

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No.15/2025

(I.A. No. 102/2025)

Vasant Kunj Residents Welfare Association,

Sector B, Pocket-1

Appellant

Versus

MoEF&CC & Ors.

Respondent(s)

WITH

Appeal No. 19/2025

(I.A. No. 146/2025 & I.A. No. 147/2025)

Rajeev Ranjan

Appellant

Versus

MoEF & CC & Ors.

Respondent(s)

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Dated: 26.06.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

IN

APPEAL No. 15 of 2025

TAGGED WITH

APPEAL No. 19 of 2025

IN THE MATTER OF:

VASANT KUNJ WELFARE ASSOCIATION

...APPLICANT(s)

VERSUS

UNION OF INDIA & Ors

RESPONDENT(s)

WITH

RAJEEV RANJAN

.....APPLICANT(s)

VERSUS

UNION OF INDIA & Ors

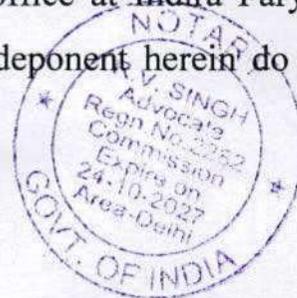
...RESPONDENT(s)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(MoEF&CC)**

MOST RESPECTFULLY SHOWETH:

I, Munna Kumar Shah, working as Scientist 'E' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), having office at Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003 the deponent herein do hereby solemnly affirm and state on oath as under:

Munna Shah



1. That I am competent to swear the present counter affidavit on behalf of MoEF&CC and I am aware of the facts and circumstances of the case based on record.
2. That I have perused the contents of the above captioned application by the applicant, and I am duly authorized to depose by way of the present application.
3. That the Answering Respondent is not replying to the present application in para-wise manner and craves leave to file a detailed affidavit as and when necessary and required by this Hon'ble Tribunal.
4. That the instant applications have been filed against the Environmental Clearance dated 13.01.2025 granted by the Answering Respondent (MoEF&CC) to M/s R.R.Textknit LLP for the construction of a group Housing project.
5. Instant application has been filed on the following **Grounds** :

(a) Misclassification of the project under category B instead of Category A: (i) Because the impugned EC has been illegally granted under Category B despite the admitted fact that the project is located within 5 km of the Asola Bhati Wildlife Sanctuary, which is protected Area notified under the Wildlife (Protection) Act, 1972. As per the EIA Notification, 2006, any project within 5/10 km of a Protected Area, Critically Polluted Area, or Eco-Sensitive Area is to be treated as a Category 'A' project, requiring appraisal at the Central Level with a more stringent environmental scrutiny process. However, the project proponent has wrongly classified the project under category B to evade the higher level of scrutiny required for Category A projects, rendering the EC illegal and liable to be set aside.

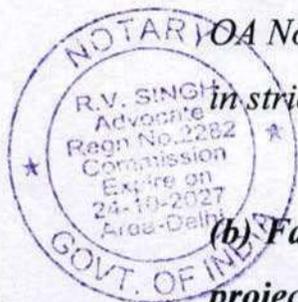


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(ii) Because the impugned EC has been granted in violation of the EIA Notification, 2006, which mandates a more rigorous assessment process, including detailed EIA study and public hearing for Category 'A' projects. By misclassifying the project as Category 'B' the project proponent has bypassed the crucial procedural safeguards including a comprehensive environmental assessment of the project's impact on the flora, fauna, and ecosystem of the Asola Bhati Wildlife Sanctuary, marking the EC arbitrary and unsustainable in law.

(iii) Because the illegal categorization of the project as Category 'B' has deprived affected stakeholders, including environmental organisations, residents, and experts, of their statutory right participate in the public consultation process, which is mandatory for category A project under the EIA Notification, 2006. The lack of proper public participation and stakeholders' engagement in assessing the impact of the project on the Asola Bhati Wildlife and natural justice, making the EC liable to be set aside.

(iv) Because the MoEF is required to classify all building and construction projects within 5 km of protected areas, critically polluted areas, severely polluted areas, eco-sensitive zones, or inter-state boundaries as Category A projects, to be appraised at the central level by the SEAC, as directed in OA No. 93 of 2024 (CZ) titled as Pranjal Karera Vs Union of India & Ors in strict compliance with the notification dated 14.09.2006.



(b) Failure to conduct Mandatory Public consultation for Category 'A' project: (i) Because the impugned EC has been granted in violation of the EIA Notification, 2006, which mandates a public consultation process for all category A projects. As per Paragraph 7(III) of the EIA Notification,

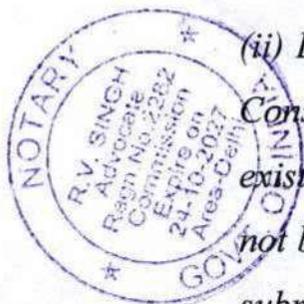
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2006, public consultation is mandatory step for Category A projects, ensuring that affected stakeholders, including local residents, environmental experts and public authorities, have an opportunity to voice their concerns. Since, the project falls within 5 km of the Asola Bhati Wildlife Sanctuary, it ought to have been treated as a category A project, and the failure to conduct a public hearing renders the EC procedurally defective and liable to be set aside.

(ii) Because the denial of public consultation violates the principles of natural justice and transparency in environmental decision-making, as recognized by the Hon'ble Supreme Court decision from time to time.

C. Lack of prior approval as per the Forest Conservation Act, 1980: (i) Because it is an admitted fact that the subject property falls within the morphological ridge, which is classified as a deemed forest, thereby attracting the provisions of the Forest (Conservation) Act, 1980. However, no prior approval from the Central Government has been obtained for the proposed construction, as mandated under the Forest Conservation Act, 1980. In absence of such mandatory approval, the impugned EC is rendered null and void, being in blatant violation of forest conservation laws.

(ii) Because, the appellant asserts that forest clearance under the Forest Conservation Act has not been adequately addressed. In particular, the existence of deemed forest land having morphological ridge qualities has not been fully considered. Therefore, the project proponent is required to submit forest clearance NOC before proceedings further with construction activities.



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(iii) Because the subject property is part of the morphological ridge, which is classified as deemed forest and is under the regulatory control of the Ridge Management Board (RMB). As per the direction of the Hon'ble Supreme Court, any construction or non-forest activity on the ridge area requires prior approval/NOC from the Ridge Management Board.

D. Digging of foundation constitutes mining activity requiring separate

EC: (i) Because the construction work, which includes substantial land preparation and extraction of resources would be classifiable as 'mining activity, which cannot be allowed without District Survey Report as has been held by the Hon'ble Supreme Court in State of Bihar Vs Pawar Kumar, (2022) 2 SCC 348.

(ii) Because the proposed construction of residential towers with the approximate height of 33.8 meters necessitates the substantial extraction and removal of sand and other minor minerals from the subject property, in the absence of a District Survey Report (DSR), which is mandatory prerequisite under the applicable environmental regulations.

(E) Impugned EC granted despite Prior Unauthorized construction

activities: (i) Because EIA Notification mandates that no construction activity shall commence prior to obtaining an EC. However, in the present case, the EAC, in its 132nd meeting dated 23/24.10.2024, explicitly acknowledged that the land leveling had already been conducted without prior approval, yet EC was subsequently granted. This retroactive approval of an illegal activity is in direct contravention of the EIA Notification and renders the impugned EC liable to be set aside.

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(G) Material suppressions by the project proponent.

(i) Failure to conduct adequate soil analysis for foundation depth requiring EC: Because the proposed construction includes basements extending to a depth of 10.52 meters, the foundation depth is expected to range between 12 meters to 20 meters, depending on soil conditions and structural requirements. Such deep excavation and foundation work clearly necessitates EC due to its potential environmental impact, including groundwater depletion, soil stability concerns and structural safety risks.

(ii) Illegal tree felling and misrepresentation of trees at the subject property: Because there is a clear discrepancy in the reported number of trees, with the status reports dated 23.10.2024 and 19.09.2024 listing 23 and 38 trees, respectively.

Because the Tree survey submitted by the Project Proponent in Enclosures VII of the EDS reply dated 22.06.2024 falsely states that only 11 trees exist on the subject property and that no tree cutting or land leveling has been done. However, the photographs on page 70 of Form 1- A (June 2024) and the ADS reply dated 14.11.2024 clearly shows prior tree removal and land leveling.



(iii) Non- Disclosures of Ridge Area and Reserves forests: Because the Respondent No.5 deliberately concealed material information regarding Sanjay Van, a protected and notified forest under the Forest (Conservation) Act, 1980, which forms part of the South-Central Ridge and is located just 0.85 km from subject property. The failure of the EAC to

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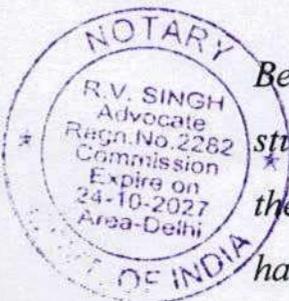
scrutinize these non-disclosures demonstrates a mechanical grant of the impugned EC without application of mind and therefore the impugned EC is liable to the set aside.

Misrepresentation of Water Requirement: (i) *Because the water requirement during both the construction and operational phases has been grossly underestimated. No material has been placed before the Tribunal to demonstrate that the Delhi Jal Board has to requisite quantity of treated wastewater to supply to the PP.*

(ii) *Because the EC has been granted without considering that the DJB, in its letter dated 05.02.2024 categorically stated that it is not bound to supply water as per demands raised by the Project Proponent. However, the PP has provided a false undertaking, falsely claiming that the DJB has assured water availability for the project vide letter dated DJB/EE(M)-45/2024/520 dated 01.02.2024.*

Non-Consideration of Ground water scarcity and Impact on South-Central Ridge: *Because the status of groundwater scarcity in the area and its consequent impact on the South-Central ridge was not taken into account. Any depletion or over-extraction of groundwater in this ecologically sensitive zone could have significant adverse effects.*

Because the impugned EC has been granted without considering that no study or report having scientific findings regarding groundwater levels at the subject property was prepared by the Respondent No.5 and the EAC has granted the impugned EC on the basis of information given by local



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sources that the water table at the subject property may be encountered at the depth of 200 to 225 feet below ground level.

Because the EAC specifically raised a query on ground water levels in EDS dated 20.06.2024 @ S. No. 5 EDS 22.06.2024) directing the Respondent No.5 to provide a clear indication of groundwater levels. However, in response, Respondent No.5 merely submitted a revised geotechnical report that relied on local sources and stated that the water table "may be encountered at a depth of 200 to 225 feet BGL".

EC Granted based on a deficient and misleading Traffic Impact Assessment: (i) *Because the EC has been granted based on a traffic Impact assessment conducted in June 2024, when schools were closed, rendering the assessment inaccurate and unreliable.*

Because the project proponent has wrongly misrepresented that UTTIPEC is not applicable merely because the project is in the 8(a) category. It is submitted that as per the extant guidelines if the project significantly affects traffic patterns, road infrastructures or public transport, UTTIPEC approval is mandatory.



False undertaking regarding no water body: *Because the PP falsely in Form 1 A that no water body exists near the subject property, despite the fact that the school adjacent to the subject property consists of a natural water body as evidenced to the subject property consists of a natural water body as evidenced from the map prepared by the DDA in WP No. 1797 of 2016 in the case titled M/s Northern India Masonic Charitable Society Vs DDA Ors vide order dated 12.11.2018 passed by the Hon'ble High Court*

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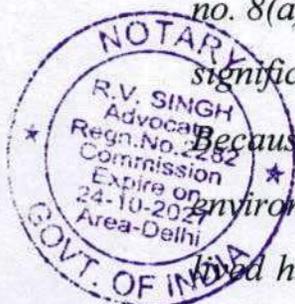
of Delhi. The deliberate suppression of hydrological data directly impacts flood-risk, groundwater recharge, and local ecology, making the EC unsustainable in law.

False representation qua construction activity at the subject property: Because the impugned EC has failed to appreciate the material suppressions by the PP. It is submitted that the PP has specifically stated that the group Housing Society is being developed on a green field site, and no construction activity has been undertaken. However, it has come to light that land leveling was conducted, which constitutes part of construction and preparation on land activity.

Because the project's impact on the local air quality has not been sufficiently assessed. The area already suffers from pollution levels exceeding permissible limit for PM10 and PM 2.5, and the construction activities may further exacerbate these issues. It is pertinent to mention that no comprehensive study on the impact of increased vehicular traffic and dust emissions during construction has been presented.

Because the exemption notification issued by the MoEF on 28.03.2020, which Exempts certain projects from requiring EC is not applicable in the present case, as the present project specifically require an EC under serial no. 8(a) of the EIA Notification, 2006 and involves activities that may have significant environmental impacts, thereby necessitating an EC.

Because the grant of EC has caused significant disruption to the peaceful environment of the community, where approximately 5,000 residents have lived harmoniously since 1994. This unauthorized development not only violates established legal frameworks but also affects the well-being and tranquility of the residents who have long enjoyed a serene living space.



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The grant of EC without proper adjudication of facts and material evidence causes environmental degradation and deterioration of community infrastructures, creating irreversible harm. Therefore, it is crucial that these construction activities be immediately halted as per the provisions of the law to restore peace and order in the society and ensure compliance with environmental and regulatory norms.

6. That the instant application filed on the following **Prayer**:
- (a) *Allow the present appeal and set aside/quash the impugned EC dated 13.01.2025.*
- (b) *Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.*

APPLICABLE PROVISIONS:

6. That the answering respondent issued an Environmental Impact Assessment Notification vide S.O. 1533(E) dated 14.09.2006 superseding the Environmental Impact Assessment (EIA) Notification, 1994 under the Environment (Protection) Act, 1986. The EIA Notification, 2006 regulates developmental projects in respect of construction of new projects/activities/ expansion or modernization of existing projects in different parts of the country under sub section (3) of section 3 of the said Act, in accordance with the procedure specified in the EIA Notification, 2006. That Environment Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006, as amended provides as follows:

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"8(a): Building and Construction projects - >20000 sq. mtrs and < 1,50,000 sq. mtrs. of built-up area require EC.

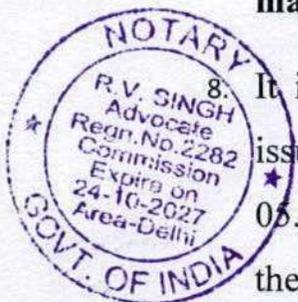
8(b): Townships and Area Development projects - Covering an area of > 50 ha and or built up area > 1,50,000 sq. mtrs require EC."

The aforementioned entries under item 8(a) and 8(b) are categorised as category B projects under the EIA Notification, 2006 and require appraisal/recommendation by the State Level Expert Appraisal Committees (SEACs) and approved by the State Level Environment Impact Assessment Authorities (SEIAAs). Further, in the absence of a duly constituted SEIAA/SEAC, a category B project shall be considered at the Central Level as category B project. **Copy of the Environmental Impact Assessment Notification, 2006 is annexed as Annexure - R-1.**

7. It is submitted that the Respondent has issued notification No.S.O.1533 (E) dated 14.09.2006, replacing EIA Notification, 1994 which mandated certain activities/processes and their expansion and modernization as listed in the schedule of EIA notification, 2006 to obtain prior Environmental Clearance (EC) under the provisions thereof. Further, the instant Notification was amended vide S.O.3067 (E) dated 01.12.2009 for exempting public hearings for building and construction projects belonging to item no. 8(a) and 8(b). **Copy of the Notification dated 01.12.2009 is marked and annexed as Annexure R/2.**

It is humbly submitted that the Answering Respondent (Ministry) had issued an Office Memorandum No. J-11013/41/2006-IA.II (I) dated 05.10.2011 in respect of Ownership of EIA report and other documents by the project proponent. In the aforesaid OM, it has been noted that:

"Instances have, however, been brought to the notice of this Ministry, wherein the EIA reports prepared by the Environmental



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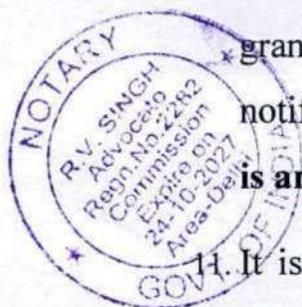
Consultants contain information/data copied from other reports. As it may be time consuming for the Ministry and or the EACs to compare the contents of one report with the other to check for copied data/information, the onus of submitting the correct and factual information/data contained in the EIA report lies with the project proponent. Copy of the OM dated 05.10.2011 is annexed as Annexure-R/3.

9. That the Answering Respondent Ministry has issued notification vide S.O. 3252(E) dated 22.12.2014 in order to streamline approval procedures for building and construction projects. By the aforesaid notification, certain exemptions were granted subject to compliance with the sustainable environment management guidelines/ safeguards issued vide OM dated 09.06.2015 so as to ensure adequate environmental protection.

10. It is humbly submitted that the aforesaid notification dated 22.12.2014 was challenged by way of Writ Petition No. 3097 of 2016 titled One Earth One Life Vs. MoEF&CC before the High Court of Kerala, Ernakulam. The aforesaid petition was disposed of on 06.03.2024 on the sole ground that the final notification was different from the draft notification while granting liberty to the (Answering Respondent) Ministry to issue a fresh notification, in accordance with the law. **Copy of order dated 06.03.2024**

is annexed as Annexure - R/4.

11. It is humbly submitted that Original Application No. 93 of 2024 titled Pranjal Karera vs. Union of India & Ors was also filed before the Hon'ble National Green Tribunal (NGT), Central Zone at Bhopal with a prayer for making General Condition (GC) applicable to item 8 of schedule of the EIA Notification, 2006 in light of the amendment dated 22.12.2014 being quashed by the HC of Kerala at Ernakulam vide its judgment dated 06.03.2024. In the light of judgment of Kerala High Court, the NGT, vide



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order dated 09.08.2024, inter alia, directed the (Answering Respondent) Ministry, to either comply with the provisions related to the applicability of General Conditions in respect of items 8 (a) and (b) of the Schedule to the EIA notification or to issue a clarificatory notification in this regard. **Copy of order dated 09.08.2024 is annexed as Annexure - R/5.**

12. In compliance to the orders passed by the Hon'ble High Court and NGT, the Answering Respondent Ministry has issued a notification dated 29.01.2025 (**Copy of Notification dated 29.01.2025 is annexed as Annexure -R/6**) pertaining to amendment of the item 8 of the schedule of Environment Impact Assessment Notification, 2006, which is as follows:

<i>Project/Activity</i>	<i>Category with threshold limit (Category B)</i>	<i>Conditions, if any</i>
8	<i>Building or Construction projects or Area Development projects and Townships</i>	
8(a)	<i>Building and Construction projects</i> ≥ 20000 sq. m and $< 1,50,000$ sq. m of built-up area	<i>The term 'built up area' for the purpose of this notification the built up or covered area on all floors put together, including its basement and other services areas, which are proposed in the building or construction projects.</i> Note 1.- <i>The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rainwater</i>

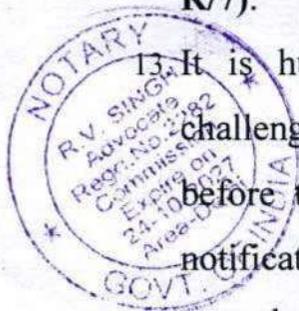


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			<p><i>harvesting and may use recycled materials such as fly ash bricks.</i></p> <p><i>Note 2 – “General Conditions” shall not apply</i></p>
8(b)	<p><i>Townships and Area Development projects.</i></p>	<p><i>Covering an area ≥ 50 ha and or built-up area $\geq 1,50,000$ sq. m</i></p>	<p><i>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ project.</i></p> <p><i>Note.- “General Conditions” shall not apply.</i></p>

The exemptions granted in the notification dated 29.01.2025 are subject to the sustainable environment management as per the guidelines issued vide OM dated 09.06.2015 and the same has been clarified vide OM dated 30.01.2025. **(Copy of OM dated 30.01.2025 is annexed as Annexure - R/7).**

13. It is humbly submitted that the notification dated 29.01.2025 has challenged by way of Writ Petition (C) No. 116 of 2025 by Vanashakti before the Hon’ble Supreme Court of India seeking quashing of the notification dated 29.01.2025 and OM dated 30.01.2025 pertaining to amendment of the item (8) of the schedule of Environment Impact Assessment Notification, 2006. Further, the Hon’ble Supreme Court vide order dated 24.02.2025 has stayed the operation and implementation of the aforesaid notification dated 29.01.2025 as well as OM dated 30.01.2025. **(Copy of order dated 24.02.2025 is annexed as Annexure - R/8).**



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PROJECT DETAILS :

14. It is humbly submitted that the project proponent i.e. M/s R. R. Texnit LLP (PP) at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj Part Revenue Estate of Village Mehrauli, New Delhi, has initially submitted its application for Environmental Clearance for the construction of group housing project for the total built up area of 25,650 sq.m to SEIAA, Delhi. The proposal was recommended by the State Level Expert Appraisal Committee (SEAC)/State Environment Impact Assessment Authority (SEIAA), Delhi in its Meeting held on 12.07.2024 & 25.07.2024. However, before the grant of Environmental Clearance the term/tenure of SEIAA was expired. Accordingly, the instant proposal was transferred to the Answering Respondent i.e. Ministry (MoEF&CC).
15. It is humbly submitted that the Project/activity of the project under question is covered under item 8(a) "Building and construction project" of the schedule to the EIA Notification, 2006 and its subsequent amendments, and require appraisal at the State Level. However, as stated above, due to absence of SEIAA, the proposal was transferred to the Answering respondent.
16. It is submitted that the Answering Respondent (Ministry) has received the proposal no. IA/DL/INFRA2/481309/2024 dated 24.09.2024 of M/s R. R. Texnit LLP (Project Proponent) for Environmental Clearance (EC) along with Form 1 and 1A as per the provision of EIA Notification, 2006. The aforesaid project is termed as category 'B2' and will not require Public Hearing and EIA report. That as per the information provided by the PP in Form 1 and during appraisal process, the EAC has noted the following:

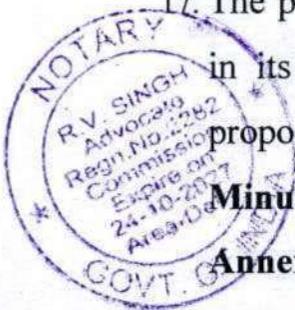
- i. The project is a Greenfield project and no construction activity has been undertaken at site yet.

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- ii. That the project site does not fall in Critically/Severely Polluted Area.
- iii. No tree cutting is involved in the project. Further, the PP has also submitted that as per the direction of the Hon'ble High Court, the representatives of the Forest Department visited the site on 17.10.2024 and observed that no tree was cut, only 01 tree (sheesham) has been fallen at site which was rehabilitated at site with the help of JCB and Hydra machine.
- iv. That the said project is not located within 10 km of the Eco-sensitive Zone.
- v. No NBWL and Forest Clearance are required for the said project.
- vi. That project is already located in developed area wherein numbers of residential buildings, school, hospitals, and other infrastructure of different heights has been situated.
- vii. That the project site is at the distance of 2.48 km from the Southern ridge and 2.9 km from Aravali Biodiversity Park.
- viii. No construction activity has been done at site as shown in Drone video by PP during appraisal.

17. The proposal was considered by the Expert Appraisal Committee (EAC) in its 132nd meeting held on 23-24th October, 2024 and deferred the proposal for the clarification of PP on certain observations. **(Copy of the Minutes of Meeting dated 23-24th October, 2024 is annexed as Annexure-R/9).** Further, the Project proponent has submitted its reply to the queries raised by the EAC. On the basis of the same, the proposal was re-considered by the EAC in its 134th Meeting held on 29.11.2024 **(Copy**



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of Minutes of Meeting dated 29.11.2024 is annexed as Annexure-R/10).

