

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 142/2022

**IN THE MATTER OF:**

Jayant Kumar

...Appellant(s)

Versus

Ministry of Environment Forest and  
Climate Change & Ors.

...Respondent(s)

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE MINISTRY OF  
ENVIRONMENT, FOREST AND CLIMATE CHANGE (RESPONDENT  
No. 1)**

**MOST RESPECTFULLY SHOWETH:**

I, Dr Shruti Rai Bhardwaj, working as Scientist 'F' in the  
Ministry of Environment, Forest and Climate Change (MoEF&CC), New Delhi,  
do hereby solemnly affirm and state as under:

1. That I, in my official capacity in the Ministry Environment, Forest and  
Climate Change, i.e., Respondent No.1 in the above mentioned matter, I  
am conversant with the facts and circumstances of the case on the basis of

official records, and as such authorized and competent to swear this affidavit.

2. It is submitted that an additional affidavit is being filed in compliance to the direction issued by this Hon'ble Tribunal vide order dated 07.12.2022 and 09.02.2023. The Answering Respondent at this stage craves leave and liberty to file a detailed Counter Affidavit to the aforesaid application, as and when required.
3. That Hon'ble Tribunal, vide order dated 07.12.2022, has directed to revise the Notification dated 14.09.2006 as amended by notification dated 15.01.2016 in pursuance of the observation made by the Hon'ble National Green Tribunal (PB) in the matter of *Satender Pandey vs MoEFCC OA 186 of 2016* vide order dated 13.09.2018. This Hon'ble Bench also asked for the re-appraisal of the Environmental Clearances (ECs) by State Environment Impact Assessment Authority (SEIAA) which were issued by the District Environment Impact Assessment Authority (DEIAA) in accordance with the 15.01.2016 Notification and are still continuing. The same need to be brought in consonance with the judgment passed by the Hon'ble Supreme Court in *Deepak Kumar vs State of Haryana SLP(C) 19628-19629 of 2009 dated 27.02.2012*. Answering respondent was also asked to provide for the information of such mining leases in which ECs was granted by DEIAA and the period of which has not yet expired.

Therefore, in specific response to above passed directions, the Answering Respondent is filing the additional affidavit.

4. It is submitted that the Hon'ble Tribunal vide Judgment dated 13.09.2018 in *O.A. No. 186 of 2016 Satendra Pandey (Supra)* has inter-alia directed as follows: -

- i. *“Providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling member Category B-2 at par with Category B-1 by SEAC/ SEIAA as well as for cluster situation wherever it is not provided;*
- ii. *Form-IM be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA;*
- iii. *if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance;*
- iv. *EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof;*

*v. revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area;*

*vi. the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.”*

5. That it is mentioned that over the period of time Answering Respondent has complied with the directions passed by the Hon'ble NGT vide order dated 13.09.2018. That the Answering Respondent issued an Office Memorandum (OM) No. L-11011/175/2018 IA-II(M) vide dated 12.12.2018 addressed to the Chief Secretaries of all the States/UTs for necessary compliance of direction issued by Hon'ble NGT. A copy of the OM No. L-11011/175/2018 IA-II (M) vide dated 12.12.2018 is marked and annexed herein as **Annexure- R1/1**.

6. That it is stated that some directions given in the said order have been implemented or are under consideration within the Ministry. The Answering Respondent has approach the Hon'ble Supreme Court against the NGT order dated 13.09.2018 and for upholding the Ministry's notification dated 15.01.2016, by way of a Civil Appeal in the matter titled C.A. No. 3799-3800 "Union of India Vs Rajiv Suri". Therefore, Ministry

is yet to consider the direction regarding the revision of the Notification dated 15.01.2016 as the said matter is sub-judice before Hon'ble Supreme Court.

7. That it is stated that in pursuance to the Hon'ble NGT order and OM dated 12.12.2018, DEIAA is not functional and does not exist as on date. DEIAA's work is now looked after by SEIAA w.e.f from 13.09.2018.
8. That the Answering Respondent has issued an OM vide dated 15.12.2021 stating that, "for all category B2 projects, the project proponent shall apply in Form-2 on PARIVESH portal along with requisite documents. The same is in compliance to the direction where it was asked that Form-IM be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of by DEAC/DEIAA. Copy of the OM dated 15.12.2021 is marked and annexed herein as **ANNEXURE R1/2**

9. That in regard to the direction issued for the revised procedure to incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area, the Answering Respondent formulated the guidelines i.e. "Enforcement & Monitoring Guidelines for Sand Mining" (EMGSM-2020) supplemental to the Sustainable Sand Management Guidelines, 2016 (SSMG-2016). In the new

guidelines, detailed procedure for **Replenishment Study** has been incorporated.

