



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
O.A. No. 39/2024

Kalpesh Chandrakant Yadav

... Applicant

V/s.

M/s Krishna Construction & Ors

... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 4, SEIAA

I, Dattatray Suryakant Bhalerao, working as Scientist I, and Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra, do hereby state on solemn affirmation as under –

1. I am well conversant with the facts of the present case, and I am competent to swear the present affidavit based upon the records available with this office.
2. It is submitted at the very outset that this respondent denies each and every averment made in this appeal which is contrary to and inconsistent with averments made and fact stated in the present reply. It is submitted that nothing stated in the present appeal made him



deemed to have been admitted by this respondent unless and until the same has been admitted by this respondent.

3. The present case pertains to violation of the environment clearance conditions by the respondent no. 1 the project proponent of their project named as lotus court at Survey no. 28/1 near Old Relax hotel, Old Kharadi Road, village Kharadi, Taluka Haveli, District Pune by Krishna constructions. the responder number one project proponent has been granted environment clearance on 10th August 2022 for a total buildup area of 22,706.02 m².
4. The applicant has alleged that the project proponent has carried out excess construction than the approved total built up area as mentioned in the environment clearance. Admittedly the project proponent carried out excess construction of 1536.79 m². Accordingly, the project proponent made an application to the SEAC under the 7 July 2021 SOP for identification and handling of violation cases. The SEAC considered their application on 17th October 2023 and issued them terms of reference. The SEAC directed the PP to submit details of mandatory recreational ground, and it's conformity with the orders of Hon'ble Supreme Court in SLP (civil) diary number 11843/2023 dated 08th of May 2023. The PP was further directed to submit certified



compliance report from the regional office of the MOEFF&CC Nagpur pertaining to previous EC granted. Accordingly, the SEAC decided to recommend proposal to SEIAA for grant of the TOR. Copy of the SEAC minutes of meeting dated 17th October 2023 is annexed as an **Annexure 1**.

5. The SOP dated 07th, July 2021 came to be challenged by an organization called Vanashakti by filing a writ petition in the Hon'ble Supreme Court of India bearing number WP number 1394/2023. The Hon'ble Supreme Court of India on 02nd January 2024 stayed the operation of the SOP dated 07 July 2021 and office memorandum dated 28 January 2022 issued by the MOEF&CC. Subsequent to this said order the MOEF&CC issued an office memorandum dated 08th January 2024 informing all the SEIAAs & SEACs in the country about the said decision. Copy of the office memorandum dated 08th January 2024 is annexed as an **Annexure 2**.

6. Subsequently on 02nd February 2024 the Hon'ble Supreme Court clarified their own order dated 02nd January 2024 saying that the order dated 02nd January 2024 would not come in the way of the competent authorities in considering the proposals for modification/alterations in the environment clearances if area of such projects had any valid



environment clearance prior to 07th July 2021. Copy of the Hon'ble Supreme Court order dated 02nd February 2024 is annexed as an **Annexure 3.**

7. Subsequently on 17th December 2024, the Hon'ble Supreme Court of India has further clarified that if any applications have been made under a provision other than the clause 10 (III) of the office memo dated 07th July 2021, then the interim order does not come in the way of processing such applications. It has further stated that if any application is covered by clause 5 to 7 of the Hon'ble Supreme Court's order dated 02nd February, 2024, it will be open for the project proponents to bring it to the notice of the concerned authorities. Copy of the Hon'ble Supreme Court order dated 17th December, 2024 is annexed as an **Annexure 4.**

8. Subsequently on 19-02-2025, the Hon'ble Supreme Court in WP No. 1394/2023 observed that, "*Even if the applications are pending seeking ex-post facto clearances on the basis of these OMs, the same shall be processed. However, final order granting approval/clearance shall not be passed till further orders.*" Copy of the Hon'ble Supreme Court order dated 19-02-2025 is annexed as **Annexure 5.**



A handwritten signature in blue ink, appearing to be "S. M. Dhanraj", located below the notary seal.

9. Pursuant to the orders 06-01-2025 and 19-02-2025, the MoEF&CC have issued an office memorandum dated 28th March, 2025 wherein the Ministry has directed that all projects that have applied under the provisions of the OM dated 07-07-2021 and which are pending as on 02-01-2024 may be processed pursuant to the orders of the Hon'ble Supreme Court. However, final order granting approval/clearance shall not be passed till further orders.

10. I crave leave to file any additional reply as and when required. In light of the above submissions, it is respectfully prayed that the Government of Maharashtra shall abide by any orders and directions issued by the Hon'ble Tribunal.

Whatever stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Mumbai

Date

21 APR 2025



Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra



VERIFICATION

I, Dattatray Surayakant Bhalerao, Scientist-I & Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at 15th Floor, New Administrative Building, Hutatma Rajguru Chowk, Madam Cama Road, Mantralaya, Mumbai-400032 do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this 21 day of April, 2025 at Mumbai.

Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra

BEFORE ME

Adv. S. N. Dhanage
Notary Govt. of India
Regd. No. 15376, MUMBAI (MS)
404-405, 4th Floor, Davar House,
197/199, Near Central Camera Bldg.,
D. N. Road, Fort, Mumbai - 400001.
Mob.: 8591897834

NOTED & REGISTERED
Page No. 121 Sr. No. 1056
Date, 21 APR 2025



Minutes of 267th Day 1 (Part E) meeting of SEIAA held on 17th October, 2023.

Item no. 63

Proposal No.:- SIA/MH/INFRA2/441772/2023

Type of Project: TOR

Subject- Environmental Clearance for Project "Lotus Court" at Survey No. 28/1. Near Old Relax Hotel, Old Kharadi Mundhwa Road, Village – Kharadi, Taluka – Haveli, District Pune by M/s. Krishna Constructions

Project Details-

Representative of PP was present during the meeting along with environmental consultant M/s. M/s. Cognizance Research India Private Ltd.

Brief information of the proposal is as below:

1.	Proposal Number	PARIVESH NO: SIA/MH/INFRA2/441772/2023	
2.	Name of Project	Proposed Project "Lotus Court" at Kharadi, Pune by M/s. Krishna Constructions	
3.	Project category	Schedule 8(a) Category B2	
4.	Type of Institution	Private	
5.	Project Proponent	Name	Mr. Mittal Pranjivan Mistry, M's Krishna Constructions
		Regd. Office address	Survey No.28/1, Near Old Relax Hotel, Old Kharadi Mundhwa Road Village – Kharadi, Taluka – Haveli District – Pune- 411014
		Contact number	9673788488
		e-mail	mittal_mistry@hotmail.com
6.	Name and Details of Consultant	Accredited Consultant Organization – M/s. Cognizance Research India Private Ltd. (CRIPL) NABET CERTIFICATE NO.:- NABET/EIA/1922/SA 0186	
7.	Applied for	Amendment/Expansion in EC - Application under SOP for Identification and Handling of Violation Cases vide circular number F. No. 22-21/2020-IA.III dated 07/07/2021	
8.	Details of previous EC	N.A.	
9.	Location of the project	Survey No. 28/1, Near Old Relax Hotel, Old Kharadi Mundhwa Road, Village – Kharadi, Taluka – Haveli, District – Pune- 411014	
10.	Latitude and Longitude	18°33'3.89" N 73°55'45.60 E	
11.	Total Plot Area (m2)	10100	
12.	Deductions (m2) - Road Widening + Amenity Space	1,834.85	
13.	Net Plot area (m2)	8265.15	
14.	Proposed FSI area (m2)	12989.84	
15.	Proposed Non-FSI area (m2)	10064.83	


