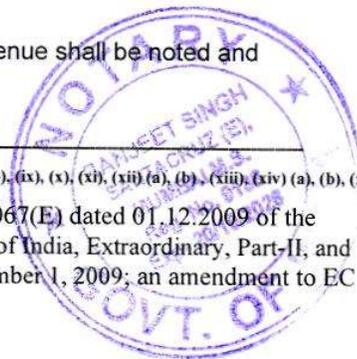
5.0 Videography

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

6.0 Proceedings

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



- 6.2 There shall be no quorum required for attendance for starting the proceedings.
- 6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.
- 6.4 Persons present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the local/vernacular language and the agreed minutes shall be signed by the District Magistrate/District collector/Deputy Commissioner or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.
- 6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language or the Official State language, as the case may be, and in English and annexed to the proceedings:
- 6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate/District collector/Deputy Commissioner, and the SPCB or UTPCC . The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the applicant concerned.
- 7.0 Time period for completion of public hearing**
- 7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Thereafter the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing.Simultaneously, a copy will also be provided to the project proponent.The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item-wise, to address those concerns.”.
- 7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

APPENDIX –V

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to the notification S.O.1533(E) dated 14.09.2006



(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

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

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

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal.

3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA report, in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance."

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

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

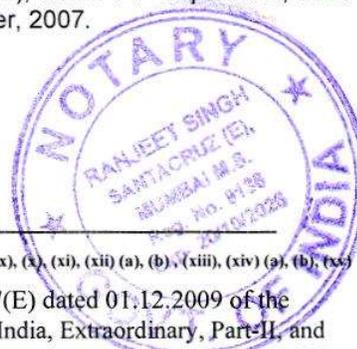
6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards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

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533 (E), dated 14th September, 2006 and amended vide S.O. 1737 (E), dated the 11th October, 2007.

APPENDIX VI

(See paragraph 5)

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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

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

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

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

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

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

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC SINGH notification S.O.1533(E) dated 14.09.2006



- **Environmental Economics Expert with experience in project appraisal**
 - 3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.
 - 4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.
 - 5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.
 - 6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.
 - 7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.
 - 8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.
-



I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

3741

Exhibit-C



Government of India
Ministry of Environment and Forests
(Wildlife Division)

Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi -110003.

F. No. 1-9/2007 WL-I(pt)
Dated: 9th February, 2011

To,
The Chief Wildlife Warden
All States/Union Territories

Sub: Guidelines for Declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries.

Sir

In pursuance to the decision taken by the National Board for Wildlife, all the States/Union Territory, Governments were requested for forwarding site specific proposals for declaration of Eco Sensitive Zones around National Parks and Wildlife Sanctuaries. Several reminders in this connection were also sent. Hon'ble Supreme Court had also take note of this decision had directed States/ Union Territory, Governments to forward proposals this Ministry. However, only very few States have forwarded proposals in this regard.

This Ministry after careful consideration, has therefore, decided to frame guidelines to facilitate the States/Union Territory, Governments for declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries. Kindly find enclosed a copy of the said Guidelines. It is requested to kindly take necessary action in this regard at the earliest

Yours faithfully,

(Prakriti Srivastava)

Deputy Inspector General (WL)

Telefax: 01-24360704

E-mail: digwl-mef@nic.in

Encl: As above

Copy to:

1. Principal Secretary (Forests), all States/Union Territories.
2. Principal Chief Conservator of Forests, all States/ Union Territories.
3. NIC Cell- with a request to upload the enclosed guidelines on website of MoEF.



3742

**GUIDELINES FOR
DECLARATION OF ECO-
SENSITIVE ZONES AROUND
NATIONAL PARKS AND WILDLIFE
SANCTUARIES**



**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS**

INDEX

Sl.No.	Agenda item	Page No.
1	Background	3
2	Statutory Provisions	4
3	Purpose for declaring Eco-Sensitive Zones	5
4	Extent of Eco-Sensitive Zones	5
5	Need for guidelines	5
6	The procedure to be adopted	6



**GUIDELINES FOR DECLARATION OF ECO-SENSITIVE ZONES AROUND
NATIONAL PARKS AND WILDLIFE SANCTUARIES**

1. Background:

1.1. IBWL Decision:

1.1.1 During the XXI meeting of the Indian Board for Wildlife held on 21st January 2002, a 'Wildlife Conservation Strategy-2002' was adopted wherein point no.9 envisaged that "lands falling within 10 Kms of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under section 3 (v) of the Environment (Protection) Act and Rule 5 Sub rule (viii) & (x) of the Environment (Protection) Rules."

1.1.2 The Additional Director General of Forests (WL), vide letter dated 6th February 2002, had requested all the Chief Wildlife Wardens for listing out such areas within 10 Kms of the boundaries of National Parks and Sanctuaries and furnish detailed proposals for their notification as eco-sensitive areas under the Environment (Protection) Act, 1986.

1.1.3 In response, some of the State Governments had raised concern over applicability of the 10 Kms range from the Protected Area boundary and informed that most of the human habitation and other areas including important cities in these States would come under the purview of eco-sensitive zone and will adversely affect the development.

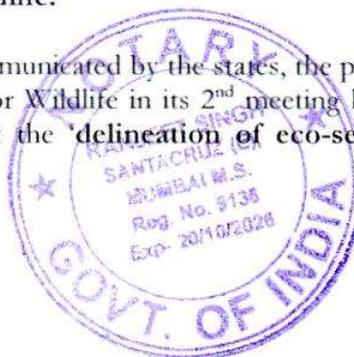
1.2. National Wildlife Action Plan (2002-2016)

1.2.1 The National Wildlife Action Plan (NWAP) 2002-2016 indicates that "*Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity which will not survive in the long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere.*"

1.2.2 The Action Plan also indicates that "*All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986.*"

1.3. Decision of National Board for Wildlife:

1.3.1 Considering the constraints communicated by the states, the proposal was re-examined by the National Board for Wildlife in its 2nd meeting held on 17th March 2005 and it was decided that the 'delineation of eco-sensitive



zones would have to be site specific and relate to regulation, rather than prohibition, of specific activities'. The decision was communicated to all the State Governments for compliance vide letter dated 27th May 2005. Thereafter, it was further communicated with subsequent reminders.