10. That in compliance to the clause where the Ministry was required to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining. Hon'ble NGT vide its order dated 17.8.2020 and 26.2.2021 in the matter *National Green Tribunal Bar Association v. Virender Singh (State of Gujarat)*; OA No. 360/2015 accepted the approach II as stated by the Central Pollution Control Board (CPCB) regarding the approach for **calculating the scale of compensation** and directed for its adoption for calculating the scale of compensation by all the States/UTs. In compliance of the same, the CPCB, vide letter dated 11.06.2021 issued directions under Section 5 of the Environment (Protection) Act, 1986 to all the States/UTs for the same. Copy of the letter issued by CPCB dated 11.06.2021 is marked and annexed herein as **ANNEXURE R1/3**

11. That it is reiterated that the Answering Respondent issued a notification S.O. 1886 (E) vide dated 20.04.2022 wherein, Environmental Clearances of all minor mineral irrespective of mine lease area shall be dealt at the level of State Level Impact Assessment Authority. The said notification is in compliance to the (i) Deepak Kumar judgment, (ii) NGT order dated 13.09.2018 and (iii) the OM dated 12.12.2018. A Copy of the Ministry's

Notification S.O. 1886 (E) dated 20.04.2022 is marked and annexed herein as **ANNEXURE R1/4.**

12. That in pursuance to the compliance of the order dated 07.12.2022 passed by this Hon'ble NGT regarding the re-appraisal of the EC's issued by DEIAA to be done by SEIAA. It is stated that Answering Respondent issued an OM F.No. IA3-22/11/2023-IA.III dated 28.04.2023, where all the valid ECs issued by DEIAA (between 15.01.2016 to 13.09.2018) shall be re-appraised through SEAC/SEIAA. The OM also specifies that scrutiny and appraisal of such ECs shall be based on the checklist provided therein. Copy of the OM F. No. IA3-22/11/2023-IA.III (E-208230) dated 28.04.2023 is marked and annexed herein as **ANNEXURE R1/5.**

13. That in compliance to the information sought from the Answering Respondent regarding such mining leases in which ECs were granted by DEIAA and the period of which has not yet expired, it is submitted that below mentioned is the information received from various SEIAAs across India as on 01.05.2023-

**AS ON -01.05.2023**

Total no. of Districts	Information received from Districts	Total valid ECs granted by DEIAA 15.01.2016 to 13.09.2018	States covered

(श्री श्रुति राय शर्मा)  
 (DR. SHRUTI RAY SHARMA)  
 Director, National Institute of Environmental, Forest and Climate Change  
 Ministry of Environment, Forest and Climate Change  
 Govt. of India, New Delhi

(श्री श्रुति राय शर्मा)  
 (DR. SHRUTI RAY SHARMA)  
 Director, National Institute of Environmental, Forest and Climate Change  
 Ministry of Environment, Forest and Climate Change  
 Govt. of India, New Delhi

749	108	4798	Assam (Partially), Goa, Madhya Pradesh, Meghalaya, Uttarakhand (Partially), Sikkim, Meghalaya.
			<b>Note: -</b> No EC granted by DEIAA in Manipur, Tripura, Chandigarh (U.T.), Puducherry.

14. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).

  
(डा. श्रुति राय भारद्वाज)  
(Dr. SHRUTI RAI BHARDWAJ)  
निदेशक/विज्ञानिक 'एफ' / Director/Scientist 'F'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

#### VERIFICATION

Verified at New Delhi on this 11<sup>th</sup> day of May, 2023 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

  
(डा. श्रुति राय भारद्वाज)  
(Dr. SHRUTI RAI BHARDWAJ)  
निदेशक/विज्ञानिक 'एफ' / Director/Scientist 'F'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

F. No. L-11011/175/2018-IA-II (M)  
 Government of India  
 Ministry of Environment, Forest & Climate Change  
 Impact Assessment Division

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3<sup>rd</sup> Floor, Vayu Wing,  
 Indira Paryavaran Bhawan,  
 Jorbagh Road, Aliganj,  
 New Delhi-110 003  
 Email: [rb.lal@nic.in](mailto:rb.lal@nic.in)  
 Phone/Fax: 011-24695362

Dated: 12<sup>th</sup> December 2018

**Office Memorandum**

**Sub: Order dated 04<sup>th</sup> September, 2018 & 13<sup>th</sup> September, 2018 passed by the Hon'ble National Green Tribunal, New Delhi in O.A. No. 173 of 2018 & O.A. No. 186 of 2016 in the matters titled "Sudarsan Das Vs State of West Bengal & Ors" & "Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr." respectively- regarding.**

This is with reference to the recent orders of the Hon'ble NGT dated 04<sup>th</sup> September, 2018 in the matter titled *Sudarsan Das Vs State of West Bengal & Ors* & and order dated 13<sup>th</sup> September, 2018 in the matter *Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.* Copies of the orders are enclosed herewith for ready reference.

2. The Hon'ble NGT vide order dated 13<sup>th</sup> September, 2018 in O.A. No. 186 of 2016 (*Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr*) has inter-alia directed as follows:-

"(i) Providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/ SIEAA as well as for cluster situation wherever it is not provided;

(ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SIEAA instead of DEAC/DEIAA;

(iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance;

(iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 5, 7 and 8 thereof;

(v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area;

(vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining."

3. In view of the above, the undersigned is directed to forward the copy of the aforementioned order for necessary compliance and inform the Ministry about the action taken.