During the aforesaid meeting, the EAC has observed that:

(i) the Instant project is located in developed area wherein residents are residing in Vasant Kunj, Delhi. There are a number of residential buildings, school, hospitals, other infrastructures etc. of different heights near the project area.

(ii) the drone video shown by PP shows no construction activity has been done or initiated at site and thus can be ascertained that there is no violation of EIA Notifications, 2006.

(iii) the committee opined that court cases in Hon'ble High Court in the matter are related to approval of Building Plan granted by DDA and MCD. The concerned agency has made their submission as per the information provided by project proponent. Further, the matter of Hon'ble NGT is pending and any order/directions in compliance of Hon'ble Tribunal shall be complied by project proponent.

(iv) no tree cutting has been done in the project area and further as per inspection report of forest department, there are total 19 trees which are green and healthy standing and one fallen tree was raised straight and 3 trees were found to be dried.

(v) the project site at a distance of 2.48 km from the Southern ridge and 2.9 km from Aravalli biodiversity park. Hence the project will not create any impact on the Aravalli ridge stability. The project site is at a distance of 2.9 km from the Aravalli Biodiversity Park. Since, the proposed development is part of an already developed residential colony and falls outside the hotspot area, hence, there is no specific impact. However, for further clarity of project area being in morphological ridge, it is desired that PP may seek clarification from

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Delhi's Ridge Management Board. Based on the clarification, PP may obtain NOC (if applicable).

(vi) the instant project was recommended by SEAC Delhi for granting EC with specific conditions and general conditions and forwarded it to SEIAA, Delhi.

(vii) Traffic Impact Assessment was conducted by PP for adequacy of transportation of vehicles and parking area. It was informed that the distance from main road to the site is about 150 m. It was desired that the construction activity shall follow very stringent measures to avoid any issues to the habitation.

That the EAC, based on the information submitted and clarification provided by the PP and detailed discussion held on all the issues, recommended the project for grant of Environmental Clearance subject to specific and standard conditions as specified by the OM dated 04.01.2019.

18. In view of the above, it is submitted that the Answering Respondent based on the recommendation of EAC has granted the Environmental Clearance dated 13.01.2025 subject to stipulation of various environmental safeguards. Some of the relevant conditions inter-alia included

the following i.e.:

Specific Conditions:

1.1. This recommendation is subject to the outcome of the court cases in Hon'ble High Court, Hon'ble NGT and Central Empowered Committee. Further, PP may seek clarification from Delhi's Ridge Management Board (RMB) regarding applicability of clearance



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from RMB. Based on the clarification, PP shall obtain NOC from Delhi's Ridge Management Board (If applicable).

1.2. A Mechanical sweeper shall be deployed by PP to mitigate the road dust pollution all along from main road to the project site and water sprinkler and mist cannon/sprayer shall be fixed on this road.

1.3 No construction activity or storage of material shall be allowed outside the project boundary. PP shall not conduct any construction activity at night and transportation of material shall not be done during peak working hour/school timings. Further, no vehicles related to the project shall be kept outside the project area.

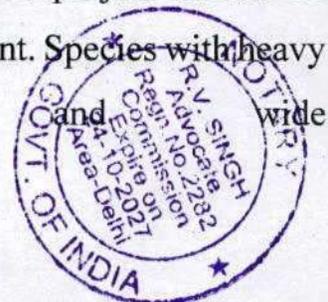
1.4 All internal roads in the project area shall be constructed/ paved prior to actual construction of the planned building to avoid any re-entrainment of dust from vehicles on unpaved road.

1.5 CAQM Guidelines should be strictly adhered to and all construction activity should be stopped at the site during the GRAP IV period as per the directions issued by Authorities.

1.6 PP shall construct 10 m barricading all along the site and fixed water Sprinklers should be installed at these barricading to suppress the dust.

1.7 Area for greenery shall be provided as per the details provided in the project document i.e., area under plantation/greenery will be 2094.84 sq. m out of net plot area of 5353.61 sq. m, i.e. equivalent to 39.13 %. The landscape planning should include plantation of 67 numbers of native tree species as proposed. A minimum of 01 tree for every 80 sq. m of total land area of the project should be maintained taking the existing trees into account. Species with heavy foliage, broad leaves and wide

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canopy cover may be preferred. Invasive species should not be used for landscaping.

1.8 The PP shall comply with all the provisions of The Delhi Preservation of Trees Act, 1994, if applicable.

1.9 No construction activity or storage of material shall be allowed outside the project boundary. PP shall not conduct any construction activity at night and transportation of material shall not be done during peak working hour/school timings. Further, no vehicles related to the project shall be kept outside the project area.

1.10 PP shall ensure that requirements of accessibility particularly universal accessibility and more particularly pedestrian requirements are provided. Street and road section should have mandatory provision of cross section elements and footpath so as to minimise the shift of walk mode to vehicular mode to have least impact on energy and environment.

Statutory Compliance



1.1 The project proponent shall obtain all necessary clearance/permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.

1.2 The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of fire-fighting equipment etc. as per National Building Code including protection measures from lightening etc.

1.3 The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1980, in case of the

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diversion of forest land for non-forest purpose involved in the project.

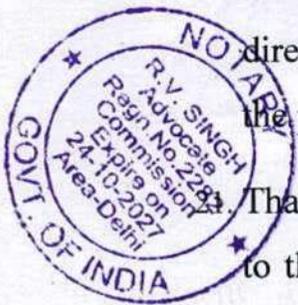
1.4 The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.

1.5 The project proponent shall obtain the necessary permission for drawl of ground water/surface water required for the project from the competent authority. Detailed conditions are mentioned in the EC dated 13.01.2025. **Copy of Environmental Clearance dated 13.01.2025 is annexed as Annexure-R/11.**

19. It is most respectfully submitted that the answering Respondent has granted the EC dated 13.01.2025 only after due consideration and thorough perusal of the detailed conditions and safeguards recommended by the Expert Appraisal Committee (EAC), as referred to hereinabove.

20. That the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

That other/ancillary issues raised in the petition under reply do not pertain to the answering respondent. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.



Munna Shah
DEPONENT

(मुन्ना कुमार शाह)
(MUNNA KUMAR SHAH)
वैज्ञानिक 'ई'/Scientist 'E'
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 26th day of June, 2025 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.

Munna Shah

DEPONENT

(मुन्ना कुमार शाह)
(MUNNA KUMAR SHAH)
वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

I Identified the deponent/executant who has signed in my presence.



CERTIFIED THAT THE DEPONENT
Shri/Smt/Km. *Munna Kumar Shah*
S/o/W/o/D/o Sh. *R/o...*
Identified by Shri/Smt. *Eshita...*
has solemnly affirmed before me at Delhi
on *26* **JUN 2025** at *1994* Nos
that the contents of the affidavit which have been
read over & explained to him/her are true & correct
to his/her knowledge

[Signature]
Notary Public, Delhi

26 JUN 2025

**(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS
New Delhi 14th September, 2006
Notification**

S.O. 1533(E). - Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

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

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be

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

undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

¹Includes the territorial waters

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

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

- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- ¹“(7) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous:
Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and copy thereof sent to MoEF.”

4. Categorization of projects and activities:-

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.
- (ii) All projects or activities included as Category ‘A’ in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;
- (iii) All projects or activities included as Category ‘B’ in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, *will* require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. ^{II} “In the absence of a duly constituted SEIAA

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

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

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

- (a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;
- (b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;
- (c) The EAC and SEAC shall be reconstituted after every three years;
- (d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;
- (e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy

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

of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee

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

concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terns of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

- (ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.
- (iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. **Stage (3) - Public Consultation:**

- (i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

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

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

- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- III “(cc) maintenance dredging provided the dredged material shall be disposed within port limits.”;
- III “(d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8(a) and 8(b) in the Schedule to the notification).”
- e) all Category ‘B2’ projects and activities.
- f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
 - (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
 - (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
- (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.
- (iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory

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

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

- (v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.
- (vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form, within seven days of the receipt of a written request for arranging the public hearing. Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.
- (vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

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

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

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

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

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

the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

- (i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.
- (ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.
- (iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

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

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

- (iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.
- (v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.
- (vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities.

However, in the case of Area Development projects and Townships [item 8(b)], the validity

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

period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

- ^{IV} (i)(a) In respect of Category 'A' project, it shall be mandatory for the project proponent to make public the environment clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent's website permanently.
- (b) In respect of Category 'B' projects, irrespective of its clearance by MoEF / SEIAA, the project proponent shall prominently advertise in the newspapers indicating that the project has been accorded environment clearance and the details of the MoEF website where it is displayed.
- (c) The Ministry of Environment and Forests and the State/Union Territory Level Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Governmental portal.
- (d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.”;
- ^{IV} (ii) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.
- ^{IV} (iii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the

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

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

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I , or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

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

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
^v 1(a)	(i) Mining of minerals. (ii) Slurry pipelines (coal lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	<p>≥ 50 ha. of mining lease area in respect of non-coal mine lease.</p> <p>> 150 ha of mining lease area in respect of coal mine lease.</p> <p>Asbestos mining irrespective of mining area</p> <p>All projects.</p>	<p><50 ha ≥ 5 ha .of mining lease area in respect of non-coal mine lease.</p> <p>≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.</p>	<p>General Condition shall apply</p> <p>Note: Mineral prospecting is exempted.”;</p>
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p>Note</p> <p>Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	<p>^v “General Condition shall apply.</p> <p>Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;</p>

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

(1)	(2)	(3)	(4)	(5)
1(d)	Thermal Power Plants	^v " ≥ 500 MW (coal / lignite / naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW (based on biomass or non hazardous municipal waste as fuel).";	< 500 MW (coal / lignite / naphtha & gas based); <50 MW ≥ 5MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW > 15 MW (based on biomass or non hazardous municipal waste as fuel).";	^v "General Condition shall apply. Note: (i) Power plant up to 15 MW, based on biomass and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (ii) Power plant up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.";
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		
2		Primary Processing		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

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

3				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200 TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.) All toxic and heavy metal producing units <20,000 tonnes /annum ii.) All other non –toxic secondary metallurgical processing industries >5000 tonnes/annum	^v “General condition shall apply. Note: (i) The recycling industrial units registered under the HSM Rules, are exempted. (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electrical arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance. (iii) Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.”
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply
4				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	$\geq 2,50,000$ tonnes/annum	<2,50,000 & $\geq 25,000$ tonnes/annum	^v “General Condition shall apply.”
4(c)	Asbestos milling and asbestos based products	All projects	-	-

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

(1)	(2)	(3)	(4)	(5)
4(d)	Chlor-alkali industry	≥300 TPD production Capacity or a unit located out side the notified industrial area/ estate	^v “(i) All projects irrespective of the size, if located in a Notified Industrial Area/ Estate. (ii) <300 tonnes per day (TPD) and located outside a Notified Industrial Area/ Estate.”	^v “General as well as specific condition shall apply. No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this notification.”
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	^v “General as well as specific condition shall apply.”
5		Manufacturing / Fabrication		
5(a)	Chemical fertilizers	^v “All projects except Single Super Phosphate.”	^v “Single Super Phosphate.”	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibers manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	^v “General as well as specific condition shall apply.”

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

(1)	(2)	(3)	(4)	(5)
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	^v “General as well as specific condition shall apply.”
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD	All Cane juice / non-molasses based distilleries – <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp & Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	^v Omitted			
6	Service Sectors			
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks / sanctuaries / coral reefs / ecologically sensitive areas including LNG Terminal	All projects		-

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

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

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

(1)	(2)	(3)	(4)	(5)
7(e)	^v "Ports, harbours, break waters, dredging."	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	^v "General Condition shall apply. Note: 1. Capital dredging inside and outside the ports or harbors and channels are included; 2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained."
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	^v " i) All State Highway Project; and ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas."	General Condition shall apply. Note: Highways include expressways."
7(g)	Aerial ropeways	^{v(xvi)(a)} "(i) All projects located at altitude of 1,000 mtr. And above. (ii) All projects located in notified ecologically sensitive areas."	^{v(xvi)(b)} "All projects except those covered in column (3)."	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

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

Note:-**V^(xvii) “General Condition (GC):**

Any project or activity specified in Category ‘B’ will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as identified by the Central Pollution Control Board from time to time, (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

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

Specific Condition (SC):

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

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

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

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

APPENDIX I
(See paragraph – 6)
FORM 1

VI(a) “(I) Basic Information

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

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

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

(II) Activity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) Environmental Sensitivity

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

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

(IV). Proposed Terms of Reference for EIA studies

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

Date: _____

Place: _____

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

NOTE:

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

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

APPENDIX II
(See paragraph 6)

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

CHECK LIST OF ENVIRONMENTAL IMPACTS

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

1. LAND ENVIRONMENT

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

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

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

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

2. WATER ENVIRONMENT

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

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

3. VEGETATION

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

4. FAUNA

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

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

5. AIR ENVIRONMENT

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

6. AESTHETICS

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

7. SOCIO-ECONOMIC ASPECTS

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

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

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

8. BUILDING MATERIALS

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

9. ENERGY CONSERVATION

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

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

creation of heat island & inversion effects?

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

10. Environment Management Plan

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

APPENDIX III

(See paragraph 7

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

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

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

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

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

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

APPENDIX III A

(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

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

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

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

APPENDIX IV**(See paragraph 7)****PROCEDURE FOR CONDUCT OF PUBLIC HEARING**

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

2.0 The Process:

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

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

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

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

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

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

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

3.0 Notice of Public Hearing:

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

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

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

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

4.0 Supervision and Presiding over the Hearing:

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

5.0 Videography

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

6.0 Proceedings

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

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

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Persons present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the local/vernacular language and the agreed minutes shall be signed by the District Magistrate/District collector/Deputy Commissioner or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language or the Official State language, as the case may be, and in English and annexed to the proceedings:

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate/District collector/Deputy Commissioner, and the SPCB or UTPCC . The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Thereafter the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. Simultaneously, a copy will also be provided to the project proponent. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item-wise, to address those concerns.”.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category ‘A’ project or activity and the State Government or Union Territory Administration for Category ‘B’ project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

APPENDIX –V

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

(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory:
 - Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]]
 - A copy of the video tape or CD of the public hearing proceedings
 - A copy of final layout plan (20 copies)
 - A copy of the project feasibility report (1 copy)
2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal.
3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA report, in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance.”
4. Every application shall be placed before the EAC/SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.
5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.
6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

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

APPENDIX VI

(See paragraph 5)

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

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

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

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

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

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

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

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

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

- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

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

ANNEXURE-R/2

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 1st December, 2009

S.O. 3067(E).— Whereas, 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), a draft notification for making certain amendments in the Environment Impact Assessment notification, 2006 issued vide no. S.O. 1533 (E), dated the 14th September, 2006, was published under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, vide number S.O. 195 (E), dated the 19th January, 2009, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of 60 days from the date of publication of the said notification in the Gazette of India;

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

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification, -

I in para 3, for sub-para (7), the following shall be substituted, namely:—

“(7) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous:

Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and a copy thereof sent to MoEF.”

II in para 4, in sub-para (iii), for the words and letters “In the absence of a duly constituted SEIAA or SEAC, a Category ‘B’ project shall be treated as a Category ‘A’ project”, the words and letters “In the absence of a duly constituted SEIAA or SEAC, a Category ‘B’ project shall be considered at the Central Level as a Category ‘B’ project” shall be substituted.

III in para 7(i), in sub-para III relating to Stage (3) - Public Consultation, in clause (i),—

(i) after item (c), the following item shall be inserted, namely:—

“(cc) maintenance dredging provided the dredged material shall be disposed within port limits.”;

(ii) for item (d), the following item shall be substituted, namely:—

“(d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8(a) and 8(b) in the Schedule to the notification).”.

IV In para 10 relating to Post Environmental Clearance Monitoring,-

(a) the existing sub-para (i) shall be renumbered as sub-para (ii) and before sub-para (ii) as so re-numbered, the following sub-para shall be inserted namely;

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

(b) existing sub-para (ii) shall be renumbered as sub-para (iii).

V in the Schedule,—

(i) for item 1(a) and the entries relating thereto, the following item and entries shall be substituted, namely:—

≥ 20 MW (based on biomass or non hazardous municipal solid waste as fuel).";

(b) in column (4), for the entries, the following entries shall be substituted, namely:—

"<500MW (coal/lignite/naphtha and gas based);
<50 MW ≥ 5 MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass);
<20MW > 15MW (based on biomass or non hazardous municipal solid waste as fuel).";

(c) in column (5), for the entries, the following entries shall be substituted, namely:—

"General Condition shall apply.

Note:

- (i) Power plants up to 15 MW, based on biomass and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt.
- (ii) Power plants up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt.
- (iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.";

(iv) against item 3(a), in column (5), for the entries, the following entries shall be substituted, namely:—

"General condition shall apply.

Note:

- (i) The recycling industrial units registered under the HSM Rules, are exempted.
- (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electric arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance.
- (iii) Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.".

- (v) **against item 4(b), in column (5), for the entry, the following entry shall be substituted, namely:—**

“General conditions shall apply.”;

- (vi) **against item 4(d),—**

- (a) **in column (4), for the entry, the following entry shall be substituted, namely:—**

- “(i) All projects irrespective of the size, if it is located in a Notified Industrial Area/Estate.
(ii) < 300 tonnes per day (TPD) and located outside a Notified Industrial Area/ Estate.”;

- (b) **in column (5), for the entry, the following entry shall be substituted, namely:—**

“General as well as specific conditions shall apply.

No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempt from the notification.”;

- (vii) **against item 4(f), in column (5), for the existing entry, the following entry shall be substituted, namely:—**

“General as well as specific conditions shall apply.”;

- (viii) **against item 5(a),—**

- (a) **in column (3), for the existing entry, the following entry shall be substituted, namely:—**

“All projects except Single Super Phosphate.”;

- (b) **in column (4), for the entry, the following entry shall be substituted, namely:—**

“Single Super Phosphate.”;

(ix) against item 5(e), in column (5), for the existing entry, the following entry shall be substituted, namely:—

“General as well as specific conditions shall apply.”;

(x) against item 5(f), in column (5), for the existing entry, the following entry shall be substituted, namely:—

“General and specific conditions shall apply.” ;

(xi) item 5(k) and the entries relating thereto shall be omitted;.

(xii) against item 7(a),—

(a) in column (3), for the entry, the following entry shall be substituted, namely:—

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

(b) in column (5), for the entry, the following entry shall be substituted, namely:—

“Note:

Air strips, which do not involve bunkering/ refueling facility and or Air Traffic Control, are exempted.”;

(xiii) against item 7(c), in column (5), for the entry, the following entry shall be substituted, namely:—

“General as well as specific conditions shall apply.

Note:

1. Industrial Estate of area below 500 ha. and not housing any industry of Category 'A' or 'B' does not require clearance.
2. If the area is less than 500 ha. but contains building and construction projects > 20,000 Sq. mtr. and or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be.”;

(xiv) against item 7(e),—

(a) in column (2), for the entry, the following entry shall be substituted, namely:—

“Ports, harbours, break waters, dredging.”

(b) in column (5), for the entry, the following entry shall be substituted, namely:—

“General Condition shall apply.

Note:

1. Capital dredging inside and outside the ports or harbors and channels are included;
2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained.”;

(xv) against item 7(f),

(a) in column (4), for the entry, the following entry shall be substituted namely:-

- “(i) All State Highway Projects; and
- (ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas.”;

(b) in column (5) for the existing entry, the following entry shall be substituted, namely:-

“General Condition shall apply.

Note:

Highways include expressways.”;

(xvi) against item 7(g),—

(a) in column (3), for the entry, the following entry shall be substituted, namely:—

- "(i) All projects located at altitude of 1,000 mtr. and above.
(ii) All projects located in notified ecologically sensitive areas.";

(b) in column (4), for the entry, the following entry shall be substituted, namely:—

"All projects except those covered in column (3).";

(xvii) after the Schedule, in the 'Note', for sub-heading relating to 'General Condition (GC)', the following shall be substituted, namely:—

"General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category 'A', if located in whole or in part within 10 km from the boundary of: (i) Protected areas notified under the Wildlife (Protection) Act, 1972; (ii) Critically polluted areas as identified by the Central Pollution Control Board from time to time; (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

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

VI in the Appendix I, in Form I,—

(a) for item (I) relating to the Basic Information, the following shall be substituted, namely:—

"(I) Basic Information

Serial Number	Item	Details
1.	Name of the project/s	
2.	S. No. in the schedule	

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

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

(b) the following shall be inserted at the end, namely:—

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

Date: _____

Place: _____

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

NOTE:

1. The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C.R.Z map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z Notification, 1991 for the activities to be located in the CRZ.
2. The projects to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the

- recommendations or comments of the Chief Wildlife Warden thereon (at the stage of EC)."
3. All correspondence with the Ministry of Environment & Forests including submission of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being an authorized signatory for the specific project."

VII for Appendix IV, the following shall be substituted, namely:—

**"APPENDIX IV
(See paragraph 7)**

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

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

2.0 The Process:

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

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

- (a) District Magistrate/**District collector/Deputy commissioner/s**
- (b) Zila Parishad or Municipal Corporation **or Panchayats Union**

- (c) District Industries Office
- (d) Urban Local Bodies (ULBs) / PRIs Concerned/**Development authorities**
- (e) Concerned Regional Office of the Ministry of Environment and Forests

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

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or any other suitable location etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices as given in para 2.2.

3.0 Notice of Public Hearing:

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

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

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

3.4 In the above exceptional circumstances, fresh date, time and venue for the public consultation shall be decided by the Member – Secretary of the concerned SPCB or UTPCC only in consultation with the District

Magistrate/**District Collector/Deputy Commissioner** and notified afresh as per procedure under 3.1 above.

4.0 **Supervision and Presiding over the Hearing:**

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

5.0 **Videography**

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

6.0 **Proceedings**

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

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Persons present at the venue shall be granted the opportunity to seek information or clarifications on the project from the applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the **local**/vernacular language and the agreed minutes shall be signed by the District Magistrate/**District Collector/Deputy Commissioner** or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the applicant shall also be prepared in the local language or the Official State language, as the case may be, and in English and annexed to the proceedings:

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate / **District collector / Deputy Commissioner**, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings, may be sent directly to the concerned regulatory authorities and the applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of forty five days from date of receipt of the request letter from the applicant. Thereafter the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within eight days of the completion of the public hearing. ***Simultaneously, a copy will also be provided to the project proponent.*** The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item-wise, to address those concerns."

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45 (forty five) days, the Central government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this Notification."

VIII in Appendix V, for para 3, the following para shall be substituted, namely:—

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

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

G. K. PANDEY, Advisor

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

No. J-11013/41/2002-IA.II(I)
Government of India
Ministry of Environment & Forests

ANNEXURE-R/3

Paryavaran Bhavan,
 C.G.O. Complex, Lodi Road,
 New Delhi-110003.
 Telefax: 24362434

Dated the 5th October, 2011

OFFICE MEMORANDUM

Sub: Ownership of EIA report and other documents by the project proponent – Regarding.

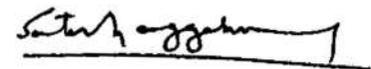
Ministry of Environment & Forests vide two separate Office Memorandums dated 4th August, 2009 had issued instructions, both for the project proponents and the environmental consultants, which required the environmental consultants to include an undertaking in the EIA report that the prescribed TORs have been complied with and that the data submitted is factually correct.

2. Instances have, however, been brought to the notice of this Ministry, wherein the EIA reports prepared by the Environmental Consultants contain information / data copied from other reports. As it may be time consuming for the Ministry and or the EACs to compare the contents of one report with the other to check for copied data / information, the onus of submitting the correct and factual information / data contained in the EIA report lies with the project proponent.

