

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT

WESTERN ZONE, PUNE BENCH

IN

ORIGINAL APPLICATION NO. 41 of 2023

IN THE MATTER OF:-

ArunNathuram Gaikwad

.APPELLANT(s)

VERSUS

Secretary Environment Department Govt. of Maharashtra &Ors.

...RESPONDENT(s)

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.5
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

MOST RESPECTFULLY SHOWETH:-

I, E.Thirunavukkarasu, S/o Shri M. Elangovan, aged about 54 years working as Scientist 'E' in the Regional Office of the Ministry of Environment, Forest and Climate Change (MoEF&CC) at Nagpur do hereby solemnly affirm and state as under:

1. That I, am authorised to swear this affidavit on behalf of the MoEF&CC.
2. It is humbly submitted that the instant case has been filed by the applicant regarding the project namely "Wadala Notified Area" as Township and Area



Development Project, which needs prior Environmental Clearance (EC) under clause 8 (b) of the Schedule to EIA Notification 2006 as it covers area exceeding 50 hectares. However, it is also alleged that the Wadala Notified Area is being executed without having mandatory EC.

3. It is humbly submitted that the Hon'ble Tribunal vide its order dated 11.04.2023 has impleaded the Ministry (as Respondent No.5) and SEIAA (as Respondent No.6) as a party. Further, the Hon'ble Tribunal also sought clarification from MoEF&CC and SEIAA as to whether the project falls in the definition of 'Township and Area Development Project' requiring prior EC or not?

4. In this regard, it is submitted that the answering respondent has issued an Environmental Impact Assessment (EIA) Notification number S.O. 1533 E dated 14th September, 2006. The EIA Notification, 2006 as amended regulates developmental projects in respect of construction of new projects/activities/expansion or modernization of existing projects in different parts of the country for grant of prior Environmental Clearance under sub section (3) of section 3 of the said Act, in accordance with the procedure specified in the notification. **Copy of the EIA Notification, 2006 is annexed as Annexure-R/1.**



5. That EIA Notification, 2006 as amended covers 38 projects/activities in its Schedule which inter alia includes different types of infrastructure projects viz. Airports, Ports, Highways, and Building & Construction Projects etc. as specified and classified in the schedule of the said notification. All such projects/activities shall require prior environmental clearance from the concerned regulatory authority, e.g., MoEF&CC in the Central Government for matters falling under Category 'A' in the Schedule and the State Environment Impact Assessment Authority (SEIAA) at State level for matters falling under Category 'B' in the said Schedule, before starting any construction work. Broadly following categories projects/activities are covered under the ambit of EIA Notification, 2006 as amended:

- a. All new projects or activities listed in the Schedule to this notification;
- b. 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;
- c. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

6. That under the provisions of the EIA Notification, 2006 as amended, 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 provides as follows;

“8(a): Building and Construction projects - >20000 sq. m and <150000 sq. m of built-up area require EC.

8(b): Townships and Area Development projects - Covering an area >50 ha. And or built up area >150000 sq. m – require EC.

That the aforementioned entries under item 8(a) and 8(b) are qualified as category ‘B’ projects under the EIA Notification, 2006 and requires appraisal by the State Level Expert Appraisal Committees (SEACs) and approved by the State Level Environment Impact Assessment Authorities (SEIAAs). Further, that as per the EIA Notification, 2006, in the absence of a duly constituted SEIAA/SEAC, a category ‘B’ project shall be considered at the Central Level as category ‘B’ project.

7. That the requirement of taking Environment Clearance for any building construction project is governed by the aforesaid provisions, stated in para above.

8. That the Answering Respondent has issued the Standard Operating Procedures (SoP) for identification and handling of violation cases under EIA Notification, 2006 vide its OM dated 07.07.2021. Further, the SOP deals with the process for identification and handling of cases of violation in the following



manner. The SoP for dealing with violation cases involves following three steps:

Step 1: Closure or Revision

Step 2: Action under Environment (Protection) Act, 1986

Step 3: Appraisal under EIA Notification, 2006

In addition, the above said OM has penalty provisions for violation cases and applications as follows:

a. For new projects:

i. Where operation has not commenced: 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Example: Rs. 1 lakh for project cost of Rs. 1 Cr]

ii. Where operations have commenced without EC: 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover during the period of violation. [Example: For Rs. 100 Cr project cost and Rs. 100 Cr total turnover, the penalty shall be Rs. 1 Cr +Rs. 0.25 Cr = Rs. 1.25 Cr]

b. For expansion projects

i. Where operation/production with expanded capacity has not commenced: 1% of the project cost, attributable to the expansion, incurred up to the date of filing application along with EIA/EMP report.



ii. Where operation/production with expanded capacity have commenced: 1% of the project cost (attributable to the expansion activity) incurred up to the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

That consequently action under Section 15 read with Section 19 of the Environment (Protection) Act, 1986 shall be initiated against the project proponent for running the unit in violation of the EIA Notification, 2006 as amended. Thereafter, the permissibility of the project shall be examined as to whether such activity/project was at all eligible for the grant of prior Environmental Clearance. Further, the projects which are not permissible shall be ordered for demolition/closure after issuing a show cause notice and providing an opportunity of hearing. The closure and demolition project/activity shall be issued under Section 5 of the Environment (Protection) Act, 1986 by the respective authority.

Copy of OM dated 07.07.2021 is annexed as Annexure-R/2.

9. It is humbly submitted that the Answering Respondent vide Notification No. S O 637(E) dated 28.02.2014, has authorized the SEIAAs which have been constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 and delegated the powers under the Section



19 of the said Act. **Copy of Notification dated 28.02.2014 is annexed as Annexure-R/3.**

10. It is humbly submitted that as per the CRZ Notification, 2019, Guidelines for Preparation of Coastal Zone Management Plans, Hazard Line has been defined as follows:

A 'Hazard line' has been demarcated by the Survey of India (SOI) taking into account the extent of the flooding on the land area due to water level fluctuations, sea level rise and shoreline changes (erosion or accretion) occurring over a period of time. The hazard line mapped by SOI has been shared with the coastal States or Union territories through NCSCM. The hazard line shall be used as a tool for disaster management plan for the coastal environment, including planning of adaptive and mitigation measures. With a view to reduce the vulnerability of the coastal communities and ensuring sustainable livelihood, while drawing the CZMP, the land use planning for the area between the Hazard line and HTL shall take into account such impacts of climate change and shoreline changes”...

Copy of CRZ Notification, 2019 is annexed as Annexure-R/4.

11. It is humbly submitted that the CZMPs are prepared as per the guidelines stated in the CRZ Notifications.



12. It is humbly submitted that as per paragraph 6(i) of the CRZ Notification, 2019, "All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O.19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects."

13. It is humbly submitted that as per CRZ Notification, 2019, CZMP of two districts of Maharashtra (Mumbai City and Mumbai Sub-Urban) have been approved by this Ministry vide letter dated 29.09.2021. **(Copy of letter dated 29.09.2021 is annexed as Annexure-R/5)** This Ministry has also received draft CZMP of 5 districts namely Raigad, Ratnagiri, Sindhurg, Thane and Palghar of Maharashtra for approval from Government of Maharashtra with the recommendation of MCZMA vide letter dated 25/11/ 2022. On perusal of the draft CZMPs submitted, the Ministry vide letter dated 06/02/2023 **(Copy of letter dated 06.02.2023 is annexed as Annexure-R/6)** requested the Government of Maharashtra to incorporate the shoreline management plan and



Eco-Sensitive Zones in the draft CZMPs w.r.t Ministry's OM dated 08/09/2022 and 26/10/2021 respectively.

14. It is humbly submitted that in response, the Government of Maharashtra, in consultation with NCSCM, Chennai, has submitted the revised draft CZMPs (1:25000) vide letter dated 23/05/2023, including the ESZ areas and Shoreline management plan for five districts namely Raigad, Ratnagiri, Sindhurg, Thane and Palghar to the Ministry for approval under CRZ Notification, 2019. The same is under consideration in the Ministry.

15. It is humbly submitted that the State Coastal Zone Management Authorities (SCZMAs) are primarily responsible for enforcement and implementation of the provisions of the CRZ Notification and compliance of the conditions stipulated therein, the powers either original or delegated, under the Environment (Protection) Act, 1986. The main function of these Authorities include amongst others, enquiring into the cases of alleged violations including construction projects, mentioned by the petitioner. The authorities have been empowered under section 5, 10 and 19 of the Environment (Protection) Act, 1986 and under provisions of CRZ Notifications and take appropriate decision including powers to enforce the same.

16. That w.r.t the allegation made by the applicant in the aforesaid application the answering respondent has sent a letter dated 08.08.2023 (**Copy of letter dated 08.08.2023 is annexed as Annexure-R/7**) to the Regional office, Nagpur



for conducting site inspection of the project in question. In compliance of this site inspection was done on 01.09.2023 and got a report on the project details. It is noted from the project details that :

"The Wadala Notified area has been notified and layout sanctioned in 1985 and the development initiated in 1985 onwards. The construction of buildings especially in Phase- I, were carried out by the individual proponents between 1995 to 2017 and the built-up area were less than 20,000 sqm. After the Plan revised in 2010, in Phase-II, one block has been allotted to M/s Macrotech Developers Limited (Lodha Crown Buildmart Pvt Ltd) and the developers have obtained EC for the constructions. No other developments/ constructions took place after 2019 revised plan. Further, MMRDA will dispose of the plots (when vacated) through tendering as per MMRDA Disposal Regulations, 1977 and Environmental Clearance on individual plots will be insisted from the Project Proponent, if applicable."

(Copy of land use plan, 2019, detailed master plan and status of existing buildings in Wadala Notified area are annexed as Annexure-R/8, R/9 & R/10.)

17. It is submitted that since the majority of the layout / infrastructure is developed prior to EIA Notification, it is opined that the MMRDA shall ensure



that the individual plot owners to obtain prior EC in case the built-up area is more than 20,000 sqm.

18. It is submitted 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.

19. That other/ancillary issues raised in the application 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.

DEPONENT

(E. Thirunavukkarasu)

वैज्ञानिक-ई/Scientist-E

पर्यावरण, वन एव जलवायु परिवर्तन, मंत्रालय

Ministry of Environment Forest and Climate Change

एकीकृत क्षेत्रीय कार्यालय, नागपुर-४४०००९

Integrated Regional Office, Nagpur-440001



VERIFICATION

Verified at Nagpur on this 6th day of October, 2023 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.

DEPONENT

(ई. थिरुनावुक्करसु)
(E. Thirunavukkarasu)

वैज्ञानिक-ई/Scientist-E
पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय
Ministry of Environment Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय, नागपुर-४४०००१
Integrated Regional Office, Nagpur-440001

NOTARIAL REG
ENTRY No. 33922
DATE 6/10/2023



SWORN BEFORE ME ON THIS 6th
DAY OF Oct 20 23 AT NAGPUR BY
SHRI / SMT./ Ku. E. Thirunavukkarasu
R/o NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT. Arundhati Ray,
ADVOCATE, NAGPUR.

NOTARY
GOVT. OF INDIA
Nagpur (M.S.) INDIA



रजिस्ट्री सं. डी. एल.-33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
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नई दिल्ली, बृहस्पतिवार, सितम्बर 14, 2006/भाद्र 23, 1928
NEW DELHI, THURSDAY, SEPTEMBER 14, 2006/BHADRA 23, 1928

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 14 सितम्बर, 2006

का.आ. 1533(अ).—केंद्रीय सरकार या केन्द्रीय सरकार द्वारा राज्य सरकार या संबंधित संघ राज्यक्षेत्र प्रशासन के परामर्श से गठित किए जाने वाले राज्य या संघ राज्यक्षेत्र स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा इस अधिसूचना के प्रयोजन के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन संघ मंत्रिमंडल द्वारा 18 मई, 2006 को अनुमोदित राष्ट्रीय पर्यावरण नीति और अधिसूचना में विनिर्दिष्ट प्रक्रिया के उद्देश्यों के अनुसार जब तक पूर्व पर्यावरणीय अनापत्ति अभिलिखित नहीं हो जाती है, भारत के किसी भाग में, नई परियोजनाओं या क्रियाकलापों पर या इस अधिसूचना की अनुसूची में यथा उपवर्णित उनके सक्षम पर्यावरणीय समाघातों पर विद्यमान परियोजनाओं या क्रियाकलापों के विस्तार या आधुनिकीकरण पर कतिपय निर्बंधन और प्रतिषेध अधिरोपित करने के लिए, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के अधीन एक प्रारूप अधिसूचना भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में, का0आ10 सं0 1324(अ), तारीख 15 सितंबर, 2005 द्वारा प्रकाशित की गई थी जिसमें उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना है, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थीं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे ;

और उक्त अधिसूचना की प्रतियां 15 सितंबर, 2005 को जनता को उपलब्ध करा दी गई थीं ;

और ऊपर उल्लिखित प्रारूप अधिसूचना के उत्तर में प्राप्त सभी आपेक्षों और सुझावों पर केन्द्रीय सरकार ने सम्यक् रूप से विचार कर लिया है ।

अतः, अब केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और अधिसूचना सं० का.आ. 60(अ), तारीख 27 जनवरी, 1994 को उन बातों के सिवाए अधिकांश करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, यह निर्देश देती है कि इसके प्रकाशन की तारीख से ही, नई परियोजनाओं या क्रियाकलापों का अपेक्षित संनिर्माण या इस अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार या आधुनिकीकरण प्रक्रिया और या प्रौद्योगिकी में परिवर्तन सहित क्षमता में परिवर्धन करते हुए भारत के किसी भाग में, यथास्थिति, केन्द्रीय सरकार द्वारा या इस अधिसूचना में इसमें इसके पश्चात् विनिर्दिष्ट प्रक्रिया के अनुसार उक्त अधिनियम की धारा 3 के

¹ भारत का राज्यक्षेत्रीय सागर खंड और अन्य अधिक जोन सम्मिलित है।

अधीन केन्द्रीय सरकार द्वारा सम्यक् रूप से गठित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा पूर्व पर्यावरण अनापत्ति के पश्चात् ही किया जाएगा।

2. पूर्व पर्यावरणीय अनापत्ति की अपेक्षाएं (ई.सी.) :-

निम्नलिखित परियोजनाओं या क्रियाकलापों के लिए, परियोजना प्रबंधन द्वारा भूमि को अभिप्राप्त करने के सिवाय, कोई संनिर्माण कार्य या भूमि तैयार करने से पूर्व उक्त अनुसूची में प्रवर्ग 'ख' के अंतर्गत आने वाले विषयों के लिए संबंधित विनियामक प्राधिकरण से, जिसे अनुसूची में 'क' के अंतर्गत आने वाले विषयों के लिए इसमें इसके पश्चात् केन्द्रीय सरकार में पर्यावरण और वन मंत्रालय कहा गया है, और राज्य स्तर पर राज्य पर्यावरण समाघात निर्धारण प्राधिकरण कहा गया है, पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी जब परियोजना या क्रियाकलाप आरंभ किया जाता है।

- (i) इस अधिसूचना की अनुसूची में सूचीबद्ध सभी नई परियोजनाएं या क्रियाकलाप ;
- (ii) इस अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का, संबंधित क्षेत्र के लिए अर्थात् परियोजनाओं या क्रियाकलापों के लिए जो विस्तार या आधुनिकीकरण के पश्चात् अनुसूची में दी गई अधिकतम सीमाओं को पार कर लेते हैं, क्षमता में परिवर्धन सहित विस्तार या आधुनिकीकरण ;
- (iii) विनिर्दिष्ट रेंज से परे अनुसूची में सम्मिलित किसी विद्यमान विनिर्माणकर्ता यूनिट में उत्पाद मिश्रण में कोई परिवर्तन।

3. राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण :- (1) कोई राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण, जिसे इसमें इसके पश्चात् एसईआईएए कहा गया है, केन्द्रीय सरकार द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित किया जाएगा जिसमें तीन सदस्य होंगे जिसके अंतर्गत एक अध्यक्ष और एक सदस्य-सचिव, राज्य सरकार या संबंधित संघ राज्यक्षेत्र प्रशासन द्वारा नामनिर्देशित किए जाएंगे।

- (2) सदस्य-सचिव संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन का सेवारत अधिकारी होगा जो पर्यावरण विधियों से परिचित होगा ।
- (3) अन्य दो सदस्य या तो वृत्तिक या विशेषज्ञ होंगे जो इस अधिसूचना के परिशिष्ट VI में दी गई पात्रता कसौटी को पूरा करते हों ।
- (4) उम्र उपपैरा (3) में विनिर्दिष्ट सदस्यों में से एक सदस्य जो पर्यावरण समाघात निर्धारण प्रक्रिया में विशेषज्ञ हो, एसईआईएए का अध्यक्ष होगा ।
- (5) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन उपपैरा (3) से उपपैरा (4) में निर्दिष्ट सदस्यों और अध्यक्ष के नामों को केन्द्रीय सरकार को अग्रेषित करेगी और केन्द्रीय सरकार नामों के प्राप्ति की तारीख से तीस दिन के भीतर इस अधिसूचना के प्रयोजनों के लिए एसईआईएए को एक प्राधिकरण के रूप में गठित करेगी ।
- (6) गैर पदाधारी सदस्य और अध्यक्ष की (प्राधिकरण को केन्द्रीय सरकार द्वारा गठित करने वाली अधिसूचना के प्रकाशन की तारीख से) तीन वर्षों की नियत पदावधि होगी ।
- (7) एसईआईएए के सभी विनिश्चय एकमत से होंगे और किसी बैठक में लिए जाएंगे ।

4. परियोजना और क्रियाकलापों का प्रवर्गीकरण :-

- (i) सभी परियोजनाएं या क्रियाकलाप मुख्यतः दो प्रवर्गों में प्रवर्गीकृत हैं- प्रवर्ग 'क' और प्रवर्ग 'ख' सक्षम समाघात की स्थानिक सीमा और मानव स्वास्थ्य और प्राकृतिक तथा मानव निर्मित संसाधनों पर आधारित हैं ।
- (ii) अनुसूची में प्रवर्ग 'क' के रूप में सम्मिलित सभी परियोजनाओं या क्रियाकलापों, जिसके अंतर्गत विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार और आधुनिकीकरण तथा उत्पाद मिश्रण में परिवर्तन सम्मिलित है, के लिए, इस अधिसूचना के प्रयोजनों के लिए केन्द्रीय सरकार द्वारा गठित की जाने वाली किसी विशेषज्ञ आंकलन समिति की सिफारिशों पर भारत सरकार में पर्यावरण और वन मंत्रालय से पूर्व पर्यावरण अनापत्ति अपेक्षित होगी ;
- (iii) अनुसूची में प्रवर्ग 'ख' के रूप में सम्मिलित सभी परियोजनाओं या क्रियाकलापों, जिसके अंतर्गत पैरा 2 के उपपैरा (ii) में यथाविनिर्दिष्ट विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार और आधुनिकीकरण या पैरा 2 के उपपैरा (iii) में यथाविनिर्दिष्ट उत्पाद मिश्रण में परिवर्तन भी हैं, किन्तु जिसमें वे सम्मिलित नहीं हैं जो अनुसूची में निश्चित की गई साधारण शर्तों को पूरा करते हैं, राज्य/संघ राज्यक्षेत्र पर्यावरण समाघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी । एसईआईएए का अपना विनिश्चय, इस इस अधिसूचना में गठित की जाने वाली किसी राज्य या संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समिति (एसईएसी) की सिफारिशों पर आधारित होगा । एसईआईएए सम्यक् रूप से गठित एसईआईएए या एसईएसी की अनुपस्थिति में, कोई प्रवर्ग 'ख' परियोजना प्रवर्ग 'क' परियोजना समझी जाएगी ;

5. **स्क्रीनिंग, विस्तारण और आंकलन समिति :-** केंद्रीय सरकार के स्तर पर वही विशेषज्ञ आंकलन समिति और राज्य या संघ राज्य स्तर पर राज्य विशेषज्ञ आंकलन समिति (जिन्हें इसमें इसके पश्चात् ईएसी और एसईएसी कहा गया है) क्रमशः प्रवर्ग 'क' और प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों की स्क्रीनिंग, विस्तारण और आंकलन करेगी। ईएसी और एसईएसी की प्रत्येक मास में कम से कम एक बार बैठक होगी।

- (क) ईएसी की संरचना परिशिष्ट VI में दी जाएगी। राज्य या संघ राज्यक्षेत्र स्तर पर एसईएसी का गठन संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के परामर्श से समान संरचना सहित गठन किया जाएगा।
- (ख) केंद्रीय सरकार, संबद्ध राज्य सरकार या संघ राज्यक्षेत्र प्रशासन की पूर्व सहमति से प्रशासनिक सुविधा और लागत के कारणों से एक या अधिक राज्य या संघ राज्यक्षेत्र के लिए एक एसईएसी का गठन कर सकेगी।
- (ग) विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति तीन वर्ष की अवधि के लिए गठित की जाएगी।
- (घ) संबंधित विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति के प्राधिकृत सदस्य उस परियोजना या क्रियाकलाप के संबंध में जिसके लिए पूर्व पर्यावरणीय अनापत्ति मांगी गई है, को स्क्रीन करने या विस्तार करने या आंकलन के प्रयोजनों के लिए आवेदक को जो निरीक्षण के लिए आवश्यक सुविधाएं देगा, कम से कम सात दिन की पूर्व सूचना देगा।
- (ङ) विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति संयुक्त दायित्व के सिद्धांत पर कृत्य करेगी। अध्यक्ष प्रत्येक मामले में सहमति बनाने का प्रयास करेगा और सहमति नहीं बन पाती है तो बहुमत का विचार माना जाएगा।

6. **पूर्व पर्यावरणीय अनापत्ति के लिए आवेदन (ईसी) :-** सभी मामलों में पर्यावरणीय अनापत्ति मांगने के लिए कोई आवेदन, परियोजना और/या क्रियाकलापों के लिए, जिससे आवेदन संबंधित है, आवेदक द्वारा स्थल पर किसी सन्निर्माण क्रियाकलाप या भूमि की तैयारी के प्रारंभ के पूर्व, पूर्वक्षित स्थल (स्थलों) की पहचान के पश्चात् परिशिष्ट 2 दिखाना है, यदि लागू हों, इससे संलग्न प्ररूप 1 और अनुपूरक प्ररूप 1क में किया जाएगा। आवेदक, उसके सिवाय, सन्निर्माण परियोजनाओं या क्रियाकलापों (अनुसूची की मद 8) के मामले में प्ररूप 1 और अनुपूरक प्ररूप 1क के अतिरिक्त पूर्व साध्यता परियोजना रिपोर्ट की एक प्रति, पूर्व साध्यता रिपोर्ट के स्थान पर धारणा योजना की एक प्रति आवेदन के साथ पेश करेगा।

7. (i) **नई परियोजनाओं के लिए पूर्व पर्यावरणीय अनापत्ति (ईसी) प्रक्रिया के प्रक्रम :-** नई परियोजनाओं के लिए पर्यावरणीय अनापत्ति प्रक्रिया में अधिकतम चार प्रक्रम समाविष्ट होंगे, जिनमें से सभी इस अधिसूचना में नीचे ब्यवस्थित विशिष्ट मामलों में लागू नहीं होंगे, ये चार प्रक्रम श्रृंखलाबद्ध क्रम में होंगे :-

- प्रक्रम (1) स्क्रीनिंग (केवल प्रवर्ग 'ख' परियोजनाओं और क्रियाकलापों के लिए)
- प्रक्रम (2) विस्तारण
- प्रक्रम (3) लोक परामर्श
- प्रक्रम (4) आंकलन

I. प्रक्रम (1) - स्क्रीनिंग :

प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों के मामले में, यह प्रक्रम परियोजना की प्रकृति और अवस्थिति विनिर्देश पर आधारित पर्यावरणीय अनापत्ति मंजूर करने से पूर्व उसके आंकलन के लिए कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट तैयार करने के लिए यह अवधारण करने के लिए कि परियोजना या क्रियाकलाप के लिए आगे पर्यावरणीय अध्ययन करना अपेक्षित है या नहीं संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति (एसईएसी) द्वारा प्रक्रम 1 में पूर्व पर्यावरणीय अनापत्ति मांगने के लिए किसी आवेदन की संवीक्षा होगी। कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट की अपेक्षा करने वाली परियोजनाओं को प्रवर्ग "ख1" कहा जाएगा और शेष परियोजनाओं को प्रवर्ग "ख2" कहा जाएगा और उसके लिए कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट अपेक्षित नहीं होगी। मद 8ख के सिवाय परियोजनाओं के ख 1 या ख2 में प्रवर्गीकरण के लिए पर्यावरण और वन मंत्रालय समय-समय पर समुचित मार्गदर्शक सिद्धांत जारी करेगा।