Member Secretary


Chairman

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16.	Proposed TBUA (m2)	23054.67					
17.	TBUA (m2) approved by Planning Authority till date	As per Layout Approval/IOD – TBUA – 23054.67 sqm					
18.	Total Project Cost (Rs.)	Rs. 48 Crore					
19.	CER as per MoEF & CC circular dated 01/05/2018	As per circular dated 30/09/2020					
20.	Details of Building Configuration :						
	Previous EC / Existing Building			Proposed Configuration		Reason for Modification / Change	
	Building Name	Configuration	Height (m)	Building Name	Configuration		Height (m)
	Wing A (Residential + Commercial Building)	B+G+MEZZ+PO+15 FLOORS	55.95	-	-		-
	Wing B (Residential + Commercial Building)	B+G+MEZZ+PO+15 FLOORS	55.95	-	-		-
21.	Total number of tenements	126					
22.	Water Budget	Dry Season (CMD)			Wet Season (CMD)		
		Fresh Water	79	Fresh Water	79		
		Recycled	56.85	Recycled	45		
		Swimming Pool	0	Swimming Pool	0		
		Flushing	45	Flushing	45		
		Total	135.85	Total	124		
		Waste water generation	97.30	Waste water generation	97.30		
23.	Water Storage Capacity for Firefighting / UGT					As per NOC	
24.	Source of water					PMC	
25.	Rainwater Harvesting (RWH)	Level of the Ground water table			15-20m		
		Size and no of RWH tank(s)			N.A.		
		Quantity and size of recharge pits			Quantity: 4 Nos & Size: 2mX2mX2m		
		Details of UGT tanks if any			Domestic	120	
					Flushing	60	
				Fire	As per NOC		
26.	Sewage and Waste water	Sewage generation in CMD		97.30			
		STP technology		MBBR			
		Capacity of STP (CMD)		100			
27.	Solid Waste Management during Construction Phase	Type	Quantity (kg/d)	Treatment / disposal			
		Dry waste	As per NBC	Through authorized agency			
		Wet waste	As per NBC	Through authorized agency			
		Construction waste	As per C&D Rules	Through authorized agency			
28.	Solid Waste Management during Operation Phase	Type	Quantity (kg/d)	Treatment / disposal			
		Dry waste	145	Handed over to Authorized Agency			
		Wet waste	198	In-situ Composting			
		Hazardous waste	Negligible	Negligible			


Member Secretary


Chairman

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		Biomedical waste	N.A.	N.A.	
		E-Waste	1.45	Handed over to Authorized Dismantler / Recycler	
		STP Sludge (dry)	9	In-situ Composting	
29.	Green Belt Development	Total RG area (m2)		972.37	
		Existing trees on plot		52	
		Number of trees to be planted		93	
		Number of trees to be cut		0	
		Number of trees to be transplanted		NIL	
30.	Power requirement	Source of power supply		MSEDCL	
		During Construction Phase (Demand Load)		70 kW	
		During Operation phase (Connected load)		5073 kW	
		During Operation phase (Demand load)		514 kW	
		Transformer		630 kVA X 1 Nos.	
		DG set		200 kVA X 1 Nos.	
		Fuel used		Diesel	
31.	Details of Energy saving	<p>Measures to reduce energy consumption:</p> <p>Ø Generally we have proposed high efficiency transformer, motors etc. to reduce losses.</p> <p>Ø Electronic Ballasts and Energy efficient lamp source either triposphere or LED are proposed for common area & general lighting with automatic time-based control to save power by switching ON & OFF the lights at appropriate time. The estimated saving in common lighting consumption is up to 20 % due to adopting above measures.</p>			
32.	Environmental Management plan budget during Construction phase	No.	Details	Cost	
		1	Water for Construction, Labour & Dust Suppression	Rs. 4 Lacs	
		2	Site Sanitation & Health & Safety PPE Kits	Rs. 3 Lacs	
		3	Environmental Monitoring	Rs. 4 Lacs	
		4	Disinfection & Health & Safety	Rs. 3 Lacs	
		5	Health Check up	Rs. 3 Lacs	
33.	Environmental Management plan Budget during Operation phase	Component	Details	Capital (Rs. In Lacs)	O&M (Rs. In Lacs/Yr)
		Sewage treatment	Waste Water Management	13.75	8.9
		RWH	RWH Pits	3	0.6
		Solid Waste	Organic Waste Composting	5.75	1.75
		Green belt development	Tree Plantation	8.5	2.13
		Energy saving	Energy Conservation	20	1
		Environmental Monitoring	Pollution Control	0	6
		Disaster Management	Fire & LA	53.79	2.69
		PPE Kits Health & Safety	Biomedical Waste Management	0	1
34.	Traffic Management	Type	Required as per DCR	Actual Provided	Parking Area (m2)

Jadhav
Member Secretary

M.T.
Chairman

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	4-Wheeler	132	132	
	2-Wheeler	440	440	2138.61
	Bicycles	0	0	
35.	Details of Court cases / litigation w.r.t. the project and project location if any			NA

SEAC Deliberation –

PP stated that, the application is for grant of ToR under SOP for Identification and Handling of Violation Cases vide circular number F. No. 22-21/2020-IA.III dated 07/07/2021, for carrying out EIA studies for prior environment clearance for proposed project at Survey No. 28/1, Near Old Relax Hotel, Old Kharadi Mundhwa Road, Kharadi, Haveli, Pune.

The PP holds previous Environment Clearance vide number EC22B038MH182329 dated 10/08/2022. This environment clearance was granted for BUA as follows –

- FSI as per EC Granted – 12989.84 sqm
- Non-FSI as per EC Granted – 8528.04 sqm
- Total BUA as per EC Granted – 21517.88 sqm

The project proponent has breached the level of EC granted, since the construction done on site is as follows –

- FSI as per construction done on site – 12989.84 sqm
- Non-FSI as per construction done on site – 10064.83 sqm
- Total BUA as per construction done on site – 23054.67 sqm

The PP informed that they have not received any directions from MPCB or Environment Department, Govt. of Maharashtra and they have applied suo moto.

After detailed deliberations on the proposal committee confirmed the case to be of violation of the EIA Notification, 2006 and as per Office Memorandum- F. No. 22-21/2020-IA.III dated 07.07.2021 issued by the Ministry of Environment, Forest & Climate Change, decided to issuing following Term of Reference for undertaking EIA and preparation of Environment Management Plan (EMP):

Terms of Reference for EIA and preparation of Environment Management Plan (EMP) for Violation Cases	
The following Terms of Reference (TOR) for violation cases shall be read along with Ministry of Environment Forest and Climate Change orders no F.No.22-21/2020-IA.III Dated 7th July 2021 and F No. 22-21/2020-IA.III (E 138949) dated 28 th January 2022 and Approach for Assessment for Environment Damage and Estimation of Remediation Costs for Building Construction Projects Initiated Without Mandatory Environment Clearance” 2018.	
The following TOR are drafted with reference to Ministry of Environment Forest and Climate Change impact assessment division TORs for Violation Case : (a) For Construction Sector vide Notification S.O.804 (E) dated 14 th March 2017 in the matter of IA/HR/NCP/63612/2017, and (b) For Mining Sector dated 12 th November 2018 in the proposal No IA/MH/MIN/68113/2017.	
A	Project Description
A 1	Project description, its importance and benefits.
A 2	Project site details (location, topo-sheet of the study area of 10 Km, Coordinates, google map, layout map, land use, geological features and geo-hydrological status of the study area, drainage). hydro geological survey report with graphs & data.