3. In view of the above, it has been decided that henceforth, the project proponent shall submit an undertaking as part of the EIA report, owning the contents (information and data) of the EIA report. If at any stage, it is observed or brought to the notice of this Ministry that the contents of the EIA report pertaining to a project have been copied from other EIA reports, such projects shall be summarily rejected and the proponent will have to initiate the process afresh including conduct of public hearing. In case of those projects where decision has already been taken and environment clearance granted based on copied EIA report, the environment clearance granted would be withdrawn and the procedure for obtaining environmental clearance will be initiated de-novo. Besides these actions, separate action will be initiated to delist such consultants from the list of accredited consultants.

4. The decision at para 3 above will be without prejudice to any other action as may be required in such cases under the Environment (Protection) Act, 1986.

This issues with the approval of the Competent Authority.



(Dr. S.K. Aggarwal)
 Director

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:-

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to SS(JMM)
4. Advisor (NB)

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 6TH DAY OF MARCH 2024 / 16TH PHALGUNA, 1945

WP(C) NO. 3097 OF 2016

PETITIONER/S:

ONE EARTH ONE LIFE
AGED 57 YEARS
REPRESENTED BY ITS LEGAL CELL DIRECTOR, SRI.TONY
THOMAS K., IRUMBAKACHOLA, MANNARKAD P.O.,
PALAKKAD DISTRICT.
BY ADVS.
SRI.RAJAN VISHNURAJ
SRI.P.CHANDRASEKHAR
SRI.V.HARISH
RENJITH THAMPAN (SR.)

RESPONDENT/S:

- 1 MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE
CHANGE
FORESTS AND CLIMATE CHANGE, PARYAVARAN BHAVAN,
CGO COMPLEX, LODHI ROAD, NEW DELHI - 110 003,
REPRESENTED BY ITS SECRETARY.
- 2 STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY
DIRECTORATE OF ENVIRONMENT AND CLIMATE CHANGE,
PALLIMUKKU, PETTAH P.O., THIRUVANANTHAPURAM - 695
024.
BY ADVS.
SHRI.BABU P.L., CGC
MANU S., DSG OF INDIA
S. BIJU
V. TEKCHAND, SR. GP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 06.03.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



J U D G M E N T

A. J. Desai, C. J.

The question involved in this public interest litigation is ‘whether a notification can be issued by the Government different than the draft notification issued for the purpose involved therein?’.

2. The petitioner, an organization registered under the Travancore-Cochin Scientific, Literary and Charitable Societies Registration Act, 1955, working with the sole intention to protect and improve the forests and safeguard the environment, challenged Ext. P1 notification dated 22.12.2014 issued by the Ministry of Environment, Forests and Climate Change on various grounds, but mainly on the ground that the notification is contrary to the draft notification issued on 11.09.2014 and the observation in the notification that no objections or suggestions were received by the Department in response to the draft notification is factually incorrect.

3. Though notice was issued by this Court, no counter



affidavit came to be filed on behalf of the respondents for a considerably long time. Thereafter, a Division Bench of this Court passed the following order on 08.09.2020:-

“Though orders were passed in the year 2018 directing the respondents to respond to the prayers sought for and though on several occasions, time was also granted by this court, no counter affidavit has been filed to the writ petition from 2016 onwards.

2. Mr.R.Prasanthkumar, learned Central Government Counsel for the respondents seeks some more time to file counter affidavit. Though considerable time has been granted for the above said purpose, even a statement/counter affidavit is not filed.

3. Mr.V.Harish, learned counsel for the petitioner submitted that on account of non-grant of stay of the impugned notification, several buildings have been constructed without any environmental clearance. It is also brought to the notice of this court that under similar circumstances, taking note of the failure in filing the counter affidavit despite considerable time being granted, High Court of Karnataka has granted interim stay of the impugned notification No.3252(E) dated 22.12.2014. Learned counsel for the petitioner also submitted that when the present writ



petition came up for hearing, after perusal of the files produced by the Ministry of Environment, Forest and Climate Change, New Delhi, a Hon'ble Division Bench of this court noticed that there was a letter of the Ministry of Environment, Forest and Climate Change, addressing the Law Ministry, accepting the mistake in the impugned notification and on the directions of the Division Bench, copy of the said letter was also furnished to the learned counsel for the petitioner.

4. On the above said aspect, learned counsel for the petitioner is directed to produce a copy of the letter of Ministry of Environment, Forest and Climate Change, New Delhi addressed to the Law Department. He is further directed to produce a copy of the order of stay granted by the High Court of Karnataka.”

4. Thereafter, the matter was again called by the Division Bench on 17.09.2020 and the following order passed by which a stay came to be granted against the modification to the definition of built up area brought about by Ext. P1 notification dated 22.12.2014;

“The writ petition is filed by a voluntary organisation challenging an amendment to the Environmental Impact



Assessment Notification dated 22.12.2014 produced as Ext. P1 issued by the Ministry of Environment, Forest and Climate Change, Government of India, New Delhi.

2. The grievance of the petitioner is that vide Ext.P1, the first respondent has modified the definition of 'built up area' providing exemptions to clause 8(a) and (b) from the application of general conditions contained under the Notification in question. It is also the case of the petitioner that the impugned order is in contravention of sub-Rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 ('Rules, 1986' for brevity). With the above backdrop, the petitioner seeks to quash Ext.P1 notification to the extent to which it inserts an amended Note that tinkers the impact and scheme of the amending Notification No. SO1533(E) dated 14.09.2006 issued under sub-Rule (3) of Rules, 1986, by inter alia modifying/diluting the definition of 'built up area' and thus, providing exemption to clause (8)(a) by way of Note 1 and further to the extent to which the amended Notification exempts the entries under clause 8(a) and (b) from the application of general conditions contained under the original EIA Notification, 2006, and for other consequential reliefs.

3. When the matter came up for admission on 27.01.2016, respondents were granted four weeks' time to file counter affidavit and thereafter, the case was being listed



periodically. On 05.10.2016, this court has granted three weeks' time as a last chance to file counter affidavit, if any, and further the Ministry of Environment was directed to place on record the files relating to the decision making process. Even though such a peremptory direction was issued, no counter was filed in spite of periodical postings of the case. On 14.06.2018, at the request of the respondents, four weeks' time was again granted by this court and in spite of the same, it was not filed. Thereupon, on 31.07.2018, when the matter was posted, the Standing Counsel sought further time for additional instructions for a period of three weeks and the same was granted as a last chance. On 27.05.2019, the learned Standing Counsel for the Government of India submitted before the Court that he has received instructions and had undertaken to file the counter affidavit within three weeks. Accordingly, the matter was adjourned for a further period of three weeks. Subsequently, when the matter was posted, there was no representation for the respondents and therefore, the case was adjourned. The case was posted before us on 29.05.2020 and it was adjourned to 16.06.2020 at the request of the respondents. On 16.06.2020, again time was sought for for filing counter affidavit and accordingly, two weeks' time was granted, on which day it was recorded that the counsel for the respondent submitted that counter affidavit has been sent for filing and due to Pandemic Covid -19, there is some delay.



Accordingly, time was extended by a further period of two weeks to file the counter affidavit and the case was posted to 14.08.2020. On 14.08.2020, time was again sought and posted the case to 08.09.2020. On 08.09.2020, a detailed order was passed by this Court expressing dissatisfaction due to the non-compliance of the directions to file counter affidavit. However, the matter was posted to this day. Today also, no counter affidavit is filed. However a statement is filed by the counsel and submitted that the statement filed is not authenticated by the concerned authority and the same was filed on telephonic instructions. Learned counsel for the petitioner has produced additional documents along with I.A. No. 2 of 2020, inter alia various orders passed by this Court, the National Green Tribunal, Principal Bench, New Delhi and other notifications/order issued by the Government of India etc..

4. We have heard the respective counsel for the purpose of interim orders since the interim orders was being pressed for the Counsel for the petitioner on the ground that in the guise of Ext. P1 notification, permits are granted in absolute violation of the Environment (Protection) Act, and the original EIA Notification issued in the year 2006. it is also pointed out that the drastic amendment to section 8(a) was brought without an appropriate draft notification, which is a mandatory requirement under the notification issued by the Government of India and therefore, Ext. P1 notification



to that extent cannot be sustained and so also, the same is in violation of the sub-Rule (3) of Rule 5 of the) Rules, 1986. Learned counsel representing the central Government Counsel submitted that further time is required to place the counter affidavit and make submissions in respect of the contentions advanced by the petitioner

5. We have evaluated the rival submissions and is of the opinion that the subject matter requires serious consideration, since we find that there is some force prima facie in the contentions advanced by the petitioner. Therefore, the balance of convenience requires that undue advantage is not taken by the builders by carrying out constructions, in the guise of that part of Ext.P1 notification, which is seriously under challenge being violative of the Notification of the Government of India and the Rules, 1986. Therefore, we are of the opinion that in order to protect the environmental issues, an interim order is granted effective from today onwards. Therefore, there will be a stay of Ext. P1 notification to the extent of modification by the definition of built up area provided to clause 8(a) by way of Note 1 to the effect that the projects or activities shall not include industrial shed, school, college, hostel for Educational Institutions, but such buildings shall ensure environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials, such as fly ash, bricks, for a period of two months.”



5. Thereafter, the matter was listed for final hearing. Ultimately, on 10.01.2024, a counter affidavit was filed by the respondents to which there is no rejoinder.

6. The case put forth by the petitioner is that the 1st respondent Ministry of Environment, Forests and Climate Change, by issuing a draft notification dated 11.09.2014, had called upon the persons interested in making any objection or suggestion to the proposed amendment to the original notification dated 14.09.2006 issued by the Central Government with respect to the requirement of getting environment clearance for different types of construction. It is the case of the petitioner that, in spite of receiving several suggestions and objections to the draft notification, the respondent Department issued final notification under Rule 5 of the Environment (Protection) Rules, 1986, stating that no objections or suggestions were received by the Department.

7. Learned Senior Counsel appearing for the petitioner would submit that, for the first time, by filing a counter affidavit in



the month of January 2024, the respondents tried to clarify that there was a typographical error in issuing the notification dated 22.12.2014, stating that no objections or suggestions were received. He would submit that, even though suggestions or objections were received, as admitted by the respondent Department, there is no discussion about the same in the final notification. He would further submit that, even otherwise, the final notification is totally different from the draft notification earlier issued on 11.09.2014. He would submit that, in the draft notification, it is specifically mentioned that the project or activities covered under the notification will be residential buildings, commercial buildings, hotels, hospitals, hostels, office blocks, Information Technology / Software Development Units / Parks, whereas by the final notification, certain buildings like industrial sheds, schools, colleges and hostel for educational institutions are excluded, which was not the intention of the Department while issuing the draft notification. He therefore would submit that, on both these grounds, the notification dated



22.12.2014 is required to be quashed and set aside.

8. He would further submit that, under Section 23 of the General Clauses Act, 1897, if any changes are to be made after previous publication of rules or bye-laws, certain conditions are required to be followed and the most important condition is to invite objections from the public at large. He would submit that, publishing a draft notification inviting objections or suggestions and thereafter, issuing final notification totally different from the draft notification, would vitiate the process, since there was no occasion for the public to know about the changes made to the final notification. It is submitted that, even in the absence of any objections or suggestions to the draft notification, the Government cannot issue a different final notification.

9. Relying upon a decision of the Bombay High Court in **Avinash Ramakrishna Kashiwar and Others v. State of Maharashtra and Others [AIR 2015 NOC 535]** in PIL No. 72 of 2013 dated 10.12.2014, learned Senior Counsel would submit that the Bombay High Court, on a similar set of facts, quashed and



set aside a final notification which was different from the draft notification. Reliance is also placed upon a decision of this Court in **Kerala State Road Transport Corporation v. Saju Varkey and Others [2018 (4) KHC 617]**. He therefore would submit that the writ petition requires to be allowed on these grounds.

10. On the other hand, learned Central Government Counsel would submit that, since there was a mistake on the part of the authority while issuing the final notification dated 22.12.2014, in stating that no objections or suggestions were received to the draft notification, they tried to correct the same by informing the Ministry of Law and Justice. However, the Legislative Department of the Ministry of Law and Justice by communication dated 29.09.2016, informed that it is not possible to amend the notification. By taking us through the counter affidavit, he would submit that the objections received by the Department have been considered and thereafter, the notification has been issued. In answer to the contention regarding the change in the final notification, he would submit that, earlier, almost all the buildings



having specified built up area were required to obtain environmental clearance certificate. However, buildings like industrial sheds, schools, colleges and hostel for educational institutions have been exempted by final notification. He would submit that, the change was brought about considering the nature of activity carried out in these buildings. Therefore, there is no adverse effect on the public at large as far as the environment is concerned. He would submit that, under Rule 5 of the Environment (Protection) Rules, 1986, the Government is empowered to modify the Rules and therefore, the petition may be dismissed.

11. We have heard the learned Advocates appearing for the respective parties.

12. The draft notification issued on 11.09.2014 reads as under:-

**“MINISTRY OF ENVIRONMENT, FORESTS AND
CLIMATE CHANGE**



NOTIFICATION

New Delhi, the 11th September, 2014

S.O. 2319(E). The following draft notification further to amend the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1553(E), dated 14th September, 2006 which the Central Government proposes to issue, 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), is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 for the information of the public likely to be affected thereby, and notice is hereby given that the said notification will be taken into consideration by the Central Government on or after the expiry of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the public;

Any person interested in making any objection or suggestion on the proposals contained in the draft notification may do so in writing within the period so specified through post to the Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110 003 or electronically at email address: ad.raju@nic.in



Draft Notification

In the Schedule to the said notification, for items 8(a) and 8(b), and the entries relating thereto, the following items and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
"8		Building / Construction projects / Area Development projects and Townships		
8(a)	Building and Construction Projects	≥20000 sq.mtrs and <1,50,000 sq.mtrs of built-up area#		<p>The built up area for the purpose of this Notification is defined as ‘the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building/construction projects.</p> <p>Note:</p> <p>(i) The projects or activities covered are residential buildings, commercial buildings, hotels, hospitals, hostels, office blocks and information technology / software development units / Parks</p> <p>(ii) “General Condition” is not applicable.</p>
8(b)	Townships	Covering	an	++All projects under



and Area
Development
projects

area \geq 50 ha
and or built up
area \geq 1,50,000
sq.mtrs++

Item 8(b) shall be
appraised as Category
B1

Note:

“General Condition” is
not applicable.”

[F. No. 19-2/2013-IA.III]

AJAY TYAGI, Jt. Secy.”

13. In the said notification, in the second paragraph, the public at large was invited to raise objections or suggestions. Accordingly, the Department had received many objections and suggestions from various institutions or individuals throughout the country, evident from the counter filed by the respondents. However, if we see the language of the final notification dated 22.12.2014, it has been specifically stated that no objections or suggestions were received in response to the earlier notification dated 11.09.2014. Final notification dated 22.12.2014 reads as under:-

**“MINISTRY OF ENVIRONMENT, FORESTS AND
CLIMATE CHANGE**



NOTIFICATION

New Delhi, the 22nd December, 2014

S.O. 3252(E).-Whereas, a draft notification further to amend the notification number S.O 1555(E), dated the 14th September, 2006 (hereinafter referred to as the principal notification), was published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) vide number S.O. 2319, (E) dated the 11th September, 2014 (hereinafter referred to as the said notification), inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 11th September, 2014;

And whereas, no objections or suggestions have been received in response to the said notification within the specified period of sixty days;

Now, therefore, in exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the said Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central



Government hereby makes the following amendments in the said notification, namely:-

In the principal notification, in the Schedule, under Column (1), for item 8 relating to Building / Construction Projects / Area Development Projects and Townships and sub-items 8 (a) and 8 (b) and the entries relating thereto, specified there under, the following item, sub-items and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“8		Building or Construction projects or Area Development projects and Townships		

8(a)	Building and Construction Projects	≥20000 sq.mtrs and <1,50,000 sq.mtrs of built-up area	The term “built up area” for the purpose of this notification the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the building or construction projects.
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Note 1:- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste



management, rain water harvesting and may use recycled materials such as fly ash bricks.

(ii) “General Conditions” shall not apply.

8	Townships and Area Development projects	Covering an area of >50ha and or built up area > 1,50,000 sq.mtrs.	A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project. Note.- “General Conditions” shall not apply.
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[F. No. 19-2/2013-IA-III]
MANOJ KUMAR SINGH, Jt. Secy.”

In the above notification, it is specifically stated in paragraph 3 that no objections or suggestions were received.

14. It is true that the authority had requested the Ministry of Law and Justice to permit them to amend the notification, however, the same was refused by Ext. P11 communication dated 29.09.2016. If the authority had received such communication, instead of amending the notification, the authority should have



considered the objections and suggestions in detail and could have issued a fresh notification which is not the case on hand.

15. As far as the proposal made in column 5 of both notifications is compared, there is a vast difference in the final notification, by which certain buildings are exempted from getting environmental clearance certificates. People at large were not aware about the intention of the authority to modify the draft notification and therefore, in our considered opinion, there is a breach of Section 23 of the General Clauses Act, 1897, which reads as under:-

“23. Provisions applicable to making of rules or bye-laws after previous publication.—

Where, by any [Central Act] or Regulation, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely:—

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons



likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the [Government concerned] prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the [Official Gazette] of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.”

16. Sub-sections (1) to (4) of Section 23 makes it clear that the public should be aware about the changes in the Rules, bye-



laws etc. In the present case, the public was not aware about the difference between the draft and the final notifications.

17. Rule 5 of the Environment (Protection) Rules, 1986 is relevant to the case on hand, wherein also there is a requirement of public notice. The said Rule, as it then stood, reads as under:-

“5. Prohibitions and restrictions on the location of industries and the carrying on processes and operations in different areas.- (1) The Central government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:-

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.

(iv) The topographic and climatic features of an area.

(v) The biological diversity of the area which, in the



opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

(viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.

(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or



restrictions on the locations of an industry or the carrying on of processes and operations in an area, it may by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the locations of the industries and carrying on of process or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication of the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may within five hundred forty five days from such day of publication impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area.



(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).”

18. Considering the above aspect, we are of the considered opinion that the decisions relied upon by the learned Senior Counsel appearing for the petitioner in **Avinash** (supra) and **Kerala State Road Transport Corporation** (supra) are applicable.

19. Paragraphs 16 and 17 of the decision in **Avinash**'s case are relevant for our consideration, which are reproduced hereunder:-

“16. It will also be relevant to refer to the observations of the Apex Court in the case of the Municipal Corporation Bhopal, M.P. v. Misbahul Hasan and Others reported in (1972) 1 Supreme Court Cases 696. The Apex Court while construing the provisions of Section 24 of the M.P. General Clauses Act, 1955 which is pari materia with Section 24 of the Bombay General Clauses Act, has observed thus:-



“13. The legislative procedure envisaged by Section 24, set out above, is in consonance with notions of justice and fair-play as it would enable persons likely to be affected to be informed so that they may take such steps as may be open to them to have the wisdom of a proposal duly debated and considered before it becomes law. This mandatory procedure was not shown to have been complied with area.”

17. It could thus be seen that it appears to be settled position of law that the requirement of previous publication inviting objections and suggestions is not an empty formality. It is with an intention to enable persons likely to be affected, to be informed, so that they may take steps as may be open to them and the objections/suggestions made would be required to be taken into consideration by the authorities before issuing a final notification. In the present case, the draft notification provided for establishment of headquarter of the sub-division at Sadak-Arjuni. However, the final notification provides for establishment of the headquarter at Morgaon-Arjuni. It could thus be seen that insofar as the establishment of headquarter is concerned, the final notification is totally different from the draft notification.”

20. Paragraph 14 of the decision in **Kerala State Road**



Transport Corporation's case is also relevant to the case on hand, which is reproduced hereunder:-

“14. The provisions of Sections 99, 100 and 102 indicate that the procedure to be followed, while introducing a scheme, or modifying an existing one, is one that is designed to ensure transparency and fairness in a matter involving pre-existing rights of private transport operators. It follows, therefore, that there cannot be any finalization of a scheme, which is different from the one that was proposed, and in respect of which objections were invited. The introduction of a restrictive element (in the instant case, the stipulation that the maximum distance limit would apply to the saved permits), while finalising a draft that did not contain such a stipulation has, therefore, to be seen as breaching the aforesaid statutory safeguard. A question arises, however, as to whether, in these cases, the petitioners had a pre-existing right, relatable to Ext.P5 scheme, to operate ordinary and OLS services without any restriction as regards distance? Although the learned counsel for the respondent KSRTC would vehemently contend that the said rights accrued to the private operators, not through Ext.P5 scheme, but only through Ext.P9 G.O., we are of the view that the rights/privileges granted to the petitioners through Ext.P9 G.O. cannot be seen as divorced from Ext.P5.”



In such circumstances, we are of the considered opinion that the writ petition requires consideration. Accordingly, the same is allowed. Notification dated 22.12.2014 is hereby quashed and set aside. Needless to say, the respondent authority may issue fresh notification, in accordance with law. It is made clear that the petition is entertained only on the above ground. Other contentions raised in this writ petition have not been examined on merits.

Pending Interlocutory Applications, if any, shall stand closed.

Sd/-
A. J. DESAI
CHIEF JUSTICE

Sd/-
V. G. ARUN
JUDGE



APPENDIX OF WP(C) 3097/2016

PETITIONER EXHIBITS

- EXHIBIT P1. A TRUE PHOTOCOPY OF THE GAZETTE
NOTIFICATION NO. 3252 (E) DATED
22.12.2014.
- EXHIBIT P2. A TRUE PHOTOCOPY OF THE DRAFT
NOTIFICATION NO.S.O.2319(E) DATED
11.09.2014.
- EXHIBIT P3. A TRUE PHOTOCOPY OF THE MINUTES OF THE
39TH MEETING OF THE 2ND RESPONDENT HEL
ON 18.06.2015.
- EXHIBIT P4. A TRUE PHOTOCOPY OF THE LETTER OF
REJECTION OF EC DATED 16.10.2007 ISSUED
BY THE 1ST RESPONDENT.
- EXHIBIT P5. A TRUE PHOTOCOPY OF THE OFFICE
MEMORANDUM DATED 09.06.2015.

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 93/2024(CZ)

Pranjal Karera

Applicant(s)

Vs.

Union of India & Ors.

Respondent(s)

Date of completion of hearing and reserving of order : 05.08.2024

Date of uploading of order on website : 09.08.2024

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant(s): Mr. Vanshdeep Dalmia, Adv.

For Respondent(s): Mr. Rohit Sharma, Adv.
Mr. Dharamvir Sharma, Adv.
Mr. Yadvendra Yadav, Adv.
Mr. Shoeb Hasan Khan, Adv.
Mr. Gaurvanvit Jain, Adv

ORDER

- The present application has been filed with the prayer for issue of direction to the MoEF&CC, to appraise all those Building and Construction Projects that are located in whole or in part within 5 km of a (i) protected area notified under the Wild life Protection Act, 1972 (ii) Critically Polluted Areas and Severely Polluted Areas as identified by the CPCB (iii) Eco-Sensitive areas notified under S. 3(2) of the EP Act, (iv) located on interstate boundaries, as Category A projects by and appraise the same at the Central level by the sectoral Expert Appraisal Committees and further to apply General Conditions [GC] to Item 8 of the Schedule of the EIA, 2006 for located in a Critically and Severally polluted areas as identified by the CPCB as per letter dated 10.04.2019 and implement the

directions passed by this Tribunal vide its Orders dated 10.07.2019, 23.08.2019 and 14.11.2019 in OA No. 1038 of 2018 titled In re: News item published in “The Asian Age” Authored by Sanjay Kaw Titled “CPCB to rank industrial units on pollution levels” & the OM dated 31.10.2019, and appraise Building and Construction Projects located in CPA/SPA areas as Category A projects, de hors whether GC applies or not.