1.4. Hon'ble Supreme Court's decision:

1.4.1 A Public Interest Litigation was also filed by the Goa Foundation vide their Writ Petition No. 460/2004 before the Hon'ble Supreme Court regarding the issue of declaration of eco-sensitive zones.

1.4.2 Vide their order dated 4th December 2006, Hon'ble Supreme Court had directed the Ministry of Environment & Forests to give a final opportunity to all States/Union territories to respond to the letter dated 27.5.2005 and that the State Governments send their proposals within four weeks, to the Ministry. It was also directed that all cases where environmental clearances were granted where activities are within 10 Kms zone, be referred to Standing Committee of NBWL.

2. Statutory Provisions

2.1 *Section 5 C(1) of the Wildlife (Protection) Act, 1972 states that it shall be the duty of the National Board for Wildlife to promote the conservation and development of Wildlife and forests by such measures as it thinks fit.*

2.2 *Section 3 of the Environment (Protection) Act 1986 (EPA) gives power to the Central Government i.e. the Union Ministry of Environment and Forests to take all measures that it feels are necessary for protecting and improving the quality of the environment and to prevent and control environmental pollution. To meet this objective, the Central Government can restrict areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards [Section 3(2)(v)]*

2.3 *Section 5(1) of the Environment (Protection) Rules, 1986 (EPR), states that the central government can prohibit or restrict the location of industries and carrying on certain operations or processes on the basis of considerations like the biological diversity of an area (clause v) maximum allowable limits of concentration of pollutants for an area (clause ii) environmentally compatible land use (clause vi) proximity to protected areas (clause iii)*



3. Purpose for declaring Eco-Sensitive Zones:

The purpose of declaring Eco-sensitive Zones around National Parks and Sanctuaries is to create some kind of "Shock Absorber" for the Protected Areas. They would also act as a transition zone from areas of high protection to areas involving lesser protection. As has been decided by the National Board for Wildlife, the activities in the Eco-sensitive zones would be of a regulatory nature rather than prohibitive nature, unless and otherwise so required.

4. Extent of Eco-Sensitive Zones:

4.1 Many of the existing Protected Areas have already undergone tremendous development in close vicinity to their boundaries. Some of the Protected Areas actually lying in the urban setup (Eg. Guindy National Park, Tamil Nadu, Sanjay Gandhi National Park, Maharashtra, etc). Therefore, defining the extent of eco-sensitive zones around Protected Areas will have to be kept flexible and Protected Area specific. The width of the Eco-sensitive Zone and type of regulations will differ from Protected Area to Protected Area. However, as a general principle the width of the Eco-sensitive Zone could go upto 10 Kms around a Protected Area as provided in the Wildlife Conservation Strategy-2002.

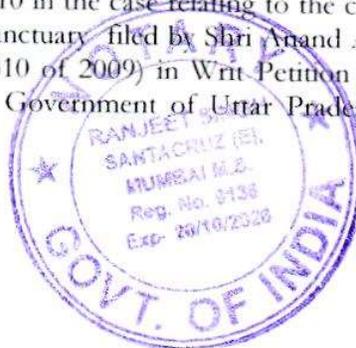
4.2 In case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10 kms width, these should be included in the Eco-sensitive Zone.

4.3 Further, even in context of a particular Protected Area, the distribution of an area of Eco-sensitive Zone and the extent of regulation may not be uniform all around and it could be of variable width and extent.

5. Need for guidelines:

5.1 As has been indicated vide para 1.4 above, Hon'ble Supreme Court has vide their order dated 4th December 2006 directed all the State/Union Territory Governments to forward proposals for declaration of eco-sensitive zones around its Protected Areas. However, only States like Haryana, Gujarat, Mizoram, Meghalaya, Assam, Goa have forwarded proposals. However, several other States/Union Territories have not come forward, perhaps for want of guidelines in this regard.

5.2 In this context, it is pertinent to note here that Hon'ble Supreme Court vide their judgment dated 3rd December 2010 in the case relating to the construction of park at NOIDA near Okhla Bird Sanctuary filed by Shri Anand Arya & Anr vs. Union of India (I.A. Nos 2609-2610 of 2009) in Writ Petition (Civil) No. 202/1995, had noted that the State Government of Uttar Pradesh had not



declared Eco-sensitive zones around its Protected Areas as the Government of India had not issued any guidelines in this regard.

5.3 The Ministry of Environment & Forests had set up a committee under the Chairmanship of Shri Pronab Sen for identifying parameters for designating Ecologically Sensitive Areas in India. The said Committee had identified parameters for declaration of specific units of land/water etc as Ecologically Sensitive Zones based on parameters like richness of flora& fauna; slope; rarity & endemism of species in the area; origins of rivers etc. However, these parameters do not basically apply to the Eco-sensitive zones in the instant context, i.e around Protected Areas. In the instant case, the Eco-sensitive zones are meant to act as a "Shock absorbers"/ "transition zone" to the Protected Areas by regulating and managing the activities around such Protected Areas.

6. The procedure to be adopted :

6.1 As has been indicated in the forgoing paras, the basic aim is to regulate certain activities around National Park and Wildlife Sanctuary so as to minimize the negative impacts of such activities on the fragile ecosystem encompassing the Protected Area. As a first step towards achieving this goal, it is a pre-requisite that an inventory of the different land use patterns and the different types of activities, types and number of industries operating around each of the Protected Area (National Parks, Sanctuaries) as well as important Corridors be made. The inventory could be done by the concerned Range Officers, who can take a stock of activities within 10 km of his range.