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Member Secretary

M.J.
Chairman

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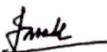
A	3	Land use as per the approved Master Plan of the area, Permission/approvals required from the land owning agencies, Planning / Development Authorities, Local Body, Water supply & Sewerage Board, etc.
A	4	Land acquisition status, R & R details.
A	5	Forest and Wildlife and eco-sensitive zones, if any in the study area of 10 km. Any sensitive areas in impact zone such as archaeological structures, reserved forest, noise sensitive zones etc. Clearances required under the Forest (Conservation) Act, 1980, the Wildlife (Protection) Act, 1972 and/or the Environment (Protection) Act, 1986.
A	6	High Tension lines or Hazard lines if any on the plot.
A	7	Plan showing HFL/CRZ lines.
A	8	Permissions granted by State Government in tabular and chronological form. Comparative statement of components approved and components constructed including its configuration as per earlier EC (if applicable) and proposed development.
A	9	PP to submit the detailed master plan indicating already completed construction and proposed construction. PP to submit the certificate from registered architect for completed work, built up area and configuration.
A	10	Project cost shall be based on government notified stamp duty ready reckoner at time of application including cost of land and construction including civil, MEP works, environment services, site/land development, horticulture/landscape works etc complete
B	Base Line Data	
B	1	Baseline environmental study for ambient air (PM ₁₀ , PM _{2.5} , SO ₂ , NO _x & CO), water (both surface and ground), noise and soil for one month (except monsoon period) as per MoEF&CC/CPCB guidelines at minimum 5 locations in the study area of 10 km. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
B	2	Detail on flora and fauna and socio-economic aspects in the study area. Details of tree cutting, tree transplantation and survival report of existing trees including conformity to prevailing Tree Act.
B	3	Likely impact of the project on the environmental parameters (ambient air surface and ground water, land, flora and fauna and socio-economic, etc.)
B	4	Source of water for different identified purposes with the permissions required from the concerned authorities, both for surface water and the ground water (by CGWA) as the case may be, Rain water harvesting, etc.
B	5	Socio-economic infrastructure details including public transport arrangements on the site; PP to mention details of socio-economic in EIA.
B	6	PP to submit contour map with slopes, drainage pattern of the site and surrounding area. Layout showing natural water courses on site; total runoff calculation before and after development.
B	7	PP to submit details of existing trees, proposed to be cut, proposed to be transplanted along with tree survival report conforming to prevailing Tree Act.
B	8	Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated.


Member Secretary


Chairman

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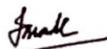
B	9	Proximity to Areas declared as 'Critically Polluted' should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB should be secured and furnished to the effect that the proposed Activities could be considered.
B	10	Similarly, for Coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t. CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Projects falling under CRZ would also need to obtain Approval of the concerned Coastal Zone Management Authority).
B	11	The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
B	12	Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
B	13	Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
B	14	Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
B	15	Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
B	16	Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be examined.
B	17	Information on site elevation, working depth, groundwater table etc. should be provided both in AMSL and BGL. A schematic diagram may also be provided for the same.
C	Traffic Impact Study	
C	1	Traffic Management Plan for the development – Internal circulation indicating road width and turning radius. Cross section of roads at four places showing clear road width, distance left from building line, spaces left for plantation, footpath, service lines etc.
C	2	Traffic Volume Counts and Turning Movement Counts on all the external surrounding roads of the proposed project showing the time period taken.
C	3	Topographic details of roads and intersection of the surrounding roads where counts are taken, actual geometry on ground to be shown with dimensions.
C	4	Traffic generation values of similar development to be given by actual count by actual count as support data for assumption made to the particular project.
C	5	Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as


Member Secretary


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		State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
C	6	Parking statement mentioning parking as per DCR & parking provided actually.
C	7	Basement ventilation plan: Fire Tender Movement Plan showing clear road and turning radius. Cross section of roads at four places including UGT, OWC and DG set location showing clear road width and distance left from building line & spaces left for plantation, parking, service lines, foot paths, etc.
D	Environmental Impact and Management Plan	
D	1	Identify sources of air pollution, indicate mitigation measures to reduce Air pollution/Noise pollution.
D	2	Debris management plan including (a) debris required for refilling, (b) contour plan, (c) details of site where excess debris will be disposed, capacity of the site and NOC of plot owner. PP shall also ensure that debris disposed on other plot shall not be disposed on another plot. If to be disposed on another plot, the same shall be carried out as per prevailing environmental laws.
D	3	Management of solid waste and the construction & demolition waste for the project vis-a-vis the Solid Waste Management Rules 2016 and the Construction & Demolition Rules, 2016. Transport, collection, storage and disposal for all types of wastes like hazardous waste, non-hazardous waste, solid waste, E- waste, and debris/excess earth etc. PP to provide the detailed solid waste management plan along with marked locations on the master plan. Design details of waste processing equipment such as OWC/biogas plants confirming to the technical requirements to meet the quality products.
D	4	Waste water management (treatment, reuse and disposal) for the project and also the study area. Design of all STP's along with BOD load, oxygen requirement calculations and sizing of the tanks with respect to the design criteria. PP to submit detailed calculation for the disinfection of the treated STP water; PP to submit cross sectional drawing of STP's showing dimensions and ground level; PP to provide ozonation for tertiary treatment. PP to mark the area required for all STP's on master layout with dimensions
D	6	PP to show internal storm water drain and sewer line arrangements up to final disposal point.
D	7	Provision of mandatory RG area on virgin land and submit the drawing with calculations, ensuring entire mandatory RG is provided on the plot where residential buildings are proposed.
D	8	A detailed phase wise development plan with safety planning where occupancy has been given.
D	9	If any site specific structures such as creation of water body, alteration of natural storm water, large alteration of slopes, creation of green areas abutting to water bodies / natural storm water drain / river etc, is involved, detailed environmental protection approach for the same shall be provided.
D	10	Separate chapter on Renewable energy in EIA report. PP to submit terrace plan for installing solar panels& calculations of energy saving; Energy efficient measures (LED lights, solar power, etc.) during construction as well as during operational phase of the project. Report on ECBC compliance.
D	11	Provide details of Solar PV and Solar water heater in the specific format. PP to carryout shadow analysis for identifying the roof-top area for providing solar panels Minimum 5% of the total demand load shall be provided with Solar PV.



Member Secretary



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D	12	Environmental status report including analysis reports of all environmental pollution reduction facilities if any commissioned.
D	13	PP to submit Disaster management plan.
D	14	Preparation of site specific, executable and auditable environment management plan (EMP)
D	15	A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
D	16	Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc
F	Environmental Modelling and additional Studies	
E	1	Fugitive dust modelling by using local meteorological data.
E	2	Ecological footprint calculation using LCA approach.
E	3	Estimation of Carbon footprint of the project and its analysis to be included.
E	4	Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection of data and sample analysis shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986 or Environmental Laboratory accredited by NABL, or a laboratory of council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
E	6	Gate mass balance analysis for environmental parameters related to solid/liquid waste material coming to site, waste generated and its treatment and disposal from site.
E	7	Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
E	8	Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
E	9	Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
E	10	Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
E	11	PP to refer "approach paper for assessment for environmental damage and estimation of remediation costs for building construction projects initiated with obtaining mandatory environmental clearance" available on the portal : "ecmpeb.in"
F	NOCs, Undertakings, CER and Litigations	
F	1	NOC's required: a) CFO, b) Water supply with quantity, c) Drainage, d) Non-biodegradable waste disposal, e) Aviation f) HRC, G) PESO, H) Defence/NAD etc