2. The contention of the applicant is that MoEF&CC issued an OM dated 31.10.2019 devising a Mechanism for new activities/expansion by Red & Orange Category of industries in CPA’s and SPA’s. The relevant portion of the OM is extracted as below:

“B: Considerations of proposals for grant of Environmental Clearance for new and expansion activities in ‘Red’ and ‘Orange’ Categories located in Critically Polluted Areas and Severely Polluted areas:

- i. *Any project or activity specified in Category B1 will be appraised at the Central level, if located in whole or in part within 5 Km from the Boundary of Critically Polluted Areas or Severely Polluted Areas. However, Category B2 projects shall be considered at state level stipulating Environmental Clearance conditions as applicable for the Category ‘B1’ project/activities.”*

However, Building and constructions projects located in CPA/SPA, are still being continued to be appraised at the State level, in complete dissonance with the abovementioned Orders.

The Environment Impact Assessment Notification dated 14.09.2006 was issued by the Respondent MOEF under Section 3 of the EP Act categorizing projects and activities as Category ‘A’ and ‘B’, wherein Category ‘A’ projects would require a prior Environmental Clearance [EC] from the sector

specific EACs at the Central level whereas Category 'B' projects would require the same from the State i.e. by the respective SEACs. This categorization is based on the potential impacts on the human health, nature and man-made resources, wherein, the projects and activities of a higher and larger magnitude in terms of the potential adverse impact on the environment as a whole are appraised at the central level by sector specific EACs that constitute of experts in the particular field, and those of relatively lesser potential impact, at the State level.

ii. The Hon'ble Supreme Court in the case of IN RE: Construction of Park at Noida Okhla Bird Sanctuary while considering the issue as to whether General Conditions apply to Building and Construction projects directed that "...the question of application of the general conditions to the projects/ activities listed in the Schedule also needs to be put beyond any debate or dispute".

3. In Writ Petition (C) No. 3097/2016 titled One Earth One Life Vs. MOEF Hon'ble the High Court of Kerala, made it clear that general condition is applicable in all such projects in item 8 of the Schedule located in CPA/SPA, eco-sensitive areas and are to be appraised and evaluated at the central level by sector-specific EAC.
4. Notices were issued to the respondents and in compliance thereof, the respondents have filed the reply. Heard the argument and perused the record.
5. The EIA Notification dated 14.09.2006 issued by the Ministry of Environment, Forest and Climate Change with subsequent amendments after 8A and 8B prescribed note with general conditions and specific conditions which are quoted below :-

“General Condition (GC)”¹

Any project or activity specified in Category ‘B’ will be appraised at the Central Level as Category ‘A’, if located in whole or in part within 5 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972 (53 of 1972); (ii) Critically Polluted areas as identified by the Central Pollution Control Board² constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from time to time; (iii) Eco-sensitive areas as notified under sub-section (2) of section 3 of the Environment (Protection) Act, 1986, and (iv) inter-State boundaries and international boundaries; provided that for River Valley Projects specified in item 1(c), Thermal Power Plants specified in item 1(d), Industrial Estates/ parks/complexes/areas, export processing zones (EPZ), Special Economic Zones (SEZs), biotech parks, leather complexes specified in item 7 (c) and common hazardous waste treatment, storage and disposal facilities (TSDFs) specified in item 7 (d), the appraisal shall be made at Central level even if located within 10 km.

Provided further that the requirement regarding distance of 5 km or 10 km, as the case may be, of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or the Union Territories sharing the common boundary in case the activity does not fall within 5 km or 10 km, as the case may be of the areas mentioned at item (i), (ii), and (iii) above.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within

¹ GC substituted vide S.O. 3067(E) dated 1 st December, 2009; substituted all entries substituted vide S.O. 1599(E) dated 25th June, 2014

² Amended vide S.O. 1939 dated 13th November, 2006

such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).”

6. Vide notification dated 07.03.2016 issued by the CPCB which modified directions under section 18(1)(b) of the water (prevention & control of pollution) act, 1974 and the air (prevention and control of pollution) act, 1981 regarding harmonization of classification of industrial sectors under red / orange / green / white categories prescribed the categories as follows :-

“WHEREAS, based on the series of consultations with SPCBs, different Government / Non- government Institutions including industries and MoEFCC, the following criteria on Range of Pollution Index for the purpose of categorization of industrial sectors has been finalized:

- Industrial Sectors having Pollution Index score of 60 and above – Red Category*
- Industrial Sectors having Pollution Index score of 41 to 59 – Orange Category*
- Industrial Sectors having Pollution Index score of 21 to 40 – Green Category*
- Industrial Sectors having Pollution Index score incl. & upto 20 - White Category*

WHEREAS, based on relative Pollution Index, the number of industries in various categories are as under:

- i. The Red category of industrial sectors: 60*
- ii. The Orange category of industrial sectors: 8*
- iii. The Green category of industrial sectors: 63 and*
- iv. The Newly introduced White category: 36*

WHEREAS, there shall be no necessity of obtaining the consent to operate for White Category of industries and an intimation to concerned SPCB/PCC shall suffice.”

7. Notification dated 11.09.2014 and 22.12.2014 was notified by the MoEF&CC which are as follows :-

i. *“The draft notification issued on 11.09.2014 reads as under:-*

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

New Delhi, the 11th September, 2014

S.O. 2319(E). The following draft notification further to amend the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1553(E), dated 14th September, 2006 which the Central Government proposes to issue, 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), is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 for the information of the public likely to be affected thereby, and notice is hereby given that the said notification will be taken into consideration by the Central Government on or after the expiry of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the public;

Any person interested in making any objection or suggestion on the proposals contained in the draft notification may do so in writing within the period so specified through post to the Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi 110 003 or electronically at email address: ad. raju@ni.

Draft Notification

In the Schedule to the said notification, for items 8(a) and 8(b), and the entries relating thereto, the following items and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
"8	<i>Building / Construction projects / Area Development Project and Township</i>			
8(a)	<i>Building and Construction Projects</i>	<i>≥20000 sq.mtrs and <1,50,000 sq.m. of built up area#</i>	<i>The built up area for the purpose of this Notification is defined as 'the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building/construction projects.</i> <i>Note:</i> <i>(i) The projects or activities covered are residential buildings, commercial buildings, hotels, hospitals, hostels, office blocks and information technology / software development units / Parks</i> <i>(ii) "General Condition" is not applicable.</i>	
8(b)	<i>Townships and Area Development projects</i>	<i>Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq.mtrs++</i>	<i>++All projects under Item 8(b) shall be appraised as Category B1 Note: "General Condition" is not applicable."</i>	

ii. In the said notification, in the second paragraph, the public at large was invited to raise objections or suggestions. Accordingly, the Department had received many objections and suggestions from various institutions or individuals throughout the country, evident from the counter filed by the respondents. However, if we see the language of the final notification dated 22.12.2014, it has been specifically stated that no objections or suggestions were received in

response to the earlier notification dated 11.09.2014. Final notification dated 22.12.2014 reads as under:

**“MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE
CHANGE
NOTIFICATION**

New Delhi, the 22nd December, 2014

S.O. 3252(E).-Whereas, a draft notification further to amend the notification number S.O 1555(E), dated the 14th September, 2006 (hereinafter referred to as the principal notification), was published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 in the Gazette of India, Extraordinary, Part II, Section 3, subsection (ii) vide number S.O. 2319, (E) dated the 11th September, 2014 (hereinafter referred to as the said notification), inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 11th September, 2014;

And whereas, no objections or suggestions have been received in response to the said notification within the specified period of sixty days;

Now, therefore, in exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the said Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the principal notification, in the Schedule, under Column (1), for item 8 relating to Building / Construction Projects / Area Development Projects and Townships and sub-items 8 (a) and 8 (b) and the entries relating thereto, specified there under, the following item, sub-items and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
"8	<i>Building or Construction projects or Area Development projects and Townships</i>			
8(a)	<i>Building and Construction Projects</i>	<i>≥20000 sq.mtrs and <1,50,000 sq.m. of built up area#</i>	<p><i>The term "built up area" for the purpose of this notification the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the building or construction projects.</i></p> <p><i>Note 1:-</i></p> <p><i>The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks.</i></p> <p><i>(ii) "General Conditions" shall not apply.</i></p>	
8	<i>Townships and Area Development projects</i>	<i>Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq.mtrs++</i>	<p><i>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category 'B1' Project.</i></p> <p><i>Note.- "General Conditions" shall not apply.</i></p>	

8. In light of the order passed in O.A. No. 1038/2018 dated 19.08.2019, Ministry of Environment, Forest and Climate Change issued a notification dated 24.10.2019 with the matter listed in red and orange categories located in critically polluted areas prescribing as follows :-

1. *“Consideration of proposals for grant of Environmental clearance for new and expansion activities listed in 'Red' and 'Orange' Categories located in Critically Polluted Areas and Severely Polluted areas:*

i. *Any project or activity specified in Category B1 will be appraised at the Central Level, if located in whole or in part within 5 km from the boundary of Critically Polluted Areas or Severely Polluted Areas. However, Category B2 projects shall be considered at state level stipulating Environmental Clearance conditions as applicable for the Category 'B1' project/activities.*

ii. *Proposals located in CPAs and SPAs may be examined by the sectoral Expert Appraisal Committee (EAC) during scoping/appraisal based on the CEPI scores of Air/Water/Land Environment as published by CPCB from time to time. In such proposals, appropriate mitigation measures for the environment possessing higher CEPI score may be made by EAC in the form of recommendations/decision. These recommendations may be explicitly mentioned in the Terms of Reference/Environmental Clearance letter and to be ensured by the member secretary concerned.*

9. The notification dated 22.12.2014 was matter under consideration which was challenged before the High Court of Kerala in W.P.(C) No. 3097/2016 and vide Order dated 06.03.2024 the court, after considering the above facts, found that the notification dated 22.12.2014 was not in accordance with the law and quashed the notification dated 22.12.2014.

10. The contention of the applicant is that after quashing the notification dated 22.12.2014 the general condition as note of the original notification, 2006 will apply.
11. The submissions of the Learned Counsel for the applicant are that as per the EIA Notification dated 14.09.2006, projects and activities are categorized as Category A and B wherein Category A projects require Environmental Clearance from the Sector specific EACs at the Central level, whereas Category B projects which relatively have a lower potential impact on the Environment would require the same from the State i.e. by the respective State SEACs/ SEIAAs. This categorization is based on the '*extend of potential impacts on human health and natural and manmade resources*'. Apropos, the projects and activities of a higher and larger magnitude in terms of the potential adverse impact on the environment as a whole are appraised at the central level by sector specific EACs that constitute of Experts in the particular field. Whereas, such projects and activities having a relatively lesser impact, are appraised at the State level by respective State SEACs/ SEIAAs that consist of homogeneous mix of experts and professionals from different sectors. The schedule of the EIA 2006 notification categorizes Building and Construction Projects and Townships and Area Development Projects as Category B1 projects under item 8(a) and item 8(b) of the Schedule and thus, the appraisal is being done at the State level i.e. by respective SEACs, however it is to be appraised at the Central level if it falls in an ecologically sensitive area/ Critically polluted area or other areas as indicated in the General Conditions.
12. It is submitted that Building and Construction Projects and Townships and Area Development Projects carried out in a critically/ severally polluted area, eco-sensitive areas etc. have a higher and larger magnitude

in terms of the potential adverse impact on the environment as a whole and thus need to be appraised at the central level by sector specific EACs that constitute of experts in the particular field.

13. While considering the matter in the O.A. No. 1038/2018, Principal Bench of this Tribunal vide order dated 14.11.2019, observed as follows:-

- i. *“After considering the said data, this Tribunal in the order dated 10.07.2019 held that the Rule of Law required prohibiting polluting activities to protect the environment and public health. While remedial action may certainly be planned, current violation of law could not be ignored and was actionable by way of stopping polluting activities, initiating prosecution and recovering compensation on ‘Polluter Pays’ principle. The statutory authorities are accountable for performing their statutory duties. Referring to some of the earlier orders on the subject, this Tribunal observed:*

“7. Ill effects of industrial pollution on the environment and public health are well acknowledged. This has made it necessary to strictly apply the principles of ‘Sustainable Development’ and permit any activity to be carried out without degrading the environment. The statutory scheme under the Air Act, the Water Act and the EPA Act provides for standards for air and water quality which must be maintained and violation thereof is a criminal offence³. Any violation has to be visited with stopping of polluting activity, prosecution and compensation for restoration of environment. Accordingly, in the order dated 13.12.2018 this Tribunal observed:

³ Section 7 read with Section 15 of the EPA Act, Section 24 read with Section 41 and Section 45A of the Water Act, Section 21 and Section 22 read with Section 37 of the Air Act

“5. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

6. Dust, smoke, fume and toxic gas emissions occur as a result of highly polluting industries such as thermal power plants, coal mines, cement, sponge iron, steel and ferrow alloys, petroleum and chemicals unless right technology is used and precaution taken. Industry specific clusters have not only become hazardous but also cause irreparable damage to our ecology and environment, often breaching the environment’s carrying capacity, adversely affecting public health.

7. In Karnataka Industrial Areas Development Board vs. C. Kenchappa & Ors⁴ the Hon’ble Supreme Court observed, as guiding rules for Sustainable Development, that humanity must take no more from nature than man can replenish

⁴ (2006) 6 SSC 383

and that people must adopt lifestyles and development paths that work within the nature's limit. In Vellore Citizens Welfare Forum Vs. Union of India, the Hon'ble Supreme Court recognized the Precautionary Principle and explained that environmental measures by the State Government and the statutory authorities must anticipate, prevent and attack the causes of environmental degradation.

8. This Tribunal has applied the same principles in deciding matters before it in terms of Section 20 of the National Green Tribunal Act 2010.

9 to 12..... xxxx.....xxxx.....xxxx

13. The action plan to be prepared in the States may be done by the Committee constituted by the Chief Secretary within one month from today as several Departments may be involved in the exercise. The final preparation of the action plan including its execution may be overseen by the Chief Secretary of the concerned State, along with the other connected major environmental issues of the States, such as pollution of river stretches, nonattainment cities in terms of air quality and solid waste management, utilization of treated sewage, covered by order of this Tribunal dated 20.09.2018 in Original Application No. 673/2018, News Item Published in 'The Hindu' authored by Shri. Jacob Koshy titled "More river stretches are now critically polluted: CPCB",

order dated 08.10.2018 in Original Application No. 681/2018, News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15", order dated 20.08.2018 in Original Application No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and order dated 27.11.2018 in Original Application No. 148/2016, Mahesh Chandra Saxena Vs. South Delhi Municipal Corporation & Ors. The Chief Secretary will take meetings on all these issues once in three months (quarterly) and will forward Report to NGT by e-mail."

8. We may also note that on 16.01.2019, while considering the issue of compliance of Solid Waste Management Rules, 2016 and other Waste Management Rules in O.A. No. 606/2018, Compliance of MSW Rules, 2016, the Tribunal required the presence of the Chief Secretaries in person after monitoring the subjects mentioned in the said order which included polluted industrial clusters.

9. Accordingly, the Chief Secretaries appeared before this Tribunal and filed their respective versions on the subject. They have been asked to take necessary steps to enforce the environment norms and furnish periodical reports to this Tribunal. The directions include monitoring of important environmental issues including the issue of polluted industrial clusters by a Central Monitoring Committee with representatives from the Central Government and the Chief Secretaries

of the States, undertaking carrying capacity study of the areas where violation of environmental norms is established, training programme of the officers concerned with the enforcement of the environmental norms, preparation of annual environmental plan for the country giving status of gaps in compliance of environmental norms⁵. The Tribunal noted the private studies which may need to be verified assessing the number of deaths and diseases from pollution⁶.

“38. Death attributable to pollution to be 2.51 million in 2015, highest in the world. Air pollution, the number of deaths in India from ambient air pollution was 1.09 million, while deaths from household air pollution from solid fuels were 0.97 million. In the case of water pollution, 0.5 million deaths were caused by unsafe water source, while unsafe sanitation caused 0.32 million deaths. Deaths from air pollution were a result of diseases such as heart disease, stroke, lung cancer, and chronic obstructive pulmonary disease (COPD). Pollution has been responsible for the most non communicable disease deaths. India ranks a dismal 110 of 149 countries on the Sustainable Development Index. With rapid urbanization, the country is facing massive waste management challenge. Over 377 million urban people live in 7,935 towns and cities and generate 62 million tonnes of municipal solid waste per annum. Only 43 million tonnes (MT) of the waste is collected, 11.9 MT is treated and 31 MT is dumped in landfill sites. An alarming 80% of India’s surface water is polluted. Indian cities generate 10 billion gallons or 38 billion litres of

⁵ O.A 606/2018, order dated 17.05.2019, at para 27

⁶ Ibid

municipal waste water every day, out of which only 29% of it is treated.

40. In case extent of convictions for the environment related offences do not correspond to the extent of crime, paradigm shift in policies and strategies for implementation of law may need to be considered. Similarly, the mechanism for recovery of compensation may need to be revised on that pattern. Such review of policy cannot be left to the Local Bodies or the Pollution Control Boards but has to be at highest level in the State and further review at the national level. As noted in some of the studies, the ranking of the country in compliance of environmental norms needs to be brought to respectable higher position which may be possible only if there is change in policies and strategies for implementation of necessary norms at every level in right direction. The scale of compensation needs to be suitably revised so that the same is deterrent and adequate to meet the cost of reversing the pollution.”

14. In reply to above averments the Respondent No. 1 MoEF&CC filed the counter affidavit and argued that the Environment (Protection) Act, 1986 authorizes the Central Government to protect and improve environmental quality, control and reduce pollution from all sources, and prohibit or restrict the setting and/or operation of any projects/activity on environmental grounds.

15. That, the answering respondent in exercise of its powers under subsection (1) and clause (v) of Section 3(2) of Environment (Protection) Act, 1986 (EPA, 1986) had vide S.O. 1533(E) issued the Environment Impact Assessment Notification dated 14/09/2006 for mandating prior Environmental Clearance (EC) for certain category of projects covered in

the Schedule of the notification. The EC is granted following the due EIA process as mentioned in the notification.

16. That under the provisions of the EIA Notification, 2006, EC for Building and Construction Projects, Townships and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. Further, entries 8(a) and 8(b) are category 'B' projects under the EIA Notification, 2006 and the said projects are appraised by the concerned State/ UT Level Expert Appraisal Committees (SEACs) and the EC is granted by the State Environmental Impact Assessment Authorities (SEIAAs/UTEIA's).
17. That the EIA Notification 2006, provides for General Conditions which relate to categorization of the projects as Category 'A' if such projects are located in whole or in part, within either 5 km or 10 km, as the case may be, from the boundary of Protected Areas notified under the Wild Life (Protection) Act, 1972, Critically Polluted areas as notified by the Central Pollution Control Board from time to time, Notified Eco-sensitive areas and inter-State boundaries and international boundaries. GC in the EIA Notification, 2006, as amended reads as under:

"Any project or activity specified in Category 'B' will be appraised at the Central Level as Category 'A', if located in whole or in part within 5 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972 (53 of 1972); (ii) Critically Polluted areas as identified by the Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from after (Pretime: (i) Eco-sensitive areas as notified under sub. Sectioning of section 3 of the Environment (Protection) Act, 1986, and (iv) one of boundaries and international boundaries; provided that for River Valley Projects specified in item 1(c), Thermal Power Plants specified in item 1(d), Industrial Estates/ parks/ complexes/ areas,

export processing zones (EPZ), Special Economic Zones (SEZs), biotech parks, leather complexes specified in item 7 (c) and common hazardous waste treatment, storage and disposal facilities (TSDFs) specified in item 7 (d), the appraisal shall be made at Central level even if located within 10 km.

Provided further that the requirement regarding distance of 5 km or 10 km, as the case may be, of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or the Union Territories sharing the common boundary in case the activity does not fall within 5 km or 10 km, as the case may be of the areas mentioned at item (i), (ii), and (iii) above.”

18. Further contentions of the Learned Counsel for Respondent No. 1 are that the submission of the applicant is that after the quashing of the notification general condition will apply is unfounded and not supported by the order since that order was based only on the principle of natural justice and it is further submitted that there is no difference in the qualification, eligibility criteria of the EAC and the SEACs.
19. The contention of the applicant is that the directions passed in OA No. 1038/2018 must be strictly complied with, with regard to the projects and health, projects and polluting activities which are in CPA/SPA red and orange category, and no further industrial activities or expansion be allowed with regard to red and orange category units till the said areas are brought within the prescribed parameter or till carrying capacity of area is assessed and new units or expansion is found viable having regard to the carrying capacity of the area and environmental norms.
20. The same was clarified by the notification dated 23.08.2019 where it was observed that the MoEF&CC can forthwith devise an appropriate mechanism to ensure that new legitimate activity or expansion can take

place after due precautions are taken in the areas in question by red and orange category of units.

21. Further contentions of the applicant are that the OM dated 31.10.2019 was issued by the MoEF&CC in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986, requiring appraisal of all projects in CPA/SPA at the central level and it is binding on the MoEF&CC while it is not being fully observed by the authorities concerned. Projects located in the CPA/SPA requires to be appraised as Category A projects at the central level by the Sectoral Expert Committee, even otherwise building construction projects located in CPA/SPA have to be appraised at the central level due to the applicability of general conditions as stipulated in the EIA Notification, 2006.
22. As per Para 7(i)III(i)(d), of the EIA, 2006 (Original - unamended), all Category A and B, Building and Construction projects or Area Development Projects and Townships (Item 8) were exempted from '*Public Consultation*'. The EIA, 2006 was amended by the MoEF&CC vide Notification dated 1.12.2009 wherein the MoEF&CC withdrew the complete exemption from public consultation granted to building and constructed projects. And whereinafter such public consultation were made mandatory for Category A Building Construction Projects. That building construction projects as *per se* are Category B projects and the only manner in which they can be Category A is by the application of GC and in no other manner.
23. Para 7(i)III(i)(d) of the EIA, 2006 – before Amendment, All category A and Category B projects or activities shall undertake public consultation, except the following:

“d. all building and construction projects or Area development projects and Townships (item 8)”

Para 7(i)III(i)(d) of the EIA, 2006 – Post Amendment, All category A and Category B projects or activities shall undertake public consultation, except the following:

“d. all building and construction projects or Area development projects (which do not contain any Category A projects and activities) and Townships (item 8(a) and 8 (b) in the Schedule to the notification”

Thus, the 2009 Amendment indicates the understanding of the Respondent MOEF itself that certain Building projects would be Category A, and hence require a Public Consultation. Any other interpretation would render the said Amendment qua Para 7(i)III(i)(d) as redundant, superfluous and nugatory.

24. The Hon'ble Supreme Court in the case of *IN RE: Construction of Park at Noida Okhla Bird Sanctuary, (2011) 1 SCC 744* felt the need that certain entries in the Schedule to the EIA, 2006 were described ambiguously and while considering the issue as to whether General Conditions apply to Building and Construction projects directed that -

“...the question of application of the general conditions to the projects/ activities listed in the Schedule also needs to be put beyond any debate or dispute”.