4. This issues with the approval of the Competent Authority.

Yours faithfully,

Encl: As above

  
(Dr. R.B. Lal)  
Scientist 'E'

To,

1. The Chief Secretary, 1<sup>st</sup> Block, 1<sup>st</sup> Floor A.P. Secretariat Office, Andhra Pradesh, Velagapudi - 522503
2. The Chief Secretary, Government of Arunachal Pradesh, Civil Secretariat, Itanagar - 791111
3. The Chief Secretary, Government of Assam, Block-C, 3<sup>rd</sup> Floor, Assam Sachivalaya, Guwahati-781006
4. The Chief Secretary, Government of Bihar, Main Secretariat Building, Patna-800015
5. The Chief Secretary, Government of Chhatisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur-492002
6. The Chief Secretary, Government of Gujarat, Block No.2, 5th Floor, Sardar Bhawan, Sachivalaya, Gandhinagar-382010
7. The Chief Secretary, Government of Goa, Secretariat, Porvadam, Bardez, Goa - 403521
8. The Chief Secretary, 4th Floor, Haryana Civil Secretariat Sector, Chandigarh - 160019
9. The Chief Secretary, Government of Himachal Pradesh Secretariat, Shimla - 171002
10. The Chief Secretary, R. No. 2/7, 2nd Floor Main Building Civil Secretariat, Jammu - 180001 R. No. 307, 3rd Floor Civil Secretariat, Srinagar - 190001
11. The Chief Secretary, Government of Jharkhand 1st Floor, Project Building, Dhurwa, Ranchi-834004
12. The Chief Secretary, Govt of Karnataka, Room No.521, Vidhana Soudha, Bengaluru- 560 001
13. The Chief Secretary, Government of Kerala Secretariat, Thiruvananthapuram - 695001
14. The Chief Secretary, Government of Madhya Pradesh MP Mantralaya, Valabh Bhavan Bhopal - 462004

15. The Chief Secretary, Government of Maharashtra CS Office Main Building, Mantralaya 6th Floor, Madame Cama Road, Mumbai - 400032
16. The Chief Secretary, Government of Manipur South Block, Old Secretariat Imphal-795001
17. The Chief Secretary, Government of Meghalaya Main Secretariat Building Rilang Building, Room No. 321 Meghalaya Secretariat, Shillong - 793001
18. The Chief Secretary, Government of Mizoram New Secretariat Complex, Aizwal - 796001
19. The Chief Secretary, Government of Nagaland Civil Secretariat, Kohima-797004
20. The Chief Secretary, Government of Odisha General Administration Department, Odisha Secretariat, Bhubaneswar - 751001
21. The Chief Secretary, Government of Punjab, Chandigarh - 160001
22. The Chief Secretary, Government of Rajasthan Secretariat, Jaipur - 302005
23. The Chief Secretary, Government of Sikkim New Secretariat, Gangtok - 737101
24. The Chief Secretary, Government of Tamil Nadu Secretariat, Chennai - 600009
25. The Chief Secretary, Government of Telangana Block C, 3rd Floor, Telangana Secretariat Khairatabad, Hyderabad, Telangana
26. The Chief Secretary, Government of Uttar Pradesh 1st Floor, Room No. 110 LalbahadurSastri Bhawan Uttar Pradesh Secretariat, Lucknow - 226 001
27. The Chief Secretary, Government of Tripura New Secretariat Complex, Secretariat-799010, Agartala West Tripura
28. The Chief Secretary, Government of Uttarakhand 4 Subhash Road, Uttarakhand Secretariat, Dehradun - 248001
29. The Chief Secretary, Government of West Bengal Nabanna, 13th Floor, 325, Sarat Chatterjee Road, MandirataShibpur, Howrah - 711102
30. The Chief Secretary, Andaman and Nicobar Administration Secretariat, Port Blair - 744101
31. The Chief Secretary, Secretariat, Moti, Silvase, Daman - 396220
32. The Chief Secretary, Secretariat, Moti, Daman - 396 220
33. The Chief Secretary, Raj Bhawan, Chandigarh-160019
34. The Chief Secretary, Lakshadweep, Kavaretti - 682555
35. The Chief Secretary, Chief Secretariat, Goubert Avenue, Puducherry - 605001
36. The Chief Secretary, Delhi Secretariat, In Estate, Delhi - 110002, Near Indra Gandhi Indoor Stadium

**Copy to:**

1. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (S2), Kendriya Sadan, 4<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main Road, Koramangala-11 Block, Bangalore-560034
2. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (S2), E-5, Kendriya Parvavaran Bhawan, E-5 Area Colony, Link Road-3, Ravishankar Nagar, Bhopal-462016
3. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (S2), A3, Gaudwadekarpur, Bhubaneswar-751023

4. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SEZ), 1<sup>st</sup> and 2nd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai-34
5. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NZ), Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh-160030
6. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NCZ), Pearson Road, P.P. New Forest, Forest Research Institute (FRI) Campus Dehradun-248006
7. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (CZ), Kendriya Bhawan, 5<sup>th</sup> Floor Sector "H", Aliganj, Lucknow-226020
8. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001
9. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (ECZ), Bungalow No. A-2, Shyamala Colony Ranchi-834002
10. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NEZ), Law-U-Sib, Lumbatngan, Near MTC Workshop, Shillong, Meghalaya-793021

  
 (Dr. R.B. Lal)  
 Scientist 'E'

*Handwritten initials/signature*

# 651

**F.No.22-1/2019-IA.III [E116917]**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

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Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi- 110003

Dated: 15<sup>th</sup> December, 2021

**OFFICE MEMORANDUM**

**Sub.: EC application form for B2 category projects – reg.**

The Ministry *vide* Notification dated 15<sup>th</sup> January 2016 amended the EIA Notification 2006 stating that projects regarding mining of minor minerals which fall under category B2 of the Notification shall apply through Form 1M provided in the appendix VIII of the Notification.