Amal

Member Secretary

M
Chairman

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F	2	Undertaking to provide DG set backup to all Pollution Control Devices, Water Supply, Emergency Services including emergency lifts, etc.
F	3	Include condition of "maintenance of all Pollution Control Equipment's and functioning of Environment Monitoring Cell in PP's MoU with society /maintenance agencies /vendors.
F	4	PP to submit details of CER activities in consultation with the affected people in the project area as per MoEF&CC circular dt. 01.05.2018, along with details of fund utilization & agreement or consent of executor.
F	5	PP to submit Roles and Responsibilities of developer etc for compliance of environmental regulations under the provisions of EP act.
F	6	Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
G	Specific Term of Reference	
G	1	The State Government/SPCB shall take action against the project proponent under the provisions of section 15 read in conjunction with Section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
G	2	As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete impact assessment studies and submit Environment Impact Assessment (EIA) report and Environment Management Plan (EMP) in a time bound manner.
G	3	Such cases shall be subject to appropriate (a) Damage Assessment, (b) Remedial Plan and (c) Community Augmentation Plan.
G	4	Assessment of ecological damage with respect to air, water, land and other environmental attributes shall be done before arriving at quantum environment remediation and natural and community resource augmentation.
G	5	The methodology of calculating this quantum shall be as specified in format for Assessment of Environmental damages in the paper titled "Approach for Assessment for Environment Damage and Estimation of Remediation Costs for Building Construction Projects Initiated Without Mandatory Environment Clearance" 2018
G	6	Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived, which shall be based on cost of project derived from prevailing rates of construction and land of government approved ready reckoner, due to violation. The cost of the Project (capital cost and recurring cost) as prevailing in Annual Statement of Rates / District Schedule of Rates/ Government Ready Reckoner Rates as well as the cost towards implementation of EMP should be clearly spelt out.
G	7	The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
G	8	The remediation plan and the natural and community resource augmentation plan shall be prepared as an independent chapter in the EIA report by the accredited consultants.
G	9	It should be clearly stated whether the proponent if it is a Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company



Member Secretary



Chairman

Minutes of 267th Day 1 (Part E) meeting of SEIAA held on 17th October, 2023.

		to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the proposed safeguard measures in each case should also be provided.
G	10	Besides the above, the below mentioned general points are also to be followed: a) All documents to be properly referenced with index and continuous page numbering. b) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated. c) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project. d) Where the documents provided are in a language other than English, an English translation should be provided.
G	11	In case of continued violation after issue of TOR, the ToR/Environmental Clearance shall be terminated forthwith.
H	Other points:	
H	1	PP to submit the DP Plan.
H	2	PP to submit the detail Architect Certificate stating current status of the construction along with building wise construction done (FSI, NoN- FSI & Total built up area) on site along with the chronology.
H	3	PP to submit the all-approvals details (CC, OC etc) regarding project under consideration.
H	4	PP to submit the details of Court cases / litigations w.r.t. the project and project location, if any.

Project Specific ToR :

1. PP to submit the details mandatory RG and its conformity with the orders by Hon'ble Supreme Court in SLP (Civil) Diary No. 11843/2023, dated 8th May, 2023.
2. PP so submit Certified Compliance Report (CCR), from Regional Office, MoEFCC, Nagpur pertaining to previous EC granted.

Recommendations of SEAC-

After deliberation, Committee decided to recommend the proposal to SEIAA for grant of ToR.

Deliberation in SEIAA-

Proposal is recommended in 180th meeting of SEAC-3 for grant of Terms of References (TOR) under violation category.

SEIAA further directed SEIAA cell to communicate with MPCB to confirm whether action has been initiated against the Project Proponent under section 15 of Environment (Protection) Act, 1986 for violating provisions of EIA Notification, 2006.

SEIAA after deliberation decided to grant of Terms of References (TOR) as per recommendation of SEAC.

SEIAA Decision-

SEIAA after deliberation decided to grant of Terms of References (TOR) as per recommendation of SEAC.


Member Secretary


Chairman

F. No. IA3-3/4/2024-IA.III [E 230791]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

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

Dated: 8th January, 2024

OFFICE MEMORANDUM

Sub: Stay imposed by Hon'ble Supreme Court with reference to the SOP dated 7th July 2021 and OM dated 28th January 2022 – reg.

The Ministry issued a Standard Operating Procedure (SOP) dated 7th July 2021 bearing the file number 22-21/2020-IA.III, for identification and handling of violation cases under EIA Notification 2006 in compliance to order of the Hon'ble National Green Tribunal in Appeal No. 34/2020 (WZ) titled Tanaji B. Gambhire Vs Chief Secretary, Government of Maharashtra.

2. The SoP was challenged in the Madurai Bench of the High Court of Madras in the matter W.P.(MD) No. 11757 of 2021 titled Fatima Vs Union of India and was interim stayed vide order dated 15th July 2021.

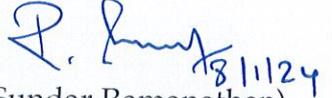
3. Subsequently, in the Order dated 9th December 2021 in the matter of Civil Appeal Nos. 7576-7577 of 2021 in Electrosteel Steels Limited Vs Union of India and Ors., the Hon'ble Supreme Court of India *inter-alia* observed the following:

"93. The interim order passed by the Madras High Court appears to be misconceived. However, this Court is not hearing an appeal from that interim order. The interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. Moreover, final decision may have been taken in accordance with the Orders/Rules prevailing prior to 7th July, 2021."

4. In this regard, the Ministry issued an OM dated 28th January, 2022 for circulating the above order of the Hon'ble Supreme Court to all the EACs and SEIAAs/SEACs. In view of the above observations of the Hon'ble Supreme Court, violation proposals

pertaining to all the States except the State of Tamil Nadu were being appraised at the Central level and the respective SEIAAs/SEACs.

5. However, the Hon'ble Supreme Court in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India, has stayed the operation of both the Office Memoranda dated 7th July 2021 and dated 28th January 2022 issued by this Ministry.
6. The copy of the order which is self-explanatory is enclosed herewith for necessary action.
7. This is issued with the approval of the competent authority.


(Sundar Ramanathan)
Scientist E

Encl: As above.

To

1. Chairperson/ Member Secretaries of all Expert Appraisal Committees
2. Chairperson/ Member Secretaries of all SEIAAs/SEACs
3. All Officers of IA Division

Copy for information to

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (TK)/JS (SKB)
5. Website, MoEF&CC /Guard file

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

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION
ORDERS/DIRECTIONS)

and

IA

No.257416/2023-APPROPRIATE

Date : 02-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jian, Adv.
Ms. Tanya Shrivastava, Adv.

For Respondent(s)

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

1. Issue notice returnable in four weeks.
2. Until further orders, there shall be stay of operation of the Office Memoranda dated 7th July, 2021 and 28th January, 2022 issued by the Ministry of Environment, Forest and Climate Change.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)
COURT MASTER (NSH)

ITEM NO.56

COURT NO.3

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 257416/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 02-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s)

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jian, Adv.
Mr. Sarthak Dora, Adv.
Ms. Trisha Chandran, Adv.

For Respondent(s)

Mr. Tushar Mehta, Solicitor General
Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Ketan Paul, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. Rajat Nair, Adv.