EIA, 2006 (2014 Amendment)

The MOEF thereafter issued Notification dated 22.12.2014 whereby the EIA, 2006 was amended and interalia a Note 2 was inserted in the 5th Column of Item 8, Schedule EIA which specifically stated that '*General Conditions shall not apply*'. The said Notification dated 22.12.2014 was quashed vide Judgment dated 6.03.2024 by the Hon'ble High Court of Kerala in '*One Earth One life v. MOEF*', WP (C) No. 3097 of 2016.

The Relevant portion of the said Judgment dated 6.03.2024 is extracted as under:

“In such circumstances, we are of the considered opinion that the writ petition requires consideration. Accordingly, the same is allowed. Notification dated 22.12.2014 is hereby quashed and set aside. Needless to say, the respondent authority may issue fresh notification, in accordance with law. It is made clear that the petition is entertained only on the above ground. Other contentions raised in this writ petition have not been examined on merits.”

Therefore, the Applicant submits that post the quashing of the MOEF Notification dated 22.12.2014, *General Conditions* are undisputedly applicable, and all such projects in Schedule 8 located in a CPA/SPA, Eco sensitive areas ought to be appraised and evaluated at the Central Level.

25. It is further contended that the mandate of the EIA, 2006 is to ensure Environmental protection and uphold citizens' fundamental rights under Article 21 of the Constitution of India. The aim and objective of the EIA, 2006 is to assess the impact that a project or activity would have upon the environment and to ensure protection of the environment in the face of development. Thus, the rule of reasonable interpretation in conjunction with liberal/ purposive construction ought to be applied whereby that approach for interpretation must be applied which advances the objectives and legislative intent behind issuance of the EIA, 2006.

This Tribunal in *Vikrant Tongad v. DTTC*, [2015 SCC Online NGT 3 (judgment dated 12.02.2015)], *Karukampally Vijayan Biju v. UOI*, [2017 SCC Online NGT 1296 (Judgment dated 27.07.2017)] and *M/s Ardent Steel Limited v. MoEF*, Appeal No. 05/2014 (Judgment dated 27.05.2014) have accepted

this approach of liberal interpretation of the entries mentioned in the Schedule to the EIA, 2006 and held as under:

Vikrant Tongad v. DTTC (2015 SCC Online NGT 3)

“18. Having deliberated upon the relevant provisions of the Regulations of 2006, now we would deal with the principles applicable to interpretations of such Entries. The Hon'ble Supreme Court in its various judgments has stressed upon the liberal interpretation of a statute, if it is a social welfare legislation. For instance, in the case of The Authorised Officer, Thanjavur v. S. Naganatha Ayyar, (1979) 3 SCC 466, the Court held that:

“1. While dealing with welfare legislation of so fundamental a character as agrarian reform, the court must constantly remember that the statutory pilgrimage to ‘destination social justice’ should be helped, and not hampered, by judicial interpretation.”

In the case of Workmen of American Express International Banking Corporation v. Management of American Express International Banking Corporation, (1985) 4 SCC 71, the Court held that:

“4. The principles of statutory construction are well settled. Words occurring in statutes of liberal import such as social welfare legislation and ‘Human Rights’ legislation are not to be put in procrustean beds or shrunk to Liliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and the prodigality of its mis-application must be recognised and reduced. Judges ought to be more concerned with the ‘colour’, the ‘content’ and the ‘context’ of such statutes.”

In the case of Securities and Exchange Board of India v. Ajay Agarwal, (2010) 3 SCC 765, the Court held that:

“41. It is a well known canon of construction that when Court is called upon to interpret provisions of a social welfare legislation the paramount duty of the Court is to adopt such an interpretation as to further the purposes of law and if possible eschew the one which frustrates it.”

19. The Courts have also evoked the principle of purposive construction in relation to social welfare legislations. The statute and its provisions have to be given an expanded meaning that would tilt in favour of the object of the Act, curing or suppressing the evil by enforcing the law. While interpreting an Entry in a Schedule to an Act, the ordinary rule of construction requires to be applied to understand the Entries. There is a functional difference between a body of the statute on the one hand and the Schedule which is attached thereto on the other hand. The Sections in these Acts are enacting provisions. In contrast, the Schedule in an Act sets down things and objects and contains their names and descriptions. The sections of and the Schedule to the Act, have to be co-jointly read and construed, keeping in view the purpose and object of the Act while keeping a clear distinction between a fiscal and a social welfare legislation in mind. Social welfare programmes projected by the State and object of the statute are of paramount consideration while interpreting and construing such Entries. The law is always intended to serve the larger public purpose. In fact, welfare of the people is the supreme law and an enacted law should be administered lawfully, i.e., salus populi est suprema lex. It is not possible even for the legislature to comprehend and provide solution to all the evils or obstacles that are likely to arise in implementation of the enacted laws. Therefore, the Tribunal must adopt an approach for interpretation of these Entries which would further the cause of the Act and the intent of the legislation and be not unduly influenced by the rule of restricted interpretation.

30. Thus, clearly, the mandate of the Regulations of 2006 is to ensure protection of environment and ecology in face of rapid developmental activities, which are even the need of the hour. Since the object of the Regulations of 2006 is to provide developmental activities while ensuring presence of a safer environment, it can be termed as welfare legislation. Thus, the rule of reasonable constructions in conjunction with the liberal construction would have to be applied...

33. In case of a social or beneficial legislation, the Tribunal should adopt a liberal or purposive construction as opposed to the rule of literal construction. The words used therein are required to be given a liberal and expanded meaning. The object and purpose of the Act of 1986 and the Schedule of Regulations of 2006 thereto was held to be of utmost relevance. In the case of present kind, if no checks and balances are provided and expert minds does not examine and assess the impacts of such projects or activities relating to development, consequences can be very devastating, particularly environmentally. Normally, the damage done to environment and ecology is very difficult to be redeemed or remedied. Thus, a safer approach has to be adopted to subject such projects to examination by Expert Bodies, by giving wider meaning to the expressions used, rather than to frustrate the object and purpose of the Regulations of 2006, causing irretrievable ecological and environmental damage. ”

Karukampally Vijayan Biju v. UOI, (2017 SCC Online NGT 1296)

“22. The reasoning given by the High Court can be safely adopted by the Tribunal to arrive at the conclusion that the expression ‘pesticide’ takes within its ambit insecticides as well. The expression ‘pesticide’ appearing in Entry-5(b) must receive liberal construction. The Act of 1986 and the Notification of 2006 is social welfare legislation and has been primarily enacted to protect the environment and public health. An interpretation which would further the cause and object

should be adopted in contradistinction to an interpretation which would frustrate the object of the Act.”

M/s Ardent Steel Limited v. MoEF & Anr., (Appeal No. 05/2014)

“13.. From the above discussion, it is clear that to an Entry of the Schedule of a social welfare legislation, the principle of reasonable and/or liberal construction should be adopted to ensure that the object and purpose of the Act is undefeated by such interpretation. Most suitable interpretation would be one which would further the cause of the Act and ensure prevention and control of pollution rather than provide escape route to the industry from taking anti-pollution measures and complying with the provisions of the Act.”

26. The contention of the applicant is that there is no ambiguity on the issue as to whether ‘General Conditions’ apply to Item 8 of the Schedule to the EIA, 2006, in as much as, the intention vide the 2009 Amendment ostensibly indicates and supports the same, and the 22.12.2014 Amendment stating that GC does not apply has been quashed. However, even otherwise, a view that GC apply is in consonance with the intent and purpose of the EIA, 2006 which is a social welfare legislation, and also the directions passed by this Tribunal in OA No. 1038 of 2018 wherein certain areas requires a higher degree of scrutiny and expert appraisal.
27. That Building and constructions projects located in CPA/SPA, Eco-sensitive areas were being continued to be appraised at the State level due to the operation of the MOEF Amendment Notification dated 22.12.2014 whereby GC was made not applicable to Schedule 8, however post the quashing of the Notification dated 22.12.2014, GC is undisputedly applicable, and all such projects in Schedule 8 located in a CPA/SPA, eco-sensitive areas ought to be appraised and evaluated at the Central Level by sector specific EACs.

28. The EIA, 2006 categorizes projects into Category 'A' and 'B'. Category 'A' projects require EC from Central sector-specific EAC, while Category 'B' projects require EC from State SEACs/ SEIAAs. This classification is based on potential environmental impacts, with projects having higher environmental impacts being assessed centrally and those with lesser impacts assessed at the State level.
29. The members of the EAC/SEACs comprise of Expert and Professionals who are appointed on the basis of the qualifications mentioned in Appendix VI, EIA, 2006, whereby the members of the EAC shall be experts and only in the event that Experts are not available, professionals made be considered. Conversely, the members of the State SEACs are not required to be Experts as such, and can constitute professionals, despite the availability of Experts.
30. The Respondent, MOEF has constituted 8 (eight) Expert Appraisal Committees which deal with sector specific projects under the EIA Notification, 2006 that are of more serious and significant in nature. The EACs at the Central level constitutes of members with greater competence and knowledge than the State Level Expert Appraisal Committee. A Higher level of expertise is needed for appraisal of building and construction projects in CPA/SPA areas, and sector specific EAC would be much better suited to appraise potential ecological damage and considered the impact assessment of the project submitted by the project proponent, as the said sector specific EAC would include all expert members qua the sector for which EC is being sought.
31. It is further contended that by allowing the Category 'A' projects to be appraised at the SEAC level, substantially dilutes the standard of assessment, evaluation and appraisal of violation projects that were initially sought to be done by sector specific Expert appraisal committees

which are only available at the central level. The sector specific EACs constitute of experts in the particular sector and opposed to the SEACs at the state level which do not constitute experts from a particular sector, but comprises of a homogeneous mix of experts and professionals from different sectors. Since building and construction projects located in a CPA/SPA have a higher and larger magnitude in terms of the potential adverse impact on the environment, an expert scrutiny with a higher level of expertise is needed for appraisal of building and construction projects in CPA/SPA areas.

32. Sectoral specific EAC for Infrastructural projects would be much better suited to appraise the Environmental Impact Assessment Report (EIA)/ Environmental Management Plan (EMP) submitted by the project proponent, as the said sector specific EAC would include all expert members qua the Building sector. It is submitted that the said Building sector specific would correctly and more accurately identify the possible ramifications on the Environment damage and recommend measures to mitigate the same.
33. The submission of the MoEF&CC are that the scrutiny by at the central and state level is the same but the notification dated 14.09.2006 issued by the MoEF&CC prescribes different criteria and qualification which is quoted as below :-

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

The Expert Appraisal Committees (EACs) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of

only professionals and experts fulfilling the following eligibility criteria:

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

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

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

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

- *Environment Quality: Experts in measurement, monitoring, analysis and interpretation of data in relation to environmental quality.*
- *Sectoral Project Management: Experts in Project Management or Management of Process or Operations or Facilities in the relevant sectors.*

⁷ Para substituted vide S.O. 1737 (E) dated 11th October, 2007; word in Para-2 amended & point-4 inserted vide S.O. 2600(E) 9th October, 2014 and amended vide S.O. 3752 dated 20.10.2020

- *Environmental Impact Assessment Process: Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process*
- *Risk Assessment*
- *Life Science (Floral and Faunal Management)*
- *Forestry and Wildlife*
- *Environmental Economics with experience in project appraisal*
- *Public Administration or Management covering various developmental sectors and environmental issues.*

3. *The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However, the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.*

4.⁸ *The Chairperson shall be an eminent person having experience in environmental policy related issues, in management or in public administration dealing with various developmental sectors.*

5. *The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman / Chairperson.*

6. *A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.*

7. *The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.*

Provided that wherever considered necessary and expedient, the Central Government may extend the term of such member for a further period not exceeding twelve months⁹.

8. *The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.”*

34. The notification says that the members of the EAC shall be experts with the requisite expertise and experiences in the field quoted in the notification which is different from the minimum qualification of the

⁸ Omitted vide S.O. 1737 dated 11th October, 2007; and inserted vide S.O. 2600(E) dated 9th October, 2014

⁹ Entry inserted vide notification number S.O 1562 (E) dated 21st May 2020; Substituted word vide S.O 3752 (E) dated 20th Oct, 2020

professionals. In the EAC there are Expert Appraisal Committee while SEAC shall consists the professionals and it shall fulfilling the conditions which are different in category in professional and the experts. The Experts eligibility criteria are at-least 15 years of relevant experience in the field are with an advance degree i.e. Ph.D in a concerned field and at-least 10 years of relevant experience while the qualification of the professionals are 5 years of formal university training in the concerned discipline leading to a M.A./M.Sc. degree. Which is lesser qualification than the experts.

35. The submission of the learned counsel for the RSPCB Mr. Rohit Sharma are that the matter is with regard to the work of issuing EC which is to be dealt by the MoEF&CC and SEIAA and PCB has no concern with the above activities. Similarly, the CPCB has submitted that the CPCB has revised CEPL evaluation methodology that Central Pollution Control Board (C.P.C.B.) carried out a Comprehensive Environmental Pollution Index (C.E.P.L.) Monitoring of the Industrial Clusters in the country in association with I.LT. Delhi in 2009. Based on C.E.P.I., a total of 88 industrial clusters were identified as Polluted Industrial Areas (P.I.As). Out of the identified 88 P.LAs, 43 industrial clusters were having a CEP.1. score of more than 70 and are categorized as Critically Polluted Areas (CPAs); and 32 industrial clusters with C.E.PL. scores between 60 & below 70 are categorized as Severely Polluted Areas (S.P.As)
36. Further, the CPCB revised C.E.P.I. evaluation methodology in concurrence with the MoEF&CC and issued directions on 26/4/2016 to all SPCBS/PCCs for adoption of the revised C.E.P.I. methodology, which also includes preparation of action plans for C.P.As and S.P.As by respective SPCBs/PCCs and it is further submitted that the CPCB is not involved the

process of granting Environmental Clearance, thus, no further reply is required.

37. Submission of the learned counsel Ms. Parul Bhadoria - State Pollution Control Board, Madhya Pradesh are that the compliance of the EIA Notification, 2006 or to the Ministry of Environment, Forest and Climate Change and PCB are not involved in the grant of environmental clearance and the imposition of conditions of the EC and further that the same is within the domain of MoEF&CC and SEIAA.
38. Hon'ble the Supreme Court of India, in re-construction of park at Noida Okhla Bird Sanctuary (2011), 1SCC Page 744, felt the need of the entries in the schedule to the EIA 2006 and described the ambiguity while considering the issue as to whether general condition apply to building and construction projects directed that the question of application of the general condition to the projects activities listed in the schedule also needs to be put beyond any debate or dispute and referred the construction of the park project to MoEF&CC to appraised by Sectoral Specific Expert Appraisal Committee at Central Level considering the importance of location of the project near the Okhla Bird Sanctuary, an ecologically protected area and thereby indirectly applied general condition to the project. The EIA 2006 categorizes projects activities into Category A and B. Category A projects are appraised at Central Level by Sectoral Specific EAC, while Category B Projects are appraised at State Level by SEAC and not by a Sectoral Specific SEAC.
39. The classification is based on potential environmental impacts, with projects having higher environmental impacts assessed at central level and those with lesser impacts are assessed at the state level. Building and construction projects which are located within 5 km within of (i) Ecologically protected areas (ii) CPA/SPA (iii) Eco-sensitive areas (iv) Inter-

state boundaries and international boundaries and have a higher and larger magnitude in terms of potential adverse impacts on the environmental and therefore, a greater level of in-depth scrutiny is needed for appraisal of such building and construction projects and for which sectoral specific appraisal is needed at central level by sectorial specific experts who are part of sectorial specific EAC. There are eight (8) sectoral specific EAC at central level and each of the sectoral specific EAC appraises and deals with specific project activity as per the EIA 2006.

40. In view of the above submissions, arguments and records and notification, we are of the view that after quashing the notification dated 22.12.2014, vide order dated 06.03.2024, in W.P.(C) No. 3097/2016, GC is undisputedly applicable and all such projects in Schedule 8 of EIA 2006 located within 5 km. of ecologically protected areas, CPA/SPA, eco-sensitive areas, inter-state boundaries and international boundaries are to be appraised and evaluated at the central level by sector specific EAC.
41. Accordingly, we direct the MoEF&CC to strictly enforce the notification dated 14.09.2006 attached to Category 8 in the note general conditions and we direct the MoEF&CC to appraise all those building and construction projects that are located in whole or in part within 5 km. of the protected area notified under the Wildlife (Protection) Act, 1972, critically polluted areas and severely polluted areas as identified by the CPCB, eco-sensitive areas notified under Section 3(2) of the Environment (Protection) Act, and the projects located at inter-state boundaries as Category A projects and to be appraised by the central level by the Sectoral Expert Appraisal Committee.
42. The MoEF&CC is directed to strictly comply the notification or to make a clarity by issue of notification. The copy of the order be communicated to

the MoEF&CC for clarification and issue of necessary notification or to comply the EIA, Notification, 2006 in letter and spirit.

43. With these observations the application is allowed and **Original Application no. 93/2024** stands **disposed of** accordingly.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

09th August, 2024
O.A No. 93/2024(CZ)
PN



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 519]

नई दिल्ली, बुधवार, जनवरी 29, 2025/माघ 9, 1946

No. 519]

NEW DELHI, WEDNESDAY, JANUARY 29, 2025/MAGHA 9, 1946

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 29 जनवरी, 2025

का. आ . 523(अ)— भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय ने अपनी अधिसूचना संख्या का.आ. 60 (अ), तारीख 27 जनवरी, 1994 के द्वारा भारत के किसी भी हिस्से में कोई नई परियोजना शुरू करने या अधिसूचना में शामिल किसी विद्यमान उद्योग या परियोजना के विस्तार या आधुनिकीकरण के लिए पूर्व पर्यावरणीय मंजूरी की आवश्यकता के साथ-साथ कतिपय निर्बंधन और प्रतिषेध भी अधिरोपित थे;

और भारत के उच्चतम न्यायालय ने 'हिंदुस्तान टाइम्स' एंड क्वार्टर फ्लोस दा मैली यमुना बनाम सेन्ट्रल पोल्यूशन कंट्रोल बोर्ड और अन्य के मामले में रिट याचिका (सिविल) संख्या 1994 का 725 और रिट याचिका (सिविल) संख्या 1985 का 4677 में अपने तारीख 12 दिसंबर 2003 के आदेश में कहा था कि भवन निर्माण से पर्यावरण को नुकसान होता है और इसलिए, ऐसी निर्माण परियोजनाओं को 1994 की उक्त अधिसूचना के दायरे में लाने पर विचार किया जा सकता है, इसलिए, उक्त अधिसूचना को संख्या का.आ. 801(अ), तारीख 7 जुलाई, 2004, द्वारा संशोधित किया गया था जिसके अंतर्गत भवन और प्रतिषेध परियोजनाओं की कुछ श्रेणियों को इसके दायरे में लाया गया था तथा पूर्व पर्यावरणीय मंजूरी को आवश्यक बनाया गया था;

और तत्पश्चात केन्द्रीय सरकार ने उक्त अधिसूचना को, संख्या का. आ. 1533 (अ), तारीख 14 सितम्बर, 2006 (जिसे इसमें इसके पश्चात ईआईई अधिसूचना कहा गया है) के अधीन अधिक्रमण कर दिया था, जिसमें अन्य बातों के साथ-साथ इसकी अनुसूची की मद 8 (क) और (ख) के अधीन आने वाली भवन और निर्माण परियोजनाओं तथा नगरी और क्षेत्र विकास परियोजनाओं पर कतिपय निर्बंधन और विनिर्माण लगाए गए थे तथा ऐसे किसी भी क्रियाकलाप के लिए पूर्व पर्यावरण मंजूरी को आवश्यक बनाया गया था;

और तत्पश्चात् केन्द्रीय सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के अधीन 11 सितम्बर, 2014 को एक प्रारूप अधिसूचना प्रकाशित की थी, जिसमें ईआईए अधिसूचना की अनुसूची में मद 8 (क) और (ख) तथा उससे संबंधित प्रविष्टियों के संबंध में संशोधन के लिए सभी संबंधितों से सुझाव और आपत्तियां आमंत्रित की गई थीं तथा प्रारूप अधिसूचना के संबंध में प्राप्त सभी सुझावों और आपत्तियों पर विचार करने और उन्हें सम्मिलित करने के पश्चात् संख्या का.आ. 3252 (अ), तारीख 22 दिसम्बर, 2014 के अधीन अंतिम अधिसूचना जारी की गई थी;

और केरल उच्च न्यायालय, एर्नाकुलम ने रिट याचिका (सिविल) संख्या 2016 की 3097 के मामले में अपने तारीख 6 मार्च 2024 के आदेश के अधीन 'वन अर्थ वन लाइफ बनाम पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय और अन्य' में 22 दिसंबर, 2014 की अधिसूचना को इस आधार पर रद्द कर दिया था कि अंतिम अधिसूचना प्रारूप अधिसूचना से अलग थी, हालांकि मंत्रालय को विधि के अनुसार एक नई अधिसूचना जारी करने की स्वतंत्रता प्रदान की गई थी;

और केरल उच्च न्यायालय के निर्णय के आलोक में, राष्ट्रीय हरित अधिकरण ने मूल आवेदन संख्या 2024 का 93 में 9 अगस्त, 2024 के अपने आदेश के अधीन, अन्य बातों के साथ-साथ, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को ईआईए अधिसूचना की अनुसूची के मद 8 (क) और (ख) के संबंध में सामान्य शर्तों की प्रयोज्यता से संबंधित उपबंधों का अनुपालन करने या इस संबंध में स्पष्टीकरण अधिसूचना जारी करने का निर्देश दिया था;

और केरल उच्च न्यायालय के निर्णय और राष्ट्रीय हरित अधिकरण के आदेश के मद्देनजर, विभिन्न भवन निर्माण परियोजनाओं के लिए पूर्व पर्यावरणीय मंजूरी की प्रयोज्यता के संबंध में उच्चतम न्यायालय के तारीख 12 दिसंबर 2003 के निर्णय का पालन करने के लिए एक नई अधिसूचना जारी करने की तत्काल आवश्यकता है

प्रारूप अधिसूचना उक्त अधिसूचना में संशोधन करने के लिए अधिसूचना संख्या का. आ. 4844 (अ) तारीख 7 नवम्बर, 2024 द्वारा भारत के राजपत्र, असाधारण, भाग 2, खण्ड 3, उपखण्ड (ii) में प्रकाशित की गई थी जिसमें उन सभी से जिनका उससे प्रभावित होना सम्भाव्य है, उस तारीख से, जिसको उक्त प्रारूप अधिसूचना में अन्तर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध कराई गई थी, साठ दिनों की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे।

और उक्त अधिसूचना की प्रतियां 7 नवंबर, 2024 को जनता को उपलब्ध करा दी गई थी।

और केन्द्रीय सरकार द्वारा, उक्त अधिसूचना के उत्तर में प्राप्त आक्षेपों और सुझावों पर साठ दिनों की अवधि के भीतर सम्यक रूप से विचार कर लिया गया है।

अतः अब केन्द्रीय सरकार, पर्यावरण संरक्षण नियम 1986 के नियम 5 के उप नियम (3) के साथ पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्या का.आ. 1533 (अ), तारीख 14 सितम्बर, 2006 में और निम्नलिखित संशोधन करती है, अर्थात:-

उक्त अधिसूचना की, अनुसूची में, मद 8 और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियों को रखा जाएगा, अर्थात:-