6.2 For the above purpose, a small committee comprising the concerned Wildlife Warden, an Ecologist, an official from the Local Self Government and an official of the Revenue Department of the concerned area, could be formed. The said committee could suggest the:

- (i) Extent of eco-sensitive zones for the Protected Area being considered.
- (ii) The requirement of such a zone to act as a shock absorber
- (iii) To suggest the best methods for management of the eco-sensitive zones, so suggested.
- (iv) To suggest broad based thematic activities to be included in the Master Plan for the region.

6.3 Based on the above, the Chief Wildlife Warden could group the activities under the following categories (an indicative list of such activities is attached as ANNEXURE-1):-

- (i) Prohibited
- (ii) Restricted with safeguards.
- (iii) Permissible



6.4 Once the proposal for Eco-sensitive zones has been finalized, the same may be forwarded to the Ministry of Environment and Forests for further processing and notification. Here, it may be noted that, the State/Union Territory Forest Department could forward the proposals to the respective authority in the State Government with copy to the Ministry of Environment and Forests, as and when the proposals (even if it is for single Protected Area) are complete. An indicative list of details that need to be submitted along with the proposals is at ANNEXURE-2.

6.5 It is to mention here that in cases where the boundary of a Protected Area abuts the boundary of another State/Union Territory where it does not form part of any Protected Area, it shall be the endeavour of both the State/Union Territory Governments to have a mutual consultation and decide upon the width of the eco-sensitive zone around the Protected Area in question.

6.6 The State Government should endeavour to convey a very strong message to the public that ESZ are not meant to hamper their day to day activities, but instead, is meant to protect the precious forests/Protected Areas in their locality from any negative impact, and also to refine the environment around the Protected Areas. A copy of the notification of the Sultanpur Eco-sensitive Zone issued by the Ministry is attached herewith at ANNEXURE-3 for reference and guidance.

7. These guidelines are indicative in nature and the State / Union Territory Governments may use these as basic framework to develop specific guidelines applicable in the context of their National Parks, Wildlife Sanctuaries, important corridors, etc. with a view to minimizing and preferably eliminating any negative impact on protected areas.



ANNEXURE-1

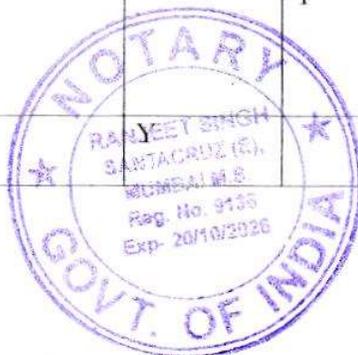
Identification of Activities

While some of the activities could be allowed in all the eco-sensitive areas, others will need to be regulated / prohibited. However, which activity can be regulated or prohibited and to what extent, would have to be PA specific. A broad list of activities (this may need supplementation) which could be allowed, promoted, regulated or prohibited is given in the table below:

Sl. No.	Activity	Prohibited	Regulated	Permitted	Remarks
1.	Commercial Mining	Y			Regulation will not prohibit the digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing for personal consumption
2.	Felling of trees		Y		With permission from appropriate authority
3.	Setting of saw mills	Y			
4.	Setting of industries causing pollution (Water, Air, Soil, Noise, etc.)	Y			
5.	Establishment of hotels and resorts		Y		As per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals
6.	Commercial use of firewood	Y			For hotels and other business related establishment



7.	Drastic change of agriculture systems		Y		
8.	Commercial use of natural water resources including ground water harvesting		Y		As per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.
9.	Establishment of major hydroelectric projects	Y			
10.	Erection of electrical cables		Y		Promote underground cabling
11.	Ongoing agriculture and horticulture practices by local communities			Y	However, excessive expansion of some of these activities should be regulated as per the master plan
12.	Rain Water harvesting			Y	Should be actively promoted
13.	Fencing of premises of hotels and lodges		Y		
14.	Organic farming			Y	Should be actively promoted
15.	Use of polythene bags by shopkeepers		Y		
16.	Use of renewable energy sources			Y	Should be actively promoted
17.	Widening of roads				This should be done with proper EIA



					and mitigation measures
18.	Movement of vehicular traffic at night		Y		For commercial purpose
19.	Introduction of exotic species		Y		
20.	Use or production of any hazardous substances	Y			
21.	Undertaking activities related to tourism like over-flying the National Park area by any aircraft, hot-air balloons	Y			
22.	Protection of hill slopes and river banks		Y		As per the master plan
23.	Discharge of effluents and solid waste in natural water bodies or terrestrial area	Y			
24.	Air and vehicular pollution		Y		
25.	Sign boards & hoardings		Y		As per the master plan
26.	Adoption of green technology for all activities			Y	Should be actively promoted.



ANNEXURE-2

GENERIC INFORMATIONS TO BE INCORPORATED IN THE PROPOSALS FOR DECLARATION OF ECO-SENSITIVE ZONE AROUND PROTECTED AREAS

- (i) Delineation of the physical boundaries on a topo-sheet with precise description in geographic terms together with a description of the significant features/attributes that would potentially qualify the area as eco-sensitive zone. A description of the boundaries alongwith the list of villages with exception and exemption in the delineated buffer zone area.
- (ii) An inventory of the existing legal status of rights, entitlements, privileges and obligations of the local communities.
- (iii) A description of bio-diversity values including bio-geographical representatives, endemism, species richness, geo-morphological characteristics, and unique land use practices including aesthetic and cultural values.
- (iv) A description of the resource base indicating the economic potential and livelihood implication for the people residing in and around the proposed eco-sensitive area.
- (v) An inventory of activities to be regulated and/ or prohibited in the proposed eco-sensitive zone.
- (vi) List of the protected areas for declaring eco-sensitive zone.