Mr. Puneet Bali, Sr. Adv.
Mr. Akhil Anand, Adv.
Mr. Samit Shukla, Adv.
Mr. Himanshu Vij, Adv.
Ms. Saakshi Saboo, Adv.
Mr. Anuj Salva, Adv.
M/S. D.S.k. Legal, AOR

Mr. T. V. S. Raghavendra Sreyas, AOR
Mr. Naveen Hegde, Adv.
Mr. A Yogeswaran, Adv.
Ms. B Poongkhulali, Adv.
Mr. Siddharth Vasudev, Adv.

Mr. Vanshdeep Dalmia, AOR

Mr. Anisha Jain, Adv.
Mr. Sarthak Dosa, Adv.

Mr. Guru Krishna Kumar, Sr. Adv.
Mr. Saket Mone, Adv.
Ms. Anshula Vijay Kumar Grover, AOR
Mr. Abhishek Salian, Adv.
Ms. Nitika Grover, Adv.
Mr. Devansh, Adv.

Mr. Atmaram Nadkarni, Sr. Adv.
Mr. Kunal Mimani, AOR
Mr. Samit Shukla, Adv.
Mr. Kunal Vajani, Adv.
Ms. Sakshi Saboo, Adv.
Mr. Anuj Savla, Adv.
Mr. Shubhang Tandon, Adv.
Ms. Shraddha Chiramia, Adv.

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

I.A. Nos. 25197, 25309 and 25150 of 2024

1. The application (IA No. 25150 of 2024) for intervention is allowed.
2. The applicant(s) approached this Court seeking modifications/alterations of the order dated 02nd January, 2024.
3. Vide order dated 2nd January, 2024, we had granted stay of operation of the Office Memoranda dated 07th July, 2021 and 28th January, 2022 issued by the Ministry of Environment, Forest and Climate Change.
4. Mr. A.N.S. Nadkarni and Mr. Puneet Bali, learned senior counsels appearing for the applicant(s) submit that though their projects had acquired environmental clearances much prior to the Office Memoranda dated 07th July, 2021 and only certain modifications/alterations are required therein, the

same cannot be considered in view of the order dated 2nd January, 2024.

5. We clarify that our orders dated 02nd January, 2024 would not come in the way of the competent authorities in considering the proposals for modifications/alterations in the Environmental Clearances if area of such projects had any valid environmental clearances prior to 07th July, 2021.

6. Needless to state that such applications for modification/alteration would be considered by the competent authorities strictly in accordance with law as it existed prior to 07th July, 2021.

7. We further clarify that our order should not be construed as having stayed any proceedings before any High Courts touching the subject matter of the Office Memoranda, referred to above.

8. The applications are, accordingly, disposed of.

I.A. Nos. 13975, 16527, 21877, 21878 and 24981 of 2024

1. Mr. Gopal Sankaranarayanan, learned senior counsel appearing for the petitioner-Vanashakti seeks four weeks' time to file reply affidavit to these applications.

2. List these applications alongwith main matter after four weeks.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWRIT PETITION (CIVIL) NO(S). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 185306/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 168851/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 284215/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 151031/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 263588/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 100111/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 66491/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 203965/2024 - CLARIFICATION/DIRECTION, IA No. 185580/2024 - INTERVENTION APPLICATION, IA No. 284149/2024 - INTERVENTION APPLICATION, IA No. 151027/2024 - INTERVENTION APPLICATION, IA No. 203838/2024 - INTERVENTION APPLICATION, IA No. 66486/2024 - INTERVENTION/IMPLEADMENT, IA No. 24981/2024 - INTERVENTION/IMPLEADMENT, IA No. 263584/2024 - INTERVENTION/IMPLEADMENT, IA No. 100108/2024 - INTERVENTION/IMPLEADMENT AND IA No. 285446/2024 - MODIFICATION)

Date : 17-12-2024 These matters were called on for hearing today.

CORAM :

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

For the Parties

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jain, Adv.
Ms. Shambhavi Singh, Adv.
Mr. Shourya Dasgupta, Adv.
Ms. Trisha Chandran, Adv.Ms. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Sr. Adv.
Ms. Swarupama Chaturvedi, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Ketan Paul, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Rohan Gupta, Adv.Dr. A.M. Singhvi, Sr. Adv.
Mr. A.N.S. Nadkarni, Sr. Adv.

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Mr. Mahesh Agarwal, Adv.
Mr. Arshit Anand, Adv.
Mr. Shashwat Singh, Adv.
Mr. Siddhant Sahay, Adv.
Mr. E. C. Agrawala, AOR

Mr. Ranjit Kumar, Sr. Adv.
Mr. Amar Dave, Sr. Adv.
Ms. Nandini Gore, Adv.
Ms. Sonia Nigam, Adv.
Mr. Akhil Abraham Roy, Adv.
Mr. Mohammad Shahyan Khan, Adv.
For M/S. Karanjawala & Co., AOR

Mr. Tapesk Kumar Singh, Sr. Adv.
Mr. Prabhat Ranjan Raj, AOR
Mr. Anil Kumar, Adv.
Mr. Amarjeet Gupta, Adv.

Mr. Puneet Bali, Sr. Adv.
Mr. Rajat Gautam, Adv.
Mr. Aditya Soni, AOR

Mr. Vipin Sanghi, Sr. Adv.
Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.
Mr. Ankur S. Savadikar, Adv.

Mr. Naveen Hegde, Adv.
Mr. T.V.S. Raghavendra Sreyas, AOR
Mrs. Gayatri Gulati, Adv.

Ms. Aishwarya Bhati, ASG
Mr. Gudapati G. Kashyap, Adv.
Mr. Rose Verma, Adv.
Mr. Ronvijay Gohain, Adv.
Mr. Sarvesh Chaubey, Adv.
Mr. Rahul Yadav, Adv.
Ms. Manisha Ambwani, AOR

Mr. Vanshdeep Dalmia, AOR

Ms. Mayuri Raghuvanshi, AOR
Mr. Vyom Raghuvanshi, Adv.
Ms. Akanksha Rathore, Adv.
Ms. Kinjal Sharma, Adv.

Mr. Saket Mone, Adv.
Ms. Anshula Vijay Kumar Grover, AOR
Lenpithang Sitlhou, Adv.

Ms. Charanya Lakshmikumaran, AOR
Mr. Yogendra Aldak, Adv.
Ms. Tamanna Sharma, Adv.
Ms. Bhavya Shukla, Adv.
Ms. Neha Choudhary, Adv.
Ms. Umang Motiyani, Adv.
Mr. Ayush Agarwal, Adv.
Ms. Falguni Gupta, Adv.

Mr. Tarun Gupta, AOR
Mr. Hirday Virdi, Adv.
Mr. Sidhant Ranta, Adv.
Mr. Sameer Chaudhary, Adv.

Mr. Anuj Bhandari, AOR

Ms. Aishwarya Bhati, Adv.
Mr. Vivek Chib, Sr. Adv.
Mr. Vipul Ganda, Adv.
Mr. Kunal Cheema, AOR
Ms. Anuradha Arputham, Adv.
Mr. Abhinav Aggarwal, Adv.
Ms. Sakshi Rastogi, Adv.
Mr. Ishan Upadhaya, Adv.

Mr. Sunil Fernandes, Adv.
Mr. Pallav Mongia, AOR
Mr. Anubhav Mishra, Adv.
Mr. Amritesh, Adv.
Mr. Shashank Dwivedi, Adv.

Mr. V. Chitambaresh, Sr. Adv.
Mr. Karthik S.D., AOR
Mr. C. Govind Venugopal, Adv.