परियोजना या गतिविधि		सीमा रेखा वाली श्रेणी		शर्तें, यदि कोई हों
		क	ख	
(1)	(2)	(3)	(4)	(5)
"8		भवन या संनिर्माण परियोजनाएं या नगरी और क्षेत्र विकास परियोजनाएं		
8(क)	भवन और संनिर्माण परियोजनाएं	> 20000 वर्ग मीटर और < 1,50,000 वर्ग मीटर निर्मित क्षेत्र	इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" को, सभी तलों पर इकट्ठे निर्मित या आच्छादित क्षेत्र के रूप में परिभाषित किया गया है जिसके अधीन बेसमेंट और अन्य सेवा क्षेत्र भी हैं जिनका भवन या संनिर्माण परियोजनाओं के लिए प्रस्ताव किया गया है। टिप्पण1 .- परियोजना या कार्यकलापों में औद्योगिक शेड, विद्यालय, महाविद्यालय, शैक्षिक संस्थाओं, के लिए छात्रावास शामिल नहीं होंगे किंतु ऐसे भवन भरणीय पर्यावरणीय प्रबंधन, ठोस और द्रव अपशिष्ट प्रबंधन, वर्षा जल संरक्षण का सुनिश्चय करेंगे और वे पुनः चक्रित सामग्रियों जैसे भस्म ईटों का उपयोग कर सकेंगे।	

				टिप्पण2 .- "सामान्य शर्तें "लागू नहीं होंगी।
8(ख)	नगरी और क्षेत्र विकास परियोजनाएं		जो >50 हेक्टेयर के क्षेत्र और या >1,50,000 वर्ग मीटर क्षेत्र को कवर कर रही हैं	इस मद के अधीन आने वाली नगरी और क्षेत्र विकास परियोजनाओं से पर्यावरण समाघात रिपोर्ट अपेक्षित होगी और उनका निर्धारण श्रेणी "ख1" परियोजना के रूप में किया जाएगा। टिप्पण.- साधारण शर्तें "लागू नहीं होंगी।"

[फा.सं.आईए3-3/46/2024- आईए.III]

रजत अग्रवाल, संयुक्त सचिव

टिप्पण: मूल अधिसूचना संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में प्रकाशित किए गए थे और इसमें अंतिम बार अधिसूचना संख्या का.आ. 2215(अ) तारीख 7 जून 2024 द्वारा संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th January, 2025

S.O. 523(E).— WHEREAS the Government of India in the erstwhile Ministry of Environment and Forests *vide* its notification number S.O.60(E) dated the 27th January, 1994 imposed certain restrictions and prohibitions and requiring prior environmental clearance for undertaking any new project in any part of India or the expansion or modernisation of any existing industry or project covered in the notification;

AND WHEREAS the Supreme Court of India in its order dated the 12th December 2003 in WP (C) No. 725 of 1994 and WP (C) No. 4677 of 1985 in the matter of news item published in Hindustan Times titled "And Quiet Flows the Maily Yamuna" Vs Central Pollution Control Board and Others observed that building construction causes damage to the environment and, therefore, such construction projects may be considered to be brought within the purview of the said notification of 1994, hence, the said notification was amended *vide* number S.O 801(E), dated the 7th July, 2004 bringing within its purview certain categories of building and construction projects and requiring prior environmental clearance;

AND WHEREAS subsequently the Central Government superseded the said notification, *vide* number S.O. 1533 (E), dated the 14th September, 2006 (hereinafter referred to as the EIA Notification), *inter alia*, imposing certain restrictions and prohibitions on building and construction projects and township and area development projects covered under item 8 (a) and (b) of the Schedule thereof and required prior environment clearance for undertaking any such activities;

AND WHEREAS the Central Government under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, subsequently published a draft notification on the 11th September, 2014, inviting suggestions and objections of all concerned to the amendment in the Schedule of the EIA Notification in respect of items 8 (a) and (b) and the entries relating thereto and after considering and incorporating all the

suggestions and objections received in respect of the draft notification, made the final notification *vide* number S.O.3252(E) dated the 22nd December, 2014;

AND WHEREAS the High Court of Kerala, Ernakulam, *vide* its order dated the 6th March 2024, in the matter of WP (C) No. 3097 of 2016 titled One Earth One Life *vs.* the Ministry of Environment, Forest and Climate Change and Anr., quashed and set aside the notification dated the 22nd December, 2014 on the ground that the final notification was different from the draft notification while granting liberty to the Ministry to issue a fresh notification, in accordance with the law;

AND WHEREAS in the light of judgement of Kerala High Court, the National Green Tribunal, *vide* order dated the 9th August, 2024, in Original Application No. 93 of 2024, *inter alia*, directed the Ministry of Environment, Forest and Climate Change to either comply with the provisions related to the applicability of General Conditions in respect of items 8 (a) and (b) of the Schedule to the EIA notification or to issue a clarificatory notification in this regard;

AND WHEREAS in view of the judgment of the Kerala High Court and the order of the National Green Tribunal, there is an urgent need to issue a fresh notification clarifying the issues for adhering to the judgement of the Supreme Court dated the 12th December, 2003 regarding applicability of prior environmental clearance for various building construction projects;

AND WHEREAS a draft notification for making amendments in the said notification was published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), *vide* number S.O. 4844(E), dated the 7th November, 2024, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date on which copies of the Gazette containing the said draft notification were made available to the Public;

AND WHEREAS copies of the said notification were made available to the public on the 7th November, 2024;

AND WHEREAS the objections and suggestions received in response to the said notification within the period of sixty days have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of 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 (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government 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, in the Schedule, for item 8 and the entries relating thereto, the following item and the entries shall be substituted, namely:—

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
“8	Building or Construction projects or Area Development Projects and Townships			
8(a)	Building and Construction projects		≥ 20,000 sq.m. and < 1,50,000 sq. m. of built up area	The term “built up area” for the purpose of this notification is defined as the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects. Note 1.— The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental

				management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks. Note 2.— General Conditions shall not apply.
8 (b)	Townships and Area Development Projects		Covering an area \geq 50 ha and/or built up area \geq 1,50,000 sq. m.	A project of Township and Area Development Projects covered under this item shall require an Environment Impact Assessment report and be appraised as Category 'B1' Project. Note. — General Conditions shall not apply.”.

[F.No. IA3-3/46/2024-IA. III]
RAJAT AGARWAL, Jt. Secy.

Note.-The principal notification was published in the Gazette of India, *vide* number S.O. 1533(E), dated the 14th September, 2006 and was last amended *vide* the notification number S.O. 2215(E) dated 7th June 2024.

File No. IA3-3/46/2024-IA.III [E239970]
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

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

Dated: 30th January, 2025

OFFICE MEMORANDUM

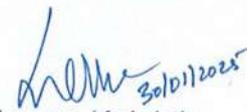
Subject: Clarification on the applicability of the Notification S.O. 523(E) dated 29th January, 2025 – regarding.

In view of the judgment of the Hon'ble High Court of Kerala, Ernakulam, dated 6th March 2024, in WP (C) No. 3097 of 2016 titled One Earth One Life vs. the Ministry of Environment, Forest and Climate Change and Anr., the Ministry following due process has issued final Notification vide S.O.523(E) dated 29th January, 2025.

2. The Ministry now deems it necessary to inform that the clarifications issued vide OMs dated 19th May, 2022 and 4th October, 2022, shall continue to apply in respect of the notification S.O. 523(E) dated 29th January, 2025. The clarifications shall also be applicable within the territorial jurisdiction of High Court of Kerala.

3. Further, it is clarified that the guidelines issued vide OM dated 9th June 2015, to be followed by the building projects to ensure sustainable environmental management, shall continue to apply in respect of the notification S.O.523(E) dated 29th January, 2025.

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


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

To

1. Chairman/Member Secretary, CPCB.
2. Chairperson/Member Secretaries of all the State/UT, PCBs/PCCs
3. Chairperson/Member Secretaries of all the EACs.
4. Chairperson/Member Secretaries of all the SEIAAs/ SEACs.
5. All Officers of IA Division

Copy to:

1. PS to Hon'ble MEFCC
2. PS to Hon'ble MoS (EF&CC)
3. Sr PPS to Secretary (EF&CC)
4. Sr PPS to DGF&SS (EF&CC)
5. Sr PPS to AS(AG)/Sr PPS to JS(RA)
6. Website, MoEF&CC/Guard File

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 166/2025

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 48655/2025 - STAY APPLICATION)

Date : 24-02-2025 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. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jain, Adv.
Ms. Shambhavi Singh, Adv.
Mr. Don Mathew, Adv.
Ms. Ishita Choudhary, Adv.

For Respondent(s) :

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

Issue notice returnable on 28th March, 2025.

In the meanwhile, there will be stay of operation
and implementation of the impugned Notification dated 29th
January, 2025 (Annexure P-24) as well as Office
Memorandum dated 30th January, 2025 (Annexure P-25).

In view of the above, the committee decided to **defer** the proposal for want of the above-mentioned documents.

Agenda No. 132.11

Construction of Group Housing project at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Part of Revenue Estate of Village Mehrauli, New Delhi by M/s R R Texknit LLP – For Grant of Environmental Clearance – reg.

(Online Proposal No. IA/DL/INFRA2/481309/2024; F. No.

132.11.1 ing project at Khasra No. 1230/2, Sector 1, Vasant Kunj, Part of Revenue Estate of Village Mehrauli, New Delhi by M/s R R Texknit LLP.

132.11.2 The project proponent (M/s R R Texknit LLP) and the accredited consultant (M/s Perfect Enviro Solutions Private Limited) have submitted the following information regarding the project:

1, Vasant e of Village Mehrauli, New Delhi, and the Latitude of the

SEAC meeting held on 12.07.2024 SEAC meeting held on 25.07.2024 and it was recommended by SEAC for grant of EC to SEIAA. However, due to the temporary absence of the SEIAA, Delhi, essary actions. Based on the

The total plot area of the project will be 5,353.61 sq. m and net plot area after deducting the area of road widening is 5,277.12 sq. m, FAR area will be 12,168.16 sq. m and the up area of 25,650 sq. m (including the free from FAR area for community of FAR area of 5,701.12 sq. m). The project will comprise of 3 towers. Total 138 dwelling units (including main s 74 no., EWS unit 32 no. & CSP unit 32 no.) will be developed. Maximum height

The details of the building are as follows:

Particulars (Unit)	Proposed Details
Total Plot Area (sq. m)	5,353.61
Area under road widening (sq. m)	76.49
Net development Area (sq. m)	5,277.12
Ground Coverage Area	
Ground Coverage (Permissible) (33.3 % of plot area) (sq. m)	1,782.75

(28 KLD for flushing and 10 KLD for gardening). About 29 KLD will be reused in adjoining DDA park.

- viii. About 0.348 TPD solid wastes will be generated in the project. The biodegradable waste (0.209 TPD) will be processed in OWC and the non-biodegradable waste generated (0.139 TPD) will be handed over to authorized local vendors.
- ix. The total power requirement during the construction phase is 250 kVA and will be met from temporary connection & for the backup DG set of 1 x 125 kVA will be kept and total power requirement during operation phase will be 1022 KW, which will be sourced by BSES Rajdhani Power Limited. For power back up GG sets of 2 x 500 kVA
- x. ter through 5 no. of
- Parking facility for 290 ECS is proposed to be provided against the requirement of 227
- xii. provision of
- xiii. Not
- xiv. e to the project/activity will be minimized by
- xv.
- xvi. The said project is not proposed to be located within 10 km of the Eco Sensitive Zone.
- xvii.
- xviii.
- xix. 1, Vasant Kunj
for seeking revocation of the layout plan and sanction plan only on 14.08.2024. The
petition is pending before the Hon'ble Delhi High Court, however stay against
construction of the project at above land was rejected/ declined vide Order dated
11.09.2024 with the observations that the Court is not inclined to pass any interim
in case the Court finds the construction of the project has been raised illegally
- xx. Total green area of
7% of the plot area) will be provided. Approximately 11 no. of trees
are present at the boundary of the site which will be retained. Additionally, 56 no. trees
- xxi. at the project site & the same is stated in the
Affidavit.
- xxii. The total cost of the project involved is Rs. 145 Crores.
- xxiii. Employment potential - Directly and indirectly total 170 no. of people will be engaged
out of which 150 no. of laborers will be hired during construction phase and 20 no. of
staff during operation phase.
- xxiv. Benefits of the project are given below:
- Social benefit:
 - a) The project will provide good quality, eco-friendly, safe and secured stay.

- b) Generation of employment to approximately 150 no. of labour during the construction & approx. 20 no. in operation phase.
- Environment benefits:
 - a) Energy efficient measures to reduce the requirement during the operation stage will be maintained which ultimately leads to lesser demands and reducing carbon footprints of the project making it eco-friendlier.
- xxv. A well-designed waste management approach such as the different collection unit for wet & dry waste respectively and eco-friendly treatment approach i.e. organic waste

132.11.3

The project/activity is covered under item 8(a) 'Building and Construction Projects' of the Schedule to the EIA Notification, 2006 as amended, and requires appraisal at the AA/SEAC in Delhi, this proposal was transferred by SEIAA, Delhi to the Ministry as per the provisions of the IA.III [E 177258] dated 02.08.2023 for appraisal at the

by the State Level Expert Appraisal Committee SEAC meeting . The committee recommended this project for granting EC with to SEIAA, Delhi. Due to the temporary absence of the SEIAA, Delhi, this proposal was transferred to Ministry for further necessary actions. Based on the above, the EAC considered this

- iii. a of the project will be 5,353.61 sq. m and net plot area after deducting the area of road widening is 5,277.12 sq. m, FAR area up area of 25,650.00 sq. m (including the free basement area of 7,380.72 sq. m, and other FAR area of 5,701.12 sq. m). The project will comprise 3 towers. A total of 138 dwelling units (including main units 74 no., EWS unit 32 no. & CSP unit 32 no.) will
- iv. Complaints addressed to the Ministry and the Expert Appraisal Committee vide letter 110070 een raised which have been listed

Violation of Statutory Norms in Sanctioned Layout Plan.

- Violation of Regulations for Enabling Planned Development of Privately Owned Lands, 2018.
- Violation of Layout Plan of Sector – B, Pocket – 1.
- Violation of Population Density Norms.
- Acute Shortage of Parking space in B-1 colony.
- Procedural Irregularities by DMC sanctioning of Layout Plan.
- Irregular Execution of Sale Deed by Purchaser of Land in question.

- Environmental Impacts that the project can have.
- Likely impact on the Aravalli Ridge's Stability.
- Likely impact on the Aravalli Biodiversity Hotspot.
- Proposed project designed in isolation without carrying out a detailed analysis of its impacts on 5000 residents of B-1.
- Vulnerable Groups being affected by the project.
- Impacts on residents during construction and thereafter.
- Writ Petition – CM APPL.52907/2024 & CM APPL.52908/2024 against the
judice before the Hon'ble High Court of Delhi.

locutory Application (IA) No.
judice before the Hon'ble

132.11.4 The EAC after deliberation observed that the proposed plot of land has already been leveled without s the project already has legal cases sub judice before the Hon'ble High Court of Delhi and the Hon'ble NGT, Principal Bench and which is related to the environment, therefore, the committee decided t Recent orders of hearing in the matter shall be submitted. It was opined that PP shall submit the proof that no tree cutting has been done prior to levelling the ground and proof that instant project does not require NOC from Ridge Authority of Delhi.

In view of the above mentioned facts and details furnished by the PP, the committee decided to

Agenda No. 132.12

Proposed Group Housing project at Plot no B admeasuring 10060 sq. mtrs. Sector 32, Rohini, New Delhi by M/s Ozar Organic LLP- For Grant of Environment Clearance

(Online Proposal No. IA/DL/INFRA2/500588/2024; F. No. 21

132.12.1 Environmental Clearance for Proposed Group Housing project at Plot no. Pkt 01 (a) Sector 32, Pocket B admeasuring 10060 sq. m. Sector-32, Rohini, New Delhi by M/s Ozar Organic LLP.

132.12.2 The project proponent (M/s Ozar Organic LLP) and the accredited consultant (M/s Ind Tech House Consult) have submitted the following information regarding the project:

- The proposal is regarding Fresh Environmental Clearance.
- The proposal is for a Residential Group Housing Project and located at Plot no. Pkt 01 (a) Sector 32, Pocket- 1/Block – B admeasuring 10060 sq. m. Sector-32, Rohini,

Specific Conditions	
1.	The project proponent shall develop R& D facilities to develop their own technologies for propylene and polypropylene processing.

3.3. Agenda Item No 3:

3.3.1. Details of the proposal

Group Housing by R R Texknit LLP. by R R Texknit LLP located at SOUTH WEST,DELHI			
Proposal For			
Proposal No			
IA/DL/INFRA2/481309/2024			Building / Construction (8(

3.3.2. Project Salient Features

The proposal is for Environmental Clearance (Fresh EC) for Construction of Group Housing at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj Part of Revenue Estate of Village Mehrauli, New Delhi by M/s R R Texknit LLP.

134.3.2 The project proponent (M/s R R Texknit LLP) along with their NABET Accredited Environmental Consultant presented the project, salient features of which are as follows:

- i. The proposal is regarding Fresh Environmental Clearance.
- ii. The project is proposed to be located at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Part of Revenue Estate of Village Mehrauli, New Delhi, and the Latitude of the project is 28°31'17.09"N
- iii. It is a Greenfield project and no construction activity has been undertaken at site yet.
- iv. Earlier, the proposal was considered during the 146 SEAC meeting held on 12.07.2024 & in the SEAC meeting held on 25.07.2024 and it was recommended by SEAC for grant of EC to SEIAA. However, due to the temporary absence of the SEIAA, Delhi, this proposal was transferred to the Ministry for further necessary actions. Based on the above, this proposal is
- v. The total plot area of the project will be 5,353.61 sq. m and net plot area after deducting the area of road widening is 5,277.12 sq. m, FAR area will be 12,168.16 sq. m and the total built-up area of 25,650 sq. m (including the free from FAR area for community of 400 sq. m, basement area of 7,380.72 sq. m, and other Non-FAR area of 5,701.12 sq. m). The project will comprise of 3 towers. Total 138 dwelling units (including main units 74 no., EWS unit 32 no. & CSP unit 32 no.) will be developed. Maximum height of the building is 33.25 m with 3B+S+9 floors.
- vi. The details of the building are as follows:

Particulars (Unit)	Proposed Details
Total Plot Area (sq. m)	5,353.61
Area under road widening (sq. m)	76.49
Net development Area (sq. m)	5,277.12

Towers (Nos.)	3
Floors (Nos.)	3B+S+9
Max. height of the building (up to terrace level) (m)	33.25
Basement (Nos.)	3
Activities in Complex	DU, EWS, CSP
Mail Dwelling Units including 4 BHK & 3BHK (Nos.)	74

- vii. During Construction Phase the total water requirement will be 25 KLD, out of which water required for the construction phase will be approx. 05 KLD which will be taken from treated water from Vasant Kunj STP. The Remaining 20 KLD will be taken from the tanker supply out of which 12 KLD will be used for domestic purposes & 08 KLD water will be used for Anti-smog Gun. Waste water of 6 KLD will be generated which will be treated in mobile STP. During the operational phase, total water requirement is expected to be 95 KLD and the same will be met by Delhi Jal Board. 57 KLD fresh water from Delhi Jal Board and 38 KLD Recycled Water from in-house STP will be reused. Wastewater generated of 74 KLD will be treated in STP of 110 KLD capacity. 67 KLD of treated wastewater will be generated out of which 38 KLD will be reused (28 KLD for flushing and 10 KLD for gardening). About 29 KLD will be reused in adjoining
- viii. About 0.348 TPD solid wastes will be generated in the project. The biodegradable waste (0.209 TPD) will be processed in OWC and the non-biodegradable waste generated (0.139 TPD) will be
- ix. The total power requirement during the construction phase is 250 kVA and will be met from temporary connection & for the backup DG set of 1 x 125 kVA will be kept and total power requirement during operation phase will be 1022 KW, which will be sourced by BSES Rajdhani Power Limited. For power back up GG sets of 2 x 500 kVA will be installed that will be used
- x. Rainwater harvesting is proposed to recharge the groundwater through 5 no. of rainwater harvesting
- xi. Parking facility for 290 ECS is proposed to be provided against the requirement of 227 ECS.
- xii. Proposed energy saving measures would save about 18.30% of power and provision of Solar Panels
- xiii. Comparative analysis of existing/envison pollution load (in case of expansion) - Not Applicable, as it is a Greenfield project.
- xiv. Impact on air, water, noise, ecology of due to the project/activity will be minimized by proposed mitigation measures.
- xv. The project is not proposed to be located in a Critically Polluted area.
- xvi. The said project is not proposed to be located within 10 km of the Eco Sensitive Zone.
- xvii. No NBWL Clearance is required for the said project.
- xviii. No Forest Clearance is required for the said project.
- xix. A petition was filed by (W.P. (C) No. 11283/2024) by the RWA of B-1, Vasant Kunj for seeking revocation of the layout plan and sanction plan only on 14.08.2024. The said petition is pending before the Hon'ble Delhi High Court, however stay against construction of the project at above land was rejected/ declined vide Order dated 11.09.2024 with the observations that the Court is

not inclined to pass any interim orders and in case the Court finds the construction of the project has been raised illegally or unauthorized, then the same shall be subjected to demolition.

- xx. Green belt development and Details of tree felling/transplantation - Total green area of 2,094.84 sq. m (39.7% of the plot area) will be provided. Approximately 11 no. of trees are present at the boundary of the site which will be retained. Additionally, 56 nos. of trees will be planted. No tree felling is involved in the project.
- xxi. No Construction work has been done at the project site & the same is stated in the Affidavit.
- xxii. The total cost of the project involved is Rs. 145 Crores.
- xxiii. Employment potential - Directly and indirectly total 170 no. of people will be engaged out of which 150 no. of laborers will be hired during construction phase and 20 no. of staff during operation phase.
- xxiv. Benefits of the project are given below:

Generation of employment to approximately 150 no. of labor during the construction & approx.

Energy efficient measures to reduce the requirement during the operation stage will be maintained which ultimately leads to lesser demands and reducing carbon footprints of the

- xxv. A well-designed waste management approach such as the different collection unit for wet & dry waste respectively and eco-friendly treatment approach i.e. organic waste converter.