2. Further, the Ministry *vide* Office Memorandum dated 20<sup>th</sup> April 2018 directed that all project, other than projects covered under schedule 8 of the EIA Notification and mining of minor minerals upto five hectares, which are categorized as B2 shall apply for Environmental Clearance as per the provision of Form-2.

3. Subsequently, based on the direction of the Hon'ble National Green Tribunal (NGT) *vide* order dated 13<sup>th</sup> September, 2018 in O.A. No. 186 of 2016 (Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr), use of Form-1M for accepting EC applications for minor minerals upto five hectares has been examined in the Ministry. The matter has also been discussed with various SEIAAs/SEACs.

4. Based on above, the Ministry hereby directs that, henceforth, for all Category "B2" projects [other than those covered in schedule 8 of the EIA Notification 2006], the project proponents shall apply in Form-2 on PARIVESH portal along with requisite documents. On selection of category as "B2", the fields in Form-2 which may not be relevant for such projects, [i.e., EIA Report etc.] shall automatically get disabled.

5. The Office Memorandum dated 20<sup>th</sup> April 2018 shall get modified to that extent.

6. This is issued with the approval of the competent authority.

  
(A K Agrawal)  
Director

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 Minister for Environment, Forest and Climate Change
2. PS to MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to AS (RA)/JS(TK)/JS(SKB)
5. Website of MoEF&CC/Guard file



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT OF INDIA

No. CPCB/PC-H/NGT-OA(360/2015)/2021/

11 June, 2021

To,  
The Environment Secretary,  
(As per list)

**Sub.: Direction under Section 5 of The Environment (Protection) Act, 1986 regarding development of mechanism for assessment and recovery of compensation as per Hon'ble NGT order dated-26.02.2021 in O.A. No. 360/2015-reg.**

**WHEREAS**, Hon'ble National Green Tribunal (NGT) by order dated-26.02.2021 (Para 10 to 12 & 25) in O.A. No. 360 of 2015 (and other clubbed applications) has accepted the report of an Expert Committee constituted by NGT order regarding Scale of Environmental Compensation to deal with the cases of illegal sand mining, that was submitted by CPCB to NGT on 30.01.2020, and which was re-iterated in the report submitted by CPCB to NGT on dated-12.10.2020 (available at NGT website at the link <https://greentribunal.gov.in/news-update?title=360%2Fof%2015>);

**WHEREAS**, Hon'ble NGT by the above mentioned order dated-26.02.2021 (Para 25) has directed that the scale of compensation calculated with reference to Approach II of the Expert Committee report dated-30.01.2020 be adopted by all the States/UTs and that the recovered compensation may be kept in a separate account and utilized for restoration of environment by preparing an appropriate action plan under the directions of the Environment Secretary with the assistance of such individual/institutions as may be considered necessary;

**WHEREAS**, by the above mentioned order dated-26.02.2021 (Para 25), Hon'ble NGT has further directed CPCB to issue an appropriate statutory direction to Environment Secretaries of all the States / UTs for the facility of monitoring and compliance of above NGT direction;

**AND WHEREAS**, Central Government has delegated the power to issue directions under Section 5 of the Environment (Protection) Act, 1986 to CPCB also,

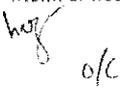
**NOW THEREFORE**, in compliance of above mentioned direction of NGT and in exercise of powers under Section 5 of the Environment (Protection) Act, 1986, you are hereby directed to evolve an appropriate mechanism for assessment and recovery of compensation in all Districts of the State and for utilization of the recovered compensation for restoration of environment by preparing an appropriate action plan, as per order dated-26.02.2021 of Hon'ble National Green Tribunal (Principal Bench) in OA No. 360/2015.

The action taken report in above reference may be provided to CPCB within one month.

(Naresh Pal Gangwar)  
Chairman

Copy for information to:

1. **The Joint Secretary,** : for information, please  
IA-II Division,  
Ministry of Environment, Forest & Climate Change,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi - 110003
  
2. **The Member Secretary,** : for information, please  
SPCBs/PCCs  
(As per list)