II. प्रक्रम (2) विस्तारण :

(i) उस प्रक्रिया को निर्दिष्ट करता है जिसके द्वारा प्रवर्ग 'क' परियोजनाओं या क्रियाकलापों के मामले में विशेषज्ञ आंकलन समिति, और प्रवर्ग 'ख1' परियोजनाओं या क्रियाकलापों के मामले में, राज्य स्तर विशेषज्ञ आंकलन समिति, जिसके अंतर्गत विद्यमान परियोजनाओं या क्रियाकलापों के विस्तार और/या आधुनिकीकरण और/या उत्पाद मिश्रण में परिवर्तन के विस्तार, सौंपे जाने वाले विस्तृत और व्यापक कार्य अवधारित करने के लिए, उस परियोजना या क्रियाकलाप के संबंध में कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट तैयार करने के लिए सभी सुसंगत पर्यावरणीय समुत्थानों को, जिसके लिए पूर्व पर्यावरणीय अनापत्ति ईप्सित की गई है, आवेदन सम्मिलित हैं। विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति विहित आवेदन प्रक्रम 1/प्रक्रम 1क में दी गई जानकारी के आधार पर सौंपे जाने वाले कार्य अवधारित करेगी, जिसके अंतर्गत आवेदक द्वारा सौंपे जाने वाले प्रस्थापित कार्य, किसी विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर आंकलन समिति के किसी सब ग्रुप द्वारा देखा गया कोई स्थल, यदि विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा आवश्यक समझा जाए, आवेदक द्वारा सुझाए गए सौंपे जाने वाले कार्य और अन्य सूचना जो विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति के पास उपलब्ध हो, सम्मिलित हैं। अनुसूची की मद 8 में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (संनिर्माण, नगरी/वाणिज्यिक काम्लेक्स/आवासन) के लिए विस्तार अपेक्षित नहीं होगा और उनका आंकलन प्रक्रम 1/प्रक्रम 1क और धारणा योजना के आधार पर किया जाएगा।

(ii) सौंपे गए कृत्यों को प्ररूप 1 की प्राप्ति के साठ दिनों के भीतर विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा आवेदक को प्रेषित किया जाएगा। अनुसूची के प्रवर्ग क हाइड्रोक्लेक्ट्रिक परियोजना मद 1 (ग) (i) के मामले में सौंपे गए कृत्यों को पूर्व संनिर्माण क्रियाकलापों के लिए अनापत्ति सहित प्रेषित किया जाएगा। यदि सौंपे गए कृत्यों को अंतिम रूप नहीं दिया गया है और प्ररूप 1 की प्राप्ति के साठ दिनों के भीतर आवेदक को प्रेषित किया जाता है तो आवेदक द्वारा सुझाए गए सौंपे जाने वाले कृत्य ईआईए अध्ययन के लिए अनुमोदित, अंतिम सौंपे गए कृत्यों के रूप में समझे जाएंगे। अनुमोदित सौंपे गए कृत्य, पर्यावरण और वन मंत्रालय तथा संबंधित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण के लिए वेबसाइट पर प्रदर्शित किए जाएंगे।

(iii) इसी प्रक्रम पर संबंधित विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिश पर संबंधित विनियामक प्राधिकरण द्वारा पूर्व पर्यावरणीय अनापत्ति के लिए आवेदनों को नामंजूर किया जा सकेगा। ऐसे नामंजूर किए जाने की दशा में, विनिश्चय को उसके कारणों सहित आवेदक को, आवेदन की प्राप्ति के साठ दिनों के भीतर लिखित में संसूचित किया जाएगा।

III प्रक्रम (3) लोक परामर्श

(i) “लोक परामर्श” उस प्रक्रिया को निर्दिष्ट करता है जिसके द्वारा स्थानीय प्रभावी व्यक्तियों और ऐसे अन्य व्यक्तियों की चिंताओं को, जिनका परियोजना या क्रियाकलापों के पर्यावरणीय समाघातों में न्यायसंगत आधार है, समुचित रूप में अभिकल्पित परियोजना या क्रियाकलाप में संबंधित सभी सामग्री को ध्यान में रखते हुए सुनिश्चित किया जाएगा। सभी प्रवर्ग “क” और प्रवर्ग “ख1” परियोजनाएं या क्रियाकलाप निम्नलिखित के सिवाय लोक परामर्श करेंगे :-

(क) सिंचाई परियोजनाओं का आधुनिकीकरण (अनुसूची की मद 1(ग) (ii))।

(ख) संबंधित प्राधिकारियों द्वारा अनुमोदित औद्योगिक संपदाओं या पार्कों के भीतर अवस्थित सभी परियोजनाएं या क्रियाकलाप (अनुसूची की मद 7(ग)) और जिन्हें ऐसे अनुमोदन में अननुज्ञात नहीं किया जाता है।

(ग) सड़कों और राजमार्गों का विस्तार (अनुसूची की मद 7(घ)) जिनमें भूमि का कोई और अर्जन अंतर्वलित नहीं है।

(घ) सभी भवन/संनिर्माण परियोजनाएं/क्षेत्र विकास परियोजनाएं और नगरीय योजनाएं (मद 8)।

(ङ) सभी प्रवर्ग ख 2 परियोजनाएं और क्रियाकलाप।

(च) केन्द्रीय सरकार द्वारा यथा अवधारित राष्ट्रीय रक्षा और सुरक्षा से संबंधित सभी परियोजनाएं और क्रियाकलाप या जिसमें अन्वय युक्तगत विचार अंतर्वलित हैं।

(ii) लोक परामर्श में साधारणतया दो घटक समाविष्ट होंगे :-

(क) स्थानीय प्रभावित व्यक्तियों की चिंताओं को सुनिश्चित करने के लिए परिशिष्ट 4 में विहित रीति में की जाने वाली स्थल पर या उसके निकट परिसर में जिला वार कोई लोक सुनवाई ;

(ख) परियोजना या क्रियाकलाप के पर्यावरणीय पहलुओं में कोई न्यायसंगत आधार रखने वाले अन्य संबंधित व्यक्तियों से लिखित में प्रतिक्रियाएं प्राप्त करना।

(iii) स्थल (स्थलों) पर या उसके निकट परिसर में सभी मामलों में लोक सुनवाई विनिर्दिष्ट रीति में संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा की जाएगी और कार्यवाहियों को आवेदक से प्राप्त अनुरोध के पैंतालीस दिनों के भीतर संबंधित विनियामक प्राधिकरण को अग्रेषित किया जाएगा।

(iv) यदि संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति लोक सुनवाई नहीं करती है और लोक सुनवाई को विनिर्दिष्ट अवधि के भीतर पूरी नहीं करती है और/या लोक सुनवाई की कार्यवाहियां को विहित अवधि के भीतर यथाउपयुक्त संबंधित विनियामक प्राधिकरण को प्रेषित नहीं करती है तो विनियामक प्राधिकरण अन्य लोक अभिकरण या प्राधिकरण को, जो विनियामक प्राधिकरण का अधीनस्थ नहीं है, प्रक्रिया को पैंतालीस दिनों की और अवधि के भीतर पूरा करने के लिए लगाएगी।

(v) यदि उम्र उपपैरा (iii) के अधीन नामनिर्दिष्ट लोक अभिकरण या प्राधिकरण, संबंधित विनियामक प्राधिकरण को यह रिपोर्ट करता है, कि स्थानीय अवस्थिति के कारण लोक सुनवाई करना संभव नहीं है, तो किसी रीति में स्पष्ट रूप से अभिव्यक्त किए जाने वाले संबंधित स्थानीय व्यक्तियों के विचारों का समर्थन करेंगे। वह उस तथ्य की रिपोर्ट संबंधित विनियामक प्राधिकरण को ब्यौरेवार देगा जो रिपोर्ट पर और अन्य विश्वसनीय सूचना पर सम्यक् रूप से विचार करने के पश्चात्, जिसका लोक परामर्श के लिए विनिश्चय किया गया है, उस दशा में जिसे लोक सुनवाई में सम्मिलित करने की आवश्यकता है, रिपोर्ट करेगा।

(vi) परियोजना या क्रियाकलापों के पर्यावरणीय पहलुओं में कोई न्यायसंगत आधार रखने वाले अन्य संबंधित व्यक्तियों से लिखित में प्रक्रिया अभिप्राप्त करने के लिए, संबंधित विनियामक प्राधिकरण और राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, आवेदक द्वारा परिशिष्ट 3क में दिए गए प्ररूप में तैयार की गई संक्षिप्त ईआईए रिपोर्ट को उनके वेबसाइट पर देते हुए ऐसे संबंधित व्यक्तियों से लोक सुनवाई की व्यवस्था के लिए किसी लिखित अनुरोध की प्राप्ति के सात दिनों के भीतर प्रतिक्रियाएं प्राप्त करेंगी। गोपनीय सूचना, जिसके अंतर्गत प्रकट न करने योग्य या विधिक रूप से विशेषाधिकार प्राप्त सूचना, जिसमें बौद्धिक संपदा अधिकार अंतर्बलित हैं, आवेदन में विनिर्दिष्ट स्रोत, वेबसाइट पर नहीं रखे जाएंगे। संबंधित विनियामक प्राधिकरण, परियोजना या क्रियाकलाप की बाबत विस्तृत प्रचार को सुनिश्चित करने के लिए अन्य समुचित मीडिया का उपयोग भी कर सकेगा। विनियामक प्राधिकरण, तथापि लोक सुनवाई की तारीख तक निरीक्षण के लिए प्रारूप ईआईए रिपोर्ट किसी संबंधित व्यक्ति से, सामान्य कार्यालय घंटों के दौरान अधिसूचित स्थान पर किसी लिखित अनुरोध पर उपलब्ध कराएगा। इस लोक परामर्श प्रक्रिया के भाग के रूप में प्राप्त सभी प्रतिक्रियाएं शीघ्रतम उपलब्ध साधन से आवेदक को अग्रेषित की जाएगी।

(vii) लोक परामर्श पूरा करने के पश्चात्, इस प्रक्रिया के दौरान अभिव्यक्त सभी सारवान पर्यावरणीय चिंताओं को संबोधित करेगा और प्रारूप ईआईए और ईएमपी में समुचित परिवर्तन करेगा। इस प्रकार तैयार की गई अंतिम ईआईए रिपोर्ट आवेदक के लिए संबंधित विनियामक प्राधिकरण को प्रस्तुत की जाएगी। आवेदक, लोक परामर्श के दौरान अभिव्यक्त की गई सभी चिंताओं को संबोधित करते हुए, प्रारूप ईआईए और ईएमपी की एक संक्षिप्त रिपोर्ट अनुकल्पतः प्रस्तुत करेगा।

IV प्रक्रम(4) - आंकलन :

(i) आंकलन से आवेदन और अन्य दस्तावेजों, ऐसे अंतिम ईआईए रिपोर्ट, लोक परामर्शों का निष्कर्ष, जिसके अंतर्गत लोक सुनवाई की कार्यवाहियां हैं, पर्यावरणीय अनापत्ति मंजूर करने के लिए संबंधित विनियामक प्राधिकरण को

आवेदक द्वारा प्रस्तुत की गई विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा विस्तृत संवीक्षा अभिप्रेत है। यह आंकलन विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा किसी कार्यवाही को, जिसमें आवेदक को आवश्यक स्पष्टीकरण प्रस्तुत करने के लिए व्यक्तिगत रूप से या किसी प्राधिकृत प्रतिनिधि को आमंत्रित किया जाता है, एक पारदर्शी रीति में किया जाएगा। इस कार्यवाही के निष्कर्ष पर विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति संबंधित विनियामक प्राधिकरण को निश्चित निबंधनों और शर्तों पर पूर्व पर्यावरणीय अनापत्ति मंजूर करने के लिए या पूर्व पर्यावरणीय अनापत्ति के लिए आवेदन को नामंजूर करने के लिए उसके कारणों सहित स्पष्ट सिफारिशें करेंगी।

(ii) सभी परियोजनाओं या क्रियाकलापों का आंकलन जो लोक परामर्श के लिए अपेक्षित नहीं है या कोई पर्यावरण समाघात निर्धारण रिपोर्ट प्रस्तुत करना अपेक्षित नहीं है, जैसा लागू हो विहित आवेदन प्ररूप 1 और प्ररूप 1क के आधार पर उपलब्ध सभी अन्य सुसंगत विधिमान्य सूचना और दौर किए स्थल को, जहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा ऐसा करना आवश्यक समझा जाता है, कार्यान्वित किया जाएगा।

(iii) किसी आवेदन का आंकलन, विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा अंतिम पर्यावरण समाघात निर्धारण रिपोर्ट और अन्य दस्तावेजों की प्राप्ति या प्ररूप 1 या प्ररूप 1क के साठ दिनों के भीतर पूरा किया जाएगा, जहां लोक परामर्श आवश्यक नहीं है, वहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों को सक्षम प्राधिकारी के समक्ष अगले पन्द्रह दिनों के भीतर अंतिम विनिश्चय के लिए रखा जाएगा। आंकलन की विहित प्रक्रिया परिशिष्ट V में दी गई है।

7. (ii) विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या उत्पाद मिश्रण में परिवर्तन के लिए पूर्व पर्यावरणीय अनापत्ति प्रक्रिया,-

उस क्षमता के परे जिसके लिए इस अधिसूचना के अधीन पूर्व पर्यावरणीय अनापत्ति मंजूर की गई है, उत्पादन क्षमता में वृद्धि सहित या तो पट्टा क्षेत्र या खनन परियोजनाओं की दशा में उत्पादन क्षमता में वृद्धि सहित या इस अधिसूचना की अनुसूची में विहित अंतिम सीमा के परे कुल उत्पादन क्षमता में वृद्धि सहित विद्यमान यूनिट के आधुनिकीकरण के लिए, प्रक्रिया और/या प्रौद्योगिकी में परिवर्तन के माध्यम से या उत्पाद मिश्रण में किसी परिवर्तन के लिए पूर्व पर्यावरणीय अनापत्ति ईप्सित करने वाले सभी आवेदन प्ररूप 1 में किए जाएंगे और उन पर संबंधित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा साठ दिनों के भीतर विचार किया जाएगा, जो सम्यक् आवश्यक तत्परता से जिसके अंतर्गत ईआईए का तैयार किया जाना और लोक परामर्श भी है, विनिश्चय करेगी और आवेदन का तदनुसार पर्यावरणीय अनापत्ति मंजूर करने के लिए आंकलन किया जाएगा।

8. पूर्व पर्यावरणीय अनापत्ति मंजूर किया जाना या उसको खारिज किया जाना,-

(i) विनियामक प्राधिकरण, संबंधित ई ए सी या एस ई ए सी की सिफारिशों पर विचार करेगा और अपने विनिश्चय को आवेदक को विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों की प्राप्ति के पैंतालीस दिनों के भीतर प्रेषित करेगा या अन्य शब्दों में अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति के एक सौ पांच दिनों के भीतर प्रेषित करेगा और जहां पर्यावरणीय समाघात निर्धारण पूरे आवेदन की प्राप्ति के एक सौ पांच दिनों के भीतर अपेक्षित नहीं है वहां अपेक्षित दस्तावेज, नीचे उपबंधित के सिवाय प्रेषित करेगा।

(ii) विनियामक प्राधिकरण, सामान्यतः विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों को स्वीकार करेगा। उन दशाओं में जहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों से असहमत है, वहां विनियामक प्राधिकरण विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों की प्राप्ति के पैंतालिस दिनों के भीतर असहमति के कारणों का कथन करते हुए पुनर्विचार का अनुरोध करेगा। इस विनिश्चय की सूचना आवेदक को साथ-साथ प्रेषित की जाएगी। उसके पश्चात् विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति, विनियामक प्राधिकरण के संप्रेक्षणों पर विचार करेगी और उस पर अपने विचार साठ दिनों की और अवधि के भीतर पेश करेगी। विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति के विचारों को ध्यान में रखने के पश्चात् विनियामक प्राधिकरण का विनिश्चय अंतिम होगा और संबंधित विनियामक प्राधिकरण को अगले तीस-दिनों के भीतर आवेदक को प्रेषित किया जाएगा।

(iii) उस दशा में जहां विनियामक प्राधिकरण का विनिश्चय आवेदक को, उमर उपपैरा (i) या (ii) में, जहां लागू हो विनिर्दिष्ट अवधि के भीतर संसूचित नहीं किया जाता है, वहां आवेदक इस प्रकार अग्रसर हो सकेगा मानो मांगी गई पर्यावरण अनापत्ति मंजूर कर दी गई है या विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की अंतिम सिफारिशों के निबंधनों में विनियामक प्राधिकरण द्वारा नामंजूर कर दी गई है।

(iv) उमर पैरा (i) और (ii) के अधीन, जहां लागू हो, विनियामक प्राधिकरण द्वारा विनिश्चय के लिए विनिर्दिष्ट अवधि के अवसान पर, विनियामक प्राधिकरण का विनिश्चय और विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की अंतिम सिफारिशें लोक दस्तावेज होंगे।

(v) अन्य विनियामक प्राधिकरणों से परियोजनाओं या क्रियाकलापों, या संबंधित विनियामक प्राधिकरण द्वारा स्क्रीनिंग, विस्तारण या आंकलन या विनिश्चय पूर्व पर्यावरण अनापत्ति के लिए आवेदनों की प्राप्ति के पूर्व तब तक अपेक्षित नहीं होगी जब तक या तो ऐसी अनापत्ति किसी विधि की अपेक्षा का आवश्यक तकनीकी कारणों से कोई श्रृंखलाबद्ध आधार न हो।

(vi) जान बूझ कर छिपाना और/या मिथ्या प्रस्तुतीकरण या भ्रामक सूचना या आंकड़े देना जो स्क्रीनिंग, विस्तारण या आंकलन या आवेदन पर विनिश्चय के लिए सारवान हो, आवेदन को नामंजूर किए जाने या उस आधार पर मंजूर की गई पूर्व पर्यावरणीय अनापत्ति के रद्दकरण के लिए दायी बनाएगी। किसी आवेदन को नामंजूर करना या इस आधार पर पहले मंजूर की गई किसी पूर्व पर्यावरणीय अनापत्ति के रद्दकरण का विनिश्चय विनियामक प्राधिकरण द्वारा आवेदक की व्यक्तिगत सुनवाई करने के पश्चात् किया जाएगा और उसमें नैसर्गिक न्याय के सिद्धांतों का पालन किया जाएगा।

9. पर्यावरणीय अनापत्ति की विधिमान्यता,-

“पर्यावरणीय अनापत्ति की विधिमान्यता” से वह अवधि अभिप्रेत है जिससे विनियामक प्राधिकरण द्वारा मंजूर की गई पूर्व पर्यावरणीय अनापत्ति मंजूर की जाती है या आवेदक द्वारा यह समझा जा सकेगा कि वह उमर पैरा 7 के उपपैरा (iv) के अधीन परियोजना या क्रियाकलाप द्वारा उत्पादन प्रचालन आरंभ करने या संनिर्माण परियोजनाओं की दशा में (अनुसूची की मद 8) सभी संनिर्माण प्रचालन पूरा करने, जिसके के लिए पूर्व पर्यावरण अनापत्ति के लिए

आवेदन का निर्देश करता है, मंजूर की गई है। किसी परियोजना या क्रियाकलाप के लिए नदी घाटी परियोजनाओं (अनुसूची की मद 1(ग)) की दशा में दस वर्ष की अवधि के लिए, विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा यथा प्राक्कलित परियोजना की अवधि खनन परियोजनाओं के लिए अधिकतम तीस वर्षों के लिए और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में पांच वर्ष होगी। तथापि क्षेत्र विकास परियोजनाओं और नगरीय की दशा में (मद 8(ख)) विधिमान्य अवधि केवल ऐसे क्रियाकलापों तक सीमित होगी जहां तक किसी विकासकर्ता के रूप में आवेदक का उत्तरदायित्व है। इस विधिमान्यता की अवधि को संबंधित विनियामक प्राधिकरण द्वारा पांच वर्ष की अधिकतम अवधि तक बढ़ाया जा सकेगा, परन्तु यह तब जब कि कोई आवेदन आवेदक द्वारा विनियामक प्राधिकरण को संनिर्माण परियोजनाओं या क्रियाकलापों के लिए (अनुसूची की मद 8) अद्यतन प्ररूप 1 और अनुपूरक प्ररूप 1क सहित विधिमान्य अवधि के भीतर किया जाता है। इस बाबत विनियामक प्राधिकरण, यथास्थिति, विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति से भी परामर्श कर सकेगा।

10. पश्च पर्यावरणीय अनापत्ति को मानीटर करना,-

(i) परियोजना प्रबंधन के लिए प्रत्येक कलेंडर वर्ष की 1 जून और 1 दिसंबर को संबंधित विनियामक प्राधिकरण को निश्चित पूर्व पर्यावरणीय अनापत्ति के निबंधनों और शर्तों के संबंध में अनुपालन रिपोर्टों को अर्धवार्षिक रूप में हार्ड और साफ्ट प्रतियों में प्रस्तुत करना आज्ञापक होगा।

(ii) परियोजना प्रबंधन द्वारा प्रस्तुत की गई सभी ऐसी अनुपालन रिपोर्टें लोक दस्तावेज होंगी, उसकी प्रतियां संबंधित विनियामक प्राधिकरण को आवेदन पर किसी व्यक्ति को दी जाएंगी। ऐसी अंतिम अनुपालन रिपोर्टें संबंधित विनियामक प्राधिकरण की वेबसाइट पर भी दर्शित की जाएगी।

11. पर्यावरणीय अनापत्ति की अंतरणीयता,-

किसी आवेदक को किसी विनिर्दिष्ट परियोजना या क्रियाकलाप के लिए मंजूर की गई कोई पूर्व पर्यावरणीय अनापत्ति अंतरक द्वारा या अंतरिकी द्वारा आवेदन पर परियोजना या क्रियाकलाप को करने के हकदार किसी अन्य विधिक व्यक्ति को अंतरक द्वारा लिखित "अनापत्ति सहित" जो इसकी विधिमान्यता की अवधि के दौरान संबंधित विनियामक प्राधिकरण द्वारा उन्हीं निबंधनों और शर्तों के अधीन पूर्व पर्यावरणीय अनापत्ति आरंभ में मंजूर की गई थी और उसी विधिमान्यता अवधि के लिए अंतरित की जा सकेगी। ऐसे मामलों में विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति को कोई निर्देश आवश्यक नहीं है।

12. लंबित मामलों के निपटान तक ई.आई.ए. अधिसूचना का प्रवर्तन,-

इस अधिसूचना के अंतिम प्रकाशन की तारीख से पर्यावरणीय समाघात निर्धारण की अधिसूचना सं0 का.आ. 60(अ), तारीख 27 जनवरी, 1994 को, उन बातों के सिवाय, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने से लोप किया गया है, उस सीमा तक अधिक्रान्त किया जाता है कि पूर्व पर्यावरणीय अनापत्ति के लिए किए गए और इस अधिसूचना के अंतिम प्रकाशन की तारीख को लंबित सभी या कुछ प्रकार के आवेदनों को, परियोजनाओं या क्रियाकलापों को, उस सूची के सिवाय जिनमें अनुसूची 1 में पूर्व पर्यावरणीय अनापत्ति अपेक्षित है, इस अधिसूचना के किसी एक या सभी उपबंधों से छूट दे सकेगी या उक्त अधिसूचना के कुछ या सभी उपबंधों के प्रवर्तन को इस अधिसूचना के जारी करने की तारीख से एक वर्ष से अनधिक अवधि के लिए जारी रख सकेगी।

अनुसूची

(पैरा 2 और 7 देखें)

पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाओं या क्रियाकलापों की सूची

| क्र. सं. | परियोजना या क्रियाकलाप | अवसीमा सहित प्रवर्ग | | शर्तें, यदि कोई हों |
|----------|--|--|---|---|
| | | क | ख | |
| 1 | खनन, प्राकृतिक संसाधन का निष्कर्षण और विद्युत उत्पादन विनिर्दिष्ट उत्पादन क्षमता के लिए) | | | |
| 1 | 2 | 3 | 4 | 5 |
| 1(क) | खनिज का खनन | खनन पट्टा क्षेत्र का ≥ 50 हे० किसी भी खनन क्षेत्र का ध्यान दिए बिना ऐस्बीस्टज खनन | < 50 हेक्टेयर ≥ 5 हेक्टेयर खनन पट्टा क्षेत्र | साधारण शर्तें लागू होंगी टिप्पण खनिज पदार्थों के पूर्वक्षण (जिसमें ड्रिलिंग न हो) को छूट दी गई है बशर्त कि वास्तविक सर्वेक्षण के लिए छूट वाले क्षेत्रों की पूर्व अनुमति ली गई है। |
| 1(ख) | अपतट और तटवर्ती तेल तथा गैस की खोज, विकास और उत्पादन | सभी परियोजनाएं | - | टिप्पण सार खोज सर्वेक्षण (जिसमें ड्रिलिंग न हो) को छूट दी गई है बशर्त कि वास्तविक सर्वेक्षण के लिए छूट वाले क्षेत्रों की पूर्व अनुमति ली गई है। |
| 1(ग) | नदी घाटी परियोजनाएं | (i) ≥ 50 मे०वा० जल विद्युत उत्पादन (ii) $\geq 10,000$ हे०खेती योग्य प्रभावित क्षेत्र | (i) $< 50 \geq 25$ मे०वा० जल विद्युत उत्पादन (ii) $< 10,000$ हे० खेती योग्य प्रभावित क्षेत्र | साधारण शर्तें लागू होंगी |
| 1(घ) | तापीय विद्युत संयंत्र | (कोयला लिग्नाइट और नेथ्रा गैस आधारित) ≥ 500 मे.वा. ≥ 50 मे.वा. (पेटकोक, डीजल और सभी अन्य ईंधन) | (कोयला/लिग्नाइट/नेथ्रा एवं गैस आधारित) < 500 मे.वा. (पेटकोक, डीजल और सभी अन्य ईंधन) < 50 मे.वा ≥ 5 मे.वा. | साधारण शर्तें लागू होंगी |
| 1(ङ) | आणविक विद्युत परियोजनाएं और आणविक ईंधन का प्रसंस्करण | सभी परियोजनाएं | - | |
| 2 | प्राथमिक प्रसंस्करण | | | |
| 2(क) | कोयला धोवनशालाएं | ≥ 1 मिलियन टन/ वार्षिक कोयले का उत्पादन | < 1 मिलियन टन/ वार्षिक कोयले का उत्पादन | साधारण शर्तें लागू होंगी (यदि खनन क्षेत्र के अंदर स्थित है तो प्रस्ताव का मूल्यांकन खनन प्रस्ताव के साथ किया जाना चाहिए) |

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| 2(ख) | खनिज सज्जीकरण | ≥ 0.1 मिलियन टन/ वार्षिक कोयले का उत्पादन | < 0.1 मिलियन टन/ वार्षिक कोयले का उत्पादन | साधारण शर्त लागू होगी अनापत्ति प्रदान करने के लिए खनन प्रस्ताव का खनिज सज्जीकरण के साथ ही मूल्यांकन किया जाना चाहिए |
| 3 | पदार्थ उत्पादन - | | | |
| 3(क) | धातुकर्म उद्योग (फेरस और गैर फेरस) | क) प्राथमिक धातुकर्म उद्योग सभी परियोजनाएं ख) स्पंज आयरन विनिर्माण ≥ 200 टन पी डी ग) गौण धातु कर्म प्रसंस्करण उद्योग सभी विषाक्त और भारी धातु उत्पादित करने वाली इकाइयां $\geq 20,000$ टन/ वार्षिक | स्पंज आयरन विनिर्माण < 200 टन पी डी गौण धातु कर्म प्रसंस्करण उद्योग 1) सभी विषाक्त और भारी धातु उत्पादित करने वाली इकाइयां $< 20,000$ टन/ वार्षिक 2) अन्य सभी विषरहित गौण धातुकर्म प्रसंस्करण उद्योग > 5000 टन / वार्षिक | स्पंज आयरन विनिर्माण के लिए साधारण शर्त लागू होगी |
| 3(ख) | सीमेंट संयंत्र | वार्षिक उत्पादन क्षमता ≥ 1.0 मिलियन टन | वार्षिक उत्पादन क्षमता < 1.0 मिलियन टन यह सभी ग्राइंडिंग इकाइयों के लिए लागू है | साधारण शर्त लागू होगी |
| 4 | पदार्थ प्रसंस्करण | | | |
| 4(क) | पेट्रोलिम रिफाइनिंग उद्योग | सभी परियोजनाएं | - | - |
| 4(ख) | कोक भट्टी संयंत्र | $\geq 2,50,000$ टन वार्षिक | $< 2,50,000$ एवं $\geq 25,000$ टन वार्षिक | - |
| 4(ग) | एस्बेस्टास मिलिंग और एस्बेस्टास आधारित उत्पाद | सभी परियोजनाएं | - | - |
| 4(घ) | क्लोस्कार उद्योग, | उत्पादन क्षमता ≥ 300 टन पी डी या अधिसूचित औद्योगिक क्षेत्र/संपदा से बाह्य अवस्थित इकाई | उत्पादन क्षमता < 300 टन पी डी और अधिसूचित औद्योगिक क्षेत्र/संपदा में अवस्थित इकाई | विनिर्दिष्ट शर्त लागू होगी किसी नए पारा प्रकोष्ठ आधारित संयंत्र को अनुज्ञा नहीं दी जाएगी और इस अधिसूचना द्वारा झिल्लीमय प्रकोष्ठ प्रौद्योगिकी में परिवर्तन करने वाली विद्यमान इकाई को छूट प्राप्त है। |

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| 4 | सोडा भस्म उद्योग | सभी परियोजनाएं | - | - |
| 4(ब) | घमड़ा/त्वचा/खाल प्रसंस्करण उद्योग | औद्योगिक क्षेत्र से बाहर सभी नई परियोजनाएं या औद्योगिक क्षेत्र के बाहर विद्यमान इकाइयों का विस्तार | अधिसूचित औद्योगिक क्षेत्र/संपदा में अवस्थित सभी नई परियोजनाएं या परियोजनाओं का विस्तार | विनिर्दिष्ट शर्त लागू होगी |
| 5 | उत्पादन/फैब्रिकेशन | | | |
| 5(क) | रासायनिक उर्वरक | सभी परियोजनाएं | - | - |
| 5(ख) | कीटनाशक उद्योग और कीटनाशक विशिष्ट मध्यक जीवमार (विनिर्मिति को छोड़कर) | तकनीकी श्रेणी के कीटनाशकों को उत्पादन करने वाली सभी इकाइयां | - | - |
| 5(ग) | पेट्रो रसायन परिसर (पेट्रोलियम के अंश और प्राकृतिक गैस और/या सुगन्धितों में सुधार प्रसंस्करण आधारित उद्योग) | सभी परियोजनाएं | - | - |
| 5(घ) | मानव निर्मित फाइबर का उत्पादन | रेयन | अन्य | साधारण शर्त लागू होगी |
| 5(ङ) | पेट्रो रसायन आधारित प्रसंस्करण (भंजन से भिन्न अन्य प्रसंस्करण तथा सुधार और जो परिसर के भीतर समाविष्ट नहीं है) | अधिसूचित औद्योगिक क्षेत्र/संपदा के बाह्य अवस्थित | अधिसूचित औद्योगिक क्षेत्र/संपदा के भीतर अवस्थित | विनिर्दिष्ट शर्त लागू होगी |
| 5(च) | संश्लिष्ट कार्बनिक रसायन उद्योग (रंजक और रंजक मध्यक; थोक औषधि और औषधि विनिर्मितियों को छोड़कर मध्यक: संश्लिष्ट रबड़ मूल कार्बनिक रसायन, अन्य संश्लिष्ट कार्बनिक रसायन और रसायन मध्यक) | अधिसूचित औद्योगिक क्षेत्र/संपदा के बाह्य अवस्थित | अधिसूचित औद्योगिक क्षेत्र/संपदा के भीतर अवस्थित | विनिर्दिष्ट शर्त लागू होगी |
| 5(छ) | आसवनी | (i) सभी शीरा आधारित आसवनी । (ii) सभी गन्ने का रस/गीर -शीरा आधारित आसवनी ≥ 30 कि०ली० दैनिक | सभी गन्ने का रस/गीर शीरा आधारित आसवनी < 30 कि०ली० दैनिक | साधारण शर्त लागू होगी |
| 5(ज) | समेकित पेंट उद्योग | - | सभी परियोजनाएं | साधारण शर्त लागू होगी |
| 5(झ) | अपशिष्ट कागज से कागज का निर्माण और तैयार लुग्दी और विरंजन किए बिना तैयार लुग्दी से कागज निर्माण के अलावा लुग्दी एवं कागज | लुग्दी विनिर्माण और लुग्दी और कागज विनिर्माण उद्योग | लुग्दी विनिर्माण के बिना कागज विनिर्माण उद्योग | साधारण शर्त लागू होगी |

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| | उद्योग | | | |
| 5(अ) | चीनी उद्योग | | गन्ना पेरने की क्षमता \geq 5000 टन दैनिक | साधारण शर्त लागू होगी |
| 5(ट) | प्रेरण/आर्क मट्टी/कुपोला मट्टी 5 टन प्रति घंटा या ज्यादा | | सभी परियोजनाएं | साधारण शर्त लागू होगी |
| 6 | सेवा सेक्टर | | | |
| 6(क) | राष्ट्रीय उद्यानों/ अभयारण्यों/ प्रवाल भित्तियों/ एल एन जी टर्मिनल सहित पारिस्थिकीय संवेदनशील क्षेत्रों से गुजरने वाली तेल और गैस परिवहन पाइप लाइनें (अपरिकृष्ट और परिष्करणी /पेट्रो रसायन उत्पाद) | सभी परियोजनाएं | | |
| 6(ख) | एकल भंडारकरण और परिसंकटमय रसायन को संभालना (एमएसआईएचसी नियम, 1989 और 2000 की संशोधित अनुसूची 2 और 3 के स्तंभ 3 में उपदर्शित अवसीमा योजना परिमाण के अनुसार | | सभी परियोजनाएं | साधारण शर्त लागू होगी |
| 7 | पर्यावरणीय सेवाओं सहित भौतिक अवसंरचना | | | |
| 7(क) | विमानपत्तन | सभी परियोजनाएं | - | - |
| 7(ख) | सभी पोत मंजन यार्ड जिसमें पोत मंजन इकाई भी सम्मिलित है | सभी परियोजनाएं | - | - |
| 7(ग) | औद्योगिक संपदा/पार्क/परिसर/ क्षेत्र/निर्यात प्रसंस्करण जोन(नि.प्र.जो.), विशेष आर्थिक जोन(वि.आ.जो.) जैव प्रीद्योगिकी पार्क चमड़ा परिसर | प्रस्तावित औद्योगिक संपदा में यदि एक भी उद्योग श्रेणी क के अंतर्गत आता है तो पूरे औद्योगिक क्षेत्र को श्रेणी क ही समझा जाएगा चाहे वह किसी भी क्षेत्र में हो 500 हैक्टेयर से ज्यादा क्षेत्र की औद्योगिक संपदाएं और जिनमें कम से कम एक श्रेणी ख का उद्योग स्थित हो | औद्योगिक संपदाएं और जिनमें कम से कम एक श्रेणी ख का उद्योग स्थित है और क्षेत्र < 500 हैक्टेयर हो औद्योगिक संपदाएं क्षेत्र > 500 हैक्टेयर और जिसमें श्रेणी क या ख श्रेणी का कोई उद्योग नहीं है | विशेष शर्त लागू होगी टिप्पण 500 हैक्टेयर से कम क्षेत्र की औद्योगिक संपदाओं जिनमें क या ख श्रेणी का कोई उद्योग नहीं है, को मंजूरी की आवश्यकता नहीं है |
| 7(घ) | सामान्य परिसंकटमय अपशिष्ट उपचार भंडारकरण और निपटान सुविधाएं (उ.भ.नि.सु.) | सभी एकीकृत सुविधाएं जिनमें भस्मीकरण और भूमिभरण या केवल भस्मीकरण शामिल है | केवल भूमि भरण वाली सभी सुविधाएं | साधारण शर्त लागू होगी |

| | | | | |
|------|--|---|---|--|
| 7(क) | पत्तन, बंदरगाह | ≥ 5 मिलियन टन वार्षिक स्थोरा की उठाई-धराई की क्षमता (मत्स्य बंदरगाह से भिन्न) | < 5 मिलियन टन वार्षिक स्थोरा की उठाई-धराई की क्षमता और पत्तन/बंदरगाह में ≥ 10,000 टन वार्षिक मछली पकड़ने की क्षमता | साधारण शर्त लागू होगी |
| 7(घ) | राजमार्ग | 1) नए राष्ट्रीय राजमार्ग: और 2) 30 कि.मी. से ज्यादा लंबाई के राष्ट्रीय राजमार्गों का विस्तार जिनमें मार्ग के दोनों ओर अतिरिक्त भूमि अधिग्रहण 20 मीटर से ज्यादा है और एक से अधिक राज्यों से गुजरते हैं। | 1) नए राज्य राजमार्ग: और 2) 30 कि.मी. से ज्यादा लंबे राष्ट्रीय/राज्य राजमार्गों का विस्तार जिनमें मार्ग के दोनों ओर अतिरिक्त भूमि अधिग्रहण 20 मीटर से ज्यादा है। | साधारण शर्त लागू होगी |
| 7(ङ) | आकाशी यात्री रज्जुमार्ग | | सभी परियोजनाएं | साधारण शर्त लागू होगी |
| 7(च) | सामान्य स्राव उपचार संयंत्र (स.स.उ.सं.) | | सभी परियोजनाएं | साधारण शर्त लागू होगी |
| 7(छ) | नगरपालिका ठोस अपशिष्ट प्रबंधन सुविधा (स.न.अ.प्र.स.) | | सभी परियोजनाएं | साधारण शर्त लागू होगी |
| 8 | भवन/संनिर्माण परियोजनाएं/क्षेत्र विकास परियोजनाएं और शहरीकरण | | | |
| 8(क) | भवन एवं संनिर्माण परियोजनाएं | | ≥ 20000 वर्ग मी. के निर्मित क्षेत्र और < 1,50,000 वर्ग मीटर के निर्मित क्षेत्र # | # आवृत संनिर्माण के लिए निर्मित क्षेत्र आकाश की ओर खुली सुविधाओं की दशा में यह क्रियाकलाप क्षेत्र भी होगा। |
| 8(ख) | नगरी और क्षेत्र विकास परियोजनाएं | | ≥ 50 हे० क्षेत्र को सम्मिलित करते हुए और या निर्मित क्षेत्र ≥ 1,50,000 वर्ग मीटर ++ | ++ 8 (ख) के अंतर्गत सभी परियोजनाओं को ख 1 प्रवर्ग के अनुसार निबंधित किया जाएगा। |

टिप्पण

साधारण शर्त (सा.श.)

प्रवर्ग "ख" में विनिर्दिष्ट किसी परियोजना या क्रियाकलाप को प्रवर्ग "क" माना जाएगा, यदि वह : (i) वन्य जीव (संरक्षण) अधिनियम, 1972 के अधीन अधिसूचित संरक्षित क्षेत्र; (ii) उसकी समय-समय पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा गंभीर रूप से प्रदूषित क्षेत्र के रूप में पहचान की गई है; (iii) परिस्थितिकी संवेदनशील क्षेत्र अधिसूचित है; और (iv) अंतरराज्यिक सीमाओं और अंतरराष्ट्रीय सीमाओं से दस किलोमीटर के भीतर संपूर्ण रूप से या आंशिक रूप में अवस्थित है।

विनिर्दिष्ट शर्त (वि.श.)

यदि कोई मद 4(घ), 4(च), 5(ङ), 5(घ) जैसी समयुग्म की प्रकार का उद्योगों वाला औद्योगिक संपदा/कांप्लेक्स/निर्यात प्रसंस्करण जोन/विशेष आर्थिक जोन/जैव प्रौद्योगिकी उद्यान/चमड़ा परिसर या पूर्व निर्धारित गतिविधियों वाले उद्योग (आवश्यक नहीं कि वे समयुग्म हों) पूर्व पर्यावरणीय अनापत्ति प्राप्त करते हैं, तो ऐसी संपदाओं/कांप्लेक्सों के भीतर प्रस्तावित उद्योगों सहित निजी उद्योगों को तब तक पूर्व पर्यावरणीय अनापत्ति लेना अपेक्षित नहीं है जब तक कि औद्योगिक कांप्लेक्स/संपदा के लिए निबंधनों और शर्तों का अनुपालन नहीं करते (ऐसी संपदा/कांप्लेक्सों की पूर्व पर्यावरणीय अनापत्ति की निबंधनों और शर्तों के लिए सहमता सुनिश्चित करने के विधिक उत्तरदायित्व से स्पष्ट रूप से पहचान करने का प्रबंध होना चाहिए जिसे कांप्लेक्स/संपदा के सारे जीवन में उसके अतिक्रमण के लिए उत्तरदायी ठहराया जा सकेगा)।

[सं. जे-11013/56/2004-आईए-II(1)]

आर. चन्द्रमोहन, संयुक्त सचिव

परिशिष्ट -I
(पैरा 6 देखें)
प्ररूप 1

(1) आधारभूत जानकारी

परियोजना का नाम :

विचाराधीन अनुकल्पी अवस्थिति/स्थान :

परियोजना का आकार * :

परियोजना की प्राक्कलित लागत

संपर्क जानकारी :

संवीक्षा प्रवर्ग :

- अंचलीय क्रियाकलाप के लिए तत्स्थानी क्षमता (जैसे विनिर्माण करने के लिए उत्पादन क्षमता, खनिज उत्पादन के लिए खनन पट्टा क्षेत्र और उत्पादन क्षमता, खनिज पूर्वक्षण के लिए क्षेत्र, अनुरेख परिवहन अवसंरचना के लिए लंबाई, विद्युत उत्पादन आदि के उत्पादन क्षमता)

(II) क्रियाकलाप

1. परियोजना का संनिर्माण, प्रचालन या न निकालना जिसमें ऐसी कार्रवाई भी सम्मिलित है जो परिक्षेत्र में भौतिक परिवर्तनों का कारण होगी (स्थलाकृति, भूमि उपयोग, जल निकायों में परिवर्तन आदि)

| क्र.सं. | जानकारी/जांच सूची पुष्टिकरण | हां/नहीं | उनके ब्यारे (लगभग मात्रा/दरों, सहित, जो संभव हो, सहित) आंकड़ों की जानकारी के स्रोत सहित । |
|---------|--|----------|---|
| 1.1 | भूमि उपयोग, समावेश भूमि या स्थलाकृति में स्थायी या अस्थायी जिसमें भूमि उपयोग की मात्रा(स्थानीय भूमि उपयोग योजना के बारे में वृद्धि भी सम्मिलित है) | | |
| 1.2 | विद्यमान भूमि, वनस्पति और भवनों की अनापत्ति | | |
| 1.3 | नई भूमि उपयोगों का सृजन | | |
| 1.4 | संनिर्माण पूर्व अन्वेषण अर्थात बोर, गृह, मिट्टी का परिक्षण करना | | |
| 1.5 | संनिर्माण कार्य | | |
| 1.6 | विध्वंस कार्य | | |

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| 1.7 | संनिर्माण कार्य या संनिर्माण कर्मकारों के घर के प्रबंध के लिए उपयोग किए गए अस्थायी स्थल | | |
| 1.8 | उपर्युक्त भू-भंडार, संरचनाएँ या भूखंड जिसमें अनुरेखीय संरचनाएं, काटनी और भस्म या खुदाई भी सम्मिलित है। | | |
| 1.9 | भूमिगत कार्य जिसमें खनन या सुरंग बनाना भी सम्मिलित है। | | |
| 1.10 | भूमि उद्धार कार्य | | |
| 1.11 | तलकषक | | |
| 1.12 | अपतृप्त संरचनाएं | | |
| 1.13 | उत्पादन और विनिर्माण प्रक्रियाएं | | |
| 1.14 | सामग्रियों या माल के भंडार की सुविधाएं | | |
| 1.15 | ठोस अवशिष्ट या तरल बहिःस्रावों के उपचार या निपटान के लिए सुविधाएं | | |
| 1.16 | परिचालन कर्मकारों के दीर्घकालिक घर का प्रबंध के लिए सुविधाएं | | |
| 1.17 | संनिर्माण या प्रचालन के दौरान नई सड़क, रेल या समुद्री यातायात | | |
| 1.18 | नई सड़क, रेल, वायु जल वाहिक या अन्य परिवहन अवसंरचना जिसमें नए या परिवर्तित मार्ग और स्टेशन, पत्तन, विमानपत्तन आदि भी सम्मिलित है। | | |
| 1.19 | विद्यमान परिवहन मार्गों को बंद करना या अक्षय्य या यातायात परिचालन में परिवर्तनों के लिए प्रमुख अवसंरचना | | |
| 1.20 | नई या अपवर्तित प्रेषण लाईनें या पाइपलाइनें | | |
| 1.21 | अवरुद्ध करना, बाध बनाना, पुलिया बनाना, पुनःरेखांकन या जलमार्गों या एक्वीकरों के जल विज्ञान के लिए अन्य परिवर्तन | | |
| 1.22 | प्रवाह पार | | |
| 1.23 | भूजल या भूतल से जल का अंतरण या पृथक्करण | | |
| 1.24 | नालियों या प्रवाह को प्रभावित करने वाले जलनिष्पादों या भूमि स्तर में परिवर्तन | | |
| 1.25 | संनिर्माण, परिचालन या न मिकालमे के लिए कार्मिक या सामग्रियों का परिवहन | | |
| 1.26 | दीर्घकालिक रूप में तोड़ना, प्रारंभ करना या कार्य पुनः आरंभ करना। | | |
| 1.27 | आरंभ के दौरान जारी ऐसे क्रियाकलाप जो पर्यावरण पर समाघात कर सकेंगे। | | |
| 1.28 | जमता का किसी क्षेत्र के लिए या तो अस्थायी रूप से या स्थायी रूप से आना। | | |
| 1.29 | अन्य देशीय प्रजातियों का आना | | |
| 1.30 | मूल निवासी प्रजातियों या आनुवंशिक विविधता की हानि | | |
| 1.31 | अन्य कोई कार्रवाईयां | | |

2. परियोजना के सनिर्माण या प्रचालन के लिए प्राकृतिक संसाधनों का उपयोग (जैसे भूमि, जल सामग्री या ऊर्जा विशेष रूप से ऐसा कोई संसाधन जो नवीकरणीय नहीं है या जिसका प्रदाय कम है)

| क्र.सं. | सूचना/जांच सूची पुष्टीकरण | हां/नहीं | सूचना आंकड़ों के स्रोत सहित उनके ब्यारे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो) |
|---------|---|----------|--|
| 2.1 | विशेष रूप से अविकसित भूमि या कृषि भूमि (हे0) | | |
| 2.2 | जल (अनुमानित स्रोत और प्रतियोगी उपयोगकर्ता) इकाई : के.एल.डी. | | |
| 2.3 | खनिज (एम.टी.) | | |
| 2.4 | सनिर्माण सामग्री -- पत्थर और सत, बालू/मृदा (अनुमानित स्रोत एम.टी.) | | |
| 2.5 | वन और इमारती लकड़ी (स्रोत -- एम.टी.) | | |
| 2.6 | ऊर्जा जिसके अंतर्गत विद्युत और ईंधन (स्रोत, प्रतियोगी उपयोगकर्ता) इकाई : ईंधन (एम.टी.) ऊर्जा (एम.डब्ल्यू) | | |
| 2.7 | कोई अन्य प्राकृतिक संसाधन, (समुचित मानक इकाइयों का उपयोग करें) | | |