Mr. Vinay Navare, Sr. Adv.
Mr. Sirish K. Deshpande, Adv.
Mr. S. Patil, Adv.
Mrs. Rucha Praveen Mandlik, Adv.
For M/S. S-legal Associates, AOR
Mr. Jyotish Pandey, Adv.
Mr. Abhay Singh Tomar, Adv.

Mr. Atmaram Nadkarni, Sr. Adv.
Mr. Anand Varma, AOR
Ms. Apoorva Pandey, Adv.

Mr. Yash Misha, Adv.
Mr. Anuj R., Adv.
Anam Siddiqui, Adv.
Mr. Anil Kumar Verma, AOR

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Atmaram N.S. Nadkarni, Sr. Adv.
Mr. Kunal Vajani, Adv.
Mr. Kunal Mimani, AOR
Mr. Shubhang Tandon, Adv.
Ms. Shraddha Chirania, Adv.
Mr. Ss Rebello, Adv.
Ms. Deepti Arya, Adv.

Mr. Samit Shukla, Adv.
Mr. Saakshi Saboo, Adv.
Mr. Chandra Prakash, Adv.
For M/S. D.S.K. Legal, AOR

Mr. A. Karthik, AOR
Ms. Smrithi Suresh, Adv.
Mr. Sugam Agrawal, Adv.
Mr. Ujjwal Sharma, Adv.

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

(I) APPLICATIONS SEEKING MODIFICATION/CLARIFICATION/DIRECTION:

(1) IA NO. 66491/2024 (APPROPRIATE ORDERS/DIRECTIONS); (2) IA NO.292275/2024 (FOR DIRECTIONS); (3) IA NO.284215/2024 (FOR DIRECTIONS); (4) IA NO.285446/2024 (FOR MODIFICATION AND CLARIFICATION); (5) IA NOS.94025/2024 (FOR CLARIFICATION) AND 94026/2024 (EXEMPTION FROM FILING O.T.); (6) IA NO.151031/2024 (FOR DIRECTIONS); (7) IA NO.168851/2024 (FOR DIRECTIONS); (8) IA NO.185306/2024 (FOR DIRECTIONS); (9) IA NO.263588/2024 (FOR DIRECTIONS) AND IA NO.263589/2024 (EXEMPTION FROM FILING O.T.); (10) IA NO.190123/2024 (FOR DIRECTION); (11) IA NO.250733/2024 (FOR DIRECTIONS); (12) IA NO.60485/2024 (FOR CLARIFICATION/DIRECTION) ; (13) IA NO.281791/2024 (FOR CLARIFICATION/DIRECTION); AND (14) IA NO.166225/2024 (FOR CLARIFICATION/DIRECTION)

1. This Court is examining the validity of the Office Memorandum dated 7th July, 2021. This Court has stayed the operation of the Office Memorandum dated 7th July, 2021. Therefore, the applications made under clause 10(iii) of the Office Memorandum dated 7th July, 2021 cannot be entertained so long as the order of stay continues to operate. If the applicants have made applications under a provision other than clause 10(iii) of the Office Memorandum dated

7th July, 2021, it is obvious that the interim order does not come in the way of the applicants. To put it differently, no one can act upon the said Office Memorandum. If the case of the applicants is covered by clauses 5 to 7 of the order dated 2nd February, 2024 passed by this Court, it will be always open for the applicants to invite attention of the concerned authorities to the said fact.

2. Subject to what is observed above, the Applications are disposed of. Consequently, the applications seeking exemption from filing official translation also stand disposed of.

(1) IA No. 100111/2024 (APPROPRIATE ORDERS/DIRECTIONS) AND (2) IA No. 203965/2024 (CLARIFICATION/DIRECTION)

3. Ms. Aishwarya Bhati, learned ASG, submitted that she is not seeking any relief in terms of these applications at this stage and the same may be considered along with the main Writ Petition. Ordered accordingly.

(II) APPLICATIONS SEEKING INTERVENTION:

IA NO. 203838/2024 FOR INTERVENTION FILED ON BEHALF OF NBCC (INDIA) LIMITED

4. The Application is allowed.

(1) IA NO.185580/2024 (FOR INTERVENTION); (2) IA NO.284149/2024 (FOR INTERVENTION); (3) IA NO.151027/2024 (FOR INTERVENTION); (4) IA NO.190487/2024 (FOR INTERVENTION); (5) IA NO.60609/2024 (FOR INTERVENTION); (6) IA NO.281790/2024 (FOR INTERVENTION) (7) IA NO.166248/2024 (FOR INTERVENTION)

5. We are not inclined to entertain these Applications. The same are, accordingly, disposed of.

(III) APPLICATIONS SEEKING IMPLEADMENT:

IA NO. 100108/2024 FOR IMPLEADMENT FILED ON BEHALF OF HSCC (INDIA) LIMITED

6. The Application seeking impleadment as a party respondent is allowed. The amended cause title shall be filed within a period of one week from today.

(1) IA NO.66486/2024 (FOR IMPLEADMENT); (2) IA NO.263584/2024 (FOR IMPLEADMENT); AND (3) IA NO.250732 (FOR IMPLEADMENT)

7. We are not inclined to entertain these Application. The same are, accordingly, disposed of.

WRIT PETITION (CIVIL) NO(S).1394/2023

8. List the Petition for final hearing on 19th February, 2025 in first five matters.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

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

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

[IN FIRST FIVE MATTERS]

(IA No. 13953/2024 - APPLICATION FOR VACATION OF INTERIM ORDER

IA No. 257416/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 100111/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 2964/2025 - CLARIFICATION/DIRECTION

IA No. 21878/2024 - CLARIFICATION/DIRECTION

IA No. 203965/2024 - CLARIFICATION/DIRECTION

IA No. 4570/2025 - EXEMPTION FROM FILING O.T.

IA No. 2960/2025 - EXEMPTION FROM FILING O.T.

IA No. 65447/2024 - INTERVENTION APPLICATION

IA No. 203664/2024 - INTERVENTION APPLICATION

IA No. 62080/2024 - INTERVENTION APPLICATION

IA No. 21422/2025 - INTERVENTION APPLICATION

IA No. 16527/2024 - INTERVENTION APPLICATION

IA No. 13975/2024 - INTERVENTION/IMPLEADMENT

IA No. 94024/2024 - INTERVENTION/IMPLEADMENT

IA No. 53222/2024 - INTERVENTION/IMPLEADMENT

IA No. 134881/2024 - INTERVENTION/IMPLEADMENT

IA No. 24981/2024 - INTERVENTION/IMPLEADMENT

IA No. 133828/2024 - INTERVENTION/IMPLEADMENT

IA No. 21877/2024 - INTERVENTION/IMPLEADMENT

IA No. 107354/2024 - INTERVENTION/IMPLEADMENT

IA No. 2959/2025 - INTERVENTION/IMPLEADMENT

IA No. 134999/2024 - MODIFICATION OF COURT ORDER

IA No. 133854/2024 - MODIFICATION OF COURT ORDER

IA No. 203666/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

IA No. 21658/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH W.P.(C) No. 118/2019

W.P.(C) No. 115/2024

(IA No. 41957/2024 - EXEMPTION FROM FILING O.T.)

C.A. No. 381-382/2025 (FOR ADMISSION)

W.P.(C) No. 12/2025

(FOR ADMISSION

IA No.8064/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No.8703/2025 - GRANT OF INTERIM RELIEF

IA No.16457/2025 - INTERVENTION/IMPLEADMENT)

Date : 19-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Mr. P.S. Patwalia, Sr. Adv.

Mr. Nikhil Goel, Sr. Adv.