  
**(Prashant Gargava)**  
Member Secretary  


S.No.	States/UTs	Address	
		Environment Secretary - Office	Member Secretary - Office
1.	Andaman & Nicobar Islands	The Environment Secretary, Department of Environment & Forest, O/o Secretary (G/A), Andaman & Nicobar Administration, Secretariat, Port Blair, ANDAMAN & NICOBAR	The Member Secretary, Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, P.O. Haddo Port Blair – 744102 ANDAMAN & NICOBAR
2.	Andhra Pradesh	The Environment Secretary, Department of Environment, Forest, Science & technology, 4 <sup>th</sup> Block, 1 <sup>st</sup> Floor, Room No. 268, A.P. Secretariat Office, Velagapudi, ANDHRA PRADESH	The Member Secretary, Andhra Pradesh Pollution Control Board D. No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010 ANDHRA PRADESH
3.	Arunachal Pradesh	The Environment Secretary, Department of Environment & Forest, Civil Secretariat, Itanagar – 791 111 ARUNACHAL PRADESH	The Member Secretary, Arunachal Pradesh State Pollution Control Board Govt. of Arunachal Pradesh, Department of Environment & Forests, Paryavaran Bhawan, Yupia Road, Papu Nalah, Naharlagun - 791 110 ARUNACHAL PRADESH
4.	Assam	The Environment Secretary, Department of Environment & Forest, Assam Secretariat, Block 'A', 2nd Floor Dispur, Guwahati – 781 006 ASSAM	The Member Secretary, Pollution Control Board- Assam, Bamunimaidam, Guwahati – 781 021 ASSAM
5.	Bihar	The Environment Secretary, Department of Environment, Forest & Climate Change, Van Vibhag Road, Nehru Nagar, Patliputra Colony, Patna - 800 013 BIHAR	The Member Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2, Paliputra Industrial Area, Patliputra, Patna – 800 023 BIHAR
6.	Chandigarh	The Environment Secretary, Department of Environment & Climate Change, MGSIPA Complex, Sector 26, CHANDIGARH – 160 019	The Member Secretary, Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor, Sector-19 B, Madhya Marg, CHANDIGARH – 160 019
7.	Chhattisgarh	The Environment Secretary, Department of Environment, Mahanadi Bhawan, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur- 492 001 CHHATTISGARH	The Member Secretary, Chhattisgarh State Environment Conservation Board, Paryavas Bhawan, North Block Sector-19, Atal Nagar, Raipur - 492 002, CHHATTISGARH

8.	Dadra & Nagar Haveli, Daman & Diu	The Environment Secretary, Department of Environment & Forest Secretariat, Daman, Fort Area, Post Office Moti Daman – 396 220 DAMAN & DIU	The Member Secretary, Pollution Control Committee, UTs of Daman, Diu and Dadra & Nagar Haveli Fort Area, Court Compound, Moti Daman - 396 220 DAMAN & DIU
09.	Delhi	The Environment Secretary, Department of Environment, 6th Level, Delhi Secretariat, IP Estate, DELHI – 110 002	The Member Secretary, Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate, DELHI-110 006
10.	Goa	The Environment Secretary, Department of Environment and Climate Change , 4th Floor Dempo Towers, Patto - Panaji - 403 511. GOA	The Member Secretary, Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa – 403 511 GOA
11.	Gujarat	The Environment Secretary, Forests & Environment Department, Block 14, 8 th floor, Sachivalaya, Gandhinagar - 382 010 GUJARAT	The Member Secretary, Gujarat Pollution Control Board Paryavaran Bhavan, Sector 10-A, Gandhi Nagar 382 010, GUJARAT
12.	Haryana	The Environment Secretary, Department of Environment & Climate Change, Seventh Floor, Main Secretariat, Sector 16, CHANDIGARH – 160 017	The Member Secretary, Haryana State Pollution Control Board C-11, Sector-6, Panchkula- 134109, HARYANA
13.	Himachal Pradesh	The Environment Secretary, Department of Environment, Science & Technology, Paryavaran Bhawan, Near US Club, Shimla – 171 001 HIMACHAL PRADESH	The Member Secretary, Himachal Pradesh State Pollution Control Board Him Parivesh, Phase-III, New Shimla – 171 009 HIMACHAL PRADESH
14.	Jammu & Kashmir	The Environment Secretary, Department of Forest, Environment & Ecology, 4 <sup>th</sup> Floor, Mini Block Secretariat, Jammu, JAMMU & KASHMIR	The Member Secretary, J&K Pollution Control Board, Parivesh Bhawan, Shiekh-ul- Campus, Behind Govt. Silk Factory, Raj Bagh, Srinagar – 190 008 JAMMU & KASHMIR
15.	Jharkhand	The Environment Secretary, Department of Environment, Forest & Climate Change, Nepal House, Doranda, Ranchi – 834 002 JHARKHAND	The Member Secretary, Jharkhand State Pollution Control Board T.A. Bldg., HEC, P. O. Dhurwa, Ranchi - 834 004 JHARKHAND