134.3.3

- i. The project / activity is covered under category 'B' of item 8(a) 'Building Construction Projects' of the Schedule to the EIA Notification, 2006 as amended and requires appraisal at the State level. However, due to the temporary absence of SEIAA / SEAC in Delhi, the proposal has been appraised at the Central level by sectoral EAC as per the provisions of the OM No. IA3-22/10/2022-IA.III [E 177258] dated 02.08.2023.
- ii. The total plot area of the project will be 5,353.61 sq. m, total built-up area will be 25,650 sq. m with green area of 2,094.84 sq. m (39.7 % of total plot area).
- iii. The PP has submitted that, the land ownership is with M/s R R Texkmit LLP through a Sale Deed. Further, Building Approval sanction letter issued by the Municipal Corporation of Delhi (MCD) vide dated 13.05.2024
- iv. This project was considered by the State Level Expert Appraisal Committee (SEAC), Delhi in its 146th SEAC meeting held on 12.07.2024 & subsequently during the 147th SEAC meeting held on 25.07.2024. The committee thereafter recommended this project for granting EC with specific conditions and general conditions and forwarded it to SEIAA, Delhi. However, due to the temporary absence of the SEIAA, Delhi, this proposal was further transferred to the Ministry for necessary actions.
- v. Thereafter, the Expert Appraisal Committee (EAC) Infra-2 considered the aforesaid proposal during its 132nd meeting held on 23 – 24 October, 2024 and after detailed deliberation, deferred the proposal on certain observations. Based on the observations, ADS was raised through PARIVESH Portal.
- vi. Subsequently, the project proponent submitted the reply of the observation of the EAC. Accordingly, this proposal was re-considered by EAC during this (134th) meeting held on 29.11.2024. PP has submitted that reply of complains raised by RWA of Vasant Kunj regarding various points. The same are enumerated below:

Sl. No.	Compliant	Resolution (PP's Reply)
1.	Violation of statutory norms in Sanctioned layout plan.	The layout plan was sanctioned by MCD on 27.05.2024. DDA & MCD has clarified that the sanctioned plan was considered by the Screening Committee & clarify that there is no violation of any law or procedure in consideration

		ion of the matter by the Screening Committee
2.	Violation of Regulations for Enabling Planned Development of Privately Owned Lands, 2018.	Private land was owned by the PP but the land use of the project is residential as per the original Master Plan 2001 and Master Plan of Delhi 2021 and the Zonal Development Plan for Zone F. Development will be done in accordance with the Building Plan approval & building bye laws
3.		There is no violation of Population density because provision of Dwelling unit and population density is in accordance with the Sancti
4.		As per sanction building plan, parking requirements are 227 ECS. Parking provision has been made for 290 ECS i.e app 25 % extra than required to avoid parking outside the premises. Parking of proposed housing will be done in basements (3 level) & on stilts within pr
5.		Delhi Municipal Corporation has sanctioned the layout plan Under Clause 336 of Delhi Municipal Corporation Act, 1957 with certain conditions and compliances. That will be f
6.		There is no irregularity in the execution of sale deed. The sale deed has been done between the Vendor and the Vendee & duly register
7.		The project will have environmental impacts on air, water, noise & soil. Construction of the project will be done only after getting Environmental Clearance and all the mitigation during construction phase shall be followed as pe
8.	Likely impact on the Aravalli Ridge's Stability.	The project site is at a distance of 2.48 km from the Southern ridge and 2.9 km from Aravalli biodiversity park. Hence the project will not create any impact on the Aravalli ridge stability
9.	Likely impact on the Aravalli Biodiversity Hotspot.	The plot is an integral part of an already developed B1 block Vasant Kunj. The project site is at a distance of 2.9 km from the Aravalli biodiversity park. Since, the proposed deve

		lopment is part of an already developed residential colony and falls outside the hotspot area, hence, there is no specific impact.
10.	Proposed project designed in isolation without carrying out a detailed analysis of its impacts on 5000 residents of B-1.	The project has been planned only after taking consideration of 5000 livings already residing in the colony. Separate entry & exit points will be provided and Traffic will be managed smoothly avoiding any congestion and bottle necks.
11.		The development is proposed on the vacant plot in the already developed residential colony. Hence there will not be any impact on t
12.		The project will have environmental impacts on air, water, noise & solid waste. All the mitigation shall be followed as per the guidelines.
13.		The said petition has been addressed in ADS r
14.		The said petition has been addressed in ADS r

vi. Pointwise reply of the ADS raised have been presented as below:

Sl. No.		
1.		<p>deed dated 16.04.2024. No leveling has been done at site. Only an initial clearing of the dry bushes has been done to facilitate the secure access to the site and also to create a secure perimeter and enable unrestricted site access.</p> <p>The site currently exists in its natural state with no leveling or grading undertaken. Google images and Photographs have been submitted.</p>
2.	Further, as the project already has legal cases, Principal Bench and which is related to the environment, therefore, the committee decided to take up the matter for a appraisal only after the court cases have been resolved. Recent ord	<p>There are 3 legal cases sub-judice before the Hon'ble High Court of Delhi and the Hon'ble NGT</p> <p>1. Challenging the sanctioned plan: A case has been filed in the Hon'ble High Court of Delhi challenging the sanction plan issued by MCD on various grounds. The Delhi Development Authority & Municipal Corporation of Delhi has submitted a reply denying the</p>

	tree cutting has been done prior to leveling the ground.	as been fell due to a thunderstorm which has already been restored at the site with the help of a hydra machine. The Forest Department after visiting the site has submitted a status report ensuring that no tree was cut, only 01 tree (sheesham) has been fallen at site which was rehabilitated at site with the help of JCB and Hydra machine. Also, no leveling has been done. Undertaking stating the same has been submitted.
4.	PP shall submit the proof that in	The plot is an integral part of an already developed B1 The project site is at a distance of 2.48 km from the So As per the map, the project falls under the building cat Since, this is already a developed residential colony and falls outside the ridge area, hence, the project does not require the NOC from the Ridge Authority of Delhi.

3.3.3. Deliberations by the committee in previous meetings

Date of EAC 1 :



Deliberations of EAC 1 :

The EAC, during deliberations noted the following:

project/activity is covered under item 8(a) 'Building and Construction Projects' of the Schedule to the EIA Notification, 2006 as amended, and requires appraisal at the State level. However, due to the temporary absence of SEIAA/SEAC in Delhi, this proposal was transferred by SEIAA, Delhi to the Ministry as per the provisions of the OM No. IA3-22/10/2022-IA.III [E 177258] dated 02.08.2023 for appraisal at the Central level by sectoral EAC.

er, this project was considered by the State Level Expert Appraisal Committee (SEAC), Delhi in its 146th SEAC meeting held on 12.07.2024 & 147th SEAC meeting held on 25.07.2024. The committee recommended this project for granting EC with specific conditions and general conditions and forwarded it to SEIAA, Delhi. Due to the temporary absence of the SEIAA, Delhi, this proposal was transferred to the Ministry for further necessary actions. Based on the above, the EAC considered this proposal.

committee has noted that the total plot area of the project will be 5,353.61 sq. m and net plot area after deducting the area of road widening is 5,277.12 sq. m, FAR area will be 12,168.16 sq. m and total built-up area of 25,650.00 sq. m (including the free from FAR area for community of 400 sq. m, basement area of 7,380.72 sq. m, and other Non-FAR area of 5,701.12 sq. m). The project will comprise 3 towers. A total of 138 dwelling units (including main units 74 no., EWS unit 32 no. & CSP unit 32 no.) will be developed. The maximum height of the building is 33.25 m with 3B+S+9 floors.

plaints addressed to the Ministry and the Expert Appraisal Committee vide letter dated 24.09.2024 received from a resident of B-1, Vasant Kunj, New Delhi – 110070 wherein a number of allegations against the PP have been raised which have been listed below:

Violation of Regulations for Enabling Planned Development of Privately Owned Lands, 2018.

Proposed project designed in isolation without carrying out a detailed analysis. of its impacts on

Writ Petition – CM APPL.52907/2024 & CM APPL.52908/2024 against the said project already

Original Application (OA) No. 1171/2024 & Interlocutory Application (IA) No. 456/2024 against the said project already being sub-judice before the Hon'ble National Green

132.11.4 The EAC after deliberation observed that the proposed plot of land has already been leveled without prior permission of the Competent Authority. Further, as the project already has legal cases sub-judice before the Hon'ble High Court of Delhi and the Hon'ble NGT, Principal Bench and which is related to the environment, therefore, the committee decided to take up the matter for appraisal only after the court cases have been resolved. Recent orders of hearing in the matter shall be submitted. It was opined that PP shall submit the proof that no tree cutting has been done prior to levelling the ground and proof that instant project does not require NOC from Ridge Authority of Delhi.

In view of the above-mentioned facts and details furnished by the PP, the committee decided to **defer** the proposal.

The EAC, after deliberations observed that instant project is already located in developed area wherein residents are residing in Vasant Kunj, Delhi. There are a number of residential buildings, school, hospitals, other infrastructures etc. of different heights near the project area. It was observed from the drone video shown by PP that no construction activity has been done or initiated at site and thus can be ascertained that there is no violation of EIA Notifications, 2006.

The committee opined that court case in Hon'ble High Court in the matter are related to approval of Building Plan granted by DDA and MCD. The concerned agencies has made their submission as per the information provided by project proponent. Further, the matter of Hon'ble NGT is pending and any order/directions in compliance of Hon'ble Tribunal shall be complied by project proponent.

With regard to tree cutting, PP has submitted the undertaking that no tree cutting has been done in the project area and further as per inspection report of forest department, there are total 19 trees which are green and healthy standing and one fallen tree was raised straight and 3 trees were found to be dried.

Also as per the submissions of PP, it was observed that the project site at a distance of 2.48 km from the Southern ridge and 2.9 km from Aravalli biodiversity park. Hence the project will not create any impact on the Aravalli ridge stability. The project site is at a distance of 2.9 km from the Aravalli biodiversity park. Since, the proposed development is part of an already developed residential colony and falls outside the hotspot area, hence, there is no specific impact. However, for further clarity of project area being in morphological ridge, it is desired that PP may seek clarification from Delhi's Ridge Management Board. Based on the clarification, PP may obtain NOC (if applicable).

Further, it was observed that instant project was recommended by SEAC Delhi for granting EC with specific conditions and general conditions and forwarded it to SEIAA, Delhi. It was desired that the construction activity shall follow very stringent measures to avoid any issues to the habitation. Traffic Impact Assessment was conducted by PP for adequacy of transportation of vehicles and parking area. It was informed that the distance from main road to the site is about 150 m. A mechanical sweeper shall be deployed by PP to mitigate the road dust pollution all along this road and water sprinkler and mist cannon/sprayer shall be fixed.

The EAC, only after detailed deliberation of all aspects / issues / allegations, granting of Environmental Clearance based only on merits of the said project subject to the following specific conditions and other Standard EC Conditions as specified by the Ministry vide O.M. dated 04.01.2019 for the said project/activity:

3.3.5. Recommendation of EAC

Recommended

3.3.6. Details of Environment Conditions

3.3.6.1. Specific

Specific Conditions	
1.	This recommendation is subject to the outcome of court cases in Hon'ble High Court, Hon'ble NGT and Central Empowered Committee. Further, PP may seek clarification from Delhi's Ridge Management Board (RMB) regarding applicability of clearance from RMB. Based on the clarification, PP shall obtain NOC from Delhi's Ridge Management Board (if applicable).
2.	PP shall comply with the budget of the Environment Management Plan for construction phase (Capital Cost = Rs. 55.50 Lakhs, Recurring Cost = 8.0 Lakhs/Yr.) and Operation Phase (Capital Cost = Rs. 200.00 Lakhs, Recurring Cost = 26.9 Lakhs/Yr.).
3.	A mechanical sweeper shall be deployed by PP to mitigate the road dust pollution all along from

	main road to the project site and water sprinkler and mist cannon/sprayer shall be fixed on this road.
4.	No construction activity or storage of material shall be allowed outside the project boundary. PP shall not conduct any construction activity at night and transportation of material shall not be done during peak working hour/school timings. Further, no vehicles related to the project shall be kept outside the project area.
5.	Tyre washing facilities shall be installed at entry and exit gates and tyres of each vehicle shall be washed prior to leaving the project site.
6.	All internal roads in the project area shall be constructed/paved prior to actual construction of
7.	PP should make provisions for dual plumbing so that the treated wastewater could be used to
8.	PP shall be responsible for establishment, operation and maintenance of all common like STP, OWC, Green belt development, Solar, Rainwater Harvesting, and other such amenities provided within the project site for a period of 5 years after handed over to the <i>bona</i> and also for compliance of EC conditions during operation stage. Responsibility of comply EC conditions shall be with Project Proponent only till the EC is transferred to Residents Welfare Residents Welfare Association/Society/Committee during handover of assets/infrastructure shall clearly
9.	CAQM Guidelines should be strictly adhered to and all construction activity should be stopped
10.	PP shall construct 10 m barricading all along the site and fixed water Sprinklers should be
11.	PP should construct 2 water fountains in the green area to suppress the dust emissions during the
12.	
13.	As proposed, wastewater shall be treated onsite in STP of 110 KLD capacity.
14.	The project proponents would commission a third-party study on the implementation of conditions related to quality and quantity of recycle and reuse of treated water, efficiency of treatment systems, quality of treated water being supplied for flushing (specially the bacterial counts), comparative bacteriological studies from toilet seats using recycled treated waters and fresh waters for flushing, and quality of water being supplied through spray faucets attached to toilet seats.

1 5.	Area for greenery shall be provided as per the details provided in the project document i.e., area under plantation/greenery will be 2094.84 sq. m out of net plot area of 5353.61 sq. m, i.e. equivalent to 39.13 %. The landscape planning should include plantation of 67 numbers of native tree species as proposed. A minimum of 01 tree for every 80 sq. m of total land area of the project should be maintained taking the existing trees into account. Species with heavy foliage, broad leaves and wide canopy cover may be preferred. Invasive species should not be used for landscaping.
1 6.	The PP shall comply with all the provisions of The Delhi Preservation of Trees Act, 1994, if applicable.
1 7.	Project Proponent shall strive to enhance the Green Belt beyond 39.13% and that the " and the details of the trees
1 8.	The local bye-law provisions on rainwater harvesting should be followed. If local bylaws provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Housing and Urban Affairs (erstwhile Ministry of Urban Development), Model Building Byelaws, 2016. As proposed, 4 Rainwater recharge pits for rooftop runoff shall be
1 9.	The solid waste shall be duly segregated into biodegradable and non-biodegradable components and handled in separate areas earmarked for segregation of solid waste, as per SWM Rules,
2 0.	As committed, biodegradable waste shall be utilized through the OWC to be installed within the
2 1.	
2 2.	Construction & Demolition (C&D) waste shall be segregated and managed as per C&D Waste
2 3.	Proponent shall ensure the installation of solar lights and LEDs to meet 20 % of the total power
2 4.	As committed 290 ECS are to be provided and out of which 30% should be for electric vehicle
2 5.	The Environmental Clearance to the project is primarily under provisions of EIA Notification, 2006. The Project Proponent is under obligation to obtain approvals/clearances under any other Acts/Regulations or Statutes as applicable to the project.
2 6.	Project proponent shall essentially comply with all parking norms and standards as applicable.
2 7.	Proponent shall ensure that requirements of accessibility particularly universal accessibility and more particularly pedestrian requirements are provided. Street and road section should have mandatory provision of cross section elements and footpath so as to minimise the shift of walk mode to vehicular mode to have least impact on energy and environment.

- | | |
|----|--|
| 2 | The project proponent shall ensure that there more than one entry / exit from different directions |
| 8. | however it should be checked that it does not create road safety hazard. |

3.3.6.2. Standard

8(a)	Building / Construction
Statutory compliance	
1.	The project proponent shall obtain all necessary clearance/ permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
2.	The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of firefighting equipment etc. as per National Building Code including protection measures from lightening etc.
3.	The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1980, in case of the diversion of forest land for non-forest purpose involved in the project.
4.	The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
5.	The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.
6.	The project proponent shall obtain the necessary permission for drawl of ground water / surface water required for the project from the competent authority.
7.	A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
8.	All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable, by project proponents from the respective competent authorities.
9.	The provisions of the Solid Waste Management Rules, 2016, e-Waste (Management) Rules, 2016, and the Plastics Waste Management Rules, 2016, shall be followed.
10.	The project proponent shall follow the ECBC/ECBC-R prescribed by Bureau of Energy Efficiency, Ministry of Power strictly.
Air quality monitoring and preservation	
1.	Notification GSR 94(E) dated 25.01.2018 of MoEF&CC regarding Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance shall be complied with.
2.	A management plan shall be drawn up and implemented to contain the current exceedance in ambient air quality at the site.
3.	The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g. PM10 and PM2.5) covering upwind and downwind directions during the construction period.

4.	Diesel power generating sets proposed as source of backup power should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided with in consultation with State Pollution Control Board.
5.	Construction site shall be adequately barricaded before the construction begins. Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3-meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.
6.	Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.
7.	Wet jet shall be provided for grinding and stone cutting.
8.	Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
9.	All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Management Rules 2016.
10.	The diesel generator sets to be used during construction phase shall be low sulphur diesel type and shall conform to Environmental (Protection) prescribed for air and noise emission standards.
11.	The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.
12.	For indoor air quality the ventilation provisions as per National Building Code of India.
Water quality monitoring and preservation	
1.	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site, on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
2.	Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
3.	Total fresh water use shall not exceed the proposed requirement as provided in the project details.
4.	The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
5.	A certificate shall be obtained from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water already committed, the quantity of water allotted to the project under consideration and the balance water available. This should be specified separately for ground water and surface water sources, ensuring that there is no impact on other users.
6.	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
7.	Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for

	supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling, conditioning etc. shall be done.
8.	Use of water saving devices/fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the building plan.
9.	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
10.	Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
11.	The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Byelaws, 2016. Rain water harvesting recharge pits/storage tanks shall be provided for ground water recharging as per the CGWB norms.
12.	A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.
13.	All recharge should be limited to shallow aquifer.
14.	No ground water shall be used during construction phase of the project.
15.	Any ground water dewatering should be properly managed and shall conform to the approvals and the guidelines of the CGWA in the matter. Formal approval shall be taken from the CGWA for any ground water abstraction or dewatering.
16.	The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
17.	Sewage shall be treated in the STP with tertiary treatment. The treated effluent from STP shall be recycled/re-used for flushing, AC make up water and gardening. As proposed, no treated water shall be disposed in to municipal drain.
18.	No sewage or untreated effluent water would be discharged through storm water drains.
19.	Onsite sewage treatment of capacity of treating 100% waste water to be installed. The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per statutory norms notified by Ministry of Environment, Forest and Climate Change. Natural treatment systems shall be promoted.
20.	Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.
21.	Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.

Noise monitoring and prevention	
1.	Ambient noise levels shall conform to residential area/commercial area/industrial area/silence zone both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be closely monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB / SPCB.
2.	Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
3.	Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.
Energy Conservation measures	
1.	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
2.	Outdoor and common area lighting shall be LED.
3.	Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
4.	Energy conservation measures like installation of CFLs/ LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning.
5.	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
6.	Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
Waste Management	
1.	A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project shall be obtained.
2.	Disposal of muck during construction phase shall not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
3.	Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials.
4.	Organic waste compost/Vermiculture pit/Organic Waste Converter within the premises with a minimum capacity of 0.3 kg /person/day must be installed.
5.	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
6.	Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms

	with necessary approvals of the State Pollution Control Board.
7.	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include Fly Ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.
8.	Fly ash should be used as building material in the construction as per the provision of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 25th January, 2016. Ready mixed concrete must be used in building construction.
9.	Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Waste Management Rules, 2016.
10.	Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination.
Green Cover	
1.	No tree can be felled/transplant unless exigencies demand. Where absolutely necessary, tree felling shall be with prior permission from the concerned regulatory authority. Old trees should be retained based on girth and age regulations as may be prescribed by the Forest Department. Plantations to be ensured species (cut) to species (planted).
2.	A minimum of 1 tree for every 80 sqm of land should be planted and maintained. The existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping.
3.	Where the trees need to be cut with prior permission from the concerned local Authority, compensatory plantation in the ratio of 1:10 (i.e. planting of 10 trees for every 1 tree that is cut) shall be done and maintained. Plantations to be ensured species (cut) to species (planted). Area for green belt development shall be provided as per the details provided in the project document.
4.	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	
1.	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. a. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. b. Traffic calming measures. c. Proper design of entry and exit points. d. Parking norms as per local regulation.
2.	Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards be operated only during non-peak hours.
null	
1.	A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of the roads within a 05 kms radius of the project is maintained and improved upon after the implementation of the project. This plan should be based on cumulative impact of all development and increased habitation being carried out or proposed to be carried out by the project or other agencies in this 05 Kms radius of the site in different scenarios of space and time and the traffic management plan shall be duly validated and certified by the State Urban Development department and the P.W.D./ competent authority for road augmentation and shall also have their consent to the implementation of components of the plan which involve the participation

	of these departments.
Human health issues	
1.	All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
2.	For indoor air quality the ventilation provisions as per National Building Code of India.
3.	Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
4.	Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
5.	Occupational health surveillance of the workers shall be done on a regular basis.
6.	A First Aid Room shall be provided in the project both during construction and operations of the project.
Miscellaneous	
1.	The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed.
2.	ii. environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
3.	The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
4.	The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.
5.	The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental/forest/wildlife norms/conditions. The company shall have defined system of reporting infringements/deviation/violation of the environmental/forest/wildlife norms/conditions and/or shareholders/stake holders. The copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of six-monthly report.
6.	A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly report to the head of the organization.
7.	Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report
8.	The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.

9.	The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
10.	The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
11.	The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report and also that during their presentation to the Expert Appraisal Committee.
12.	No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forest and Climate Change (MoEF&CC).
13.	Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
14.	The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
15.	The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
16.	The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
17.	The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.
18.	Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
Specific Conditions	
1.	Recommendations of mitigation measures from possible accident shall be implemented based on Risk Assessment studies conducted for worst case scenarios using latest techniques.

3.4. Agenda Item No 4:

3.4.1. Details of the proposal

Expansion of "Group Housing" located at Khasra No. 8/26/2, at Village Kapashera, Tehsil Vasant Vihar, New Delhi by M/s Echo Buildtech Limited. by ECHO BUILDTECH PRIVATE LIMITED located at SOUTH WEST, DELHI			
Proposal For		Fresh EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
IA/DL/INFRA2/471591/2024	DPCC/SEIAA-IV/P2/C-488/DL/2024	29/06/2024	Building / Construction (8(a))



File No: F. No. 21-458/2024-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA Division



Dated 13/01/2025



To,

Sh. Rakesh Kumar Sharma
 M/s R R Texknit LLP
 E-5, 3rd Floor, South Extension Part-2, New Delhi, SOUTH WEST, DELHI, 110049
 Mohindrapatyal1967@yahoo.co.in

Subject: Construction of Group Housing at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj Part of Revenue Estate of Village Mehrauli, New Delhi by M/s R R Texknit LLP. – For Grant of Environmental Clearance - reg.

Sir/Madam,

This is in reference to your application for Grant of EC under the provision of the EIA Notification 2006-regarding in respect of project Group Housing by R R Texknit LLP. submitted to Ministry vide proposal number IA/DL/INFRA2/481309/2024 dated 24/09/2024.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC24C3801DL5556057N
(ii) File No.	F. No. 21-458/2024-IA.III
(iii) Clearance Type	EC
(iv) Category	B2
(v) Project/Activity Included Schedule No.	8(a) Building / Construction
(vi) Sector	INFRA-2
(vii) Name of Project	Group Housing by R R Texknit LLP.
(viii) Name of Company/Organization	R R Texknit LLP
(ix) Location of Project (District, State)	SOUTH WEST, DELHI
(x) Issuing Authority	MoEF&CC
(xii) Applicability of General Conditions	no
(xiii) Applicability of Specific Conditions	no

3. The project / activity is covered under category 'B' of item 8(a) 'Building Construction Projects' of the Schedule to the EIA Notification, 2006 as amended and requires appraisal at the State level. However, due to the temporary absence of SEIAA / SEAC in Delhi, the proposal was forwarded to Ministry for further necessary action as per the above mentioned Notification and the proposal has been appraised at the Central level by sectoral EAC.

4. Accordingly, the above-mentioned proposal for Environmental Clearance has been examined by the Expert Appraisal Committee (Infra-2) in its 132nd meeting held during 23-24th October, 2024 and 134th meeting held on 29th November, 2024.