3. पदार्थों या सामग्रियों का उपयोग कंडाकरण, परिवहन, उठाई धराई या उत्पादन, जो मानव स्वास्थ्य या पर्यावरण के लिए खतरनाक या जिनके मानव स्वास्थ्य की जोखिम की वास्तविकता के बारे में चिंताएं उठती हैं ।

| क्र.सं. | सूचना/जांच सूची पुष्टीकरण | हां/नहीं | सूचना आंकड़ों के स्रोत सहित उनके ब्यारे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो) |
|---------|---|----------|--|
| 3.1 | पदार्थों या सामग्रियों का उपयोग जो मानव स्वास्थ्य या पर्यावरण (फ्लोरा, फोना और जल प्रदाय के लिए परिसंकटमय) (एम एस.आई.एच.सी. नियमों के अनुसार) हैं | | |
| 3.2 | रोग के होने में परिवर्तन या रोग वाहकों के रोग का प्रभाव (उदहरणार्थ कीट या जल-जन्य रोग) | | |
| 3.3 | लोगों के कल्याण पर प्रभाव उदहरणार्थ जीवन दशाओं में परिवर्तन करके | | |
| 3.4 | लोगों के संवेदनशील समूह जो परियोजना अर्थात् अस्पताल रोगियों, बालकों, वृद्धों आदि द्वारा प्रभावित हो सकते हैं | | |
| 3.5 | कोई अन्य कारण | | |

4. निर्माण या प्रचालन या प्रारंभ न करने के दौरान टोस अपशिष्टों का उत्पादन (एम.टी./मास)

| क्र.सं. | सूचना/जांच सूची पुष्टीकरण | हां/नहीं | सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो) |
|---------|---|----------|--|
| 4.1 | मृदा, अधिक भार या खान अपशिष्ट | | |
| 4.2 | नगरपालिक अपशिष्ट (घरेलू और या वाणिज्यिक अपशिष्ट) | | |
| 4.3 | परिसंकटमय अपशिष्ट (परिसंकटमय अपशिष्ट प्रबंध तंत्र नियमों के अनुसार) | | |
| 4.4 | अन्य औद्योगिक प्रक्रिया अपशिष्ट | | |
| 4.5 | अधिशेष उत्पाद | | |
| 4.6 | मल बही-खाव उपचार से मल गाद या अन्य गाद | | |
| 4.7 | निर्माण या ढाये गए अपशिष्ट | | |
| 4.8 | बेकार मशीनरी या उपस्कर | | |
| 4.9 | संदूषित मृदाएं या अन्य सामग्रियां | | |
| 4.10 | कृषि अपशिष्ट | | |
| 4.11 | अन्य टोस अपशिष्ट | | |

5. वायु में संदूषकों या किसी परिसंकटमय विषैले या जहरीले पदार्थों का विसर्जन

| क्र.सं. | सूचना/जांच सूची पुष्टीकरण | हां/नहीं | सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो) |
|---------|--|----------|--|
| 5.1 | लेखन सामग्री या चल संसाधनों से जीवाणु ईंधनों के दहन से उत्सर्जन | | |
| 5.2 | उत्पादन प्रक्रियाओं से उत्सर्जन | | |
| 5.3 | सामग्रियों की उठाई धराई से जिसके अंतर्गत भंडारण या परिवहन भी है, उत्सर्जन | | |
| 5.4 | निर्माण क्रियाकलापों से जिसके अंतर्गत संयंत्र और उपस्कर भी हैं, उत्सर्जन | | |
| 5.5 | सामग्रियों की उठाई धराई से जिसके अंतर्गत निर्माण सामग्री, मल और अपशिष्ट भी हैं, धूल या गंध | | |
| 5.6 | अपशिष्ट के भस्मीकरण से उत्सर्जन | | |
| 5.7 | खुली वायु में अपशिष्ट के जलने से उत्सर्जन (उदाहरणार्थ स्लैश सामग्री, निर्माण सामग्री का ढेर) | | |
| 5.8 | किन्हीं अन्य स्रोतों से उत्सर्जन | | |

6. शोर और कंपन का पैदा होना तथा प्रकाश और उष्मा का उत्सर्जन

| क्र.सं. | सूचना/जांच सूची पुष्टीकरण | हां/नहीं | सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो) |
|---------|---|----------|--|
| 6.1 | उपस्कर के प्रचालन से उदाहरणार्थ ईजन, वातायन संयंत्र, संचालनित्र | | |
| 6.2 | औद्योगिक या उसी प्रकार की प्रक्रियाओं से | | |
| 6.3 | निर्माण या ढहाने से | | |
| 6.4 | विस्फोटन या पाइलिंग से | | |
| 6.5 | निर्माण या प्रचालन संबंधी यातायात से | | |
| 6.6 | प्रकाशन या प्रशीतन प्रणालियों से | | |
| 6.7 | किन्हीं अन्य संसाधनों से | | |

7. भूमि या मल नालियों, सतही जल, भूमिगत जल, तटीय जल या समुद्र में प्रदूषकों के विसर्जन से भूमि या जल के संदूषण के जोखिम

| क्र.सं. | सूचना/जांच सूची पुष्टीकरण | हां/नहीं | सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो) |
|---------|--|----------|--|
| 7.1 | परिसंकटमय सामग्री की उठाई धराई, भंडारण, उपयोग या गाद से | | |
| 7.2 | जल या भूमि में (अनुमानित ढंग और विसर्जन का स्थान) मल या अन्य बर्ही स्रावों के विसर्जन से | | |
| 7.3 | वायु से भूमि या जल में उत्सर्जित प्रदूषकों के जमा होने से | | |
| 7.4 | किन्हीं अन्य संसाधनों से | | |
| 7.5 | क्या इन संसाधनों से पर्यावरण में प्रदूषकों के जमा होने से दीर्घकालिक जोखिम है ? | | |

8. परियोजना के निर्माण या प्रचालन के दौरान दुर्घटनाओं का जोखिम जो मानव स्वास्थ्य या पर्यावरण को प्रभावित कर सकते हैं

| क्र.सं. | सूचना/जांच सूची पुष्टीकरण | हां/नहीं | सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो) |
|---------|---|----------|--|
| 8.1 | परिसंकटमय पदार्थों के विस्फोट, गाद, आग, भंडारण, उठाई धराई या उत्पादन से | | |
| 8.2 | किन्हीं अन्य कारणों से | | |
| 8.3 | क्या परियोजना प्राकृतिक विपदाओं द्वारा पर्यावरण को नुकसान पहुंचाएंगी (उदाहरणार्थ बाढ़, भूकंप, भू-सखलन, वृष्टिस्फोट आदि) ? | | |

9. बातें जिन पर विचार किया जाना चाहिए (जैसे पारिणामिक विकास) जिनके कारण पर्यावरणीय प्रभाव होते हैं या जो संचयी प्रभावों को करने के लिए अन्य विद्यमान प्रभावों सहित या परिक्षेत्र में नियोजित क्रियाकलापों के लिए सामर्थवान हैं

| क्र.सं. | योजना/जांच सूची पुष्टीकरण | हां/नहीं | सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो) |
|---------|--|----------|--|
| 9.1 | जिसके कारण आधार का विकास, सहायक विकास या परियोजना द्वारा विकास को बल मिलता है जिसका पर्यावरण पर प्रभाव हो सकता है अर्थात् — <ul style="list-style-type: none"> ● आधारीक अवसंरचना (सड़कें, बिजली प्रदाय, अपशिष्ट या अपशिष्ट जल उपचार आदि) ● आवासन विकास ● निष्कर्षित उद्योग ● पूर्ति उद्योग ● अन्य | | |
| 9.2 | जिसके कारण स्थल का बाद में उपयोग होता है जिसका पर्यावरण पर प्रभाव हो सकता है | | |
| 9.3 | पश्चात्वर्ती विकासों के लिए उदाहरण स्थापित करना | | |
| 9.4 | सामिप्य के कारण अन्य विद्यमान परियोजनाओं पर संचयी प्रभाव हैं या उसी प्रकार के प्रभावों सहित नियोजित परियोजनाएं | | |

(III) पर्यावरणीय संवेदनशीलता

| क्र.सं. | क्षेत्र | नाम/पहचान | आकाशी दूरी (15 किलोमीटर के भीतर) प्रस्तावित परियोजना अवस्थान सीमा |
|---------|--|-----------|---|
| 1. | उनके पारिस्थितिक भू-दृश्य, सांस्कृतिक या अन्य संबंधित मूल्यों के लिए अंतरराष्ट्रीय कन्वेंशन, राष्ट्रीय या स्थानीय विधान के अधीन संरक्षित क्षेत्र । | | |
| 2. | क्षेत्र जो पारिस्थितिक कारणों के लिए महत्वपूर्ण या संवेदनशील हैं - वेट लैंड्स, जल स्रोत या अन्य जल संबंधी निकाय, तटीय जोन, बायोस्फीयर, पहाड़ियां, वन | | |
| 3. | क्षेत्र जो प्रजनन, घासला बनाने, चारे के लिए, आराम करने के लिए, सर्दी के लिए, प्रवास के लिए फ्लोरा और फौना के संरक्षित महत्वपूर्ण या संवेदनशील प्रजातियों द्वारा उपयोग किए जाते हैं | | |
| 4. | अंतरदेशीय, तटीय, सामुद्रिक या भूमिगत जल | | |

- 1.5 क्या प्राकृतिक मल निकास प्रणाली के परिवर्तन से संबंधित प्रस्ताव है ? (प्रस्तावित परियोजना स्थल के निकट प्राकृतिक मल निकासी को दर्शित करते हुए किसी समोच्च नक्शे के ब्यारे दें)
- 1.6 निर्माण क्रियाकलाप — कर्तन, भरण, भूमि सुधार आदि में अंतर्वलित भूमि कार्य की मात्राएं क्या हैं ? (अंतर्वलित भूमि कार्य, स्थल आदि के बाहर से सामग्री भरने के परिवहन के ब्यारे दें)
- 1.7 निर्माण अवधि के दौरान जल प्रदाय अपशिष्ट उठाई धराई आदि के संबंध में ब्यारे दें ।
- 1.8 क्या नीचे के क्षेत्रों और वेट लैंड्स में परिवर्तन होगा ? (वह ब्यारे दें कि किस प्रकार निचले क्षेत्र और वेट लैंड्स प्रस्तावित क्रियाकलापों से उपांतस्थित हो रहे हैं)
- 1.9 क्या निर्माण के दौरान निर्माण के कूड़ा करकट और अपशिष्ट से स्वास्थ्य को खतरा होगा ? (निर्माण के दौरान जिसके अंतर्गत निर्माण श्रम और व्ययन की युक्तियां भी हैं, जनित अपशिष्टों की विभिन्न किस्मों की मात्राएं दें ।)

2. जल पर्यावरण

- 2.1 विभिन्न उपयोगों की अपेक्षाओं के विश्लेषण सहित प्रस्तावित परियोजना के लिए जल अपेक्षा की कुल मात्रा दें । जल अपेक्षा की पूर्ति कैसे होगी । स्रोतों और मात्राओं का कथन करें तथा एक जल अतिशेष विवरण दें ।
- 2.2 जल के प्रस्तावित स्रोत की क्षमता क्या है ? (बहाव या प्राप्ति के आधार पर)
- 2.3 अपेक्षित जल की क्वालिटी क्या है यदि पूर्ति किसी नगर पालिक स्रोत से नहीं है ? (जल की क्वालिटी के वर्ग सहित भौतिक, रासायनिक, जैव वैज्ञानिक लक्षणों को दर्शित करें)
- 2.4 कितनी जल अपेक्षा की उपचारित बेकार जल के पुनः चक्रण से पूर्ति हो सकती है ? (मात्राओं, स्रोतों और उपयोगिताओं के ब्यारे दें ।)
- 2.5 क्या अन्य उपयोक्ताओं से जल का उपयोजन होगा ? (कृपया अन्य विद्यमान उपयोगों और उपभोग की मात्राओं पर परियोजना के प्रभाव का निर्धारण करें)
- 2.6 प्रस्तावित क्रियाकलापों से प्राप्त बेकार जल से प्रदूषण के भार में क्या वृद्धि है ? (प्रस्तावित क्रियाकलापों से प्राप्त बेकार जल की मात्राओं और संघटन के ब्यारे दें)
- 2.7 जल अपेक्षाओं की जल संचयन से हुई पूर्ति के ब्यारे दें । सृजित सुविधाओं के ब्यारे प्रस्तुत करें ।
- 2.8 दीर्घकालिक आधार पर निर्माण चरण के पश्चात् क्षेत्र की प्रस्तावित परियोजना के पूरा होने के लक्षणों (मात्रात्मकता के साथ-साथ क्वालिटी भी) के कारण भूमि उपयोग में हुए परिवर्तनों का क्या प्रभाव होगा ? क्या इससे बाढ़ या जल के जमा होने की किसी रूप में समस्या में वृद्धि होगी ?
- 2.9 भूमिगत जल पर प्रस्ताव के क्या प्रभाव होंगे ? (क्या भूमिगत जल में नल लगाया जाएगा ; भूमिगत जल की सारणी, पुनः प्रभारण क्षमता और सक्षम प्राधिकारी से अभिप्राप्त अनुमोदन यदि कोई हों के ब्यारे दें)
- 2.10 भूमि और पनिलों को प्रदूषित करने वाले निर्माण क्रियाकलाप से बचने के उपायों के लिए क्या सावधानियां/कदम उठाए जाने हैं ? (प्रतिकूल प्रभावों से बचने के लिए मात्राओं और अपनाए जाने वाले उपायों के ब्यारे दें)

2.11 स्थल के भीतर किस प्रकार तेज जल की व्यवस्था की जाएगी ? (क्षेत्र में बाढ़ से बचने के लिए किए गए उपबंध, समोच्च स्तरों के उपदर्शन के स्थल अभिन्यास सहित उपलब्ध कराई गई जल निकासी सुविधाओं के ब्यौरे का कथन करें)

2.12 क्या आवश्यक अवधि में विशेष रूप से निर्माण श्रमिकों के लगाए जाने से परियोजना स्थल के आसपास अस्वच्छता दशाएं उत्पन्न हो जाती हैं ? (उचित स्पष्टीकरण से न्यायोचित ठहराएं)

2.13 स्थल सुविधाओं पर संग्रहण, उपचार और जल निकासी के सुरक्षित व्ययन के लिए क्या व्यवस्था की जाती है ? (पुनःचक्रण और व्ययन के लिए प्रौद्योगिकी और सुविधाओं सहित जनन, उपचार क्षमताओं की, चाहे जैसी हों मात्राओं के ब्यौरे दें)

2.14 दोहरी नलसाजी प्रणाली के ब्यौरे दें यदि उपयोग किए गए उपचारित अपशिष्ट का प्रसाधनों को बहाने या किसी अन्य उपयोग के लिए उपयोग किया जाता है ।

3 वनस्पति

3.1 क्या जैवविविधता पर परियोजना का कोई खतरा है ? (स्थानीय पारिस्थितिक प्रणाली का उसकी विशिष्ट बातों सहित यदि कोई हों वर्णन करें)

3.2 क्या निर्माण में वनस्पति की विस्तृत निकासी या उपांतरण अंतर्वलित है ? (परियोजना द्वारा प्रभावित वृक्षों और वनस्पति का विस्तृत लेखा जोखा दें)

3.3 महत्वपूर्ण स्थल की बातों पर प्रभावों को कम करने के लिए प्रस्तावित उपाय क्या हैं ? (किसी समुचित मापमान कि किसी अभिन्यास योजना सहित वृक्षारोपण, भूदृश्य, जल निकायों आदि के सृजन के प्रस्ताव के ब्यौरे दें)

4. जीव जन्तु

4.1 क्या जीव जन्तुओं, स्थलीय और जलीय रूप से किसी प्रकार हटाने या उनके चलने फिरने के लिए रुकावटें होने की संभावना है ? ब्यौरे दें ।

4.2 क्षेत्र के जीव जन्तुओं पर क्या कोई प्रत्यक्ष या अप्रत्यक्ष प्रभाव हैं ? ब्यौरे दें ।

4.3 जीवजन्तुओं पर प्रतिकूल प्रभावों को कम करने के लिए कारीडोर, मछली सीड़ियों आदि जैसे उपाय विहित करें ।

5. वायु पर्यावरण

5.1 क्या परियोजना से द्वीपों में गैसों के वायुमंडलीय सांद्रण में वृद्धि होगी और उसके परिणामस्वरूप ऊष्मा बढ़ेगी ? (प्रस्तावित निर्माणों के परिणामस्वरूप वर्धित यातायात बढ़ने को ध्यान में रखते हुए विक्षेपण आदर्शों पर आधारित अनुमानित मूल्यों सहित पृष्ठभूमि वायु क्वालिटी स्तरों के ब्यौरे दें)

5.2 धूल, जहरीली वाष्पों या अन्य परिसंकटमय गैसों के बनने पर क्या प्रभाव हैं ? सभी मौसम विज्ञान परिभाषों के संबंध में ब्यौरे दें ।

5.3 क्या प्रस्ताव से यानों को पार्क करने के स्थल में कमी आएगी ? परिवहन अवसंरचना और सुधार के लिए प्रस्तावित उपायों के, जिसके अंतर्गत परियोजना स्थल के प्रवेश और निर्गम पर यातायात व्यवस्था भी है, विद्यमान स्तर के ब्यौरे दें ।

5.4 प्रत्येक प्रवर्ग के अधीन क्षेत्रों में आंतरिक सड़कों, बाइसिकिल, मार्गों, पैदल यात्री मार्गों, पैदल मार्गों आदि पर चलने के पैदलों के ब्यारे दें।

5.5 क्या यातायात शोर और कंपन में महत्वपूर्ण वृद्धि होगी ? ऊपर वर्णित बातों को कम करने के लिए स्रोतों और प्रस्तावित उपायों के ब्यारे दें।

5.6 परियोजना स्थल के आसपास शोर स्तरों और कंपन तथा घिसी हुई वायु की क्वालिटी पर डीजी सेटों और अन्य उपकरणों पर क्या प्रभाव होगा ? ब्यारे दें।

6. सौन्दर्यबोद्धी

6.1 क्या प्रस्तावित निर्माणों के परिणामस्वरूप किसी दृश्य, दृश्यसुविधा या भूदृश्य में रुकावट होगी ? क्या प्रस्तावकों ने इन बातों पर विचार कर लिया है ?

6.2 क्या विद्यमान परिनिर्माणों पर नए निर्माण से कोई प्रतिकूल प्रभाव होगा ? किन बातों को ध्यान में रखा गया है ?

6.3 क्या डिजाइन मापमान को प्रभावित करने वाले शहर स्त्री या शहरी डिजाइनों का कोई स्थानीय आकलन है ? उनका स्पष्ट रूप से उल्लेख किया जा सकता है।

6.4 क्या कोई मानव विज्ञान संबंधी या पुरातत्वीय स्थल या बाह्य चीजें आसपास में हैं ? कथन करें यदि कोई अन्य महत्वपूर्ण बात, जिसपर प्रस्तावित स्थल के परिक्षेत्र में होने पर विचार किया गया है।

7 सामाजिक - आर्थिक पहलू

7.1 क्या प्रस्ताव के परिणामस्वरूप स्थानीय जनता के समाज संबंधी परिनिर्माणों में कोई परिवर्तन होगा ? ब्यारे दें।

7.2 प्रस्तावित परियोजना के आसपास विद्यमान सामाजिक अवसरचना के ब्यारे दें।

7.3 क्या परियोजना से स्थानीय समुदायों पर प्रतिकूल प्रभाव, पवित्र स्थलों या अन्य सांस्कृतिक मूल्यों में विघ्न पड़ेगा ? प्रस्तावित सुरक्षापाय क्या हैं ?

8 निर्माण सामग्री

8.1 अधिक ऊर्जा सहित निर्माण सामग्री का उपयोग हो सकेगा। क्या ऊर्जा दक्ष प्रक्रियाओं सहित निर्माण सामग्री उत्पादित की जाती है ? (निर्माण सामग्री और उनकी ऊर्जा दक्षता का चयन करने में ऊर्जा संरक्षण उपायों के ब्यारे दें)

8.2 निर्माण के दौरान सामग्री का परिवहन और उठाई धराई के कारण प्रदूषण, शोर और लोक अशान्ति हो सकती है। इन प्रभावों को कम करने के लिए क्या उपाय किए जाने हैं ?

8.3 क्या सड़कों और ढाचों में पुनः चक्रित सामग्री उपयोग की जाती है ? की गई बचतों की सीमा का कथन करें ?

8.4 परियोजना के प्रचालन संबंधी चरणों के दौरान हुए कूड़े के संग्रहण, पृथक्करण और व्ययन की पद्धति के ब्यारे दें।

9 ऊर्जा संरक्षण

9.1 विद्युत अपेक्षा प्रदाय के स्रोत, स्रोत आदि की पृष्ठभूमि आदि के ब्यौरे दें। निर्मित क्षेत्र में प्रति वर्ग फुट ऊर्जा खपत कितनी है ? ऊर्जा खपत को कम करने के लिए क्या प्रयास किए गए हैं ?

9.2 विद्युत की पृष्ठभूमि की किस्म और क्षमता, जिसको देने की आपकी योजना है, क्या है ?

9.3 उपयोग किए जाने वाले कांच के अभिलक्षण क्या हैं ? शार्ट वेव और लांग वेव विकिरण दोनों से संबंधित उसके अभिलक्षणों के निर्देश दें।

9.4 भवन में कौन से अप्रत्यक्ष सौर वास्तविक कारक उपयोग किए जा रहे हैं ? प्रस्तावित परियोजना में किए गए उपयोजन को स्पष्ट करें।

9.5 क्या गलियों और भवनों के अभिन्यास सौर ऊर्जा युक्तियों की क्षमता को अधिकतम करते हैं ? क्या आपने भवन कम्प्लैक्स में उपयोग के लिए सड़क प्रकाशन आपात प्रकाशन और सौर तप्त जल प्रणालियों के उपयोग पर विचार कर लिया है ? ब्यौरों का सार दें।

9.6 क्या प्रशीतन/तापन भार को कम करने के लिए शेडिंग का प्रभावी रूप से उपयोग किया जाता है ? पूर्व और पश्चिम की दीवारों और छत पर शेडिंग को अधिकतम करने के लिए उपयोग करने के सिद्धांत क्या हैं ?