16.	Karnataka	The Environment Secretary, Forest, Ecology and Environment Department, Secretariat, 4th Floor, M. S. Building, Bangalore – 560 001 KARNATAKA	The Member Secretary, Karnataka State Pollution Control Board “Parisara Bhavan”, #49,4th & 5th Floor, Church Street, Bangalore 560 001 KARNATAKA
17.	Kerala	The Environment Secretary, Department of Environment and Climate Change, 4th Floor, K.S.R.T.C Bus Terminal Thampanoor, Thiruvananthapuram – 695 001 KERALA	The Member Secretary, Kerala State Pollution Control Board Head Office, Pattom. P. O Thiruvananthapuram - 695 004 KERALA
18.	Lakshadweep	The Environment Secretary, Department of Environment and Forest, 1st Floor, Paryavaran Bhavan, Kavaratti, LAKSHADWEEP	The Member Secretary, Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati – 682 555, LAKSHADWEEP
19.	Madhya Pradesh	The Environment Secretary, Housing and Environment Department, Paryavaran Parisar, E- 5, Arera Colony, Bhopal – 462 016 MADHYA PRADESH	The Member Secretary, Madhya Pradesh Pollution Control Board Paryavaran Parisar, E-5, Arera Colony Bhopal - 462 016 MADHYA PRADESH
20.	Maharashtra	The Environment Secretary, Environment & Climate Change Department, New Administrative Building, Madam Kama Road, Hutatma Chowak, Mumbai – 400 032 MAHARASHTRA	The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Points, 3rd & 4th Floor, Sion Matunga Scheme Road No.6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai-400 022 MAHARASHTRA
21.	Manipur	The Environment Secretary, Directorate of Environment and Climate Change, Mini Secretariat Rd, opposite Superintendent of Police, Porompat – 795 010 MANIPUR	The Member Secretary, Manipur Pollution Control Board Lamphalpat, Imphal – 795 004, MANIPUR
22.	Meghalaya	The Environment Secretary, Forest and Environment Department, Secretariat Building, North Range, Forest Colony, Khasi Hills, Shillong – 793 001 MEGHALAYA	The Member Secretary, Meghalaya State Pollution Control Board, “ARDEN”, Lumpyngngad, Shillong – 793 014, MEGHALAYA

23.	Mizoram	The Environment Secretary, Department of Environment, Forest & Climate Change, Tuikhuahtlang, Aizawl, MIZORAM	The Member Secretary, Mizoram Pollution Control Board New Secretariat Complex, Khatla, Aizawl – 796 001, MIZORAM
24.	Nagaland	The Environment Secretary, Department of Environment, Forest & Climate Change, New Secretariat, Kohima, NAGALAND	The Member Secretary, Nagaland Pollution Control Board Signal Point, Dimapur, NAGALAND
25.	Odisha	The Environment Secretary, Forest & Environment Department, Kharavel Bhawan, Bhubaneswar, ODISHA	The Member Secretary, Odisha State Pollution Control Board Paribesh Bhawan, A-118, Nilakantha Nagar Unit VIII Bhubaneswar – 751 012, ODISHA
26.	Puducherry	The Environment Secretary, Department of Science, Technology and Environment, III Floor, PHB Building Anna Nagar, PUDUCHERRY - 605 005	The Member Secretary, Puducherry Pollution Control Committee 'B' Block, Ground Floor, Chief Secretariat, PUDUCHERRY-605 001
27.	Punjab	The Environment Secretary, Department of Science, Technology and Environment, 6th Floor, Punjab Civil Secretariat-2, Sector 9, CHANDIGARH – 160 009	The Member Secretary, Punjab Pollution Control Board Vatavaran Bhawan, Nabha Road Patiala 147 001 PUNJAB
28.	Rajasthan	The Environment Secretary, Department of Environment, 4, Jhalana Institutional Area, Jhalana Doongri, Jaipur – 302 004 RAJASTHAN	The Member Secretary, Rajasthan Pollution Control Board, A-4, Institutional Area, Jalana Dungri, Jaipur 302 004, RAJASTHAN
29.	Sikkim	The Environment Secretary, Forest and Environment Department, Government of Sikkim Forest Secretariat Deorali - 737102 Gangtok, East Sikkim, SIKKIM	The Member Secretary, Sikkim State Pollution Control Board State Land Use & Environment Cell Govt. of Sikkim, Deorali Gangtok – 737 102 SIKKIM
30.	Tamil Nadu	The Environment Secretary, Department of Environment, No. 1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai – 600 015 TAMIL NADU	The Member Secretary, Tamil Nadu Pollution Control Board 76, Anna Salai, Guindy Industrial Estate, Race View Colony, Guindy, Chennai – 600 032 TAMIL NADU

31.	Telangana	The Environment Secretary, Department of Environment, Forests, Science and Technology, Telangana Secretariat 5th Floor, Burgula Rama Krishna Rao Bhavan, NH 44, Hill Fort, Adarsh Nagar, Hyderabad – 500 063 TELANGANA	The Member Secretary, Telangana State Pollution Control Board Paryavaran Bhawan, A-III, Industrial Estate, Sanathnagar, Hyderabad – 500 018 TELANGANA
32.	Tripura	The Environment Secretary, Department of Science, Technology & Environment, Vigyan Prajukti O Paribesh Bhawan, P.N. Complex, Gorkhabasti, Agartala – 799 006, West Tripura TRIPURA	The Member Secretary, Tripura State Pollution Control Board Parivesh Bhawan, Pandit Nehru Complex P.O. Kunjaban, Gorkhabasti, Agartala – 799 006 TRIPURA
33.	Uttar Pradesh	The Environment Secretary, Environment, Forest and Climate Change Department, Bapu Bhawan Secretariat, Vidhan Sabha, Lucknow – 226 001 UTTAR PRADESH	The Member Secretary, Uttar Pradesh Pollution Control Board IIIrd Floor PICUP Bhawan Vibhuthi Khand, Gomti Nagar, Lucknow – 226 020 UTTAR PRADESH
34.	Uttarakhand	The Environment Secretary, Department of Environment & Forest, 4, Subhash Road, Secretariat, 4 <sup>th</sup> floor, New Building, Dehradun – 248 001 UTTARAKHAND	The Member Secretary, Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dalanwala, Dehradun – 268 001 UTTARAKHAND
35.	West Bengal	The Environment Secretary, Department of Environment, 5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector III, Bidhannagar, Kolkata – 700 106 WEST BENGAL	The Member Secretary, West Bengal Pollution Control Board Paribesh Bhawan, 10-A, Block LA, Sector III, Salt Lake City, Kolkata-700 091 WEST BENGAL