Mr. Zulfiker Ali P. S, AOR

Mr. Aakarsh Kamra, Adv.

Mr. Manish Sindwani, Adv.

Ms. Lebina Baby, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.

Mr. Vanshdeep Dalmia, AOR

Ms. Anisha Jain, Adv.

Ms. Shambhavi Singh, Adv.

Mr. Shourya Dasgupta, Adv.

Ms. Trisha Chandran, Adv.

Mr. Don Mathew Charles, Adv.

Mr. Tvs Raghavendra Sreyas, Adv.

Mr. Naveen Hegde, AOR

Mr. Sanjay Parikh, Sr. Adv.

Ms. Srishti Agnihotri, AOR

Ms. Tara Elizabeth Kurien, Adv.

M/S. K Ashar & Co., AOR

For Respondent(s) :

Ms. Aishwariya Bhati, A.S.G.

Ms. Swarupama Chaturvedi, Sr. Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Ketan Paul, Adv.

Ms. Ruchi Kohli, Adv.

Mr. Rajat Nair, Adv.

Mr. Kanu Agrawal, Adv.

Mr. Rohan Gupta, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Anand Varma, AOR

Ms. Apoorva Pandey, Adv.

Mr. Anil Kumar Verma, AOR

Mr. Kunal Mimani, AOR

Mr. Sandeep Sudhakar Deshmukh, AOR

Mr. Nishant Sharma, Adv.

Mr. Ankur S. Savadikar, Adv.

Mr. Viraj M. Paraka, Adv.

Mr. T. V. S. Raghavendra Sreyas, AOR

Mr. Naveen Hegde, Adv.

Mrs. Gayatri Gulati, Adv.

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Ms. Sonia Nigam, Adv.
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Mr. Mohammad Shahyan Khan, Adv.
For M/S. Karanjawala & Co., AOR

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Ms. Anuradha Arputham, Adv.
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Mr. Ishan Upadhaya, Adv.

Mr. Prabhat Ranjan Raj, AOR

Mr. Pallav Mongia, AOR
Mr. Anubhav Mishra, Adv.
Mr. Shashank Dwivedi, Adv.

Dr. A.M.Singhvi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Arshit Anand, Adv.
Mr. Shashwat Singh, Adv.
Mr. Siddhant Sahay, Adv.
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Ms. Anuja Divadkar, Adv.
Mr. Nihar Dharmadhikari, Adv.
Mr. Satya Kam Sharma, AOR

Mr. V. Chitambaresh, Sr. Adv.
Mr. Karthik S.D., AOR
Mr. C. Govind Venugopal, Adv.

Mr. Devadatt Kamat, Sr. Adv.
Mr. Nishanth Patil, AOR
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Mr. Harsh Pandey, Adv.
Mr. Arijit Dey, Adv.
Mr. Mehul Kumar Garg, Adv.
Mr. Vineeth Pr, Adv.

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Mr. Vinay Navare, Sr. Adv.
Mrs. Rucha Praveen Mandlik, Adv.
For M/S. S-legal Associates, AOR

Mr. C.K.Sasi, AOR
Ms. Meena K.Poulose, Adv.

Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Samit Shukla, Adv.
Ms. Saakshi Saboo, Adv.
For M/S. Trilegal Advocates On Record, AOR

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

IA No. 21658 of 2025

Our attention is invited to the order passed in
SLP(Civil)Diary No.49103 of 2024.

In view of the stay granted in this petition (Writ
Petition No.1394 of 2023), it is obvious that no *post
facto* clearances on the basis of OMs dated 19th February,
2021 and 7th July, 2021 can be granted as the same have
been set aside by the order impugned in SLP(Civil)Diary
No.29103 of 2024. No benefit of OM dated 28th January,
2022 can be granted in view of the interim order dated
2nd January, 2024. Even if the applications are pending
seeking *ex-post facto* clearances on the basis of these
OMs, the same shall be processed. However, final order
granting approval/clearance shall not be passed till
further orders.

The application is accordingly disposed of.

IA No.8064 of 2025 and
IA Nos.13975 and 13953 of 2024

The learned senior counsel appearing for the applicants state that they are not pressing these applications at this stage.

RE: APPLICATIONS FOR INTERVENTION

As far as the applications for intervention are concerned, we will permit the intervenors to argue for a limited time at the time of final hearing.

List for hearing on 2nd April, 2025 on the top of the cause list.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

File No. IA3-3/7/2024-IA.III(PartI) [E 254652]
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi – 110003

Dated: 28th March, 2025

OFFICE MEMORANDUM

Subject: Compliance of the Orders of the Hon'ble Supreme Court dated 06/01/2025 and 19/02/2025 – regarding.

The Ministry issued a Standard Operating Procedure (SOP) dated 07/07/2021 for identification and handling of violation cases under the EIA Notification 2006, in compliance to the order of the Hon'ble National Green Tribunal in Appeal No. 34/2020 (WZ) titled Tanaji B. Gambhire Vs Chief Secretary, Government of Maharashtra.

2. The SOP was challenged in the Madurai Bench of the Hon'ble High Court of Madras in W.P. (MD) No. 11757 of 2021 titled Fatima vs. Union of India and the Hon'ble High Court vide order dated 15/07/2021 imposed an interim stay on the OM.

3. The Hon'ble Supreme Court vide order dated 09/12/2021 in Civil Appeal No. 7576-7577 of 2021 titled Electrosteel Steels Limited vs. Union of India and Ors., held that the applicability of the above mentioned stay is restricted to the territorial jurisdiction of Madras High Court. The same was communicated by the Ministry vide OM dated 28/01/2022.

4. However, the Hon'ble Supreme Court in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India vide order dated 02/01/2024 has stayed the operation of the OM dated 07/07/2021 and OM dated 28/01/2022.

5. Further, the Hon'ble High Court of Madras vide judgement dated 30/08/2024 in WP(MD) No. 11757/2021 has quashed the OM dated 07/07/2021.

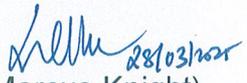
6. Subsequently, the Hon'ble Supreme Court vide order dated 06/01/2025 (*copy enclosed*) while tagging the SLP(C) Diary No. - 49103/2024 titled Fatima vs. Union of India with W.P. (C) 1394 of 2023 titled Vanashakti v. Union of India, *inter-alia*, held that "*if any applications are pending for grant of ex post facto clearances on the basis of OMs dated 19th February, 2021 and 7th July, 2021, the same shall be processed. However, final order granting approval shall not be passed till further orders.*" Further, the Hon'ble Supreme Court vide order dated 19/02/2025 (*copy enclosed*) in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India reiterated the same.

7. In this regard, in respectful compliance of the above mentioned orders of the Hon'ble Supreme Court dated 06/01/2025 and 19/02/2025, the Ministry hereby directs that all projects that have applied under the provisions of the OM dated 07/07/2021 and which are pending as on 02/01/2024 may be processed pursuant to the orders of Hon'ble Supreme Court as mentioned in para 6 above.

8. Further, for the State of Tamil Nadu for the reasons stated in para 3 above, only those projects which are pending as on 15/07/2021 may be processed in view of the stay imposed by the Hon'ble Madras High Court in W.P. (MD) No. 11757 of 2021 titled Fatima vs. Union of India.

9. However, final order granting approval/clearance shall not be passed till further orders of the Hon'ble Supreme Court.

10. This is issued with the approval of the Competent Authority.


(Dr. J. D. Marcus Knight)
Scientist E

Encl: As above.