3753

Exhibit-D1



पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

Pune metropolitan Regional Development Authority, Pune

PUNEMETROPOLIS

स.नं. १५२ - १५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११००७

S.No. 152-153, Maharaja Sayajirao Gaikwad Udyog Bhawan, Aundh, Pune - 411 007

Ph No. : 020- 259 33 344 / 356 / 333 / फोन. नं. ०२०- २५९ ३३ ३४४ / ३५६ / ३३३ Email: hqpmrda@gmail.com

भोगवटा प्रमाणपत्र

(मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र.7.6 नुसार)

जा.क्र. : DP/बीएमए/मी.शेवती/ता.मावळ/ग.नं.५०/२पै/ ९९९
७८-७९

दि. १५/११/२०१८

प्रति,

जय रजनीकांत श्रॉफ,

पत्ता:- सि. स.नं. ६१०, बी/२, बांद्रा व्हिलेज,

शिक्षक कॉलनीमागे, बांद्रा (पूर्व),

मुंबई ४०००५१

मौजे शेवती, तालुका मावळ, जिल्हा पुणे येथील ग.नं. ५०/२पैकी, क्षेत्र ३८६००.०० चौ.मी. या जागेवर शेतघर (Farm House) चे बांधकाम करण्यासाठी पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे यांचे कडील विकास परवानगी व प्रारंभ प्रमाणपत्र जा. क्र. डीपी/ बीएमए/ प्र.क्र.६९६/ मी.शेवती/ग.नं.५०/२पैकी/६९६/१८-१९, दि. १८/०९/२०१८ अन्वये आपणास परवानगी देण्यात आली आहे.

उपरोक्त परवानगी प्रमाणे आपण श्री. शब्बीर उनवाला, लायसन्स नं. CA/८८/११५१२ परवानाधारक वास्तुविशारद यांच्या देखरेखीखाली शेतघर (Farm House) चे बांधकाम पूर्ण केले असलेबाबत व या शेतघरास भोगवटा प्रमाणपत्र मिळणेबाबत अर्ज केल्यावरून आपणास खालील शेतघरास सोबतच्या परिशिष्ट 'ब' मध्ये नमूद केलेले अटीस अधिन राहून भोगवटा करणेस संमती देण्यात येत आहे.

उपयोगात आणावयाच्या इमारतीचे वर्णन

अ.क्र.	इमारत	मंजूरीप्रमाणे	प्रत्यक्ष जागेवर	एकूण
1.	शेतघर (Farm House)	तळमजला	तळमजला	१



मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने

महानगर आयुक्त

तथा

मुख्य कार्यकारी अधिकारी

पुणे महानगर प्रदेश विकास प्राधिकरण पुणेकरीता

प्रत:- माहिती व आवश्यक कार्यवाहीसाठी.

1) ग्रामसेवक, मौजे- शेवती, ता- मावळ, जि- पुणे. यांना माहितीसाठी व घरपट्टी आकारणीसाठी



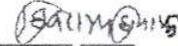
3754

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे यांचेकडील दि. २५/०५/२०१९ रोजीचे पत्र क्र. ^{६६६} ~~१६६~~ सौ. व. त. चे

परिशिष्ट 'ब'

- 1) बांधकाम मंजूरीच्या आदेशातील तसेच अकृषिक परवानगी आदेशातील सर्व अटी व शर्ती अर्जदार / जमीन मालक यांचेवर बंधनकारक राहतील.
- 2) प्रस्तुत शेतघर प्रकल्पाकरिता आपण सादर केलेल्या प्रमाणपत्रात नमूद सक्षम प्राधिकरणाने / ग्रामपंचायतीने पिण्याच्या पाण्याचा पुरवठा न केल्यास हस्तांतरणापूर्वी पिण्याच्या पाण्याची आवश्यक ती पुर्तता स्वखर्चाने करणे अर्जदार / जमीन मालक / विकासक यांचेवर बंधनकारक राहिल.




महानगर आयुक्त

तथा

मुख्य कार्यकारी अधिकारी

पुणे महानगर प्रदेश विकास प्राधिकरण पुणेकरीता

मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने



सादर

दि. 10/09/2020

मान्य टिपणीमध्ये नमूद बाबींच्या अनुषंगाने खालील प्रमाणे पूर्तता करून घेण्यात आलेली आहे.
 १) भरणा केलेल्या विविध शुल्कांचा साचिस्तर तापशिल खालिलप्रमाणे आहे. सोबत Update केलेल्या बराच
 Online Print व भरणा केलेल्या चलनाच्या प्रति सादर करित आहे.

क्र.सं.	शुल्काचा प्रकार	मान्य टिपणीनुसार भरावयाची रक्कम रुपये	प्राधिकरणापासून निर्गत केलेले चलन क्र. व दिनांक	चलनाद्वारे भरलेली रक्कम रुपये	Update Details Journal No व Date
१.	प्रारंभ शुल्क	रु. २९,०८०/-	SCRF/४९६	रु. २९,०८०/-	२४१०२१६ दि. २०/०८/२०१८
२.	विकास शुल्क	रु. २,९९,०१०/-	DEVF/४८४	रु. २,९९,०१०/-	२४४४०८२ दि. ०५/०९/२०१८
३.	प्रिमियम शुल्क (जिना, पैसेज, २०% Paid F.S.I. व इतर करिता)	—	—	—	—
४.	सुरक्षा ठेव	रु. २५,०००/-	SECF/४५७	रु. २५,०००/-	२६२५५५६ दि. ०५/०९/२०१८
५.	बँक गॅरंटी	—	—	—	—
६.	कागदपत्र कल्याण उपकर	रु. ७४,४६०/-	LWCS/५८१	रु. ७४,४६०/-	२२४७५९४ दि. ०५/०९/२०१८
७.	प्रिमियम शुल्क (पावडागाणामुन विवक्षित अंतराकरिता)	—	—	—	—
८.	तडनोड शुल्क	रु. ५,९८,०६०/-	५४५	रु. ५,९८,०६०/-	२२७७९५७ दि. ०५/०९/२०१८
९.	अकृषिक प्रिमियम शुल्क (Conversion Charges)	—	—	—	—
१०.	इतर	—	—	—	—

- २) मान्य टिपणीत नमूद केल्यानुसार नकाशांमध्ये दुरुस्त्या करून सुधारित नकाशा सादर केलेले आहेत. त्यावर
 चास्तुधिशारद व अमिन मालक / कु.मु.धा यांची स्वाक्षरी आहे.
 ३) मान्य टिपणीत नमूद केल्याप्रमाणे विरोध अटी तसेच इतर प्रचलित अटी नमूद करण्यात येत आहेत.
 ४) कागदपत्र कल्याण उपकराची रक्कम दि. १००% भरलेली आहे.
 उपरोक्त प्रमाणे नमूद बाबींची पूर्तता झालेली असल्यामुळे कार्यालयीन व पाठ्यावयाची प्रत / नकाशा
 स्वाक्षरीसाठी सादर करित आहे.

सं.नं.र

न.र



3756

9/2/2018 PMRDA

Sl. No	Challan No.	Challan Type	Name	Amount	Date of Issue	Journal No	Date of Payment	Branch Code	Year	Status
696	696	scrutinee	Mr. Jay Rajnikant Shroff	29080	8/18/2018 4:06:17 PM	2710216	8/20/2018 12:00:00 AM	118	2018-2019	1
696	484	development	Mr. Jay Rajnikant Shroff	259030	9/3/2018 5:38:19 PM	2474782	9/5/2018 12:00:00 AM	118	2018-2019	1
696	457	deposit	Mr. Jay Rajnikant Shroff	25000	9/3/2018 5:38:38 PM	2625556	9/5/2018 12:00:00 AM	118	2018-2019	1
696	631	upkar	Mr. Jay Rajnikant Shroff	74460	9/3/2018 5:38:55 PM	2247594	9/5/2018 12:00:00 AM	118	2018-2019	1
696	545	misc	Mr. Jay Rajnikant Shroff	598060	9/3/2018 5:39:13 PM	2277157	9/5/2018 12:00:00 AM	118	2018-2019	1



3757

Exhibit-D2



PUNEMETROPOLIS

पुणे महानगर प्रदेश क्षेत्र विकास प्राधिकरण, पुणे

Pune Metropolitan Regional Development Authority, Pune

स.नं. १५२ - १५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११ ००७

S.No. 152-153, Maharaja Sayajirao Gaikwad Udyog Bhawan, Aundh, Pune - 411 007

Ph No. : 020-259 33 344 / 356 / 333 / फोन नं. : ०२०- २५९ ३३ ३४४ / ३५६ / ३३३ Email: hqpmrda@gmail.com

विकास परवानगी व प्रारंभ प्रमाणपत्र

(मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र.६.६.१ नुसार)

जा.क्र.:DP/बीएमए/प्र.क्र.६९६/मौ. शेवती/ग.नं. ५०/२ पैकी/ ६९६ दि. १८/०९/२०१८
९८-९९

प्रति,

जय रजनीकांत श्रॉफ,
रा.सि.स.नं. ६१० बी/२, बांद्रा व्हिलेज,
शिक्षक कॉलनीमार्गे, बांद्रा (पूर्व), मुंबई-४०००५१.

मौजे - शेवती, तालुका - मावळ, जिल्हा - पुणे येथील ग.नं. ५०/२ पैकी, क्षेत्र - ३८६००.०
चौ.मी. क्षेत्रावरील शेतघर बांधकाम प्रस्ताव मंजूरीस्तव प्राधिकरणाकडे प्राप्त झाला आहे.

आपण प्रस्तावासोबत सादर केलेल्या कागदपत्रास अधिन राहून तसेच सोबतच्या परिशिष्ट ' अ ' मध्ये
नमूद अटी व शर्तीस अधिन राहून उक्त प्रस्तावास विकास परवानगी व प्रारंभ प्रमाणपत्र देण्यात येत आहे.



भा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने

महानगर आयुक्त,
तथा

मुख्य कार्यकारी अधिकारी,
पुणे महानगर प्रदेश क्षेत्र विकास प्राधिकरण, पुणेकरिता



पुणे महानगर प्रदेश क्षेत्र विकास प्राधिकरण, पुणे यांचेकडील दि. २३/०१/२०१७ रोजीचे पत्र क्र. ६९६-सोबतचे

३८-९९

परिशिष्ट 'अ'

- १) मंजूर नकाशाप्रमाणेच जागेचा विकास व बांधकाम करणे बंधनकारक राहिल.
- २) वरील जागेचा वापर हा फक्त शेती व शेतघर वापरासाठी करण्यात यावा व बांधकाम मंजूर नकाशाप्रमाणे असावे
- ३) सदर विकास परवानगी व प्रारंभ प्रमाणपत्र हे एक वर्षाच्या कालावधीकरिता अंमलात राहिल. तद्नंतर त्यापुढे आवश्यकतेनुसार विहित मुदतीमध्ये सदर परवानगी व प्रमाणपत्राचे नुतनीकरण करून न घेतल्यास सदरचे परवानगी व प्रमाणपत्र संपुष्टात येईल.
- ४) प्रस्तावासोबत मोजणी दि. २३/०१/२००४, मो.र.नं. २२४/०३ ने केलेल्या वहीवाटीचे मोजणी नकाशातील हद्दीचे तसेच जागेच्या मालकी / वहिवाटीबाबत अर्जदाराने / विकासकाने/ जमीनमालकाने याबाबत सादर केलेल्या प्रतिज्ञापत्राचे अधिन राहून परवानगी देण्यात येत आहे. सदर जमिनीचे वहीवाटीचे / हद्दीचे अनुषंगाने अथवा इमारतीबाबत कोणतेही व्यक्तिगत वाद / न्यायालयीन वाद उद्भवलेस त्याची सर्वस्वी जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल. ज्या जागेची मालकी / वहिवाट, अर्जदार / विकासक / जमिनमालक यांची नाही अशा कोणत्याही जमिनीवर सदर परवानगीद्वारे विकास अनुज्ञेय राहणार नाही.
- ५) प्रस्तुतच्या जमिनीवर आर्थिक संस्थाचा बोजा असल्यास त्यास अर्जदार / जमीनमालक / विकासक सर्वस्वी जबाबदार राहतील.
- ६) नागरी जमीन (कमाल धारणा व विनियमन) अधिनियम, १९७६ हा निरसित झाला असल्याने या अधिनियमांतर्गत बाबींकरिता प्रस्तावासोबत आपण रु. ५००/- च्या स्टॅम्प पेपरवरील दिनांक- २३/०१/२०१७ रोजी नोटरी एस. पी. तिवारी यांचेसमोर केलेले विहित नमुन्यातील शपथपत्र व बंधपत्र सादर केले आहे. सदर शपथपत्र व बंधपत्रास अधिन राहून सदर बांधकाम परवानगी देण्यात येत आहे. त्याबाबतची संपूर्ण जबाबदारी अर्जदार / जमीनमालक / विकासक यांची राहिल सदर शपथपत्र व बंधपत्रातील माहिती चुकीची अथवा दिशाभूल करणारी आढळून आल्यास झालेले बांधकाम अनधिकृत समजून कारवाईस पात्र राहिल.
- ७) मंजूर नकाशात दर्शविलेप्रमाणे नियोजित बांधकामापासुन पुढील, मागील व बाजूची सामासिक अंतरे प्रत्यक्षात जागेवर कायम व खुली ठेवणे आवश्यक राहिल.
- ८) नियोजित इमारतीचा वापर फक्त शेतघर याप्रमाणे अनुज्ञेय केलेल्या वापरासाठी करणे बंधनकारक राहिल.
- ९) इमारतीचे जोता तपासणीसाठी अर्ज करताना वास्तुविशारद/अभियंता/सुपरवायझर अभियंता /सुपरवायझर यांचे प्रमाणपत्र सादर करणे बंधनकारक राहिल, त्याचप्रमाणे मालकी प्रमाणपत्रासाठी अर्ज करताना बांधकाम प्रस्तावांतर्गत जमिनीचे महसूल / भूमी अभिलेखात एकत्रिकरण/ उपविभागी केलेला अद्यावत ७/१२ उतारा /प्रॉपर्टी कार्ड व मोजणी नकाशा सादर करणे बंधनकारक राहिल.



- १०) इमारतीचे मंजूर नकाशानुसार जोत्यापर्यंतचे बांधकाम पूर्ण झाल्यानंतर जोते तपासणी प्रमाणपत्र प्राप्त करून न घेता पुढील बांधकाम केल्यास सदरचे बांधकाम अनधिकृत समजण्यात येऊन असे बांधकाम दंडात्मक कार्यवाहीस पात्र राहिल.
- ११) अभिन्यासातील रस्ते सर्व जनतेच्या वापरासाठी तसेच शेजारच्या जमीनमालकास वापरण्यास खुले ठेवणे बंधनकारक राहिल.
- १२) रेखांकनातील रस्ते, गटारे इत्यादी अर्जदाराने / विकासकाने / जमीनमालकाने जागेवर स्वखर्चाने व समाधानकारकरित्या विकसित करणे आवश्यक आहे.
- १३) नियोजित बांधकामातील मजल्यांची संख्या व उंची, बांधकाम नकाशांवर दर्शविल्यापेक्षा जास्त असता कामा नये.
- १४) नियोजित बांधकामाचे क्षेत्र नकाशावर दर्शविलेनुसार प्रत्यक्ष जागेवर असणे आवश्यक आहे.
- १५) जागेलगतच्या नाल्याच्या नैसर्गिक प्रवाहास अडथळा येईल, असे कोणतेही बांधकाम करता येणार नाही. त्याचप्रमाणे उक्त जमिनीवरील विकास करताना जागेवरील भूपृष्ठ रचनेमध्ये अनाधिकृत बदल करता येणार नाहीत. सदर अटीचा भंग करून विकास केल्याने दुर्घटना घडल्यास त्याची जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल.
- १६) स्ट्रक्चरल इंजिनियर/डिझायनर यांनी तयार केलेल्या Structural Design नुसार प्रत्यक्ष जागेवर विकास करणेची जबाबदारी विकासक व सुपरवायझर यांची संयुक्तिक राहिल.
- १७) अर्जदार / विकासक / जमिनमालक यांनी दि. २३/०९/२०१७, क्र. २३१९/२०१७ अन्वये दिलेल्या शपथपत्रास अधिन राहून ही परवानगी देण्यात येत असून प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील सर्व नियम आणि भारतीय मानक ब्युरोने विहित केलेल्या सुरक्षा प्रमाणकांचे पालन करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल. (नियम क्र. ७.१)
- १८) शासन नगर विकास विभागाकडील दि. १९/११/२००८ चे निदेश क्र. टिपीव्ही-४३०८/ ४१०२/ प्र.क्र.३५९/ ०८ /नवि-११ नुसार अर्जदार / विकासक / जमिनमालक व वास्तुविशारद यांनी बांधकाम नकाशामध्ये एकूण चटईक्षेत्र (Carpet area) नमूद केलेले आहे. सदर नमूद चटई क्षेत्रा (Carpet area) बाबत आकडेमोड, गणितीय चुका इ. बाबत वास्तुविशारद व अर्जदार / विकासक / जमिनमालक संयुक्तिकरित्या जबाबदार राहतील.
- १९) नियोजित इमारतीसाठी / विकासासाठी आवश्यक असणाऱ्या पिण्याच्या पाण्याची सोय सक्षम प्राधिकरणाने / ग्रामपंचायतीने न केल्यास पिण्याच्या पाण्याची आवश्यक ती पूर्तता अर्जदार / विकासक / जमीन मालक यांनी स्वखर्चाने प्रत्यक्ष वापरापूर्वी करणे आवश्यक आहे. त्याचप्रमाणे सांडपाण्याची व मैला निर्मुलनाची सुयोग्य व्यवस्था प्रत्यक्ष वापरापूर्वी करणे बंधनकारक राहिल.



- २०) ओला व सुक्या कचऱ्याकरिता सदर जागेत स्वतंत्र कंटेनरची सोय करणे आवश्यक राहिल विघटन होणाऱ्या ओल्या कचऱ्यासाठी गांडूळखत प्रकल्प अर्जदार / विकासक / जमिनमालक यांनी स्वखर्चाने करावयाचा आहे.
- २१) वेस्ट यंत्रणा उभारणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल
- २२) प्रारंभ प्रमाणपत्र दिलेल्या कोणत्याही इमारतीचे बांधकाम पूर्ण झाल्यानंतर मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र. ७.५ नुसार पूर्णत्वाचे प्रमाणपत्र अर्जदार / विकासक / जमीनमालक यांनी सादर करून नियम क्र. ७.६ नुसार भोगवटा प्रमाणपत्र प्राप्त करून घेतल्याखेरीज कोणत्याही इमारतीचा भागशः / पूर्णतः वापर सुरु केल्यास अर्जदार / विकासक / जमीनमालक कारवाईस पात्र राहिल.
- २२) प्रस्तुत जमिनीवर भविष्यात छाननी शूल्क, प्रिमीयम शूल्क, विकास शूल्क, सुरक्षा ठेव व कामगार कल्याण उपकर इत्यादी बाबतच्या रक्कमेची बाकी उद्भवल्यास सदर रक्कम प्राधिकरणाकडे जमा करणे अर्जदार यांचेवर बंधनकारक राहिल.
- २३) अर्जदार यांनी सादर केलेली कोणतीही माहिती अथवा कागदपत्रे ही चुकीची/दिशाभूल करणारी आढळल्यास प्रस्तुतची विकास परवानगी व प्रारंभ प्रमाणपत्र रद्द समजणेत येईल.

प्रस्तावासोबतच्या रेखांकन/ बांधकाम नकाशांचे दोन संच स्वाक्षीकित करून सोबत जोडले असून प्रस्तावासोबतची अन्य सर्व कागदपत्रे प्राधिकरणाच्या अभिलेखार्थ राखून ठेवण्यात येत आहेत.



महानगर आयुक्त,

तथा

मुख्य कार्यकारी अधिकारी,

पुणे महानगर प्रदेश क्षेत्र विकास प्राधिकरण, पुणेकरिता

मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने



3761

Exhibit-D3


महाराष्ट्र शासन
गाव नमुना आढ - अ
घारण जामिनीची नोंदवही (कृषिक)
(आसानीवार खातावणी - पन्नाबंदी पत्रक)

वर्ष: २०२२-२३ अहवाल दिनांक: २३-०३-२०२३

गाव: शेवती जिल्हा: पुणे
तालुका: मावल

खाते क्रमांक: ३३ (व्यक्तिगत खातेदार) खातेदाराची नावे: जयदेव रजनीकांत श्रॉफ.

गाव नमुना सहा मधील नोंद	भूमापन क्रमांक व उपविभाग क्रमांक	क्षेत्र				पशुलीसाठी			एकूण
		लांगवडी योग्य क्षेत्र (लांगवडी योग्य नसलेले (हे.आर.पी.मी (३अ) (३क)	पोटखराब क्षेत्र (लांगवडी योग्य नसलेले (हे.आर.पी.मी (३ब)	एकूण क्षेत्र (हे.आर.पी.मी (३क)	आकारणी किंवा जुळी (५)	दुमाला जमिनीवरील नुकसान. (५)	स्थानिक उपकर पि.प. (६अ)	प्रा. प. (६ब)	
(५)	५०/१	०.३६००	०.०५००	०.४१००	०.२	०	०	०	०.२
	एकूण	०.३६००	०.०५००	०.४१००	०.२	०	०	०	०.२

टीप :- उक्त रकमा क्र.३(अ) मधील लांगवडी योग्य क्षेत्र हेच आकारणीस पात्र राहिल. पोटखराब क्षेत्रावर आकारणी लागू नाही.



हा खाते उतारा अभिलेख ४/१२ च्या डीजिटल स्वाक्षरीत डेटा बळन (दि. २३/०३/२०२३ वेळ ०५:५९:२९ PM रोजी) तयार झाला असल्यामुळे यावर कोणाच्याही सही-शिक्याची आवश्यकता नाही. C-अ डाउनलोड व दिव दि. : २३/०३/२०२३ वेळ : ०५:५९:२९ PM., वैधता ०५२०००१०२२९८२२५ हा पत्रताळणीक्रमांक वापरून <https://digitalsabera.mahaturni.gov.in/dsk/> बळन तपासावी.

३३३००
३३३. 1/1



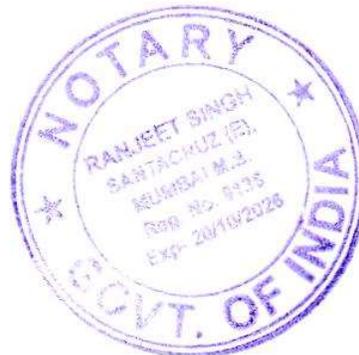
 महाराष्ट्र शासन गाव नमुना आठ - अ धारण जमिनीची नोंदवही (कृषिक) (आसामीदार खतावणी - जमाबंदी पत्रक)		सह्याल दिनांक : २३-०३-२०२३							
वर्ष : २०२२-२३	गाव : शेवती	तालुका : मावळ	जिल्हा : पुणे						
खाते क्रमांक : ५ (व्यक्तिगत खातेदार) खातेदाराची नावे : जय रजनीकांत श्रॉफ.									
गाव नमुना सहा मधील नोंद	भूमापन क्रमांक व संपत्तिमाप क्रमांक	क्षेत्र लागवडी योग्य क्षेत्र पोटखराब क्षेत्र एकूण क्षेत्र आकारणी किंवा जुळी	वसुलीसाठी मुभाला जमिनीवरील नुकसान.	एकूण स्थानिक संपकर वि.प. भा. प.					
(१)		(हे.आर.पी.मी.) (३अ)	(हे.आर.पी.मी.) (३ब)	(हे.आर.पी.मी.) (३क)	(म)	(५)	(६अ)	(६ब)	(७)
	५०/२	३.८६००	१.२९००	५.१५००	२.९१	०	०	०	२.९१
	एकूण	३.८६००	१.२९००	५.१५००	२.९१	०	०	०	२.९१
टीप :- सक्त रकाना रु.३(अ) मधील लागवडी योग्य क्षेत्र हेच आकारणीस पात्र राहिल. पोटखराब क्षेत्रावर आकारणी लागू नाही.									



हा खाते चत्तारा अमिलेख ७/१२ घ्या डीजिटल स्वाक्षरीत डेटा वरून (दि. २३/०३/२०२३ वेळ ०५:४८:१४ PM रोजी) तयार झाला असल्यामुळे यावर कोणाच्याही सठी-शिक्याची आवश्यकता नाही. ८-अ संचनलोक व वेब दि. : २३/०३/२०२३ वेळ : ०५:४८:१४ PM., वेबता ०५२००००१०२२९८१२५ हा पडताळणीकामाक वापरून <https://digitalsatbars.mahathum1.gov.in/dsr/> वरून तपासावी.

३३३००
३३३. 1/1

Digitalsatbars



3763



महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसुल अधिकार अभिलेख आणि नोंदवद्दा (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- शेवती (५५५९८६)

तालुका :- मावळ

जिल्हा :- पुणे



ULPN : 12067011899

भूनायन क्रमांक व उपविभाग ५०/१

12067011899



हा गाव नमुना क्रमांक ७ दिनांक ०६/०१/२०१९ ०१:३३:३४ PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ या वेदा स्वयंसेवकाने अस्तव्यस्त ७/१२ अधिकार वर कोपल्याही सही शिक्क्याची आवश्यकता नाही.

७/१२ काढनलॉड दि. : २३/०३/२०२३ : १७:३२:५१ PM. वैधता पडताळणीसाठी <https://digitalisera.maharashtra.gov.in/dsr/> या संकेतस्थळावर जाऊन 2305100001064592 हा क्रमांक वापरावा.



पृष्ठ क्र. १/३



3764

गाव ममुना बारा (पिकांची नोंदवही)											
[महाराष्ट्र जमीन महसूल अधिकार अधिलेख आणि नोंदवही (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २१]											
गाव :- शेवती (५५५९८६)			तालुका :- मावळ				जिल्हा :- पुणे				
मुद्रापत्र क्रमांक व उपविभाग			५०/१								
			पिकाखालील क्षेत्राचा तपशील					लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा	
वर्षे	हंगाम	खाते क्रमांक	पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	क्षेत्र	(११)	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)	
२०१९	खरीप		मिश्र	गवत		२.८६००					
२०२१	खरीप	३१				०.०		गवत पड	०.८०००		
		३२				०.०		गवत पड	०.३६००		
		३४					०.०		गवत पड	०.५०००	
		४४					०.०		गवत पड	०.३०००	
		५५					०.०		गवत पड	०.०५००	
		५७					०.०		गवत पड	०.६०००	
	संपूर्ण वर्ष		-१				०.०		गवत पड	२.८६००	

टीप :- " सदरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे



3766



महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसुल अधिकार अभिलेख आणि नोंदवळा (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- शेवती (५५५९८६)

तालुका :- मावळ

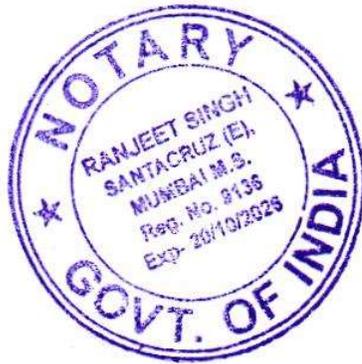
जिल्हा :- पुणे



ULPIN : 30760825143

भूमापन क्रमांक व उपविभाग ५०/२

30760825143



हा गाव नमुना क्रमांक ७ दिनांक ०६/०९/२०१९-०१:२४:२७ PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ या वेब स्वाक्षरीमाध्यम वर असेल. कोणत्याही सही शिक्क्याची आवश्यकता नाही.

७/१२ ऑनलाइन दि. : २३/०३/२०२३ : १०:३९:२८ PM. वैयक्त पडताळणीसाठी <https://dgtulsetbora.mahabhurl.gov.in/dsh/> या संकेत स्थळावर जाऊन 2505100001064599 हा क्रमांक वापरावा.

पृष्ठ क्र. १/३



3767

गाव नमुना बारा (पिकाची नोंदवडी)										
[महाराष्ट्र जमीन महसूल अधिकार अधिलेख आणि नोंदवड्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २९]										
गाव :- शेवती (५५५९८६)			तालुका :- भावळ				जिल्हा :- पुणे			
भुमापन क्रमांक व उपविभाग		५०/२								
वर्ष	हंगम	खाते क्रमांक	पिकाखालील क्षेत्राचा तपशील					लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा
			पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	क्षेत्र	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)
२०१९	खरीप		मिश्र	गवत		३.८६००				
२०२१	खरीप	५				०.०		गवत पड	३.००००	
	संपूर्ण वर्ष	५				०.०		गवत पड	३.८६००	

:- सादरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे



**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 33
OF 2018**

Mr. Sanjay alias Bala Bhegade & Ors.

...Applicants

Versus

The State of Maharashtra & Ors.

...Respondents

**AFFIDAVIT IN REPLY ON
BEHALF OF RESPONDENT NO. 34.**

Dated this day of May 2023

Vidhii Partners, Mumbai
Advocates for Respondent No. 34
2nd Floor, Darabshaw House
Shoorji Vallabhdas Marg,
Ballard Estate, Mumbai – 400 001.