सत्यमेव जयते

# भारत का राजपत्र

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 20 अप्रैल, 2022

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

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

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

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

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

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

उक्त अधिसूचना में-

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

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

(2) अनुसूची में, -

(i) मद 1(क) के सामने, -

(क) स्तंभ (3) में, -

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

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

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

(ख) स्तंभ (4) में, -

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

पट्टा", निम्नलिखित रखा जाएगा, अर्थात्: -

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

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

(ii) मद 1(ग) के सामने, -

(क) स्तंभ (3) में, -

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

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

(ख) स्तंभ (4) में, -

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

(ख) क्रम संख्या (ii) में, -

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

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

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

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

(iii) मद 1(घ) के सामने,-

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

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

(iv) मद 2(क) के सामने, -

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

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

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

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

(v) मद 2 (ख) के सामने, -

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

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

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

अर्थात्: -

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

(vi) मद 7 (क) के सामने,-

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

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

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

[फा. सं. आईए 3-22/10/2022-आईए. III]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

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

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

**NOTIFICATION**

New Delhi, the 20th April, 2022

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

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

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

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

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

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, hereby makes the following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14th September, 2006, namely:-

In the said notification,-

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

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

(2) in the Schedule,—

(i) against item 1(a),—

(a) in column (3),—

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

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

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

(b) in column (4),—

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

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

- (B) for the symbols, figures and letters " $\leq 150$  ha", the symbols, figures and letters " $\leq 500$  ha" shall be substituted;
- (ii) against item 1(c),—
- (a) in column (3),—
- (A) in serial number (i), for the symbols, figures and letters " $\geq 50$  MW", the symbols, figures and letters " $\geq 100$  MW" shall be substituted;
- (B) serial number (ii) and the entries relating thereto shall be omitted;
- (b) in column (4),—
- (A) in serial number (i), for the symbol, figures and letters " $< 50$  MW", the symbol, figures and letters " $< 100$  MW" shall be substituted;
- (B) in serial number (ii),—
- (I) the word, symbol and figures "and  $< 50,000$  ha." shall be omitted;
- (II) in point (c) in the table, the word, symbol and figures "to  $< 50,000$ " shall be omitted;
- (c) in column (5), after serial number (ii), the following serial number shall be inserted, namely:—
- "(iii) Irrigation projects involving Inter-State issues shall be appraised at Central level without change in category.";
- (iii) against item 1(d),—
- (a) in column (3), for the symbols, figures and letters " $\geq 50$  MW", the symbols, figures and letters " $\geq 100$  MW" shall be substituted;
- (b) in column (4), for the symbol, figures and letters " $< 50$  MW", the symbol, figures and letters " $< 100$  MW" shall be substituted;
- (iv) against item 2(a),—
- (a) in column (3), for the symbols and figure " $\geq 1$ ", the symbols and figures " $\geq 2.5$ " shall be substituted;
- (b) in column (4), for the symbols and figure " $< 1$ ", the symbols and figures " $< 2.5$ " shall be substituted;
- (c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—
- "Integrated coal mining projects with washeries located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for coal mining projects.";
- (v) against item 2 (b),—
- (a) in column (3), the existing entries shall be omitted;
- (b) in column (4), for the symbol, figures, words and letters " $< 0.5$  million TPA throughput", the words "All mineral beneficiation projects irrespective of the procedure for beneficiation" shall be substituted;
- (c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—
- "Integrated mining projects with beneficiation plants located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for mining projects.";
- (vi) against item 7 (a),—
- (a) in column (3), for the words "All projects", the words "All new projects" shall be substituted;

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

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

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

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

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

F. No. IA3-22/11/2023-IA.III (E-208230)  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

3<sup>rd</sup> Floor, Vayu Wing  
Indira Paryavaran Bhavan,  
Jor Bagh Road,  
New Delhi-110003

Dated: 28<sup>th</sup> April, 2023

**OFFICE MEMORANDUM**

**Subject: Compliance of order dated 07.12.2022 passed by Hon'ble NGT in O.A.142 of 2022 in the matter of Jayant Kumar vs. Ministry of Environment, Forests and Climate Change - reg.**

The Hon'ble National Green Tribunal (Principal Bench), New Delhi vide order dated 13.09.2018 in O.A. No. 186 of 2016 (Satendra Pandey vs Ministry of Environment Forest & Climate Change & Anr) had observed that the Ministry's Notification S.O. 141(E) dated 15.01.2016 was not in consonance with the directions given by Hon'ble Supreme Court in the matter of Deepak Kumar Vs. State of Haryana and Others and passed certain directions.