9.7 क्या परिनिर्माणों में ऊर्जा दक्ष स्थल शीतन, प्रकाशन और यांत्रिक प्रणालियों का उपयोग किया जाता है ? तकनीकी ब्यौरे दें। ट्रांसफार्मरों और मोटर दक्षता प्रकाशन तीव्रता और वायु प्रशीतन भार धारणाओं के ब्यौरे दें। क्या आप सीएफसी एचसीएफसी फ्री चिलर्स का उपयोग कर रहे हैं ? विनिर्देश दें।

9.8 सूक्ष्म जलवायु के परिवर्तन में भवन क्रियाकलापों के संभावित प्रभाव क्या हैं ? तप्त द्वीप और प्रतीपन प्रभावों के सृजन पर प्रस्तावित निर्माण के संभावित प्रभावों पर स्वतः निर्धारण का उल्लेख करें।

9.9 भवन आहाते के तापीय अभिलक्षण क्या हैं ? (क) छत ; (ख) बाह्य दीवारें ; और (ग) झरोखे ? उपयोग की गई सामग्री और व्यष्टिक संघटकों के यू मूल्यों या आर मूल्यों के ब्यौरे दें।

9.10 अग्नि संकट के लिए प्रस्तावित सावधानियां और सुरक्षा उपाय क्या हैं ? आपात योजनाओं के ब्यौरे दें।

9.11 दिवाल सामग्री के रूप में यदि कांच का उपयोग किया जाता है तो ब्यौरे और विनिर्देश जिसके अंतर्गत उत्सर्जनता और तापीय अभिलक्षण भी हैं, दें।

9.12 भवन में वायु प्रवेशन की दर क्या है ? प्रवेशन के प्रभावों को कैसे कम कर रहे हैं, उसके ब्यौरे दें।

9.13 समग्र ऊर्जा खपत में अपारंपरिक ऊर्जा प्रौद्योगिकियों का किसी सीमा तक उपयोग किया जाता है ? उपयोग की गई नवीकरणीय ऊर्जा प्रौद्योगिकियों के ब्यौरे दें।

10 पर्यावरण प्रबंध योजना

पर्यावरण प्रबंध योजना में, निर्माण, प्रचालन और परियोजना के क्रियाकलापों के परिणामस्वरूप प्रतिकूल पर्यावरणीय प्रभावों को न्यूनतम करने के लिए समस्त जीवन चक्र के दौरान किए जाने वाले क्रियाकलापों की प्रत्येक मददवार के लिए सभी न्यूनतम करने वाले उपाय अंतर्विष्ट होंगे। इसमें विभिन्न पर्यावरणीय विनियमों के अनुपालन के लिए पर्यावरणीय मानिदरी योजना का आलेखन भी होगा। आपात की दशा में, जैसे स्थल पर दुर्घटना जिसके अंतर्गत आग लगना भी है, उठाए जाने वाले कदमों का कथन भी होगा।

परिशिष्ट 3
(पैरा 7 देखें)

पर्यावरणीय समाघात निर्धारण दस्तावेज की साधारण संरचना

| क्र.सं. | ईआईए संरचना | अंतर्वस्तु |
|---------|--|--|
| 1. | प्राक्कथन | <ul style="list-style-type: none"> रिपोर्ट का प्रयोजन परियोजना और परियोजना प्रस्तावक की पहचान परियोजना की प्रकृति, आकार, अवस्थान का संक्षिप्त वर्णन और देश, प्रदेश में इसका महत्व अध्ययन का विस्तार — किए गए विनियामक विस्तार के ब्यौरे (सॉपे गए कृत्यों के अनुसार) |
| 2. | परियोजना वर्णन | <ul style="list-style-type: none"> परियोजना के उन पहलुओं का संघनित वर्णन (परियोजना साध्यता अध्ययन पर आधारित) जिनकी पर्यावरणीय प्रभाव कारित करने की संभावना है। निम्नलिखित को स्पष्ट करने के लिए ब्यौरे उपबंधित किए जाने चाहिए : परियोजना के किस्म परियोजना की आवश्यकता अवस्थान (साधारण अवस्थान, विनिर्दिष्ट अवस्थान, परियोजना सीमा और परियोजना स्थल अभिन्यास को दर्शित करते हुए नक्शे) प्रचालन का आकार या विस्तार (जिसके अंतर्गत परियोजना द्वारा या उसके लिए अपेक्षित सहयोजित क्रियाकलाप) अनुमोदन और कार्यान्वयन के लिए प्रस्तावित अनुसूची प्रौद्योगिकी और प्रक्रिया वर्णन परियोजना वर्णन, जिसके अंतर्गत परियोजना अभिन्यास, परियोजना आदि के संघटकों को दर्शित करते हुए आरेखन। साध्यता आरेखनों के स्कीमबद्ध प्रतिनिधित्व जो ईआईए परियोजना के लिए महत्वपूर्ण जानकारी दें। पर्यावरणीय मानकों, पर्यावरणीय प्रचालन दशाओं या अन्य ईआईए अपेक्षाओं की पूर्ति के लिए परियोजनाओं में सम्मिलित न्यूनिकरण उपायों का वर्णन (विस्तार द्वारा यथाअपेक्षित) प्रौद्योगिकीय असफलता के जोखिम के लिए नई और अपरीक्षित प्रौद्योगिकी का निर्धारण |
| 3. | पर्यावरण का वर्णन | <ul style="list-style-type: none"> अध्ययन क्षेत्र, अवधि, संघटक और पद्धति विस्तार में पहचान किए गए मूल्यवान पर्यावरणीय संघटकों के लिए आधारिक लेखा की स्थापना सभी पर्यावरणीय संघटकों के आधार नक्शे |
| 4. | अनुमानित पर्यावरणीय समाघात और न्यूनिकरण उपाय | <ul style="list-style-type: none"> परियोजना अवस्थान, संभावित दुर्घटनाओं, परियोजना डिजाइन, परियोजना निर्माण, नियमित प्रचालनों, पूरी की गई परियोजना को अंतिम रूप से बंद करना या पुनर्स्थापन के कारण अन्वेषित पर्यावरणीय समाघातों के ब्यौरे। पहचान किए गए प्रतिकूल समाघातों न्यूनिकृत और/या दूर करने के लिए उपाय पर्यावरणीय संघटकों के असंपरिवर्तनीय और पुनः प्राप्त न किए जा सकने वाले आश्वासन। |

| | | |
|-----|---|--|
| | | <ul style="list-style-type: none"> समाघातों के महत्व का निर्धारण (महत्व महत्व निर्धारण का अवधारणा करने के लिए मानदण्ड) न्यूनीकरण उपाय |
| 5. | अनुकल्पियों का विश्लेषण (प्रद्योगिकी और स्थल) | <ul style="list-style-type: none"> यदि विस्तारित करने के कार्य के परिणामस्वरूप अनुकल्पियों की आवश्यकता होती है ; प्रत्येक अनुकल्पी का वर्णन प्रत्येक अनुकल्पी के प्रतिकूल समाघातों का सार प्रत्येक अनुकल्पी के लिए प्रस्तावित न्यूनीकरण उपाय और अनुकल्पी का चयन |
| 6. | पर्यावरणीय मानिटरि कार्यक्रम | <ul style="list-style-type: none"> न्यूनीकरण उपायों की प्रभावशीलता को मानीटर करने के तकनीकी पहलू (जिसके अंतर्गत माप, पद्धति, आवर्त, अवस्थान, आंकड़े विश्लेषण, रिपोर्ट करने की अनुसूचियां, आपात प्रक्रियाएं, विस्तृत बजट और उपापन अनुसूचियां भी हैं) |
| 7. | अतिरिक्त अध्ययन | <ul style="list-style-type: none"> लोक परामर्श जोखिम निर्धारण सामाजिक समाघात निर्धारण आर और आर अनुवर्ती योजनाएं |
| 8. | परियोजना के फायदे | <ul style="list-style-type: none"> भौतिक अवसंरचना में सुधार सामाजिक अवसंरचना में सुधार नियोजन क्षमता - कुशल ; अर्धकुशल और अकुशल अन्य मूर्त फायदे |
| 9. | पर्यावरणीय लागत फायदा विश्लेषण | यदि विस्तारण प्रक्रम पर सिफारिश की जाती है । |
| 10. | ईएमपी | <ul style="list-style-type: none"> यह सुनिश्चित करने के लिए कि न्यूनीकरण संबंधी उपाय कार्यान्वित किए गए हैं और ईआईए के अनुमोदन के पश्चात् उनकी प्रभावी मानीटरी की गई है, प्रशासनिक पहलुओं का वर्णन । |
| 11. | संक्षिप्त सार और निष्कर्ष (यह ईआईए रिपोर्ट का संक्षिप्त सार होगा) | <ul style="list-style-type: none"> परियोजना के कार्यान्वयन के लिए समग्र औचित्य । यह स्पष्टीकरण कि प्रतिकूल प्रभाव किस प्रकार कम किए जाते हैं |
| 12. | नियोजित परामर्शियों का प्रकटन | <ul style="list-style-type: none"> उनके संक्षिप्त कार्य और दिए गए परामर्श की प्रकृति सहित नियोजित किए गए परामर्शियों के नाम, |

परिशिष्ट 3क

(पैरा 7 देखें)

संक्षिप्त पर्यावरणीय समाघात निर्धारण की अंतर्घस्तु

पर्यावरणीय समाघात निर्धारण का संक्षिप्त सार अधिकतम ए-4 आकार के दस पृष्ठों पर पूरी पर्यावरणीय समाघात निर्धारण का एक संक्षिप्त सार होगा । इसमें संक्षेप में अनिवार्य रूप से पूर्ण पर्यावरणीय समाघात निर्धारण रिपोर्ट के निम्नलिखित अध्याय होने चाहिए :-

- (1) परियोजना वर्णन ;
- (2) पर्यावरण का वर्णन ;
- (3) अनुमानित पर्यावरणीय समाघात और न्यूनीकरण उपाय ;
- (4) पर्यावरणीय मानीटरी कार्यक्रम ;
- (5) अतिरिक्त अध्ययन ;
- (6) परियोजना के फायदे ;
- (7) पर्यावरण प्रबंधन योजना ;

परिशिष्ट 4

(पैरा 7 देखिए)

लोक सुनवाई को संचालित करने के लिए प्रक्रिया

1.0 लोक सुनवाई की, संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा परियोजना स्थल (स्थलों) में या उसके निकटस्थ परिसर में जिला वार एक प्रणालीबद्ध, समयबद्ध और पारदर्शी रीति में अधिकतम संभव लोक भागीदारी को सुनिश्चित करते हुए व्यवस्था की जाएगी।

2.0 प्रक्रिया :

2.1 आवेदक, उस राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के सदस्य सचिव को, जिसकी अधिकारिता में परियोजना अवस्थित है, विहित कानूनी अवधि के भीतर लोक सुनवाई की व्यवस्था करने के लिए एक सादा पत्र के माध्यम से अनुरोध करेगा। यदि परियोजना स्थल का किसी राज्य या संघ राज्यक्षेत्र के परे विस्तार है तो प्रत्येक राज्य या संघ राज्यक्षेत्र में जिसमें परियोजना स्थित है, लोक सुनवाई आज्ञापक है और आवेदक, इस प्रक्रिया के अनुसार लोक सुनवाई करने के लिए प्रत्येक संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को पृथक अनुरोध करेगा।

2.2 आवेदक, अनुरोध पत्र के साथ प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की कम से कम दस हार्ड प्रतियां और उसी के बराबर सॉफ्ट (इलेक्ट्रॉनिक) प्रतियां, परिशिष्ट 3 में दी गई सामान्य संरचना सहित (जिसके अंतर्गत विस्तार (प्रक्रम 2) के पश्चात् संसूचित किए गए सॉफ्ट कृत्यों के अनुसार निर्बाध रूप से अंग्रेजी और स्थानीय भाषा में तैयार की गई संक्षिप्त पर्यावरणीय समाघात निर्धारण रिपोर्ट सम्मिलित है) संलग्न की जाएगी। इसके साथ-साथ आवेदक संक्षिप्त पर्यावरणीय समाघात निर्धारण रिपोर्ट के साथ ऊपर प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक हार्ड प्रति और एक सॉफ्ट प्रति पर्यावरण और वन मंत्रालय तथा निम्नलिखित प्राधिकारियों या कार्यालयों को ~~निम्नलिखित~~ अधिकारिता में परियोजना अवस्थित होगी, अंग्रेषित करने की व्यवस्था करेगा :

(क) जिला मजिस्ट्रेट

(ख) जिला परिषद या नगर निगम

(ग) जिला उद्योग कार्यालय

(घ) पर्यावरण और वन मंत्रालय का संबंधित प्रादेशिक कार्यालय

2.3 ऊपर उल्लिखित प्राधिकारी, पर्यावरण और वन मंत्रालय के सिवाय, प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति पर, अपनी अधिकारिताओं के भीतर, उसमें हितबद्ध व्यक्तियों से संबंधित विनियामक प्राधिकरणों को अपनी टीका-टिप्पणियां भेजने का अनुरोध करते हुए, विस्तृत प्रचार करने की व्यवस्था करेंगे। वे लोक सुनवाई होने तक सामान्य कार्यालय घंटों के दौरान जनता को इलैक्ट्रॉनिक रूप से या अन्यथा निरीक्षण करने के लिए प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट भी उपलब्ध कराएंगे। पर्यावरण और वन मंत्रालय अपनी वेबसाइट पर प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट का सार तत्परता से प्रदर्शित करेगा और दिल्ली स्थित मंत्रालय में सामान्य कार्यालय घंटों के दौरान किसी अधिसूचित स्थान पर निर्देश के लिए पूरे प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट को भी उपलब्ध करेगा।

2.4 संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य प्रदूषण नियंत्रण समिति भी राज्य/संघ राज्यक्षेत्र के भीतर परियोजना की बाबत प्रचार करने के लिए उसी प्रकार की व्यवस्था करेगी और चयनित कार्यालयों या लोक पुस्तकालयों या पंचायतों आदि में निरीक्षण के लिए प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट (परिशिष्ट 3क) का संक्षिप्त सार उपलब्ध कराएगी। वे उपर्युक्त पांच प्राधिकारियों/कार्यालयों अर्थात् पर्यावरण और वन मंत्रालय, जिला मजिस्ट्रेट आदि को प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक प्रति अतिरिक्त रूप से भी उपलब्ध कराएंगे।

3.0 लोक सुनवाई की सूचना

3.1 संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति का सदस्य सचिव परियोजना सलाहकार से प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति की तारीख से तीस दिनों के भीतर लोक सुनवाई संचालित करने के लिए तारीख, समय और निश्चित स्थान को अंतिम रूप देगा और उसको मुख्य राष्ट्रीय दैनिक में और एक प्रादेशिक भाषा के दैनिक समाचारपत्र में विज्ञापित करेगा। जनता को अपनी प्रतिक्रियाएं देने के लिए कम से कम तीस दिनों की सूचना उपलब्ध कराई जाएगी ;

3.2 विज्ञापन, जनता को उन स्थानों या कार्यालयों की बाबत भी सूचित करेगा जहां प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट और पर्यावरणीय समाघात निर्धारण रिपोर्ट के संक्षिप्त सार तक सुनवाई से पूर्व जनता की पहुंच हो सके ;

3.3 लोक सुनवाई की तारीख, समय और स्थान को तब तक आस्थगित नहीं किया जाएगा जब तक कोई अवांछित आपात स्थिति न आ जाए और केवल संबंधित जिला मजिस्ट्रेट की सिफारिश पर किया आस्थगन को उन्हीं राष्ट्रीय और प्रादेशिक भाषा के समाचार पत्रों के माध्यम से अधिसूचित किया जाएगा तथा संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा पहचान किए सभी कार्यालयों में मुख्य रूप से प्रदर्शित भी किया जाएगा ;

3.4 ऊपर आपवादिक परिस्थितियों में, केवल जिला मजिस्ट्रेट के परामर्श से संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के सदस्य-सचिव द्वारा लोक परामर्श के लिए नई तारीख, समय और स्थान का विनिश्चय किया जाएगा और ऊपर 3.1 के अधीन प्रक्रिया के अनुसार नए सिरे से अधिसूचित किया जाएगा।

4.0 पैनल

जिला मजिस्ट्रेट या किसी अपर जिला मजिस्ट्रेट से अन्यून की पंक्ति का उसका प्रतिनिधि, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के प्रतिनिधि की सहायता से समस्त लोक सुनवाई प्रक्रिया का पर्यवेक्षण करेगा और उसकी अध्यक्षता करेगा।

5.0 वीडियोग्राफी

राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, समस्त कार्यवाहियों की वीडियो फिल्म तैयार करने की व्यवस्था करेगी। संबंधित विनियामक प्राधिकरण को इसे अग्रेषित करते समय वीडियो टेप की एक प्रति या एक सीडी लोक सुनवाई कार्रवाईयों के साथ संलग्न की जाएगी।

6.0 कार्यवाहियां

6.1 उन सभी व्यक्तियों की उपस्थिति को जो स्थल पर विद्यमान हैं, अंतिम कार्यवाहियों के साथ संलग्न किया जाएगा।

6.2 कार्यवाहियों को आरंभ करने के लिए उपस्थिति हेतु कोई गणपूर्ति अपेक्षित नहीं होगी।

6.3 आवेदक का कोई प्रतिनिधि, परियोजना और पर्यावरण समाघात निर्धारण रिपोर्ट के संक्षिप्त सार की प्रस्तुति के साथ कार्यवाहियां आरंभ करेगा।

6.4 स्थल पर उपस्थित प्रत्येक व्यक्ति को, आवेदक से परियोजना पर सूचना या स्पष्टीकरण मांगने का अवसर दिया जाएगा। लोक सुनवाई कार्यवाहियों का संक्षिप्त सार ठीक रूप से प्रदर्शित करते हुए अभिव्यक्त सभी विचारों और अभिव्यक्त विंताओं को राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के प्रतिनिधि द्वारा अभिलिखित किया जाएगा और प्रांतीय भाषा में अंतर्वस्तुओं को स्पष्ट करते हुए कार्यवाहियों के अंत में श्रोताओं को पढ़ कर सुनाया जाएगा तथा कचर पाए गए कार्यवृत्त पर उसी दिन जिला मजिस्ट्रेट या उसके प्रतिनिधि द्वारा हस्ताक्षर किए जाएंगे तथा संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को अग्रेषित किया जाएगा।

6.5 जनता द्वारा उठाए गए मुद्दों का एक विवरण और आवेदक की टीका-टिप्पणियों को भी स्थानीय भाषा में और अंग्रेजी भाषा में तैयार किया जाएगा तथा कार्यवाहियों के साथ संलग्न किया जाएगा।

6.6 लोक सुनवाई की कार्यवाहियों को उस पंचायत घर के कार्यालय पर, जिसकी अधिकारिता में परियोजना अवस्थित है, संबंधित जिला परिषद, जिला मजिस्ट्रेट और राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के कार्यालय में सहजदृश्य रूप से प्रदर्शित किया जाएगा। राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति साधारण जानकारी के लिए अपने वेबसाइट पर कार्यवाहियों को प्रदर्शित भी करेगी। कार्यवाहियों पर टीका-टिप्पणियों को, यदि कोई हों, संबंधित विनियामक प्राधिकरणों और संबंधित आवेदक को प्रत्यक्षतः भेजी जा सकेगी।

7.0 लोक सुनवाई को पूरा करने के लिए कालावधि :

7.1 लोक सुनवाई, आवेदक से अनुरोध पत्र की प्राप्ति की तारीख से पैंतालीस दिन की अवधि के भीतर पूरी की जाएगी। अतः संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति लोक सुनवाई के पूरा होने के आठ दिनों के भीतर संबंधित विनियामक प्राधिकरण को लोक सुनवाई की कार्यवाहियों को भेजेगी। आवेदक, लोक सुनवाई और लोक परामर्श के पश्चात् तैयार की गई अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट या प्रारूप पर्यावरण समाघात निर्धारण रिपोर्ट पर अनुपूरक रिपोर्ट की प्रति के साथ संबंधित विनियामक प्राधिकरण को, अनुमोदित लोक सुनवाई कार्यवाहियों की एक प्रति प्रत्यक्षतः भी अग्रेषित करेगा।

7.2 यदि राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति, नियत पैंतालीस दिनों के भीतर लोक सुनवाई करने में असफल रहती है तो केन्द्रीय सरकार, पर्यावरण और वन मंत्रालय, प्रवर्ग 'क' परियोजना या क्रियाकलाप के लिए और प्रवर्ग ख परियोजना या क्रियाकलाप के लिए और राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, राज्य पर्यावरणीय समाघात निर्धारण प्राधिकरण के अनुरोध पर, किसी अन्य अभिकरण या प्राधिकरण को इस अधिसूचना में अधिकथित प्रक्रिया के अनुसार प्रक्रिया को पूरा करने के लिए नियोजित करेगी।

परिशिष्ट 5

(पैरा 7 देखिए)

आंकलन के लिए विहित प्रक्रिया

1. आवेदक, संबंधित विनियामक प्राधिकरण को निम्नलिखित दस्तावेजों को संलग्न करते हुए, जहां लोक परामर्श आज्ञापक है, एक सादा सूचना के माध्यम से आवेदन करेगा :-

- अंतिम पर्यावरण समाघात निर्धारण रिपोर्ट की बीस हार्ड प्रतियां और एक साफ्ट प्रति
- लोक सुनवाई की कार्यवाहियों की वीडियो टेप की एक प्रति या सी.डी.
- अंतिम अभिन्यास योजना की बीस प्रतियां
- परियोजना साध्यता रिपोर्ट की एक प्रति

2. आवेदक द्वारा प्रस्तुत की गई अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट और अन्य सुसंगत दस्तावेजों की संबंधित विनियामक प्राधिकरण द्वारा उसकी प्राप्ति की तारीख से तीस दिनों के भीतर कार्यालय में तत्पश्चात् से टीओआर के प्रतिनिर्देश से समीक्षा की जाएगी और ध्यान में रखी गई अपर्याप्तताओं को प्रत्येक अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक प्रति संलग्न करते हुए, जिसके अंतर्गत लोक सुनवाई कार्यवाहियां और प्राप्त की गई अन्य लोक प्रतिक्रियाएं भी हैं, प्ररूप 1 या प्ररूप 1क की एक प्रति और प्रस्तावों पर विचार करने के लिए पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की बैठकों के लिए निश्चित तारीखें सहित पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति के सदस्यों को एकल सेट में इलेक्ट्रॉनिक रूप से या अन्यथा संसूचित किया जाएगा।
3. जहां कोई लोक परामर्श आज़ापक नहीं है और इसलिए कोई औपचारिक पर्यावरणीय समाघात निर्धारण अध्ययन अपेक्षित नहीं है, वहां आंकलन, विहित आवेदन प्ररूप 1 के आधार पर और अनुसूची की मद 8 से निम्न सभी परियोजनाओं और क्रियाकलापों की दशा में किसी पूर्व साध्यता रिपोर्ट के आधार पर किया जाएगा। अनुसूची की मद 8 की दशा में, इसके विलक्षण परियोजना चक्र को ध्यान में रखते हुए, संबंधित पर्यावरणीय निर्धारण समिति या राज्य पर्यावरणीय निर्धारण समिति, प्ररूप 1, प्ररूप 1क और धारणा योजना के आधार पर सभी प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों का आंकलन करेगी और पर्यावरणीय अनापत्ति के लिए शर्तें नियत करेगी। जब कभी आवेदक सभी अन्य आवश्यक कानूनी अनुमोदनों सहित निश्चित पर्यावरणीय अनापत्ति शर्तों को पूरा करते हुए अनुमोदित स्कीम/भवन योजना प्रस्तुत करता है तो पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति, सक्षम प्राधिकारी को पर्यावरणीय अनापत्ति मंजूर करने की सिफारिश करेगी।
4. प्रत्येक आवेदन, पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति के समक्ष और इसका पूरा आंकलन, विहित रीति में अपेक्षित दस्तावेजों/ब्यौरों सहित इसकी प्राप्ति के साठ दिनों के भीतर रखा जाएगा।
5. आवेदक को परियोजना प्रस्ताव पर विचार करने के लिए पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की निश्चित तारीख से कम से कम पन्द्रह दिन पूर्व सूचित किया जाएगा।
6. पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की बैठक के कार्यवृत्त को बैठक के पांच कार्यकरण दिनों के भीतर अंतिम रूप दिया जाएगा और संबंधित विनियामक प्राधिकरण के वेबसाइट पर प्रदर्शित किया जाएगा। परियोजना या क्रियाकलापों को पर्यावरणीय अनापत्ति को मंजूर किए जाने के लिए सिफारिश की दशा में, कार्यवृत्त में विनिर्दिष्ट पर्यावरणीय सुरक्षापायों और शर्तों को स्पष्ट रूप से सूचीबद्ध किया जाएगा। यदि सिफारिशें नामंजूर करने के लिए हैं तो उसके कारणों को भी स्पष्ट रूप से कथित किया जाएगा।

परिशिष्ट 6

(पैरा 5 देखिए)

केन्द्रीय सरकार द्वारा गठित की जाने वाली प्रवर्ग 'क' परियोजनाओं के लिए सेक्टर/परियोजना विनिर्दिष्ट विशेषज्ञ आंकलन समिति और प्रवर्ग 'ख' परियोजनाओं के लिए राज्य/संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समितियों की संरचना

1. विशेषज्ञ आंकलन समितियां और राज्य/संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समितियां केवल निम्नलिखित पात्रता कसौटी को पूरा करने वाले वृत्तिकों और विशेषज्ञों से मिलकर बनेगी

वृत्तिक : ऐसा व्यक्ति जिसके पास कम से कम (i) एम.ए./एम.एस.सी डिग्री सहित संबंधित विद्या शाखा में पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण या (ii) इंजीनियरी/प्रौद्योगिकी/वास्तुविद विद्या शाखाओं की दशा में, बी.टेक/बी.ई./बी.आर्क. डिग्री सहित क्षेत्र में विहित व्यावहारिक प्रशिक्षण सहित किसी वृत्तिक प्रशिक्षण पाठ्यक्रम में चार वर्षीय औपचारिक प्रशिक्षण या (iii) अन्य वृत्तिक डिग्री (जैसे विधि) जिसमें पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण या विहित व्यावहारिक प्रशिक्षण अंतर्बलित है, या (iv) विहित शिक्षता/कारीगारी तथा संबंधित वृत्तिक संगम द्वारा संचालित परिक्षाएं उत्तीर्ण की हो (जैसे चार्टर्ड अकाउंटेंसी) या (v) किसी विश्वविद्यालय डिग्री के पश्चात् किसी विश्वविद्यालय या सेवा अकादमी में दो वर्ष का औपचारिक प्रशिक्षण (जैसे एम.बी.ए./आई.ए.एस./आई.एफ.एस.) व्यक्ति वृत्तिकों का चयन करते समय उनके द्वारा उनके क्षेत्रों में प्राप्त अनुभव को ध्यान में रखा जाएगा ।