5. The details of the project, as per the application form, documents submitted by the project proponent, and also as informed during the aforesaid meeting of EAC, are provided below for reference:

i. The proposal is regarding Fresh Environmental Clearance.

ii. The project is proposed to be located at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Part of Revenue Estate of Village Mehrauli, New Delhi, and the Latitude of the project is 28°31'17.09"N & Longitude is 77° 9'34.98"E.

iii. It is a Greenfield project and no construction activity has been undertaken at site yet.

iv. Earlier, the proposal was considered during the 146th SEAC meeting held on 12.07.2024 & in the 147th SEAC meeting held on 25.07.2024 and it was recommended by SEAC for grant of EC to SEIAA. However, due to the temporary absence of the SEIAA, Delhi, this proposal was transferred to the Ministry for further necessary actions. Based on the above, this proposal is considered by the EAC.

v. The total plot area of the project will be 5,353.61 sq. m and net plot area after deducting the area of road widening is 5,277.12 sq. m, FAR area will be 12,168.16 sq. m and the total built-up area of 25,650 sq. m (including the free from FAR area for community of 400 sq. m, basement area of 7,380.72 sq. m, and other Non-FAR area of 5,701.12 sq. m). The project will comprise of 3 towers. Total 138 dwelling units (including main units 74 no., EWS unit 32 no. & CSP unit 32 no.) will be developed. Maximum height of the building is 33.25 m with 3B+S+9 floors.

vi. The details of the building are as follows:

Particulars (Unit)	Proposed Details
Total Plot Area (sq. m)	5,353.61
Area under road widening (sq. m)	76.49
Net development Area (sq. m)	5,277.12
Ground Coverage Area	
Ground Coverage (Permissible) (33.3 % of plot area) (sq. m)	1,782.75
Ground Coverage (Proposed) (28.35 % of plot area) (sq. m)	1,517.99
FAR AREA	
FAR Permissible (sq. m)	10,707.22
FAR Permissible for EWS (sq. m)	1,606.083
Total FAR Permissible (sq. m)	12,313.303
FAR Area Proposed (sq. m)	10,562.28
FAR Area Proposed for EWS (sq. m)	1,605.88
Total FAR proposed- A (sq. m)	12,168.16
Free from FAR AREA	
Area for community – B (sq. m)	400.00
NON-FAR AREA	
Tower Non -FAR (sq. m)	5,093.37
EWS Non -FAR (sq. m)	607.75
Total Non FAR Area- C (sq. m)	5,701.12
Basement Area	
Basement 1 (sq. m)	2,460.24
Basement 2 (sq. m)	2,460.24
Basement 3 (sq. m)	2,460.24
Total Basement area- D (sq. m)	7,380.72
Built-up Area (A+B+C+D)	25,650.00
Green area (39.7 % of net plot area) (sq. m)	2,094.84
Area under Swachh Delhi Block (sq. m)	15.34
Road & Open Areas (sq. m)	1,664.29
Towers (Nos.)	3
Floors (Nos.)	3B+S+9

Max. height of the building (up to terrace level) (m)	33.25
Basement (Nos.)	3
Activities in Complex	DU, EWS, CSP
Mail Dwelling Units including 4 BHK & 3BHK (Nos.)	74
CSP Units (Nos.)	32
EWS Units (Nos.)	32

vii. During Construction Phase the total water requirement will be 25 KLD, out of which water required for the construction phase will be approx. 05 KLD which will be taken from treated water from Vasant Kunj STP. The Remaining 20 KLD will be taken from the tanker supply out of which 12 KLD will be used for domestic purposes & 08 KLD water will be used for Anti-smog Gun. Waste water of 6 KLD will be generated which will be treated in mobile STP. During the operational phase, total water requirement is expected to be 95 KLD and the same will be met by Delhi Jal Board. 57 KLD fresh water from Delhi Jal Board and 38 KLD Recycled Water from in-house STP will be reused. Wastewater generated of 74 KLD will be treated in STP of 110 KLD capacity. 67 KLD of treated wastewater will be generated out of which 38 KLD will be reused (28 KLD for flushing and 10 KLD for gardening). About 29 KLD will be reused in adjoining DDA park.

viii. About 0.348 TPD solid wastes will be generated in the project. The biodegradable waste (0.209 TPD) will be processed in OWC and the non-biodegradable waste generated (0.139 TPD) will be handed over to authorized local vendors.

ix. The total power requirement during the construction phase is 250 kVA and will be met from temporary connection & for the backup DG set of 1 x 125 kVA will be kept and total power requirement during operation phase will be 1022 KW, which will be sourced by BSES Rajdhani Power Limited. For power back up GG sets of 2 x 500 kVA will be installed that will be used during power failure only.

x. Rainwater harvesting is proposed to recharge the groundwater through 5 no. of rainwater harvesting pits of 168 KLD capacity.

xi. Parking facility for 290 ECS is proposed to be provided against the requirement of 227 ECS. (According to local norms).

xii. Proposed energy saving measures would save about 18.30% of power and provision of Solar Panels of 102.2 KW i.e. 10% of Electrical load will be provided.

xiii. Comparative analysis of existing/envison pollution load (in case of expansion) - Not Applicable, as it is a Greenfield project.

xiv. Impact on air, water, noise, ecology of due to the project/activity will be minimized by proposed mitigation measures.

xv. The project is not proposed to be located in a Critically Polluted area.

xvi. The said project is not proposed to be located within 10 km of the Eco Sensitive Zone.

xvii. No NBWL Clearance is required for the said project.

xviii. No Forest Clearance is required for the said project.

xix. A petition was filed by (W.P. (C) No. 11283/2024) by the RWA of B-1, Vasant Kunj for seeking revocation of the layout plan and sanction plan only on 14.08.2024. The said petition is pending before the Hon'ble Delhi High Court, however stay against construction of the project at above land was rejected/ declined vide Order dated 11.09.2024 with the observations that the Court is not inclined to pass any interim orders and in case the Court finds the construction of the project has been raised illegally or unauthorized, then the same shall be subjected to demolition.

xx. Green belt development and Details of tree felling/transplantation - Total green area of 2,094.84 sq. m (39.7% of the plot area) will be provided. Approximately 11 no. of trees are present at the boundary of the site which will be retained. Additionally, 56 nos. of trees will be planted. No tree felling is involved in the project.

xxi. No Construction work has been done at the project site & the same is stated in the Affidavit.

xxii. The total cost of the project involved is Rs. 145 Crores.

xxiii. Employment potential - Directly and indirectly total 170 no. of people will be engaged out of which 150 no. of laborers will be hired during construction phase and 20 no. of staff during operation phase.

xxiv. Benefits of the project are given below:

· Social benefit:

a) The project will provide good quality, eco-friendly, safe and secured stay.

b) Generation of employment to approximately 150 no. of labor during the construction & approx. 20 no. in operation phase.

· Environment benefits:

a) Energy efficient measures to reduce the requirement during the operation stage will be maintained which ultimately

leads to lesser demands and reducing carbon footprints of the project making it eco-friendlier.

xxv. A well-designed waste management approach such as the different collection unit for wet & dry waste respectively and eco-friendly treatment approach i.e. organic waste converter.

6. The committee has noted that total plot area of the project will be 5,353.61 sq. m and total built-up area will be 25,650 sq. m with green area of 2,094.84 sq. m (39.7 % of total plot area). The PP has submitted that, the land ownership is with M/s R R Texknit LLP through a Sale Deed. Further, Building Approval sanction letter issued by the Municipal Corporation of Delhi (MCD) vide dated 13.05.2024. This project was considered by the State Level Expert Appraisal Committee (SEAC), Delhi in its 146th SEAC meeting held on 12.07.2024 & subsequently during the 147th SEAC meeting held on 25.07.2024. The committee thereafter recommended this project for granting EC with specific conditions and general conditions and forwarded it to SEIAA, Delhi. However, due to the temporary absence of the SEIAA, Delhi, this proposal was further transferred to the Ministry for necessary actions.

7. Thereafter, the Expert Appraisal Committee (EAC) Infra-2 considered the aforesaid proposal during its 132nd meeting held on 23 – 24th October, 2024 and after detailed deliberation, deferred the proposal on certain observations. Based on the observations, ADS was raised through PARIVESH Portal. Subsequently, the project proponent submitted the reply of the observation of the EAC. Accordingly, this proposal was re-considered by EAC during 134th meeting held on 29.11.2024. PP has submitted that reply of complains raised by RWA of Vasant Kunj regarding various points.

8. The Committee observed that instant project is already located in developed area wherein residents are residing in Vasant Kunj, Delhi. There are a number of residential buildings, school, hospitals, other infrastructures etc. of different heights near the project area. It was observed from the drone video shown by PP that no construction activity has been done or initiated at site and thus can be ascertained that there is no violation of EIA Notifications, 2006 as amended. The committee opined that court case in Hon'ble High Court in the matter are related to approval of Building Plan granted by Delhi Development Authority (DDA) and Municipal Corporation of Delhi (MCD). The concerned agencies has made their submission as per the information provided by project proponent. Further, the matter of Hon'ble NGT is pending and any order/directions in compliance of Hon'ble Tribunal shall be complied by project proponent.

9. With regard to tree cutting, PP has submitted the undertaking that no tree cutting has been done in the project area and further as per inspection report of forest department, there are total 19 trees which are green and healthy standing and one fallen tree was raised straight and 3 trees were found to be dried.

10. Also as per the submissions of PP, it was observed that the project site at a distance of 2.48 km from the Southern ridge and 2.9 km from Aravalli biodiversity park. Hence the project will not create any impact on the Aravalli ridge stability. The project site is at a distance of 2.9 km from the Aravalli biodiversity park. Since, the proposed development is part of an already developed residential colony and falls outside the hotspot area, hence, there is no specific impact. However, for further clarity of project area being in morphological ridge, it is desired that PP may seek clarification from Delhi's Ridge Management Board. Based on the clarification, PP may obtain NOC (if applicable).

11. Further, it was observed that instant project was recommended by SEAC Delhi for granting EC with specific conditions and general conditions and forwarded it to SEIAA, Delhi. It was desired that the construction activity shall follow very stringent measures to avoid any issues to the habitation. Traffic Impact Assessment was conducted by PP for adequacy of transportation of vehicles and parking area. It was informed that the distance from main road to the site is about 150 m. A mechanical sweeper shall be deployed by PP to mitigate the road dust pollution all along this road and water sprinkler and mist cannon/sprayer shall be fixed.

12. The EAC, based on the information submitted and clarifications provided by the Project Proponent and detailed discussion held on all the issues, recommended granting Environmental Clearance to this proposed project, under the provisions of EIA Notifications, 2006 and its amendments therein, subject to the following specific conditions and other Standard EC Conditions as specified by the Ministry vide OM dated 04.01.2019 for the said project/activity.

13. Based on recommendations of EAC, the Ministry of Environment, Forest and Climate Change hereby accords Environmental Clearance to the Proposed Construction of Group Housing at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj Part of Revenue Estate of Village Mehrauli, New Delhi promoted by M/s R R Texknit LLP., under the provisions of EIA Notifications, 2006 and its amendments therein, subject to the following specific conditions and other

Standard (General) EC Conditions as specified by the Ministry vide OM dated 04.01.2019 for the said project/activity are enclosed as **Annexure 1**.

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

Copy To

1. The Principal Secretary, Environment Department, Government of Delhi, 6th Level, C-Wing, IP Estate, Delhi Secretariat, Delhi – 110 002.
2. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office, Kendriya Bhawan, 5th Floor, Sector 'H', Aliganj, Lucknow – 226 020.
3. The Member Secretary, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, New Delhi – 110 032.
4. The Member Secretary, Delhi Pollution Control Committee, Building, 6th floor, C wing, Delhi Secretariat, I P Estate, Delhi – 110 002.
5. Monitoring Cell, MoEF&CC, Indira Paryavaran Bhawan, New Delhi.
6. Guard File/ Record File/ Notice Board/MoEF&CC website.

Annexure 1

Specific EC Conditions for (Building / Construction)

1. Specific Conditions

S. No	EC Conditions
1.1	This recommendation is subject to the outcome of court cases in Hon'ble High Court, Hon'ble NGT and Central Empowered Committee. Further, PP may seek clarification from Delhi's Ridge Management Board (RMB) regarding applicability of clearance from RMB. Based on the clarification, PP shall obtain NOC from Delhi's Ridge Management Board (if applicable).
1.2	PP shall comply with the budget of the Environment Management Plan for construction phase (Capital Cost = Rs. 55.50 Lakhs, Recurring Cost = 8.0 Lakhs/Yr.) and Operation Phase (Capital Cost = Rs. 200.00 Lakhs, Recurring Cost = 26.9 Lakhs/Yr.).
1.3	A mechanical sweeper shall be deployed by PP to mitigate the road dust pollution all along from main road to the project site and water sprinkler and mist cannon/sprayer shall be fixed on this road.
1.4	No construction activity or storage of material shall be allowed outside the project boundary. PP shall not conduct any construction activity at night and transportation of material shall not be done during peak working hour/school timings. Further, no vehicles related to the project shall be kept outside the project area.
1.5	Tyre washing facilities shall be installed at entry and exit gates and tyres of each vehicle shall be washed prior to leaving the project site.
1.6	All internal roads in the project area shall be constructed/paved prior to actual construction of the planned building to avoid any re-entrainment of dust from vehicles on unpaved road.
1.7	PP should make provisions for dual plumbing so that the treated wastewater could be used to

S. No	EC Conditions
	compensate against the freshwater requirements for non-potable uses.
1.8	PP shall be responsible for establishment, operation and maintenance of all common facilities like STP, OWC, Green belt development, Solar, Rainwater Harvesting, and other such amenities provided within the project site for a period of 5 years after handed over to the <i>bona fide</i> Residential Welfare Association or any other such association and also for compliance of EC conditions during operation stage. Responsibility of comply EC conditions shall be with Project Proponent only till the EC is transferred to Residents Welfare Association/Society/Committee. Agreement between Project Proponent and <i>bona fide</i> Residents Welfare Association/Society/Committee during handover of assets/infrastructure shall clearly mentioned the responsibility of complying EC Condition
1.9	CAQM Guidelines should be strictly adhered to and all construction activity should be stopped at the site during the GRAP IV period as per the directions issued by Authorities.
1.10	PP shall construct 10 m barricading all along the site and fixed water Sprinklers should be installed at these barricading to suppress the dust.
1.11	PP should construct 2 water fountains in the green area to suppress the dust emissions during the operation phase.
1.12	The freshwater requirement shall not exceed 57 KLD during operational phase.
1.13	As proposed, wastewater shall be treated onsite in STP of 110 KLD capacity.
1.14	The project proponents would commission a third-party study on the implementation of conditions related to quality and quantity of recycle and reuse of treated water, efficiency of treatment systems, quality of treated water being supplied for flushing (specially the bacterial counts), comparative bacteriological studies from toilet seats using recycled treated waters and fresh waters for flushing, and quality of water being supplied through spray faucets attached to toilet seats.
1.15	Area for greenery shall be provided as per the details provided in the project document i.e., area under plantation/greenery will be 2094.84 sq. m out of net plot area of 5353.61 sq. m, i.e. equivalent to 39.13 %. The landscape planning should include plantation of 67 numbers of native tree species as proposed. A minimum of 01 tree for every 80 sq. m of total land area of the project should be maintained taking the existing trees into account. Species with heavy foliage, broad leaves and wide canopy cover may be preferred. Invasive species should not be used for landscaping.
1.16	The PP shall comply with all the provisions of The Delhi Preservation of Trees Act, 1994, if applicable.
1.17	Project Proponent shall strive to enhance the Green Belt beyond 39.13% and that the trees planted in this regard would be planted under the campaign "एक पेड़ माँ के नाम" and the details of the trees planted would be uploaded on the portal https://merilife.nic.in .
1.18	The local bye-law provisions on rainwater harvesting should be followed. If local bylaws provision is not available, adequate provision for storage and recharge should be followed as per the Ministry

S. No	EC Conditions
	of Housing and Urban Affairs (erstwhile Ministry of Urban Development), Model Building Byelaws, 2016. As proposed, 4 Rainwater recharge pits for rooftop runoff shall be provided by PP for rainwater harvesting after filtration.
1.19	The solid waste shall be duly segregated into biodegradable and non-biodegradable components and handled in separate areas earmarked for segregation of solid waste, as per SWM Rules, 2016.
1.20	As committed, biodegradable waste shall be utilized through the OWC to be installed within the site. Inert waste shall be disposed of as per norms at the authorized site.
1.21	The recyclable waste shall be sold to authorized vendors/recyclers.
1.22	Construction & Demolition (C&D) waste shall be segregated and managed as per C&D Waste Management Rules, 2016.
1.23	Proponent shall ensure the installation of solar lights and LEDs to meet 20 % of the total power requirement.
1.24	As committed 290 ECS are to be provided and out of which 30% should be for electric vehicle along with charging points are to be provided.
1.25	The Environmental Clearance to the project is primarily under provisions of EIA Notification, 2006. The Project Proponent is under obligation to obtain approvals/clearances under any other Acts/Regulations or Statutes as applicable to the project.
1.26	Project proponent shall essentially comply with all parking norms and standards as applicable.
1.27	Proponent shall ensure that requirements of accessibility particularly universal accessibility and more particularly pedestrian requirements are provided. Street and road section should have mandatory provision of cross section elements and footpath so as to minimise the shift of walk mode to vehicular mode to have least impact on energy and environment.
1.28	The project proponent shall ensure that there more than one entry / exit from different directions however it should be checked that it does not create road safety hazard.

Standard EC Conditions for (Building / Construction)

1. Statutory Compliance

S. No	EC Conditions
1.1	The project proponent shall obtain all necessary clearance/ permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
1.2	The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of firefighting equipment etc. as per National Building Code including

S. No	EC Conditions
	protection measures from lightening etc.
1.3	The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1980, in case of the diversion of forest land for non-forest purpose involved in the project.
1.4	The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
1.5	The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.
1.6	The project proponent shall obtain the necessary permission for drawl of ground water / surface water required for the project from the competent authority.
1.7	A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
1.8	All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable, by project proponents from the respective competent authorities.
1.9	The provisions of the Solid Waste Management Rules, 2016, e-Waste (Management) Rules, 2016, and the Plastics Waste Management Rules, 2016, shall be followed.
1.10	The project proponent shall follow the ECBC/ECBC-R prescribed by Bureau of Energy Efficiency, Ministry of Power strictly.

2. Air Quality Monitoring And Preservation

S. No	EC Conditions
2.1	Notification GSR 94(E) dated 25.01.2018 of MoEF&CC regarding Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance shall be complied with.
2.2	A management plan shall be drawn up and implemented to contain the current exceedance in ambient air quality at the site.
2.3	The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g. PM10 and PM2.5) covering upwind and downwind directions during the construction period.
2.4	Diesel power generating sets proposed as source of backup power should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided with in consultation with State Pollution Control Board.
2.5	Construction site shall be adequately barricaded before the construction begins. Dust, smoke &

S. No	EC Conditions
	other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3-meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.
2.6	Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.
2.7	Wet jet shall be provided for grinding and stone cutting.
2.8	Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
2.9	All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Management Rules 2016.
2.10	The diesel generator sets to be used during construction phase shall be low sulphur diesel type and shall conform to Environmental (Protection) prescribed for air and noise emission standards.
2.11	The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.
2.12	For indoor air quality the ventilation provisions as per National Building Code of India.

3. Water Quality Monitoring And Preservation

S. No	EC Conditions
3.1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site, on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
3.2	Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
3.3	Total fresh water use shall not exceed the proposed requirement as provided in the project details.
3.4	The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
3.5	A certificate shall be obtained from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water already committed, the quantity of water allotted to the project under consideration and the balance water available. This should be

S. No	EC Conditions
	specified separately for ground water and surface water sources, ensuring that there is no impact on other users.
3.6	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
3.7	Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling, conditioning etc. shall be done.
3.8	Use of water saving devices/fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the building plan.
3.9	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
3.10	Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
3.11	The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Byelaws, 2016. Rain water harvesting recharge pits/storage tanks shall be provided for ground water recharging as per the CGWB norms.
3.12	A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.
3.13	All recharge should be limited to shallow aquifer.
3.14	No ground water shall be used during construction phase of the project.
3.15	Any ground water dewatering should be properly managed and shall conform to the approvals and the guidelines of the CGWA in the matter. Formal approval shall be taken from the CGWA for any ground water abstraction or dewatering.
3.16	The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
3.17	Sewage shall be treated in the STP with tertiary treatment. The treated effluent from STP shall be recycled/re-used for flushing, AC make up water and gardening. As proposed, no treated water shall be disposed in to municipal drain.
3.18	No sewage or untreated effluent water would be discharged through storm water drains.

S. No	EC Conditions
3.19	Onsite sewage treatment of capacity of treating 100% waste water to be installed. The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per statutory norms notified by Ministry of Environment, Forest and Climate Change. Natural treatment systems shall be promoted.
3.20	Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.
3.21	Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.

4. Noise Monitoring And Prevention

S. No	EC Conditions
4.1	Ambient noise levels shall conform to residential area/commercial area/industrial area/silence zone both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be closely monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB / SPCB.
4.2	Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
4.3	Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.

5. Energy Conservation Measures

S. No	EC Conditions
5.1	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
5.2	Outdoor and common area lighting shall be LED.
5.3	Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
5.4	Energy conservation measures like installation of CFLs/ LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning.

S. No	EC Conditions
5.5	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
5.6	Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.

6. Waste Management

S. No	EC Conditions
6.1	A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project shall be obtained.
6.2	Disposal of muck during construction phase shall not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
6.3	Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials.
6.4	Organic waste compost/Vermiculture pit/Organic Waste Converter within the premises with a minimum capacity of 0.3 kg /person/day must be installed.
6.5	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
6.6	Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
6.7	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include Fly Ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.
6.8	Fly ash should be used as building material in the construction as per the provision of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 25th January, 2016. Ready mixed concrete must be used in building construction.
6.9	Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Waste Management Rules, 2016.
6.10	Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination.

7. Green Cover

S. No	EC Conditions
7.1	No tree can be felled/transplant unless exigencies demand. Where absolutely necessary, tree felling shall be with prior permission from the concerned regulatory authority. Old trees should be retained based on girth and age regulations as may be prescribed by the Forest Department. Plantations to be ensured species (cut) to species (planted).
7.2	A minimum of 1 tree for every 80 sqm of land should be planted and maintained. The existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping.
7.3	Where the trees need to be cut with prior permission from the concerned local Authority, compensatory plantation in the ratio of 1:10 (i.e. planting of 10 trees for every 1 tree that is cut) shall be done and maintained. Plantations to be ensured species (cut) to species (planted). Area for green belt development shall be provided as per the details provided in the project document.
7.4	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.

8. Transport

S. No	EC Conditions
8.1	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. a. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. b. Traffic calming measures. c. Proper design of entry and exit points. d. Parking norms as per local regulation.
8.2	Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards be operated only during non-peak hours.

9.

S. No	EC Conditions
9.1	A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of the roads within a 05 kms radius of the project is maintained and improved upon after the implementation of the project. This plan should be based on cumulative impact of all development and increased habitation being carried out or proposed to be carried out by the project or other agencies in this 05 Kms radius of the site in different scenarios of space and time and the traffic management plan shall be duly validated and certified by the State Urban Development department and the P.W.D./ competent authority for road augmentation and shall also have their consent to the implementation of components of the plan which involve the participation of these departments.

10. Human Health Issues

S. No	EC Conditions
10.1	All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
10.2	For indoor air quality the ventilation provisions as per National Building Code of India.
10.3	Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
10.4	Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
10.5	Occupational health surveillance of the workers shall be done on a regular basis.
10.6	A First Aid Room shall be provided in the project both during construction and operations of the project.

11. Miscellaneous

S. No	EC Conditions
11.1	The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed.
11.2	ii. environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
11.3	The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
11.4	The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.
11.5	The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental/forest/wildlife norms/conditions. The company shall have defined system of reporting infringements/deviation/violation of the environmental/forest/wildlife norms/conditions and/or shareholders/stake holders. The copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of six-monthly report.

S. No	EC Conditions
11.6	A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly report to the head of the organization.
11.7	Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report
11.8	The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
11.9	The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
11.10	The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
11.11	The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report and also that during their presentation to the Expert Appraisal Committee.
11.12	No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forest and Climate Change (MoEF&CC).
11.13	Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
11.14	The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
11.15	The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
11.16	The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
11.17	The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.
11.18	Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