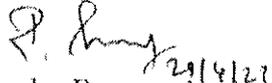
2. In the above case, Hon'ble NGT had *inter-alia* directed that mining projects with lease areas of 0 to 5 ha are to be evaluated by State Level Expert Appraisal Committee (SEAC) for recommendation and grant of Environmental Clearance (EC) by State Level Environment Impact Assessment Authority (SEIAA) instead of District Level Environment Impact Assessment Authority (DEIAA). In compliance of the said directions, Ministry issued an OM dated 12.12.2018 addressed to Chief Secretaries of all the States/UTs directing to comply with the directions of Hon'ble NGT.

3. Subsequently, Hon'ble NGT vide its order dated 07.12.2022 in O.A.142 of 2022 in the matter of Jayant Kumar vs. Ministry of Environment, Forests and Climate Change *inter-alia* observed that "mining leases in which environmental clearance was granted by DEIAA in view of amendment notification dated 15.01.2016 are still continuing even after passing of order dated 13.09.2018 by this Tribunal in Satendra Pandey (supra) and issuance of OM dated 12.12.2018 by MoEF&CC without any re-appraisal by SEIAA and appropriate remedial action on the basis of such re-appraisal. All such mining leases in which environmental

*clearance was granted by DEIAA need to be brought in consonance with the directions given by Hon'ble Supreme Court in Deepak Kumar (supra) and order dated 13.09.2018 by this Tribunal in Satendra Pandey (supra) by re-appraisal by SEIAA and only such mining leases may be continued which have been on re-appraisal granted environmental clearance by SEIAA. MoEF&CC is, therefore, directed to take appropriate steps for compliance in this regard by issuance of requisite directions in exercise of the statutory powers under the Environment (Protection) Act, 1986."*

4. The matter has been examined in the Ministry and accordingly it has been decided that all valid ECs issued by DEIAA shall be reappraised through SEAC/SEIAA in compliance to the order of the Hon'ble NGT in O.A.142 of 2022. In view of above, it is hereby directed that all concerned SEACs shall re-appraise the ECs issued by DEIAAs between 15.01.2016 and 13.09.2018 (including both dates) and all fresh ECs in this regard shall be granted only by SEIAAs based on such appraisal. The exercise shall be completed within a time period of one year from the date of issue of this OM. DEIAAs shall transfer all such files where ECs have been granted to concerned SEIAA within a time period of one month from issue of this OM. The State Government may assess the existing workload of SEAC(s) and accordingly, send proposals for constitution of additional SEAC for a specified period to deal with such additional workload.
5. Further, in order to have a uniform approach across the country for such appraisal, SEIAA shall scrutiny and appraise the proposals based on the checklist provided below:
  - i. Completely filled up Form-2 as per Ministry's OM dated 15.12.2021.
  - ii. Pre-Feasibility Report (PFR) as per MoEF Guidelines dated 30.12.2010
  - iii. Valid Mine Lease Document
  - iv. Approved Mining Plan from the concerned Authorities
  - v. District Survey Report approved by SEIAA as per Ministry's Notification S.O 3611(E) dated 25.07.2018
  - vi. Implementation of "Sustainable Sand Mining Management Guidelines, 2016" and "Enforcement & Monitoring Guidelines for Sand Mining, 2020" in case of sand mining proposals.
  - vii. Details of forest land involved in the mine lease area and availability of Stage-I/II Forest Clearance (FC) for diversion of forest land for non-forestry purpose.
  - viii. Details of Eco Sensitive Zones (ESZ) and Eco Sensitive Areas (ESAs), National Parks, Wildlife Sanctuary, Coastal Zone, Water bodies and other ecological sensitive areas within/in the vicinity of the mine lease area and if so details of NOC/Clearances obtained.
  - ix. If any Schedule-I species is present in the study area, proof of submission of Wildlife Conservation Plan to the Forest Department.
  - x. Cluster Certificate from State Mines and Geology Department.

- xi. Compliance of Hon'ble Supreme Court judgment dated 02.08.2017 passed in Common Cause vs Union of India Writ Petition (C) 114 of 2014.
  - xii. Proposal of re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. in compliance to the direction dated 8th January, 2020 of Hon'ble Supreme Court in Writ Petition(s) Civil No. 114/2014, Common Cause vs Union of India & Ors.
6. The provisions of this OM shall be operational subject to the outcome of Civil Appeal No. 3799-3800 of 2019 titled Union of India vs Rajiv Suri filed by Ministry before the Hon'ble Supreme Court of India against the order dated 13<sup>th</sup> September, 2018 passed in O.A. No. 200 of 2016 (Rajiv Suri Vs UOI) & order dated 21<sup>st</sup> December, 2018 passed in R.A. No. 47 of 2018 (UOI Vs Rajiv Suri).
7. This is issued with the approval of the Competent Authority.

  
 (Sundar Ramanathan)  
 Scientist E

To

- 1. The Chairperson/Member Secretaries of all the SEIAAs/SEACs.
- 2. The Chairman of all the Expert Appraisal Committees
- 3. The Chairpersons/Member Secretaries of all SPCBs/UTPCCs.
- 4. All the 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