To

1. Chairperson/ Member Secretary, CPCB
2. Chairperson/ Member Secretaries of all Expert Appraisal Committees
3. Chairperson/Member Secretaries of all SEIAAs/SEACs
4. Chairperson/ Member Secretaries of all SPCBs.
5. All Officers of IA Division

Copy for information to

1. PPS to Hon'ble MEF&CC
2. PPS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (AG)/JS (RA)
5. Website, MoEF&CC /Guard file

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SSPECIAL LEAVE PETITION (CIVIL) DIARY NO(S). 49103/2024

[Arising out of impugned final judgment and order dated 30-08-2024 in WP(MD) No. 8866/2021 and WP(MD) No. 11757/2021 passed by the High Court of Judicature at Madras]

FATIMA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION AND IA No. 294492/2024 - CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS)

Date : 06-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. T.V.S. Raghavendra Sreyas, Adv.
Mr. Naveen Hegde, AOR
Mr. Siddharth Vasudev, Adv.

For Respondent(s)

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

Delay condoned.

Leave granted.

To be heard along with Writ Petition (C) No.1394/2023.

The operative part of the impugned order reads thus:

"29.Ergo, the sequitur is,

(i) captioned three W.P.s, namely W.P.(MD)Nos.8866 of 2021, 11757 of 2021 and W.P.No.18829 of 2021 are allowed in the aforesaid manner, impugned OMs dated 19.02.2021 and 07.07.2021 issued by MoEF are quashed/set aside but prospectively albeit with a window to three ongoing/completed projects as set out elsewhere supra in this order. Consequently, connected Writ Miscellaneous Petitions thereat are closed. There shall be no order as

to costs;
...."

We direct that if any applications are pending for grant of *ex post facto* clearances on the basis of OMs dated 19th February, 2021 and 7th July, 2021, the same shall be processed. However, final order granting approval shall not be passed till further orders.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

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

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

[IN FIRST FIVE MATTERS]

(IA No. 13953/2024 - APPLICATION FOR VACATION OF INTERIM ORDER

IA No. 257416/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 100111/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 2964/2025 - CLARIFICATION/DIRECTION

IA No. 21878/2024 - CLARIFICATION/DIRECTION

IA No. 203965/2024 - CLARIFICATION/DIRECTION

IA No. 4570/2025 - EXEMPTION FROM FILING O.T.

IA No. 2960/2025 - EXEMPTION FROM FILING O.T.

IA No. 65447/2024 - INTERVENTION APPLICATION

IA No. 203664/2024 - INTERVENTION APPLICATION

IA No. 62080/2024 - INTERVENTION APPLICATION

IA No. 21422/2025 - INTERVENTION APPLICATION

IA No. 16527/2024 - INTERVENTION APPLICATION

IA No. 13975/2024 - INTERVENTION/IMPLEADMENT

IA No. 94024/2024 - INTERVENTION/IMPLEADMENT

IA No. 53222/2024 - INTERVENTION/IMPLEADMENT

IA No. 134881/2024 - INTERVENTION/IMPLEADMENT

IA No. 24981/2024 - INTERVENTION/IMPLEADMENT

IA No. 133828/2024 - INTERVENTION/IMPLEADMENT

IA No. 21877/2024 - INTERVENTION/IMPLEADMENT

IA No. 107354/2024 - INTERVENTION/IMPLEADMENT

IA No. 2959/2025 - INTERVENTION/IMPLEADMENT

IA No. 134999/2024 - MODIFICATION OF COURT ORDER

IA No. 133854/2024 - MODIFICATION OF COURT ORDER

IA No. 203666/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

IA No. 21658/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH W.P.(C) No. 118/2019

W.P.(C) No. 115/2024

(IA No. 41957/2024 - EXEMPTION FROM FILING O.T.)

C.A. No. 381-382/2025 (FOR ADMISSION)

W.P.(C) No. 12/2025

(FOR ADMISSION

IA No.8064/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No.8703/2025 - GRANT OF INTERIM RELIEF

IA No.16457/2025 - INTERVENTION/IMPLEADMENT)

Date : 19-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Mr. P.S. Patwalia, Sr. Adv.

Mr. Nikhil Goel, Sr. Adv.

Mr. Zulfiker Ali P. S, AOR

Mr. Aakarsh Kamra, Adv.

Mr. Manish Sindwani, Adv.

Ms. Lebina Baby, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.

Mr. Vanshdeep Dalmia, AOR

Ms. Anisha Jain, Adv.

Ms. Shambhavi Singh, Adv.

Mr. Shourya Dasgupta, Adv.

Ms. Trisha Chandran, Adv.

Mr. Don Mathew Charles, Adv.

Mr. Tvs Raghavendra Sreyas, Adv.

Mr. Naveen Hegde, AOR

Mr. Sanjay Parikh, Sr. Adv.

Ms. Srishti Agnihotri, AOR

Ms. Tara Elizabeth Kurien, Adv.

M/S. K Ashar & Co., AOR

For Respondent(s) :

Ms. Aishwariya Bhati, A.S.G.

Ms. Swarupama Chaturvedi, Sr. Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Ketan Paul, Adv.

Ms. Ruchi Kohli, Adv.

Mr. Rajat Nair, Adv.

Mr. Kanu Agrawal, Adv.

Mr. Rohan Gupta, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Anand Varma, AOR

Ms. Apoorva Pandey, Adv.

Mr. Anil Kumar Verma, AOR

Mr. Kunal Mimani, AOR

Mr. Sandeep Sudhakar Deshmukh, AOR

Mr. Nishant Sharma, Adv.

Mr. Ankur S. Savadikar, Adv.

Mr. Viraj M. Paraka, Adv.

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Mr. Rahul Yadav, Adv.

Mr. Vinay Navare, Sr. Adv.

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Ms. Sonia Nigam, Adv.
Mr. Akhil Abraham Roy, Adv.
Mr. Mohammad Shahyan Khan, Adv.
For M/S. Karanjawala & Co., AOR

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Mr. Harsh Pandey, Adv.
Mr. Arijit Dey, Adv.
Mr. Mehul Kumar Garg, Adv.
Mr. Vineeth Pr, Adv.

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Mrs. Rucha Praveen Mandlik, Adv.
For M/S. S-legal Associates, AOR

Mr. C.K.Sasi, AOR
Ms. Meena K.Poulose, Adv.

Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Samit Shukla, Adv.
Ms. Saakshi Saboo, Adv.
For M/S. Trilegal Advocates On Record, AOR

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

IA No. 21658 of 2025

Our attention is invited to the order passed in
SLP(Civil)Diary No.49103 of 2024.

In view of the stay granted in this petition (Writ
Petition No.1394 of 2023), it is obvious that no *post
facto* clearances on the basis of OMs dated 19th February,
2021 and 7th July, 2021 can be granted as the same have
been set aside by the order impugned in SLP(Civil)Diary
No.29103 of 2024. No benefit of OM dated 28th January,
2022 can be granted in view of the interim order dated
2nd January, 2024. Even if the applications are pending
seeking *ex-post facto* clearances on the basis of these
OMs, the same shall be processed. However, final order
granting approval/clearance shall not be passed till
further orders.

The application is accordingly disposed of.

IA No.8064 of 2025 and
IA Nos.13975 and 13953 of 2024

The learned senior counsel appearing for the applicants state that they are not pressing these applications at this stage.

RE: APPLICATIONS FOR INTERVENTION

As far as the applications for intervention are concerned, we will permit the intervenors to argue for a limited time at the time of final hearing.

List for hearing on 2nd April, 2025 on the top of the cause list.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER