

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO. 391 OF 2023

IN THE MATTER OF :

JAI PRAKASH BADONI

... APPLICANT

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

INDEX

S. No.	Particulars	Page No.
1.	COUNTER AFFIDAVIT	1-4
2.	<u>ANNEXURE-I:</u> GUIDELINES FOR SEEKING RECOMMENDATION OF STANDING COMMITTEE OF NATIONAL BOARD OF WILD LIFE DATED 21.07.2022.	5-10
3.	<u>ANNEXURE-II:</u> NOTIFICATION ISSUED BY MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE DATED 27.04.2022.	11-13
4.	<u>ANNEXURE-III:</u> OFFICE MEMORANDUM ISSUED BY MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE DIVISION DATED 27.04.2022.	14-15
5.	BRIEF TRANSMISSION FORM (BTF)	16

6. PROOF OF SERVICE

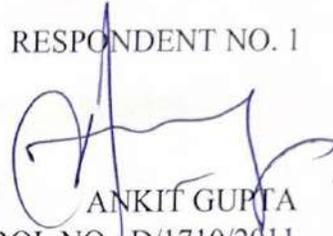
17

PLACE : NEW DELHI

DATED : 14.07.2023

Through

RESPONDENT NO. 1



ANKIT GUPTA
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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
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**Counter Affidavit on Behalf of the Respondent No.1 Union of India, Ministry
of Environment, Forest and Climate Change, New Delhi.**

MOST RESPECTFULLY SHOWETH:



1

I, Dr Sudheer Chintalapati, aged about 38 years, working as Scientist 'E', in Ministry of Environment, Forest and Climate Change, New Delhi (hereinafter 'Ministry') do hereby solemnly affirm and State as under:

1. That I am duly authorized to swear this affidavit and as such I am conversant with the facts of the present case and competent to swear the present affidavit.
2. That I have read and understood the contents of the accompanying reply and state that the same has been drafted under my instructions based on the official records.

STATEMENT OF FACTS:

3. It is humbly submitted that the present petition has been filed with a prayer to set aside the exemption for wild life clearance dated 19.09.22 issued by MoEF&CC with respect to the subject project.

REPLY TO FACTS OF THE CASE:

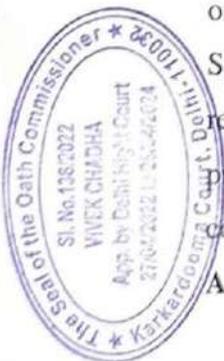
It is submitted that, the Ministry issued guidelines for seeking recommendations of Standing Committee of National Board for Wild life (SCNBWL) dated 21.07.22 wherein para 1.6 reads as "Notifications of Eco Sensitive Zones (ESZ) specify the activities which are prohibited, regulated and promoted in the ESZ. Proposals for prohibited activities should not be forwarded for consideration of the SCNBWL. For taking up any activity



(2)

within the ESZ, if notified, or within 10 km Zone of the boundary of the National Park/ Wild Life sanctuaries (if ESZ has not been notified), prior approval of NBWL/SCNBWL shall be required if the activity/ project is listed in the Schedule of the EIA Notification 2006 as amended from time to time.” (ANNEXURE I).

5. It is submitted that the Ministry conveyed the non-requirement of recommendations of the Standing Committee of the National Board for Wild Life since the construction/operation of aerial ropeways does not require prior environmental clearance (EC) as per notification dated 27.04.22 and as the project is proposed to be located in the default ESZ of the Rajaji National Park.
6. It is submitted that, the Ministry was in receipt of representation from Ministry of Road Transport and Highways stating that ropeways are an important component of the transport network of the country as it can be used to provide last mile connectivity as well as mobility in hilly areas and the requirement of EC for these projects came only in 2006 and before that these projects were excluded from the requirement of EC.
7. It is submitted that the matter was referred to the Expert Appraisal Committee of Infrastructure Sector in the Ministry for deliberations. Based on the recommendations of the committee, the Ministry vide Notification No S.O 1953(E) dated 27th April 2022 exempted Aerial Ropeways from the requirement of prior EC under the provisions of EIA Notification 2006, provided that certain environmental safeguards shall be followed while construction and operation of Aerial Ropeways. (ANNEXURE II and ANNEXURE III).



8. In light of the foregoing submissions, it is respectfully prayed that this Honourable Tribunal may be pleased to issue such orders, directives, or relief as it may deem appropriate and just under the circumstances of the present case.

Sudheer
DEPONENT
(डा. सुधीर चिन्तापति)
(Dr. SUDHEER CHINTALPATI)
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

[Signature]
I identify the Deponent who has signed this
Thumb impression in my presence

VERIFICATION

14 JUL 2023

Verified at New Delhi on this -- day of -----, 2023 that the contents of the above affidavit are true and correct to my knowledge based on the records no part of it is false and nothing material has been concealed there-from.



22/23

Sudheer
DEPONENT
(डा. सुधीर चिन्तापति)
(Dr. SUDHEER CHINTALPATI)
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

CERTIFIED THAT THE DEPONENTS
Shri/Smt./M. *Sudheer Chintalpati*
S/o. W/o. D/o. *Rao Chintalpati*
R/o.
Identified by *Ankit Gupta*
14 JUL 2023
OK
that the contents of the affidavit which have
been read Over & explained to him/her are true and
correct to his/her knowledge
[Signature]
Oath Commissioner KKD Court, Delhi

F. No. 6-30/2019-WL
Government of India
Ministry of Environment, Forest and Climate Change
(Wildlife Division)

3rd Floor, Jal Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi 110003.

21st July, 2022

- To
1. The Principal Secretary (Forests)
All States/UTs
 2. The Chief Wild Life warden
All States/UTs
 3. The PCCF, All States/UTs

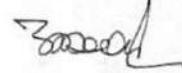
Sub: Revised guidelines for seeking recommendations of Standing Committee of National Board for Wild Life for activities in protected areas - reg.

Sir/Madam,

In pursuance to this Ministry's earlier letter of even number dated 06.05.2022, I have been directed to enclose herewith **revised guidelines** for seeking recommendations of Standing Committee of National Board for Wild Life for ready reference.

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

Yours faithfully,



(Dr. Rajendra Kumar)
Scientist 'C'

Email: kumar.rajendra@gov.in

Encl: as above

Copy to:

1. PPS to DFG&SS, MoEF&CC
2. PPS to ADG(WL), MoEF&CC
3. PPS to IGF(WL)/IGF(PE)/IGF(NTCA), MoEF&CC
4. PS to DIG(WL)/DIG(FC), MoEF&CC
5. Guard File

GUIDELINES FOR SEEKING RECOMMENDATIONS OF STANDING COMMITTEE OF NATIONAL BOARD FOR WILD LIFE

Areas of ecological, faunal, floral, geomorphological, natural or zoological significance and reserve forests are notified as Sanctuaries and National Parks for the purpose of protecting, propagating or developing wildlife or its environment. Such areas are extremely important for conservation of biodiversity and ensuring the survival of its floral and faunal components. Activities involving use or diversion of any part of a notified protected area should therefore be permitted only after taking into account the likely impact of the activity on the protected area.

The Ministry has issued clarifications/guidelines from time to time for submission of proposals for consideration of the National Board for Wild Life (NBWL)/Standing Committee of the National Board for Wild Life (SCNBWL). These guidelines are being issued in supersession of the earlier guidelines.

1.	ACTIVITIES INSIDE PROTECTED AREAS
	Consideration and recommendation of NBWL/SCNBWL is required in the following cases:
1.1	WILDLIFE SANCTUARIES:
	In view of the provisions of section 29 of the Wild Life (Protection) Act, 1972 (WLPA), consultation with the State Board for Wild Life (SBWL) is required before permitting any activity mentioned in this section within a sanctuary. In view of the directions dated 9 th May 2002 of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 337/1995 and order dated 5.10.2015 in W.P. (C) No. 202/1995, all such proposals also require recommendation of the SCNBWL.
1.2	NATIONAL PARKS:
	Section 35 (6) of WLPA mandates consultation with the NBWL for undertaking any activity mentioned therein within a National Park.
1.3	OTHER PROVISIONS:
	Section 33 (a) of the WLPA provides for prior approval of the National Board for construction of commercial tourist lodges, hotels, zoos and safari parks inside a sanctuary. This proviso is also applicable to National Parks as per Section 35 (8) of the WLPA.
1.4	ACTIVITIES WITHIN TIGER RESERVES AND LINKING AREAS:

2022/09-1

	The Protected Areas constituting a Tiger Reserve attract all the provisions applicable for National Parks or Sanctuaries. In addition, as per section 38-O (1) (g) of the Act, approval of NBWL and advice of the National Tiger Conservation Authority (NTCA) are required for activities within tiger reserves and in areas linking one Protected Area or tiger reserve with another Protected Area or tiger reserve for ecologically unsustainable uses, except in public interest.
1.5	ALTERATION OF BOUNDARIES:
	In view of sections 26A (3) and 35 (5) of WLPA, no alteration of the boundaries of a Sanctuary/National Park by the State Government can be made except on a recommendation of the NBWL/SCNBWL. Further, in view of section 38 W of the WLPA, no alteration in the boundaries of a Tiger Reserve can be made except on a recommendation of the NTCA and the approval of the NBWL.
1.6	ACTIVITIES INSIDE ECO-SENSITIVE ZONES:
	Notifications of Eco-Sensitive Zones (ESZ) specify the activities which are prohibited, regulated and promoted in the ESZ. Proposals for prohibited activities should not be forwarded for consideration of the SCNBWL. For taking up any activity within an ESZ, if notified, or within 10 km zone of the boundary of National Parks/Wildlife Sanctuaries (if ESZ has not been notified), prior approval of the NBWL/SCNBWL shall be required if the activity/project is listed in the schedule of the EIA Notification 2006 as amended from time to time.
1.7	ACTIVITIES REFERRED BY OTHER AGENCIES:
	There may be cases where chairperson of NBWL/SCNBWL or Hon'ble Supreme Court of India or any other statutory agency may desire examination of a proposal by the NBWL/SCNBWL. Such cases may be submitted by the State Government/UT Administration for consideration of NBWL/SCNBWL along with the recommendations of the SBWL.
2.	PROCEDURE TO BE FOLLOWED FOR CONSIDERATION OF PROPOSALS BY THE STANDING COMMITTEE OF NATIONAL BOARD FOR WILDLIFE:

	<p>i. The User Agency shall submit the proposal online on the PARIVESH portal of the Ministry. A User Manual for online submission and monitoring of Environmental, Forest and Wild Life Clearance is available at https://parivesh.nic.in. No proposal submitted for consideration of the SCNBWL in physical form shall be entertained by the Ministry.</p> <p>ii. The user agency can also track the movement of the proposal through different stages of processing through the online clearance system.</p> <p>iii. The roles of various agencies involved in the process and actions required to be taken are provided in the manual. In case of difficulty, the details of concerned to be contacted have also been provided.</p>	
3.	TIME LINES TO BE FOLLOWED BY VARIOUS AGENCIES INVOLVED IN PROCESSING THE PROPOSALS:	
	Following time lines will be adhered by all the officials responsible for the activities indicated	
1	DFO/Wild Life Warden	<p>i. Initial scrutiny in 5 days of receipt of the proposal</p> <p>ii. 15 days after receipt of complete proposal for site inspection, consultation with Conservator of Forests/Chief Conservator of Forests/Addl. Principal Chief Conservator of Forests and forwarding to the Chief Wild Life Warden</p>
2	Chief Wild Life Warden	15 days from receipt of proposal for scrutiny and recommendation to the State Government for placing before the State Board for Wild Life.
3	Consultation with State Board for Wild Life and recommendation of State Government	The activity involves decision of the State Government, consultation with State Board for Wild Life and thereafter, recommendation of State Government to Ministry of Environment, Forest and Climate Change enclosing the copy of the minutes of the State Board for Wild Life. Therefore, this stage may take up to 45 days (one and half months) , as the State Board for Wild Life is chaired by Hon'ble Chief Minister.
4	Ministry of Environment, Forest and Climate Change	i. Initial scrutiny in 10 days of receipt of the proposal
5	Consultation with Standing Committee of National Board for Wild Life	ii. In the upcoming Meetings of Standing Committee of National Board for Wild Life which are ordinarily convened once in 3 months .

1019/2022/C-4

210

4.	PROPOSALS FOR SURVEY WORK TO BE CARRIED OUT INSIDE NATIONAL PARKS AND WILDLIFE SANCTUARIES:
	<p>State Governments/Union Territory Administrations may consider prescribing rules under section 28 of the WLPAs regarding safeguards to be followed while entering Protected Areas for survey/ investigation. In view of section 35(8) of the Act, the provisions of section 28 apply in relation to a National Park as they apply in relation to a sanctuary.</p> <p>It may be noted that when invasive activities (such as destruction, exploitation, removal etc from PA) are involved, the permit for survey and investigation can be issued only after consideration by the SCNBWL. In case survey work and/or Environment Impact Assessment (EIA) studies are to be taken up in areas involving a Protected Area, and are covered under section 29 or 35(6) of WLPAs, then also the entire procedure, as prescribed in paragraph 2 above needs to be followed.</p>
5.	MANDATORY SUBMISSION OF ANIMAL PASSAGE PLANS:
	<p>A guidance document, namely, 'Eco-friendly Measures to Mitigate Impacts of Linear Infrastructure on Wild Life' has been prepared by the Ministry. The document prescribes measures, both structural and non-structural, to be adopted while designing linear infrastructure projects through wildlife habitats. Whenever a linear infrastructure project is planned through a wildlife habitat, an animal passage plan shall be prepared by the user agency in consultation with the Chief Wild Life Warden for submission along with the project proposal.</p>
6.	COST OF MITIGATION MEASURES:
	<p>Measures to mitigate impacts of projects in protected areas and eco-sensitive zones should be part of project proposals. Instead of imposing a fixed cost, mitigation measures and costs associated with such measures should be prescribed while recommending project proposals.</p>
7.	MANAGEMENT PLANS FOR AREAS UNDER TRANSMISSION LINES:
	<p>Proposals for transmission lines shall be accompanied with a management plan for the area below the transmission line. The management plan should prescribe the species to be planted and maintained below the transmission line, periodicity of maintenance etc.</p>
8.	BIO-DIVERSITY IMPACT ASSESSMENT REPORT:
	<p>Proposals for use of an area exceeding 50 ha within a sanctuary/national park shall be accompanied with a bio-diversity impact assessment study report prepared by an agency accredited by the Government of India.</p>
9.	MINING PROPOSALS:
	<p>In view of the direction of the Hon'ble Supreme Court of India in its order dated 04.08.2006 in I.A. 1000 in W.P. 202/95, no proposal for mining in a</p>

12/2022/CS-1

	sanctuary/National Park or within one km from the boundary of a sanctuary/ National Park should be forwarded to the Ministry for consideration of the SCNBWL.
10.	USE OF INNOVATIVE TECHNOLOGY IN MITIGATION OF IMPACTS:
	State/UT Governments shall endeavor to encourage user agencies to use innovative technologies and modern scientific tools while prescribing mitigation measures and monitoring the impact of developmental activities on wildlife habitats.





भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-27042022-235392
CG-DL-E-27042022-235392

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1860]
No. 1860]

नई दिल्ली, बुधवार, अप्रैल 27, 2022/वैशाख 7, 1944
NEW DELHI, WEDNESDAY, APRIL 27, 2022/VAISAKHA 7, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 1953(अ).— भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 जिसे इसकी अनुसूची (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) के अंतर्गत आने वाली परियोजनाओं जिनमें अनुसूची की मद सं. 7(छ) के अंतर्गत आने वाले आकाशी रज्जू मार्ग भी हैं, के लिए पूर्व पर्यावरणीय अनापत्ति (ईसी) की अपेक्षा के संबंध में भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में प्रकाशित की गई थी;

और मंत्रालय को सड़क परिवहन और राजमार्ग मंत्रालय से अभ्यावेदन प्राप्त हुआ है जिसमें यह कथन किया गया है कि रज्जू मार्ग देश के परिवहन नेटवर्क का महत्वपूर्ण घटक हैं चूंकि पहाड़ी क्षेत्रों में इसका प्रयोग अन्तिम मील संयोजकता और साथ ही गतिशीलता प्रदान करने के लिए किया जा सकता है और इससे पहले इन परियोजनाओं को पर्यावरण अनापत्ति की आवश्यकता केवल वर्ष 2006 में उत्पन्न हुई थी और इससे पहले ये परियोजनाएं पर्यावरण अनापत्ति की अपेक्षा से अपवर्जित की गई थीं। इसके अतिरिक्त, मंत्रालय से अनुरोध किया गया था कि वह उक्त अधिसूचना का पुनर्विलोकन करें और पूर्व पर्यावरण अनापत्ति (ईसी) की अपेक्षा करने वाली परियोजनाओं से रज्जू मार्गों को अपवर्जित करे;

और लोक उपयोगी रज्जू मार्गों को पत्र एफ.सं. 5-2/2017-एफसी तारीख 05.08.2019 के अनुसार कतिपय शर्तों के अधीन रहते हुए वन (संरक्षण) अधिनियम, 1980 (1980 का 69) की परिधि से अपवर्जित कर दिया गया है;

और मामला, विचारविमर्श के लिए इस मंत्रालय में अवसंरचना विशेषज्ञ मूल्यांकन समिति को निर्दिष्ट किया गया था। व्यापक विचारविमर्श के पश्चात्, उक्त विशेषज्ञ समिति ने यह सिफारिश की है कि आकाशीय रज्जू मार्ग पहाड़ी क्षेत्रों में परिवहन का पर्यावरण अनुकूल पद्धति है जिसमें सड़कों या राजमार्गों की तुलना में पर्यावरण पर कम से कम समाघात हो और यह सिफारिश की थी कि आकाशीय रज्जूमार्गों परियोजनाओं को समय-समय पर अधिकथित कतिपय पर्यावरण सुरक्षोपायों के अधीन रहते हुए ईआईए अधिसूचना, 2006 की परिधि से अपवर्जित किया जाए;

और पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण समाघात निर्धारण अधिसूचना 2006 में संशोधन करने के लिए प्रारूप अधिसूचना का.आ.सं. 491 (अ) तारीख 2 फरवरी, 2022 द्वारा प्रकाशित की गई थी जिसमें ऐसे उन सभी व्यक्तियों से जिनकी उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना की राजपत्र की प्रतियां जनता को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त अधिसूचना की प्रतियां 7 फरवरी, 2022 को जनता को उपलब्ध करा दी गई थीं ;

और उपरोक्त पैरा 5 में उल्लिखित प्रारूप अधिसूचना के उत्तर में प्राप्त सभी आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा सम्यक रूप से विचार कर लिया गया है;

अतः अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित 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 उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात्:--

उक्त अधिसूचना की अनुसूची में, शीर्ष "पर्यावरण सेवाएं सहित भौतिक अवसंरचना" के अधीन मद 7(छ) और उससे संबंधित प्रविष्टियों का लोप किया जाएगा।

[फा.सं. आईए-3-22/17/2021-आईए. III]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 में प्रकाशित की गई थी और उसमें अधिसूचना संख्या का.आ. 1886(अ), तारीख 20 अप्रैल, 2022 द्वारा अंतिम बार संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 27th April, 2022

S.O. 1953(E).—Whereas the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14th September, 2006 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), regarding requirement of prior Environmental Clearance (EC) for the projects covered in its Schedule (hereinafter referred to as the said notification) including aerial ropeways which are covered under item 7(g) of the Schedule;

And whereas, the Ministry is in receipt of representation from Ministry of Road Transport and Highways stating that ropeways are an important component of the transport network of the country as it can be used to provide last mile connectivity as well as mobility in hilly areas and the requirement of environmental clearance for these projects came only in 2006 and before that these projects were excluded from the requirement of Environmental Clearance. Further, the Ministry was requested to review the said notification and to exclude ropeways from the projects requiring prior Environmental Clearance (EC);

And whereas, Public utility ropeways have been excluded from the ambit of the Forest (Conservation) Act, 1980 (69 of 1980) subject to certain conditions as per letter F. No. 5-2/2017-FC dated 05.08.2019;

And whereas, the matter was referred to the Expert Appraisal Committee of Infrastructure sector in this Ministry for deliberation. After detailed deliberation, the said Expert Committee recommended that aerial ropeway is an environment friendly mode of transport in hilly areas with least impact on environment compared to Roads or Highways and recommended that aerial ropeway projects may be excluded from the ambit of EIA Notification, 2006 subject to certain environmental safeguards laid down from time to time.

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 in exercise of the powers conferred under 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 was published, *vide* number S.O. 491(E) dated the 2nd February 2022, 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 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 7th February, 2022;

And whereas, all objections and suggestions received in response to the draft notification mentioned in para 5 above 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 clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendment in the said notification, namely,-

In the Schedule to the said notification, under heading, "Physical Infrastructure including Environmental Services", Item 7(g) and the entries relating thereto shall be omitted.

[F. No. IA3-22/17/2021-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, 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 last amended *vide* the notification number S.O. 1886(E), dated the 20th April, 2022.



F.No.22-17/2021-IA.III(Pt.)
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan
3rd Floor, Vayu Wing, Jor Bagh Road
Ali Ganj, New Delhi-3

27th April, 2022

OFFICE MEMORANDUM

Sub: Environmental safeguards to be followed while construction and operation of Aerial Ropeways-regarding.

It is to inform that, the Ministry vide Notification No. S.O. 1953 (E) dated 27th April 2022, has exempted Aerial Ropeways from the requirement of prior Environment Clearance (EC) under the provisions of EIA Notification, 2006, subject to certain environmental safeguards.

2. Further, the exemption of Aerial Ropeway from prior EC does not exempt it from approvals/consents/permissions etc., required to be obtained under any other Act/Rule/Regulation/Bye-laws/Notification etc.

3. The matter was referred to the Expert Appraisal Committee of Infrastructure sector in the Ministry for deliberation and based on the recommendation of the committee, the Ministry hereby directs that the following environmental safeguards shall be followed while construction and operation of Aerial Ropeways:

- i. All statutory compliance/clearances should be obtained and all necessary acts/rules are to be obeyed.
- ii. Disaster Management Plan as per the Disaster Management Act may be got approved from Competent Authority.
- iii. Plantation shall be taken up in accordance to State laws, if required, preferably with heavy foliage, broad leaves and wide canopy.
- iv. Appropriate Air Pollution Control (APC) system (both during the construction/operation) shall be provided for all the dust generating points inter-alia including loading, unloading, transfer points, fugitive dust from all vulnerable sources, so as to comply prescribed standards.
- v. Diesel power generating sets, if any, 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. Low sulphur diesel may be used. The location of the DG sets may be decided in consultation with State Pollution Control Board.
- vi. Base line Noise level survey shall be carried out prior to start of construction as per the prescribed guidelines. The ambient noise levels should conform to

DATE: 20/02/2014

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- the standards prescribed under Noise Pollution (Regulation and Control) Rules, 2000.
- vii. No wastewater shall be discharged in open. Appropriate Water Pollution Control system shall be provided for the treatment of waste water.
 - viii. Energy conservation measures should be integral part of the project design and should be in place before project commissioning.
 - ix. Solar energy to the extent possible may be used in the project i.e., at upper terminal and lower terminal to reduce the carbon footprint.
 - x. Adequate parking shall be constructed at upper terminal and lower terminal. Project Proponent shall ensure smooth traffic management and minimum waiting time. A detailed traffic management and a traffic decongestion plan should be drawn up around the project and implemented to the satisfaction of the State Urban Development / Transport Departments
 - xi. 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 shareholder's/stake holders.
 - xii. Self-environmental audit shall be conducted annually. Every three years third party environmental audit shall be carried out.
4. This is issued with the approval of the Competent Authority.


(A K Agrawal)
Director

To

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

Copy for information

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

15

Government of India
Ministry of Environment, Forest and Climate Change
Legal Monitoring Cell

Date: 10/07/2023

Subject: Engagement of Panel Counsel

Respected Sir,

Shri Ankit Gupta (9891803682, 8510003682 &
vakilankitgupta@gmail.com/whiterosetravels@gmail.com)

You are engaged to appear and conduct the case mentioned below for all purposes on behalf of this Ministry till the disposal of the case or expiry of your term of engagement or until further orders, whichever is earlier.

2. Details of the case are as follows:-

Court: NGT (PB), New Delhi

Case No.: OA No. 391/2023

Title of the Case: Jay Prakash Badoni Vs. UOI & Ors.

Concerned Division of the Ministry: WL

Name and contact of the Divisional Head: DIGF (RT) & 011-20819237

Email ID: digwl-mefcc@gov.in

Name and contact of the dealing Associate (Legal): Ms. Sabina Shahid

Ph. No. 9873179784

Email ID: shahidsabina38@gmail.com

Next Date of hearing:

3. This engagement is subject to the following conditions:-

- i. The engagement is governed by O.M. No. 17(21)/2020-PL/NGT Dated 22.08.2022, 02.03.2023 and O.M. No. 17(21)/2017-PL/NGT on dated 01.12.2017, 07/02/2019 and 04/05/2020, Policy and Law Division, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, New Delhi read with relevant circulars/instructions issued by this Ministry from time to time.
- ii. In case you are unable to attend the case for some reason, sufficient advance intimation should be given to the concerned Division.
- iii. To return the brief on expiry of your term/disposal of the case to the Ministry of Environment, Forest and Climate Change, or till further orders.
- iv. To intimate the Ministry the progress of the case regularly including obtaining and forwarding certified copy of the Order/Judgement to the concerned Division whenever necessary.
- v. To appear on behalf of this Ministry in person, and not through a junior counsel in the matters marked to you.
- vi. The engagement is acknowledged.

Anita Anu Rana
(Legal Monitoring Cell)
MoEF&CC, New Delhi
विविध निगरानी प्रकाश
Legal Monitoring Cell
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

7/14/23, 1:37 PM

Gmail - advance copy of counter affidavit along with annexures and BTF



PROOF OF SERVICE

White Legal Solutions <vakilankitgupta@gmail.com>

advance copy of counter affidavit along with annexures and BTF

1 message

White Legal Solutions <vakilankitgupta@gmail.com>

Fri, Jul 14, 2023 at 1:37 PM

To: "advocateakankshasisodia@gmail.com" <advocateakankshasisodia@gmail.com>

DEAR ADVOCATE AKANKSHA SISODIA

PLEASE FIND ATTACHED THE COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 I.E. MINISTRY OF ENVIRONMENT ALONG WITH ANNEXURES AND BTF IN THE MATTER OA NO. 391/2023 "Jay Prakash Badoni Applicant Versus Union of India & Ors.

THE NEXT DATE OF HEARING IN THE MATTER IS 18/07/2023.

HOPE THE SAME TO BE IN ORDER. AN ACKNOWLEDGEMENT OF THIS EMAIL IS HIGHLY APPRECIATED.

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Thanks and regards:-

ANKIT GUPTA (Advocate)

Scholar Ph. D, LLM, LLB(hons.), DCL, CAL (U.S.A.)

Mobile: 9891803682

Office: 4, First Floor, Priya Enclave, Delhi - 110092

www.advocateankitgupta.com**COUNTER AFFIDAVIT OF RESPONDENT NO. 1.pdf**
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17