विशेषज्ञ : उम्र पात्रता कसौटी को पूरा करने वाला कोई वृत्तिक जिसके पास क्षेत्र में कम से कम पंद्रह वर्ष का सुसंगत अनुभव या संबंधित क्षेत्र में कोई उच्चतर डिग्री हो (जैसे पी.एच.डी. और कम से कम दस वर्ष का सुसंगत अनुभव) ।

आयु : सत्तर वर्ष से नीचे । तथापि, किसी क्षेत्र में विशेषज्ञों की अनुपलब्धता/कमी की दशा में विशेषज्ञ आंकलन समिति के सदस्यों की अधिकतम आयु को पचहतर वर्ष तक अनुज्ञात किया जा सकेगा ।

2. पर्यावरणीय निर्धारण समिति के सदस्य निम्नलिखित क्षेत्रों/विद्या शाखाओं में अपेक्षित विशेषज्ञता और अनुभव वाले विशेषज्ञ होंगे । उस दशा में कि "विशेषज्ञ" की कसौटी को पूरा करने वाले व्यक्ति उपलब्ध नहीं हैं, तो उसी क्षेत्र में पर्याप्त अनुभव रखने वाले वृत्तिकों पर भी विचार किया जा सकेगा ।

- पर्यावरण क्वालिटी विशेषज्ञ : पर्यावरणीय क्वालिटी के संबंध में माप/मानिटरी, विश्लेषण और निर्वचन में विशेषज्ञ ।

- परियोजना प्रबंधन में क्षेत्रीय विशेषज्ञ : परियोजना प्रबंधन या सुसंगत क्षेत्रों में प्रक्रिया /प्रचालन/सुविधा प्रबंधन में विशेषज्ञ ।
 - पर्यावरणीय समाघात निर्धारण प्रक्रिया विशेषज्ञ : पर्यावरणीय समाघात निर्धारण का संचालन और कार्यान्वयन तथा पर्यावरणीय प्रबंधन योजना और अन्य प्रबंधन योजना तैयार करने में विशेषज्ञ और जो पर्यावरणीय समाघात निर्धारण प्रक्रिया में उपयोग की जाने वाली भावी तकनीकों और औजारों में विस्तृत विशेषज्ञता और ज्ञान रखते हों ।
 - जोखिम निर्धारण विशेषज्ञ ।
 - पेड़ - पौधे और जीव- जन्तु प्रबंधन में प्राणी विज्ञान विशेषज्ञ ।
 - वन और वन्य जीव विशेषज्ञ ।
 - परियोजना आंकलन में अनुभव सहित पर्यावरणीय अर्थशास्त्र विशेषज्ञ ।
3. पर्यावरणीय निर्धारण समिति की सदस्यता पंद्रह नियमित सदस्यों से अधिक की नहीं होगी । तथापि, अध्यक्ष, समिति की किसी विशिष्ट बैठक के लिए किसी सुसंगत क्षेत्र में किसी विशेषज्ञ को सदस्य के रूप में सहयोजित कर सकेगा ।
4. अध्यक्ष, सुसंगत विकास क्षेत्र में एक प्रतिष्ठित और पर्यावरणीय निति या प्रबंधन में अथवा लोक प्रशासन में अनुभव प्राप्त विशेषज्ञ होगा ।
5. अध्यक्ष, सदस्यों में से एक सदस्य को उपाध्यक्ष के रूप में नामनिर्देशित करेगा जो अध्यक्ष की अनुपस्थिति में पर्यावरणीय निर्धारण समिति की बैठक की अध्यक्षता करेगा ।
6. पर्यावरण और वन मंत्रालय का एक प्रतिनिधि उसके सचिव के रूप में समिति की सहायता करेगा ।
7. किसी सदस्य की अधिकतम पदावधि, जिसके अंतर्गत अध्यक्ष भी है, प्रत्येक तीन वर्ष की दो पदावधि होगी ।
8. अध्यक्ष/सदस्य को किसी क्करण और समुचित जांच के बिना पदावधि के अवसान से पूर्व नहीं हटाया जा सकेगा ।

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 14th September, 2006

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 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.
- (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).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

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. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' 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 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

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

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form I. 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 I, 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).

- (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.
 - (d) all Building /Construction projects/Area Development projects and Townships (item 8).
 - (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 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) 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 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 1 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 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 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:

- (i) 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.
- (ii) 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 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.

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) |
| I(a) | Mining of minerals | <p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p> | <p><50 ha</p> <p>≥ 5 ha .of mining lease area.</p> | <p>General Condition shall apply</p> <p><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p> |
| I(b) | Offshore and onshore oil and gas exploration, development & production | All projects | | <p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p> |
| I(c) | River Valley projects | <p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p> | <p>(i) < 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) < 10,000 ha. of culturable command area</p> | General Condition shall apply |
| I(d) | Thermal Power Plants | <p>≥ 500 MW (coal/lignite/naphtha & gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p> | <p>< 500 MW (coal/lignite/naphtha & gas based);</p> <p><50 MW</p> <p>≥ 5MW (Pet coke ,diesel and all other fuels)</p> | General Condition shall apply |

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| (1) | (2) | (3) | (4) | (5) |
|-------|---|--|--|--|
| I(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 | < 1 million ton/annum throughput of coal | General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal) |
| 2 (b) | Mineral beneficiation | ≥ 0.1 million ton/annum mineral throughput | < 0.1 million ton/annum mineral throughput | General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance) |

| 3 | | | | |
|----------------------|--|--|---|---|
| Materials Production | | | | |
| (1) | (2) | (3) | (4) | (5) |
| 3(a) | Metallurgical industries (ferrous & non ferrous) | <p>a) Primary metallurgical industry</p> <p>All projects</p> <p>b) Sponge iron manufacturing ≥ 200TPD</p> <p>c) Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units $\geq 20,000$ tonnes/annum</p> | <p>Sponge iron manufacturing < 200TPD</p> <p>Secondary metallurgical processing industry</p> <p>i.) All toxic and heavy metal producing units $< 20,000$ tonnes/annum</p> <p>ii.) All other non-toxic secondary metallurgical processing industries > 5000 tonnes/annum</p> | General Condition shall apply for Sponge iron manufacturing |
| 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 | | | | |
|---------------------------|---|---|---|--|
| Materials Processing | | | | |
| (1) | (2) | (3) | (4) | (5) |
| 4(a) | Petroleum refining industry | All projects | - | - |
| 4(b) | Coke oven plants | ≥2,50,000 tonnes/annum | <2,50,000 & ≥25,000 tonnes/annum | - |
| 4(c) | Asbestos milling and asbestos based products | All projects | - | - |
| 4(d) | Chlor-alkali industry | ≥300 TPD production capacity or a unit located outside the notified industrial area/estate | <300 TPD production capacity and located within a notified industrial area/estate | 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 outside the industrial area | All new or expansion of projects located within a notified industrial area/estate | Specific condition shall apply |
| 5 | | | | |
| Manufacturing/Fabrication | | | | |
| 5(a) | Chemical fertilizers | All projects | - | - |
| 5(b) | Pesticides industry and pesticide specific intermediates (excluding formulations) | All units producing technical grade pesticides | - | - |

| (1) | (2) | (3) | (4) | (5) |
|------|---|---|--|--------------------------------|
| 5(c) | Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics) | All projects - | - | - |
| 5(d) | Manmade fibres 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 | Specific Condition shall apply |
| 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 | 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 |

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| (1) | (2) | (3) | (4) | (5) |
|------|---|--|---|-------------------------------|
| 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) | Induction/arc furnaces/cupola furnaces 5TPH or more | - | All projects | General Condition shall apply |
| 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 | | |

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[PART II—SEC. 3(ii)]

| (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 | All projects | | |
| 7(b) | All ship breaking yards including ship breaking units | All projects | | |
| 7(c) | 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. | Special condition shall apply Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance. |
| 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 |

| (1) | (2) | (3) | (4) | (5) |
|------|---|--|---|-------------------------------|
| 7(e) | Ports, Harbours | ≥ 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 | General Condition shall apply |
| 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. | i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition. | General Condition shall apply |
| 7(g) | Aerial ropeways | | All projects | 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 |

| (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# | #(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 |

Note:-**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 notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

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, Jr. Secy.

APPENDIX I

(See paragraph - 6)

FORM 1**(I) Basic Information**

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

- Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.)

(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 holes, 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 | | |
| 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? | | |
| 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) | | |

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| | | | |
|-----|---|--|--|
| 2.2 | Water (expected source & competing users) unit: KLD | | |
| 2.3 | Minerals (MT) | | |
| 2.4 | Construction material – stone, aggregates, and / 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 | | |

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 | | |

| | | | |
|-----|---|--|--|
| 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 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? | | |

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 | <p>Lead to development of supporting, lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <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 | | |

(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, nesting, 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>) | | |

(IV). Proposed Terms of Reference for EIA studies

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.)

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.

- 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 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) |

| | | |
|----|---|--|
| | | <ul style="list-style-type: none"> • 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 |
| 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 • Employment potential –skilled; semi-skilled and unskilled. • Other tangible benefits |
| 9. | Environmental Benefit Analysis | Cost 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

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 extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited 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 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 Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) 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 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. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

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 panchayats etc. They shall also additionally

make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

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. 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.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate 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 and notified afresh as per procedure under 3.1 above.

4.0 The Panel

4.1 The District Magistrate 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 Every person 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 vernacular language and the agreed minutes shall be signed by the District Magistrate 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 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, 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. Therefore the SPCB or UTPCC concerned shall send the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. 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.

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 (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 -I or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form I and a pre-feasibility 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 stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

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.

APPENDIX VI

(See paragraph 5)

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**
- **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.

F. No. 22-21/2020-IA.III

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

Indira ParyavaranBhawan
Jor Bagh Road, Aliganj
New Delhi – 110003
sujit.baju@gov.in

Date: 7th July, 2021**Office Memorandum**

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014).** The salient extracts of the judgements are as under:

Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

*"(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**"*

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

SA

*pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.***

“29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms.”

Issue 2: Environmental Clearance – Prospective & not ex-post facto:

Hon’ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

*Held: “(...) an EC will come into force **not earlier than the date of its grant.**”*

Issue 3: ‘Principles of Proportionality’ – to be applied:

Hon’ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

*Held: “(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**”*

**Issue 4: ‘Polluter pays’ principle &
&**

Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon’ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

*a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ...** and also the power to **impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....*

SA

b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "**Polluter Pays**" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:



i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure – Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

| Sl no. | Status of EC | Actions |
|--------|---|---|
| 1 | If no prior EC has been taken | Order to close its operation |
| 2. | If prior EC is available for existing/old unit | Order to revert the activity/production to permissible limits. |
| 3. | If prior EC was not required for earlier production level but is now required | Restrict the activity/production to the extent to which prior EC was not required. |

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

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Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present**

form/configuration/features then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

a. For new projects:

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

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b. **For expansion projects:**

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

13. Identification of Violation cases:

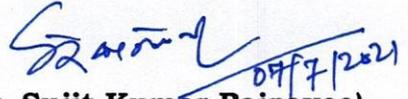
With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior

Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
- iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.

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


 (Dr. Sujit Kumar Bajpayee)
 Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).

रजिस्ट्री सं० डी० एल०-33004/99

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

का.आ. 637(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की धारा 5 के अधीन इसमें निहित शक्तियों को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (3) के अधीन केन्द्रीय सरकार द्वारा गठित किए गए सभी राज्य और संघराज्यक्षेत्र पर्यावरण समाघात प्राधिकरणों (जिन्हें इसमें इसके पश्चात् उक्त प्राधिकरण कहा गया है) को उक्त प्राधिकरणों द्वारा अपनी अधिकारिता के भीतर परियोजनाओं या क्रिया कलापों को जारी पर्यावरण अनापत्तियों की शर्तों के अतिक्रमण की दशा में परियोजना प्रस्तावकों को कारण बताओ नोटिस जारी करने तथा इस शर्त के अधीन कि केन्द्रीय सरकार शक्तियों के ऐसे प्रत्यायोजन का प्रतिसंहरण कर सकेगी या उक्त अधिनियम की धारा 5 के उपबंधों को स्वयं अवलंब ले सकेगी, यदि केन्द्रीय सरकार की राय में लोक हित में ऐसी कार्यवाही आवश्यक है, यदि अपेक्षित हो तो अतिक्रमणों के लिए उक्त परियोजना प्रस्तावकों को ऐसी पर्यावरण अनापत्तियों को उन्हें प्रास्थगित रखने या वापस लिए जाने हेतु निदेश जारी करने की शक्तियों का प्रत्यायोजन करती है।

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 28th February, 2014

S.O. 637(E).—In exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under section 5 of the said Act to all the State and Union Territory Environment Impact Assessment Authorities (Hereinafter referred to as the said Authorities) constituted by the Central Government under sub-section (3) of section 3 of Environment (Protection) Act, 1986, to issue show cause notice to project proponents in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction and to issue directions to the said project proponents for keeping such environment clearances in abeyance or withdrawing them, if required, for violations, subject to the condition that the Central Government may revoke such delegations of powers or may itself invoke the provisions of section 5 of the said Act, if in the opinion of the Central Government such a Course of action is necessary in the public interest.

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.

अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

का.आ. 638(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 19 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त की धारा के प्रयोजन के लिए इससे उपाबद्ध उस सारणी के स्तंभ (3) में उनसे प्रत्येक के सामने उल्लिखित अधिकारिता के साथ उस सारणी के स्तंभ (2) में उल्लिखित प्राधिकरण या अधिकारी को प्रातिकृत करती है:

सारणी

| क्रम संख्यांक | प्राधिकरण/अधिकारी | अधिकारिता |
|---------------|--|--|
| (1) | (2) | (3) |
| 1. | पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन केन्द्रीय सरकार द्वारा गठित राज्य या संघ राज्यक्षेत्र स्तर पर्यावरण समाघात प्राधिकरण (एस.ई.आई.ए.ए.) | संपूर्ण राज्य या संघ राज्यक्षेत्र |
| 2. | पर्यावरण और वन मंत्रालय (एम.ओ.ई.एफ.) के किन्हीं प्रादेशिक कार्यालयों में तैनात कोई निदेशक, वन संरक्षक या अपर प्रधान मुख्य वन संरक्षक | पर्यावरण और वन मंत्रालय द्वारा यथा-विनिश्चित प्रादेशिक कार्यालय की अधिकारिता |

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

NOTIFICATION

New Delhi, the 28th February, 2014

S.O. 638(E).—In exercise of the powers conferred by clause (a) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby authorises the Authority or officer mentioned in column (2) of the Table hereto for the purpose of the said section with the jurisdiction mentioned against each of them in column (3) of that Table:

TABLE

| S. No. | Authority/Officer | Jurisdiction |
|--------|--|---|
| (1) | (2) | (3) |
| 1. | State or Union Territory level Environment Impact Assessment Authority (SEIAA) constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986. | Whole of State or Union Territory |
| 2. | Any Director, Conservator of Forests or Additional Principal Chief Conservator of Forests Posted in any of the Regional Offices of the Ministry of Environment and Forests (MoEF). | Jurisdiction of the Regional Office as decided by the Ministry of Environment and Forests |

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.

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

New Delhi, the 18th January, 2019

G.S.R. 37(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.19 (E), dated the 6th January, 2011 (hereinafter referred to as the Coastal Regulation Zone Notification, 2011), the Central Government declared certain coastal stretches as Coastal Regulation Zone (hereinafter referred to as the CRZ) under section 3 of Environment (Protection) Act, 1986 (29 of 1986);

And Whereas, the Ministry of Environment, Forest and Climate Change has received representations from various coastal States and Union territories, besides other stakeholders, regarding certain provisions in the Coastal Regulation Zone Notification, 2011 related to management and conservation of marine and coastal ecosystems, development in coastal areas, eco-tourism, livelihood options and sustainable development of coastal communities etc.;

And Whereas, various State Governments and Union territory administrations and stakeholders have requested the Ministry of Environment, Forest and Climate Change to address the concerns related to coastal environment and sustainable development with respect to the Coastal Regulation Zone Notification, 2011;

And Whereas, the Ministry of Environment, Forest and Climate Change had constituted a Committee under the Chairmanship of Dr. Shailesh Nayak to examine various issues and concerns of coastal States and Union territories and various stakeholders, relating to the Coastal Regulation Zone Notification 2011 and to recommend appropriate changes in the said Notification;

And Whereas, the report submitted by Dr. Shailesh Nayak Committee has been examined in the Ministry and consultations have been held with various stakeholders in this regard;

And Whereas, a draft Coastal Regulation Zone Notification, 2018 was issued and hosted in the website of the Ministry of Environment, Forest and Climate Change on the 18th April, 2018 seeking comments and suggestions from all concerned;

And Whereas, objections and suggestions received in response to the above mentioned draft Coastal Regulation Zone Notification, 2018 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 (29 of 1986) and in supersession of the Coastal Regulation Zone Notification 2011, number S.O. 19(E), dated the 6th January, 2011, except as respects things done or omitted to be done before such supersession, the Central Government, with a view to conserve and protect the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas and to promote sustainable development based on scientific principles taking into account the dangers of natural hazards, sea level rise due to global warming, do hereby, declares the coastal stretches of the country and the water area up to its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands, as Coastal Regulation Zone as under:-

- (i) The land area from High Tide Line (hereinafter referred to as the HTL) to 500 meters on the landward side along the sea front.

Explanation. - For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide, as demarcated by the National Centre for Sustainable Coastal Management (NCSCM) in accordance with the laid down procedures and made available to various coastal States and Union territories.

- (ii) CRZ shall apply to the land area between HTL to 50 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt)

measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plan (hereinafter referred to as the CZMP):

Provided that the CRZ limit of 50 meters or width of the creek whichever is less, shall be subject to revision and final approval of the respective CZMPs as per this notification, framed with due consultative process, public hearing etc. and environmental safeguards enlisted therein, and till such time the CZMP to this notification is approved, the limit of 100 meters or width of the creek whichever is less, shall continue to apply.

Explanation.- For the purposes of this sub-paragraph the expression “tidal influenced water bodies” means the water bodies influenced by tidal effects from sea in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds that are connected to the sea.

- (iii) The “intertidal zone” means land area between the HTL and the Low Tide Line (hereinafter referred to as the LTL).
- (iv) The water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2.0 Classification of CRZ. – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely: -

2.1 CRZ-I areas are environmentally most critical and are further classified as under:

2.1.1 CRZ-I A:

- (a) CRZ-I A shall constitute the following ecologically sensitive areas (ESAs) and the geomorphological features which play a role in maintaining the integrity of the coast viz.:
 - (i) Mangroves (in case mangrove area is more than 1000 square meters, a buffer of 50 meters along the mangroves shall be provided and such area shall also constitute CRZ-I A);
 - (ii) Corals and coral reefs;
 - (iii) Sand dunes;
 - (iv) Biologically active mudflats;
 - (v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986), including Biosphere Reserves;
 - (vi) Salt marshes;
 - (vii) Turtle nesting grounds;
 - (viii) Horse shoe crabs’ habitats;
 - (ix) Sea grass beds;
 - (x) Nesting grounds of birds;
 - (xi) Areas or structures of archaeological importance and heritage sites.
- (b) A detailed environment management plan shall be formulated by the states and Union territories for such ecologically sensitive areas in respective territories, as mapped out by the National Centre for Sustainable Coastal Management (NCSCM), Chennai based on guidelines as contained in **Annexure-I** to this notification and integrated with the CZMP.

2.1.2 CRZ-I B:

The intertidal zone i.e. the area between Low Tide Line and High Tide Line shall constitute the CRZ-I B.

2.2 CRZ-II:

CRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of total plots being more than 50 per cent and have been provided with drainage and approach roads and other infrastructural facilities, such as water supply, sewerage mains, etc.

2.3 CRZ-III:

Land areas that are relatively undisturbed (viz. rural areas, etc.) and those which do not fall under CRZ-II, shall constitute CRZ-III, and CRZ-III shall be further classified into following categories: -

2.3.1 CRZ-III A:

Such densely populated CRZ-III areas, where the population density is more than 2161 per square kilometre as per 2011 census base, shall be designated as CRZ-III A and in CRZ-III A, area up to 50 meters from the HTL on the landward side shall be earmarked as the 'No Development Zone (NDZ)', provided the CZMP as per this notification, framed with due consultative process, have been approved, failing which, a NDZ of 200 meters shall continue to apply.

2.3.2 CRZ-III B:

All other CRZ-III areas with population density of less than 2161 per square kilometre, as per 2011 census base, shall be designated as CRZ-III B and in CRZ-III B, the area up to 200 meters from the HTL on the landward side shall be earmarked as the 'No Development Zone (NDZ)'.

2.3.3:

Land area up to 50 meters from the HTL, or width of the creek whichever is less, along the tidal influenced water bodies in the CRZ III, shall also be earmarked as the NDZ in CRZ III.

Note: The NDZ shall not be applicable in the areas falling within notified Port limits.

2.4 CRZ- IV:

The CRZ- IV shall constitute the water area and shall be further classified as under:-

2.4.1 CRZ- IVA:

The water area and the sea bed area between the Low Tide Line up to twelve nautical miles on the seaward side shall constitute CRZ-IV A.

2.4.2 CRZ- IVB:

CRZ-IV B areas shall include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.

3.0 Areas requiring special consideration in the CRZ.- Following coastal areas shall be accorded special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities: -

3.1 Critically Vulnerable Coastal Areas (CVCA):

Sundarban region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 such as Gulf of Khambat and Gulf of Kutchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Odisha, Coringa, East Godavari and Krishna in Andhra Pradesh shall be treated as Critical Vulnerable Coastal Areas (CVCA) and managed with the involvement of coastal communities including fisher folk who depend on coastal resources for their sustainable livelihood.

3.2 CRZ for inland Backwater islands and islands along the mainland coast.

3.3 CRZ falling within municipal limits of Greater Mumbai.

4. Prohibited activities within CRZ.- The following activities shall be prohibited, in general, within the entire CRZ and exceptions to these and other permissible and regulated activities in specific CRZ categories viz. CRZ-I, II, III and IV, shall be governed by the provisions of paragraph 5:-

- (i) Setting up of new industries and expansion of existing industries, operations or processes.
- (ii) Manufacture or handling of oil, storage or disposal of hazardous substances as specified in the notification of the Ministry of Environment, Forest and Climate Change number G.S.R.395 (E), dated the 4th April, 2016.
- (iii) Setting up of new fish processing units.
- (iv) Land reclamation, bunding or disturbing the natural course of seawater except for the activities permissible under this notification and executed with prior permission from the competent authority.
- (v) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements.
- (vi) Dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.
- (vii) Port and harbour projects in high eroding stretches of the coast.
- (viii) Mining of sand, rocks and other sub-strata materials.
- (ix) Dressing or altering of active sand dunes.
- (x) In order to safeguard the aquatic system and marine life, disposal of plastic into the coastal waters shall be prohibited and adequate measures for management and disposal of plastic materials shall be undertaken in the CRZ.
- (xi) Drawal of ground water.

5. Regulation of permissible activities in CRZ:

5.1 CRZ-I:

5.1.1. CRZ-IA:

These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the CRZ-I A area, with following exceptions:-

- (i) Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process, public hearing, etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the CZMP.
- (ii) In the mangrove buffer, only such activities shall be permitted like laying of pipelines, transmission lines, conveyance systems or mechanisms and construction of road on stilts, etc. that are required for public utilities.
- (iii) Construction of roads and roads on stilts, by way of reclamation in CRZ-I areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial or both environment impact assessment, to be recommended by the Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

5.1.2 CRZ-I B - The inter tidal areas:

Activities shall be regulated or permissible in the CRZ-I B areas as under:-

- (i) Land reclamation, bunding, etc. shall be permitted only for activities such as,-

- (a) foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, hover ports for coast guard, sea links, etc;
- (b) projects for defence, strategic and security purposes;
- (c) road on stilts, provided that such roads shall not be authorised for permitting development on the landward side of such roads, till the existing High Tide Line:
 Provided that the use of reclaimed land may be permitted only for public utilities such as mass rapid or multimodal transit system, construction and installation of all necessary associated public utilities and infrastructure to operate such transit or transport system including those for electrical or electronic signaling system, transit stopover of permitted designs; except for any industrial operation, repair or maintenance;
- (d) measures for control of erosion;
- (e) maintenance and clearing of waterways, channels, ports and hover ports for coast guard;
- (f) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (ii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations, Indian coast guard stations and the like.
- (iii) Power by non-conventional energy sources and associated facilities.
- (iv) Transfer of hazardous substances from ships to Ports, terminals and refineries and vice versa.
- (v) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II to this notification, subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment, Forest and Climate Change, provided that such facilities are for receipt and storage of fertilizers and raw materials required for fertilizers, like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid, etc.
- (vi) Storage of non-hazardous cargo i.e. edible oil, fertilizers and food grains in notified Ports.
- (vii) Hatchery and natural fish drying.
- (viii) Existing fish processing units may utilise 25% additional plinth area for modernisation purposes (only for additional equipment and pollution control measures) subject to the following:-
 - (a) Floor Space Index of such reconstruction not exceeding the permissible Floor Space Index as per prevalent town and country planning regulations;
 - (b) additional plinth area is constructed only to the landward side.
 - (c) approval of the concerned State Pollution Control Board or Pollution Control Committee.
- (ix) Treatment facilities for waste and effluents and conveyance of treated effluents.
- (x) Storm water drains.
- (xi) Projects classified as strategic, defence related projects and projects of the Department of Atomic Energy, Government of India.
- (xii) Manual mining of atomic mineral(s) notified under Part-B of the First Schedule to the Mining and Minerals (Development and Regulation) Act, 1957(67 of 1957) occurring as such or in association with one or other minerals in the intertidal zone by such agencies as authorised by the Department of Atomic Energy, Government of India as per mining plan approved by the Atomic Mineral Directorate for Exploration and Research:

Provided that the manual mining operations shall be carried out only by deploying persons using baskets and hand spades for collection of ore or mineral within the intertidal zone and as per approved mining plan, without deploying or using drilling and blasting or Heavy Earth Moving Machinery in the intertidal zone.

- (xiii) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (xiv) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water, intake water for desalination plants, etc, and outfall for discharge of treated wastewater or cooling water from thermal power plants in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC), as the case may be.
- (xv) Pipelines, conveying systems including transmission lines.
- (xvi) Weather radar for monitoring of cyclones prediction, ocean observation platforms, movement and associated activities.
- (xvii) Salt harvesting and associated facilities.
- (xviii) Desalination plants and associated facilities.

5.2 CRZ-II:

- (i) Activities as permitted in CRZ-I B, shall also be permissible in CRZ-II, in so far as applicable.
- (ii) Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures:

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.

- (iii) Buildings permitted as in (ii) above, shall be subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index (FSI) or Floor Area Ratio (FAR) prevailing as on the date of this Notification, and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or State Government or Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned State Coastal Zone Management Authority (SCZMA) or Union Territory Coastal Zone Management Authority, as the case may be and the SCZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environmental protection measures, etc., and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters.
- (iv) Reconstruction of authorised buildings shall be permitted, without change in present land use, subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio, prevailing as on the date of publication of this notification in the official Gazette and in the event that there is a need for amendment of the FSI after the said date of this notification, the Urban Local Body or State Government or Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned State Coastal Zone Management Authority (SCZMA) or Union Territory Coastal Zone Management Authority, as the case may be and the CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environmental protection measures etc., and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are

handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters.

- (v) Development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions or guidelines at **Annexure-III** to this notification.
- (vi) Temporary tourism facilities shall be permissible in the beaches which shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks, etc, drinking water facilities, seating arrangements, etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process or public hearing, etc. and further subject to environmental safeguards enlisted in the CZMP, however, a minimum distance of 10 meter from HTL shall be maintained for setting up of such facilities.

5.3 CRZ-III:

- (i) Activities as permitted in CRZ-I B, shall also be permissible in CRZ-III, in so far as applicable.

(ii) Regulation of activities in NDZ:

Following shall be permissible and regulated in the NDZ:-

- (a) No construction shall be permitted within NDZ in CRZ III, except for repairs or reconstruction of existing authorised structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under this notification including facilities essential for activities and construction or reconstruction of dwelling units of traditional coastal communities including fisher folk, incorporating necessary disaster management provisions and proper sanitation arrangements.
- (b) Agriculture, horticulture, gardens, pastures, parks, playfields and forestry.
- (c) Construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by Coastal Zone Management Authority (CZMA).
- (d) Construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee.
- (e) Facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like.
- (f) Wherever there is a national or State highway passing through the NDZ of CRZ-III areas, temporary tourism facilities such as toilets, change rooms, drinking water facility and temporary shacks can be taken up on the seaward side of the road.
On landward side of such roads in the NDZ, resorts or hotels and associated tourism facilities shall be permitted and such facilities shall, however, be permitted only subject to the incorporation of tourism plan in the approved CZMP as per this notification and the conditions or guidelines at Annexure-III, to this notification as applicable.
- (g) Temporary tourism facilities shall be permissible in the NDZ and beaches in the CRZ-III areas and such temporary facilities shall only include shacks, toilets or washrooms, change rooms, shower panels, walk ways constructed using interlocking paver blocks, etc, drinking water facilities, seating arrangements etc., and such facilities shall, however, be permitted only subject to the tourism plan featuring in the approved CZMP as per this notification subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities.
- (h) Mining of atomic minerals notified under Part-B of the First Schedule to Mining and

Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.

(iii) **Regulation of activities for CRZ–III areas beyond NDZ:**

(a) Development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions or guidelines at Annexure-III to this notification.

(b) Construction or reconstruction of dwelling units, so long it is within the ambit of traditional rights and customary uses such as existing fishing villages, etc. and building permission for such construction or reconstruction will be subject to local town and country planning rules, with an overall height of construction not exceeding 9 meters and with only two floors (ground + one floor).

(c) The local communities including fishermen may be permitted to facilitate tourism through 'home stay' without changing the plinth area or design or facade of the existing houses.

(d) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads, bridges, etc.

(e) Limestone mining:

Selective mining of limestone minerals may be permitted in specific identified areas under the mining plans, which are adequately above the height of HTL, based on the recommendations of reputed National Institutes in the mining field such as Council of Scientific and Industrial Research (CSIR), Central Mining Research Institute etc., provided that the extraction of minerals shall be carried out not below a height of 1 meter above the HTL and an adequate barrier shall be created so as to safeguard against saline water incursion and subject to appropriate safeguards related to pollution of coastal waters and prevention of coastal erosion.

(f) Mining of atomic minerals notified under Part-B of the First Schedule of Mining and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.

(iv) Drawing of groundwater and construction related thereto shall be prohibited within 200 meters of HTL except for the use of local communities in areas inhabited by them and in the areas between 200 to 500 meters of the HTL, groundwater withdrawal may be permitted only through manual means from ordinary wells for drinking, horticulture, agriculture and fisheries, etc. where no other source of water is available and restrictions for such drawal may be imposed by the designated Authority by State Government or Union territory Administration in the areas affected by sea water intrusion, however, for horticulture and agriculture purpose, micro irrigation promoted by Government welfare schemes shall be permitted.

(v) Development of airports in wastelands and non-arable lands in CRZ-III areas with adequate environmental safeguards.

5.4 CRZ-IV:

Activities shall be permitted and regulated in the CRZ IV areas as under:-

(i) Traditional fishing and allied activities undertaken by local communities.

(ii) Land reclamation, bunding, etc to be permitted only for activities such as:-

(a) foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, sea links and hover ports for coast guard ,etc;

(b) projects for defence, strategic and security purpose including coast guard;

- (c) measures for control of erosion;
 - (d) maintenance and clearing of waterways, channels and ports;
 - (e) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (iii) Activities related to waterfront or directly needing foreshore facilities, such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, navigational safety facilities and the like.
 - (iv) Power by non-conventional energy sources and associated facilities such as offshore wind, wave energy, ocean thermal energy conversion, etc.
 - (v) Transfer of hazardous substances from ships to Ports.
 - (vi) Storage of non-hazardous cargo like edible oil, fertilizers and food grains in notified Ports.
 - (vii) Facilities for discharging treated effluents into the water course.
 - (viii) Projects classified as strategic and defence related projects including coast guard coastal security network.
 - (ix) Projects of department of Atomic Energy.
 - (x) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto.
 - (xi) Exploration and mining of atomic minerals notified under Part-B of the First Schedule of the Mining and Minerals (Development and Regulation) Act, 1957 (67 of 1957), occurring as such or in association with other mineral(s) and of such associated mineral(s).
 - (xii) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, and foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of the Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee.
 - (xiii) Pipelines, conveying systems including transmission lines.
 - (xiv) Weather radar for monitoring of cyclone prediction, ocean observation platforms, movement and associated activities.
 - (xv) Construction of memorials or monuments and allied facilities by the concerned State Government in CRZ-IV (A) areas, in exceptional cases, with adequate environmental safeguards, subject to the following, namely: -
 - (a) the concerned State Government shall submit justification for locating the project in CRZ-IVA area along with details of alternate sites considered and weightage matrix on various parameters including environmental parameters, to State Coastal Zone Management Authority who will examine the project and make recommendation to the Central Government (Ministry of Environment, Forest and Climate Change) for grant of Terms of Reference (ToRs) for preparation of an environmental impact assessment report by the State Government;
 - (b) On grant of ToRs by the Central Government, the concerned State Government shall submit the draft Environmental Impact Assessment report (EIA) with Environmental Management Plan (EMP), draft Risk Assessment Report with Disaster Management Plan (DMP) including on-site and off-site emergency plan and evacuation plan during emergency, to the State Pollution Control Board for conduct of public hearing for the proposed project in accordance with the procedure laid down under the Environment Impact Assessment (EIA) notification number S.O. 1533(E), dated the 14th September, 2006;

- (c) The concerned State Government shall, after addressing the relevant issues raised by the public during the public hearing referred to in sub-item (b), submit the final EIA, EMP, Risk Assessment and DMP, to the State CZMA for their examination and recommendation to MoEF&CC;
- (d) The Central Government may, if it considers necessary so to do, dispense with the requirement of public hearing referred to in sub-clause (b), if it is satisfied that the project will not involve rehabilitation and resettlement of the public or the project site is located away from human habitation.

5.5 Requirement for Clearance from Department of Atomic Energy installations:

Prior to undertaking any developmental activity including construction of new structures, falling in the boundary limits specified by Atomic Energy Regulatory Board (AERB) guidelines, prior clearance shall be obtained from Department of Atomic Energy installations.

6. Coastal Zone Management Plan (CZMP)

- (i) All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O. 19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects.
- (ii) The CZMP may be prepared or updated by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of Ministry of Environment, Forest and Climate Change and in consultation with the concerned stakeholders.
- (iii) The coastal States and Union territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in **Annexure-IV** to this notification, which involve public consultation.
- All developmental activities listed in this notification shall be regulated by the State Government, Union territory administration, the local authority or the concerned Coastal Zone Management Authority within the framework of such approved CZMP, as the case may be, in accordance with provisions of this notification.
- (iv) The draft CZMP shall be submitted by the State Government or Union territory to the concerned Coastal Zone Management Authority for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986 (29 of 1986).
- (v) The Ministry of Environment, Forest and Climate Change shall thereafter consider and approve the respective CZMP of concerned State Governments or Union territory administrations.
- (vi) The CZMP shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking a revision.

7. CRZ clearance for permissible and regulated activities- Delegation:

- (i) All permitted or regulated project activities attracting the provisions of this notification shall be required to obtain CRZ clearance prior to their commencement.
- (ii) All development activities or projects in CRZ-I and CRZ-IV areas, which are regulated or permissible as per this notification, shall be dealt with by Ministry of Environment, Forest and Climate Change for CRZ clearance, based on the recommendation of the concerned Coastal Zone Management Authority.

- (iii) For all other permissible and regulated activities as per this notification, which fall purely in CRZ-II and CRZ-III areas, the CRZ clearance shall be considered by the concerned Coastal Zone Management Authority and such projects in CRZ -II and III, which also happen to be traversing through CRZ-I or CRZ-IV areas or both, CRZ clearance shall, however be considered only by the Ministry of Environment, Forest and Climate Change, based on recommendations of the concerned Coastal Zone Management Authority.
- (iv) Projects or activities which attract the provisions of this notification as also the provisions of EIA notification, 2006 number S.O. 1533(E), dated the 14th September, 2006, shall be dealt with for a composite Environmental and CRZ clearance under EIA Notification, 2006 by the concerned approving Authority, based on recommendations of the concerned Coastal Zone Management Authority, as per delegations i.e., State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) or the Ministry of Environment, Forest and Climate Change for category 'B' and category 'A' projects respectively.
- (v) In case of building or construction projects with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 these shall be approved by the concerned local State or Union territory Planning Authorities in accordance with this notification, after obtaining recommendations of the concerned Coastal Zone Management Authority.
- (vi) Only for self-dwelling units up to a total built up area of 300 square meters, approval shall be accorded by the concerned local Authority, without the requirement of recommendations of concerned Coastal Zone Management Authority and such authorities shall, however, examine the proposal from the perspective of the Coastal Regulation Zone notification before according approval.

8. Procedure for CRZ clearance for permissible and regulated activities:

- (i) The project proponents shall apply with the following documents to the concerned State or the Union territory Coastal Zone Management Authority for seeking prior clearance under this notification:-
 - (a) Project summary details as per Annexure-V to this notification.
 - (b) Rapid Environment Impact Assessment (EIA) Report including marine and terrestrial component, as applicable, except for building construction projects or housing schemes.
 - (c) Comprehensive EIA with cumulative studies for projects, (except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 number S.O 1533(E), dated 14th September, 2006) if located in low and medium eroding stretches, as per the CZMP to this notification.
 - (d) Risk Assessment Report and Disaster Management Plan, except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 number S.O 1533(E), dated 14th September, 2006).
 - (e) CRZ map in 1:4000 scale, drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA-III, dated the 14th March, 2014 using the demarcation of the HTL or LTL, as carried out by NCSCM.
 - (f) Project layout superimposed on the CRZ map duly indicating the project boundaries and the CRZ category of the project location as per the approved Coastal Zone Management Plan under this notification.
 - (g) The CRZ map normally covering 7 kilometre radius around the project site also indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas.
 - (h) "Consent to establish" or No Objection Certificate from the concerned State Pollution Control Board or Union territory Pollution Control Committee for the projects involving treated discharge of industrial effluents and sewage, and in case prior consent of

Pollution Control Board or Pollution Control Committee is not obtained, the same shall be ensured by the proponent before the start of the construction activity of the project, following the clearance under this notification.

- (ii) The concerned Coastal Zone Management Authority shall examine the documents in clause (i) above, in accordance with the approved Coastal Zone Management Plan and in compliance with this notification and make recommendations within a period of sixty days from date of receipt of complete application as under: -
- (a) For the projects or activities also attracting the EIA Notification, 2006 number S.O. 1533(E), dated 14th September, 2006, the Coastal Zone Management Authority shall forward its recommendations to Ministry of Environment, Forest and Climate Change or SEIAA for category 'A' and category 'B' projects respectively, to enable a composite clearance under the EIA Notification, 2006 number S.O. 1533(E), dated 14th September, 2006, however, even for such Category 'B' projects located in CRZ-I or CRZ-IV areas, final recommendation for CRZ clearance shall be made only by the Ministry of Environment, Forest and Climate Change to the concerned SEIAA to enable it to accord a composite Environmental Clearance and CRZ clearance to the proposal.
- (b) Coastal Zone Management Authority shall forward its recommendations to the Ministry of Environment, Forest and Climate Change for the projects or activities not covered in the EIA notification, 2006, but attracting this notification and located in CRZ-I or CRZ-IV areas.
- (c) Projects or activities not covered in the aforesaid EIA Notification, 2006, but attracting this notification and located in CRZ-II or CRZ-III areas shall be considered for clearance by the concerned Coastal Zone Management Authority within sixty days of the receipt of the complete proposal from the proponent.
- (d) In case of construction projects attracting this notification but with built-up area less than the threshold limit stipulated for attracting the provisions of the aforesaid EIA Notification 2006, Coastal Zone Management Authority shall forward their recommendations to the concerned State or Union territory planning authorities, to facilitate granting approval by such authorities.
- (iii) The Ministry of Environment, Forest and Climate Change shall consider complete project proposals for clearance under this notification, based on the recommendations of the Coastal Zone Management Authority, within a period of sixty days.
- (iv) In case the Coastal Zone Management Authorities are not in operation due to their reconstitution or any other reasons, then it shall be responsibility of the Department of Environment in the State Government or Union territory Administration, who are the custodian of the CZMP of respective States or Union territories, to provide comments and recommend the proposals in terms of the provisions of the said notification.
- (v) The clearance accorded to the projects under this notification shall be valid for a period of seven years, provided that the construction activities are completed and the operations commence within seven years from the date of issue of such clearance.
- The validity may be further extended for a maximum period of three years, provided an application is made to the concerned authority by the applicant within the validity period, along with recommendation for extension of validity of the clearance by the concerned State or Union territory Coastal Zone Management Authority.
- (vi) Post clearance monitoring:
- (a) It shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on the 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned Coastal Zone Management Authority.

- (b) The compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vii) To maintain transparency in the working of the Coastal Zone Management Authority, it shall be the responsibility of the Coastal Zone Management Authority to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMP of the respective State Government or Union territory.

9. Enforcement of this notification:

- (i) For the purposes of implementation and enforcement of the provisions of this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 (29 of 1986) with the Ministry of Environment, Forest and Climate Change, State Government or the Union territory Administration, National Coastal Zone Management Authority and the State or Union territory Coastal Zone Management Authority;
- (ii) The composition, tenure and mandate of National Coastal Zone Management Authority and State Government or the Union territory Coastal Zone Management Authority have already been notified by the Ministry of Environment, Forest and Climate Change in terms of Orders of Hon'ble Supreme Court in Writ Petition 664 of 1993;
- (iii) The State Government or the Union territory Coastal Zone Management Authority shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned comprising at least three representatives of local traditional coastal communities including from fishermen, and the State Government may consider the enforcement of this notification to the level of respective District Magistrates.
- (iv) The dwelling units of the traditional coastal communities including fishermen, tribals as were permissible under the provisions of the Coastal Regulation Zone notification, 2011 number S.O. 19(E), dated the 6th January, 2011, but which have not obtained formal approval from concerned authorities under the said Notification shall be considered by the respective Coastal Zone Management Authority and the dwelling units shall be regularised subject to the following condition, namely: -
- (a) these are not used for any commercial activity;
- (b) these are not sold or transferred to non-traditional coastal community.

10. Areas requiring special consideration:

10.1 Critically Vulnerable Coastal Areas (CVCAs):

- (i) For all the CVCAs mentioned in sub-paragraph 3.1, Integrated Management Plans (IMPs) shall be prepared, which shall, inter alia, keep in view the conservation and management of mangroves, needs of local communities, such as dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the guidelines for preparation of Coastal Zone Management Plan.
- (ii) Till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain/cyclone shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the Coastal Zone Management Authority with due regards to the views of coastal communities including fisher folk.

10.2 CRZ for inland backwater islands and islands along mainland coast:

- (i) All the inland islands in the coastal backwaters and islands along the mainland coast shall also be covered under this notification.

- (ii) In view of the unique coastal systems of backwater islands and islands along the mainland coast, along with space limitations in such coastal stretches, CRZ of 20 meters from the HTL on the landward side shall uniformly apply to such islands and activities shall be regulated as under:-
- (a) existing dwelling units of local communities may be repaired or reconstructed within 20 meters from the HTL of these islands, however, no new construction shall be permitted in this zone.
- (b) foreshore facilities, such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up in CRZ limits subject to due environmental safeguards.
- (iii) Integrated Island Management Plans (IIMPs), as applicable to smaller islands in Lakshadweep and Andaman & Nicobar, as per Island Protection Zone Notification, 2011 number S.O. 20(E), dated the 6th January, 2011, shall be formulated by respective States or Union territory for all such islands and submitted to Ministry of Environment, Forest and Climate Change and till the IIMPs are framed, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification 2011 number S.O. 19(E), dated the 6th January, 2011, shall continue to apply.

10.3 CRZ areas falling within municipal limits of Greater Mumbai:

- (i) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorised as No Development Zone and a Floor Space Index up to 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.
- (ii) Construction of sewage treatment plants in CRZ-I area for the purpose of treating the sewage from the municipal area shall be taken only by the municipal authorities in exceptional circumstances, where no alternate site is available to set up such facilities, subject to recommendations of the Coastal Zone Management Authority and approval by the Central Government and in case the construction of such plant is inevitable in a mangrove area, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

[F. No. 19-112/2013-IA-III]

RITESH KUMAR SINGH, Jt. Secy.

Annexure-I

CONSERVATION, PROTECTION AND MANAGEMENT FRAMEWORK FOR ECOLOGICALLY SENSITIVE AREAS

The coastal and marine Ecologically Sensitive Areas (ESAs) and the geo-morphological features play a vital role in maintaining the functions of the coast. Mangroves, beaches, coral reefs, etc., aid in controlling coastal erosion, shoreline change, saltwater intrusion and also serve as natural defence against coastal hazards such as storm surges, cyclones and tsunamis. The ESAs maintain the biological integrity of the coast by providing direct and indirect ecosystem services to the coastal livelihood. In addition, several invaluable archaeological and heritage sites are also located along the coast. Hence conservation and protection of the above areas, features and sites become necessary.

1. General measures

- (i) All ESAs shall be identified and boundary delineated by NCSCM using satellite data.
- (ii) The State Governments or Union territory Administrations through the authorised agencies shall prepare CZMP as per the guidelines contained in this notification highlighting the conservation and protection of the ESAs.
- (iii) Those activities permissible under this notification shall be included in the CZMP.

Specific conditions shall be adopted for the conservation, protection and management of each of the ESAs as under: -

1.1 Mangroves:

- (i) Mangroves declared as forest under the Forest (Conservation) Act, 1980 (69 of 1980).

Notwithstanding anything contained in this notification, such mangroves declared by the concerned State Governments or Union territory Administrations or Central Government as forest land under the Forest (Conservation) Act, 1980 (69 of 1980) shall attract the provisions of the said Act.

- (ii) Mangroves not declared under Forest (Conservation) Act, 1980:

(a) Mangroves in Government land shall be protected based on a detailed plan to be prepared by the concerned State Governments or Union territory administrations, and in case the mangrove area is more than 1000 square meters, a buffer of 50 metre along the periphery of mangrove area shall be provided. This buffer zone of 50 metre may be utilised for public facilities for developing parks, research facilities related to mangrove biodiversity, facilities for conservation and the like.

(b) Mangroves in private land will not require a buffer zone.

1.2 Corals and coral reefs and associated biodiversity:

- (i) Destruction of coral and coral reefs and the surroundings is a prohibited activity.
- (ii) All coral and coral reefs shall be protected except for those small quantities required for research purposes.
- (iii) Coral and coral reefs transplantation activities shall be through recognised research institutions wherever required for regeneration after obtaining necessary approvals under Wildlife (Protection) Act 1972 (53 of 1972).
- (iv) The dead or destroyed or both coral areas shall be taken up for rejuvenation and rehabilitation. The conservation and protection of corals and coral reefs shall be taken up as follows:-
- (a) active and live coral and coral reefs identified and delineated shall be declared and notified as ESA under Environment (Protection) Act 1986 (29 of 1986);
- (b) it shall be ensured that no activities that are detrimental to the health of corals, coral reefs and its associated biodiversity, such as mining, effluent and sewage discharge, dredging, ballast water discharge, ship washings, fishing other than traditional non-destructive fisheries, construction activities and the like are taken up in and around the coral areas.

1.3 The National Parks, marine parks, Sanctuaries, reserve forests, wildlife habitats and other protected areas declared under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act 1980 (69 of 1980) or Environment (Protection) Act 1986 (29 of 1986); including Biosphere Reserves shall be conserved and protected as follows:-

- (i) Conservation and protection of the above mentioned areas shall be as per the provisions of the respective Acts, notifications or guidelines as the case may be.
- (ii) Efforts shall be made to increase the forest area in the coastal region in order to prevent loss of life and property from increased storms, tides and floods.
- (iii) The concerned State Governments or Union territory administrations shall provide for adequate funds for such measures to undertake shelter belt plantation or bio-shields with planting material suitable to the location.

1.4. Salt marshes:

The conservation and protection of salt marshes shall be as follows:-

- (i) The salt marsh areas shall be conserved and protected and efforts shall be made to promote the endemic biodiversity in the salt marshes.
- (ii) Only those activities required for overhead conveying or transmission of cables and underground laying of transmission line cables and so on, shall be permissible.
- (iii) Traditional fishing shall be permissible in salt marshes.
- (iv) Temporary tourism facilities around the salt marsh areas may be considered subject to adhering to norms laid down in the guidelines.
- (v) Certain salt marshes which have less biodiversity, identified by NCSCM and demarcated in Coastal Zone Management Plan can be considered for salt pan activities.

1.5 Turtle nesting grounds shall be protected and conserved as follows:-

- (i) Turtle nesting grounds identified by the concerned State Governments or Union territory administrations shall be protected as per Wildlife (Protection) Act of 1972.
- (ii) No activities shall be permitted in and around the turtle nesting ground including those causing light and sound pollution except for those required for conservation and protection of these sites.
- (iii) Strict management plans for protecting the turtle nesting grounds shall be undertaken and implemented by the concerned State or Union territory Authorities.

1.6 Horse shoe crabs habitats shall be protected and conserved as follows:-

- (i) The habitat identified shall be taken up for conservation and protection.
- (ii) No activities shall be taken up in and around these habitats which affect the horse shoe crab ecosystem.

1.7 Sea grass beds shall be protected and conserved as follows:-

- (i) Identified sea grass beds shall be conserved and protected.
- (ii) No developmental activities that have adverse effect on the sea grass bed shall be undertaken.
- (iii) Efforts shall be made to propagate sea grass beds along the coastal waters where ever possible by States or Union territories as it acts as a carbon sink.

1.8 Nesting grounds of birds shall be protected and conserved as follows:-

- (i) The nesting ground of birds including their local migratory route shall be protected. No developmental activities which have adverse impact on the nesting grounds and the migratory routes shall be undertaken including construction of wind mills, transmission lines and the like in the locality.
- (ii) Efforts shall be made to increase the forest cover and mangrove cover including enriching the biodiversity of salt marsh and other coastal water bodies so as to provide for suitable habitat for the avifauna.

1.9 Geo-morphologically Important Zones shall be protected and managed as follows:

- (i) **Sand dunes** identified shall be conserved and protected as follows:
 - (a) sand dunes identified shall be notified under Environment (Protection) Act 1986;
 - (b) no developmental activities shall be permissible except for providing eco-friendly temporary tourism facilities on stilts such as walkways, tents and the like;
 - (c) mining of sand from sand dunes shall be prohibited activity except for the removal of atomic minerals with proper replenishment using the tailings or other suitable sand;
 - (d) no activities on the sand dunes shall be taken up that would lead to erosion/destruction of sand dunes;
 - (e) afforestation, if any, on the sand dunes shall be done only with native flora;

(f) the States or Union territory shall prepare management plans for the demarcated sand dunes.

(iii) **Sandy beaches:**

(a) Mining of beach sand is prohibited except for manual mining of atomic minerals with proper replenishment using the tailings or other suitable sand.

(b) When the permissible developmental activities are taken up on the beaches if loss of beach in the neighbourhood is predicted, necessary beach nourishment to compensate for the losses shall be undertaken by the project authorities and its long term maintenance shall be ensured by them.

(c) The States or Union Territory shall prepare management plans for the demarcated beaches.

(iv) **Biologically active mudflats:**

(a) Biologically active mudflats shall be identified by NCSCM in association with State Governments or Union territory administrations.

(b) The States or Union territories shall prepare management plans for such demarcated biologically active mudflats.

1.10 Areas or structures of archaeological importance and heritage value sites:

(i) State Archaeological agencies shall be responsible for conservation and protection of all archaeological structures and heritage sites identified by the Archaeological Survey of India, as per the provisions of the respective Acts, notifications or guidelines.

(ii) No activities that are detrimental to the identified areas or structures of archaeological and heritage value shall be permitted.

(iii) It shall be ensured that these structures or areas are preserved and activities undertaken without changing the façade/plinth of such structures. Such structures could be considered for use in accordance with the relevant norms after undertaking careful designing of the interiors without changing the exterior architectural design of the structure.

Annexure-II

LIST OF PETROLEUM AND CHEMICAL PRODUCTS PERMITTED FOR STORAGE IN CRZ, EXCEPT CRZ-I A

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;

- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers;
- (xvi) Acetic acid;
- (xvii) Mono ethylene glycol;
- (xviii) Paraxylene;
- (xix) Ethane;
- (xx) Butadine;
- (xxi) Methanol;
- (xxii) Caustic;
- (xxiii) Bitumen.

Annexure-III

GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS, HOTELS AND TOURISM DEVELOPMENT PROJECTS IN THE DESIGNATED CRZ AREAS

1. CRZ-II

Construction of beach resorts or hotels in designated areas of CRZ-II for occupation of tourist or visitors shall be subject to the following conditions, namely: -

- (i) construction shall be permitted only to the landward side of an existing road or existing authorized fixed structures;
- (ii) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (iii) no flattening of sand dunes shall be carried out;
- (iv) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (v) construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (vi) the State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate;
- (vii) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986 (29 of 1986);
- (viii) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
- (ix) if the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 (69 of 1980) shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with and approval of the State or Union territory Tourism Department shall be obtained.

2. CRZ-III

Construction of beach resorts and hotels in designated areas of CRZ- III for occupation of tourists or visitors shall be subject to the following conditions, namely: -

- (i) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (ii) no flattening of sand dunes shall be carried out;
- (iii) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (iv) construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (v) the State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate;
- (vi) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;
- (vii) the total covered area on all floors shall not exceed 33 per cent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;
- (viii) the construction shall be consistent with the surrounding landscape and local architectural style;
- (ix) the overall height of construction up to the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than two floors (ground floor plus one upper floor);
- (x) groundwater shall not be tapped within 200 metre of the High Tide Line; and within the 200 to 500 metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;
- (xi) extraction of sand, leveling or digging of sandy stretches, except for structural foundation of building or swimming pool, shall not be permitted within 500 metres of the High Tide Line;
- (xii) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986 (29 of 1986);
- (xiii) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
- (xiv) to allow public access to the beach, at least a gap of 20 metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500 metres apart; and
- (xv) If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 (69 of 1980) shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and approval of the State or Union territory Tourism Department shall be obtained.

Note: Construction of beach resorts or hotels shall not be permitted in Ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central Government or State Government or Union territory administrations).

ANNEXURE -IV**GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS****1. Demarcation of High Tide Line and Low Tide Line:**

Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) as carried out by NCSCM for the entire coastline of the country, has been made available to the Coastal States or Union territories and only such demarcation of HTL and LTL shall be applicable for all purposes of this notification.

2. Hazard Line:

A 'Hazard line' has been demarcated by the Survey of India (SOI) taking into account the extent of the flooding on the land area due to water level fluctuations, sea level rise and shoreline changes (erosion or accretion) occurring over a period of time. The hazard line mapped by SOI has been shared with the coastal States or Union territories through NCSCM. The hazard line shall be used as a tool for disaster management plan for the coastal environment, including planning of adaptive and mitigation measures. With a view to reduce the vulnerability of the coastal communities and ensuring sustainable livelihood, while drawing the CZMP, the land use planning for the area between the Hazard line and HTL shall take into account such impacts of climate change and shoreline changes.

3. Preparation of CZM Maps:

(i) Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:-

Unit : 7.5 minutes X 7.5 minutes

Numbering : Survey of India Sheet Numbering System

Horizontal Datum : Everest or WGS 84

Vertical Datum : Mean Sea Level (MSL)

Topography : Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs

(ii) Coastal Zone Management (CZM) Maps of scale 1:25,000 shall be got prepared by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA-III dated the 14th March, 2014 using the demarcation of the High Tide Line or LTL, as carried out by NCSCM.

(iii) Various regulatory lines viz. at a distance of 20 metres, 50 metres, 200 metres and 500 metres from HTL respectively, as applicable in various CRZ categories, and the Hazard line shall be demarcated and transferred to the CZM maps.

(iv) HTL, LTL and CRZ boundaries, as applicable, shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies.

(v) Classification of different coastal zones shall be done as per the CRZ notification and Standard national or international colour codes shall be used.

4. Local level CZM Maps:

(i) Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans.

(ii) Cadastral (village) maps in 1:3960 or the nearest scale, as available with revenue authorities shall be used as the base maps.

(iii) HTL, LTL, other CRZ regulatory lines and the Hazard line shall be demarcated in the cadastral maps and classifications shall be transferred into local level CZM maps.

5. Classification of CRZ areas:

- (i) The CZM Maps shall clearly demarcate the land use plan of the area and map out the Ecologically Sensitive Areas (ESAs) or the CRZ-IA areas as per mapping made available by NCSCM to coastal State or Union territories. All such ESAs shall be appropriately demarcated with colour codes.
- (ii) Buffer zone along mangrove areas of more than 1000 square metres shall be stipulated with a different colour distinguishing from the mangrove area. The buffer zone shall also be classified as CRZ-I area.
- (iii) In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States and Union territories shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
- (iv) The water areas of CRZ-IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, and estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
- (v) The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
- (vi) In CVCAs, the land use maps shall be superimposed on the Coastal Zone Management Plan clearly demarcating the CRZ-I, II, III, IV.
- (vii) The existing authorised developments on the seaward side shall be clearly demarcated.
- (viii) The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.
- (ix) Construction of buildings or other activities shall be permitted under the CZMP provided adequate arrangements are made for proper management and disposal of solid and liquid wastes in accordance with the environmental standards, rules and statutes, and under no circumstances, untreated effluents shall be disposed off in the coastal waters.

6. Public consultations on CZMP:

- (i) The draft CZMP prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMP shall be held at district level by the concerned CZMA.
- (ii) Based on the suggestions and objections received the CZMPs shall be revised and approval of Ministry of Environment, Forest and Climate Change shall be obtained.
- (iii) The approved CZMP shall be put up on the website of Ministry of Environment, Forest and Climate Change, concerned website of the State or Union Territory Coastal Zone Management Authority and hard copy made available in the Panchayat Office and District Collector Office.

7. Revision of Coastal Zone Management Plans:

- (i) Whenever there is a doubt, the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.
- (ii) If required, the rectified map shall be submitted to Ministry of Environment, Forest and Climate Change for consideration.

ANNEXURE-V**PROJECT INFORMATION DETAILS****1. PROJECT DETAILS**

- A. Project Name
- B. Survey No./ Village/ Co-ordinates
- C. District
- D. State
- E. Whether the proposal is for (Select relevant field)
 - (i) Fresh Clearance under CRZ
 - (ii) Amendment to an already issued CRZ clearance
 - (iii) Extension of validity of an already issued CRZ clearance
- F. Name of the Applicant
- G. Address of the Applicant
- H. Contact details (Telephone nos. and e-mail address)
- I. Cost of the project (Rs in crores)

2. BENEFITS OF THE PROJECT

- A. Details of Project Benefits
- B. Employment Likely to be Generated (Yes/No)
 - If Yes
 - (i) Total Manpower Requirement
 - (ii) Permanent Employment (Numbers)
 - (iii) Temporary Employment (Numbers)
 - (iv) Temporary Employment- During Construction (Numbers)
 - (v) Temporary Employment- During Operation (Numbers)

3. DESCRIPTION OF THE PROJECT UNDER CONSIDERATION (Select the Category of the project):**A. Resort / Buildings / civic amenities**

- (i) Total area/Built-up area (in sqm.)
- (ii) Height of structure
- (iii) FSI ratio
- (iv) Name of concerned town planning authority/ Panchayat etc.
- (v) Details of provision of car parking area

B. Coastal Roads / Roads on Stilt

- (i) Area of land reclamation
- (ii) Estimated quantity of muck/earth for reclamation
- (iii) Traffic carrying capacity
- (iv) Dimensions of road

C. Pipelines from thermal power blow down

- (i) Length of pipeline
- (ii) Length traversing CRZ area

- (iii) Depth of excavation
- (iv) Width of excavation
- (v) Length of pipeline from seashore to deep sea
- (vi) Depth of outfall point from surface of sea water
- (vii) Temperature of effluent above ambient at disposal point

D. Marine Disposal of Treated Effluent through pipelines

- (i) Location of intake/ outfall
- (ii) Depth of outfall point
- (iii) Length of pipeline
- (iv) Length traversing CRZ area
- (v) Depth of excavation
- (vi) Width of excavation
- (vii) Length of pipeline from shore to deep sea/creek
- (viii) Depth of outfall point from surface of water
- (ix) Depth of water at disposal point
- (x) BOD, COD, TSS, oil and grease, heavy metals in the effluent

E. Facility for storage of goods/chemicals

- (i) Name of chemical
- (ii) End use of the chemical
- (iii) No. of tanks for storage
- (iv) Capacity of tanks

F. Offshore structures

- (i) Exploration or development
- (ii) Depth of sea bed
- (iii) No. of rigs
- (iv) No. of platform
- (v) Details of group gathering stations

G. Desalination Plant

- (i) Capacity of desalination
- (ii) Total brine generation
- (iii) Temperature of effluent above ambient at disposal point
- (iv) Ambient salinity
- (v) Disposal point

H. Mining of atomic minerals

- (i) Capacity of mining
- (ii) Type of mineral to be extracted
- (iii) End use of the mineral
- (iv) Government order for mining lease/exploration and approved mining plan details
- (v) Extent of mining lease area

I. Sewage Treatment Plants

- (i) Capacity
- (ii) Total area of construction
- (iii) Compliance of effluent parameters as laid down by cpcb/spcb/other authorised agency
- (iv) Whether discharge is in sea water/creek?
 - If yes
 - Distance of marine outfall point from shore/from the tidal river bank
 - Depth of outfall point from sea water/river water surface
 - Depth of seabed/riverbed at outfall point

J. Lighthouse

- (i) Total ground area of foundation/platform
- (ii) Height of the structure

K. Wind Mills

- (i) Capacity (MW)
- (ii) Height of the windmill
- (iii) Diameter of the windmill
- (iv) Length of blade
- (v) Speed of rotation
- (vi) Transmission lines (overhead or underground)

L. Others

- (i) Please specify with salient features
- (ii) Upload relevant Documents (upload PDF only)

4. PROJECT LOCATION AS PER CRZ CLASSIFICATION (If project site falls in different/multiple CRZ categories the same may also be elaborated)

5. CLAUSE OF CRZ NOTIFICATION UNDER WHICH PROJECT IS A PERMISSIBLE /REGULATED ACTIVITY

6. MANDATORY FIELDS FOR PROJECT ASSESSMENT

A. CRZ map in 1:4000 scale indicating HTL, LTL demarcation and distance of the nearest project boundary (in meters) from HTL to be stated

- (i) Upload Map (kml file)

B. Project layout superimposed on CRZ Map 1:4000 scale with classification of project location including other notified ESAs prepared

- (i) Upload Map (kml file)

C. CRZ map 1:25000 scale covering 7 km radius around Project site

- (i) Upload Map (kml file)

7. PROJECT LOCATED IN (Select Type)

- (i) Non eroding Coast
- (ii) Low and Medium eroding coast
- (iii) High eroding Coast

8. DETAILS OF FOREST/ MANGROVES LAND INVOLVED (YES/NO)**IF YES**

- (i) Detail of area diverted
- (ii) Forest clearance to be submitted (Upload document)
- (iii) No. of trees to be cut under the project
- (iv) Compensatory afforestation plan to be submitted (Upload document)

9. DISTANCE OF PROPOSED PROJECT FROM ESA/MARINE PARK/ WILD LIFE SANCTUARY

- (i) Within 10 kilometre radius from the project site (Yes/No)

If YES

- Permission from NBWL to be submitted (Upload document)

10. NOC OR CONSENT TO ESTABLISH FROM STATE/UT POLLUTION CONTROL BOARDS OBTAINED (YES/NO)**If YES**

- (i) Copy of NOC to be provided (Upload document)
- (ii) Conditions imposed to be stated (Upload document)

11. Environment Impact Assessment (EIA) studies (relevant fields to be filled)**A. Terrestrial studies:**

- (i) Summary details of EIA (Terrestrial) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

B. Marine Studies

- (i) Summary details of EIA (Marine) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

12. DISASTER MANAGEMENT PLAN / NATIONAL OIL SPILL DISASTER CONTINGENCY PLAN (if applicable)**13. PROJECT INVOLVING DISCHARGE OF LIQUID EFFLUENTS:**

- (i) Capacity of Sewage Treatment Plant
- (ii) Quantity of effluent generated
- (iii) Quantity of effluent treated
- (iv) Method of treatment and disposal

14. PROJECT INVOLVING DISCHARGE OF SOLID WASTE:

- (i) Type of solid waste
- (ii) Quantity of solid waste generated
- (iii) Method of disposal
- (iv) Mode of transport

15. WATER REQUIREMENT in kilo litres per day (KLD)

- (i) Quantity of water required
- (ii) Source of water

- (iii) If Ground water (Upload a copy of approval from Central Ground Water Authority or other authorised body)
- (iv) If other Source (Upload a copy of permission from competent authority)
- (v) Mode of transport
- (vi) Commitment of water supply (Upload document)

16. DETAILS OF WATER TREATMENT AND RECYCLING (If any) (Multiple Entries Allowed)

| Type/ Source | Quantity of Waste Water Generated (Kilos Litre per Day) | Treatment Capacity (Kilos Litre per Day) | Treatment Method | Mode of Disposal | Quantity of Discharged Water (Kilos Litre per Day) | Quantity of Treatment Water used in Recycling/Reuse (Kilo Litre per Day) |
|-----------------|--|---|---------------------|---------------------|--|---|
| | | | | | | |
| | | | | | | |

17. DETAILS OF RAINWATER HARVESTING

- (i) No. of Storage tanks
- (ii) Total capacity of tanks
- (iii) No. of Recharge Pits
- (iv) Capacity of pits

18. ENERGY REQUIREMENT AND SOURCES

- (i) Total Power Requirements (kwh)
- (ii) Source
- (iii) Upload Copy of Agreement (upload pdf only)
- (iv) Stand by Arrangement (Details)

19. ENERGY EFFICIENCY/SAVING MEASURES

- (i) Source/Mode
- (ii) Details of savings

20. RECOMMENDATION OF STATE COASTAL ZONE MANAGEMENT AUTHORITY

- (i) Upload Copy of CZMA recommendations (Upload pdf only)
- (ii) Compliance status of the Conditions Imposed

21. WHETHER PROPOSAL ATTRACTS EIA NOTIFICATION, 2006. (Yes/No)

If YES,

- (i) the category thereof
- (ii) Status of proposal for EC (as applicable)

22. SOCIAL AND ENVIRONMENTAL ISSUES AND MITIGATIONS MEASURES SUGGESTED INCLUDING BUT NOT LIMITED TO R&R, WATER, AIR, HAZARDOUS WASTES, ECOLOGICAL ASPECTS, ETC. (Brief Details to be Provided)

23. DETAILS OF COURT CASES Whether there is any Court Cases pending against the project and/or land in which the project is proposed to be set up? (Yes/No)

If Yes, Pending or Disposed (Select relevant)

- (i) Name of the Court (Supreme Court, High Court, National Green Tribunal)
- (ii) Case No.

- (iii) Case Details
- (iv) Orders/Directions of the court, if any and its relevance with the proposed project
(Upload document)

24. ADDITIONAL INFORMATION, If any

UNDERTAKING: It is certified that the information given above are true to the best of my knowledge and belief and nothing contravening the provisions of CRZ Notification, 2011 has been concealed therefore.

Name and Signature of the applicant:

Date:

Ministry of Environment, Forest and Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi -110003
Dated: 29th September, 2021

To,

**The Member Secretary,
Maharashtra Coastal Zone Management Authority,
Environment & CC Department,
15th Floor, New Administrative Building,
Mantralaya, Mumbai-400 032, Maharashtra**

**Subject: Coastal Zone Management Plans of Mumbai City and Mumbai Sub-Urban
in the State of Maharashtra as per CRZ Notification, 2019-regarding.**

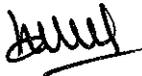
Sir,

This has reference to letter No. MCZMA 2021/CR 6/TC 4, dated 09/06/2021 furnishing therein the Coastal Zone Management Plans (CZMPs) of Mumbai City and Mumbai Sub-Urban in the State of Maharashtra, drawn as per the provisions of the Coastal Regulation Zone (CRZ) Notification, 2019.

2. The National Coastal Zone Management Authority (NCZMA) in its 43rd meeting held on 16/08/2021 has recommended the CZMPs of Mumbai City and Mumbai Sub-Urban District of Maharashtra for approval as per CRZ Notification, 2019. NCZMA further decided that the CZMP of Mumbai City and Mumbai Sub-Urban Districts shall also include the ESZ, if any, and revise the CZMP accordingly, if required. NCZMA also decided that the activities/projects prohibited in the notified ESZ falling within approved CZMP, if any, shall remain prohibited in that area.

3. In this regard, it is to state that based on recommendation of the NCZMA, the Ministry of Environment, Forest and Climate Change hereby conveys its approval of the CZMPs for the Mumbai City and Mumbai Sub-Urban in the State of Maharashtra subject to the following:

- (i) The CZMP of Mumbai City and Mumbai Sub-Urban Districts shall also include the ESZ, if any, and CZMP shall be revised accordingly, if required, after due approval of Ministry.
- (ii) The activities / projects prohibited in the notified ESZ falling within approved CZMP, if any, shall remain prohibited in that area.
- (iii) The CZMPs of Mumbai City and Mumbai Sub-Urban based on the provisions of CRZ Notification, 2019 are signed by all concerned and copy of the same is made available in the website of MCZMA in public domain.



4. Further, it is to inform that all proposals in Mumbai City and Mumbai Sub-Urban, received henceforth for CRZ Clearance shall be considered as per CRZ Notification, 2019 only. However, pending proposal under CRZ notification 2011, if any, may be considered at the discretion of project proponent.

5. This issues with the approval of the Hon'ble Minister, EFCC.

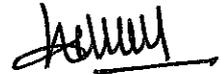
Yours faithfully,



(Dr. H. Kharkwal)
Additional Director &
Member Secretary (CRZ)

Copy to:

1. The Addl. Chief Secretary, Government of Maharashtra, Department of Environment, Room No. 27, 2nd Floor, Mantralaya, Mumbai-400 032, Maharashtra.
2. The APCCF (C), MoEF&CC Regional Office (WCZ), New Secretariat Building, Civil Lines, Nagpur, Maharashtra.
3. The Director, National Centre for Sustainable Coastal Management, Anna University, Chennai, Tamil Nadu-600025
4. Office copy / Guard file.



(Dr. H. Kharkwal)
Additional Director &
Member Secretary (CRZ)

F. No. IA3-12/10/2021-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA.III Section (CRZ)

Indira Paryavaran Bhawan,
 Jor Bagh Road,
 New Delhi-110003
 Dated: 6th February, 2023

To,

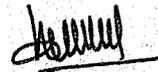
The Member Secretary
Maharashtra Coastal Zone Management Authority
Director of Environment,
15th Floor, New Administrative Building,
Mantralaya, Maharashtra
Mumbai-400032

Subject: Draft Coastal Zone Management Plan (CZMPs) of 5 districts namely Raigad, Ratnagiri, Sindhudurg, Thane and Palghar of Maharashtra under CRZ Notification, 2019 - regarding.

Sir,

Please refer to your Email dated 13/01/2023 on the subject mentioned above, the draft CZMP plan has been examined. Following are the observations of the Ministry on the draft CZMP:

- i. The Shore Line Management Plan needs to be incorporated in the draft CZMP 2019 as per Hon'ble NGT (SZ) order dated 11/04/2022 in the matter C.H. Bala Mohan Vs UIO. In this regard, Ministry had issued an OM vide dated 08/09/2022 to Chief Secretaries of All the Coastal States for complying with the NGT order. (Copy enclosed).
 - ii. As per the amendment in guidelines for preparation of CZMP issued vide letter dated 26/10/2021, ESZ amongst other Eco-Logical Sensitive area is also to be demarcated in CZMP as per CRZ Notification 2019. (Copy enclosed)
2. It is requested to incorporate the above and submit the revised proposal along with the draft report based on the maps prepared for the referred CZMP of 5 districts of Maharashtra for further consideration by NCZMA.



(Dr. H. Kharkwal)
 Scientist 'E'(CRZ)

Email: h.kharkwal@nic.in

Copy to:

1. The Director, National Centre for Sustainable Coastal Management (NCSCM) Anna University Campus, Chennai-600025, Tamil Nadu.
2. Office Copy / Guard File.

U/S
 Issued
 6/2/2023

By Speed Post
Court Matter

F.No.IA3-3/36/2023-IA.III

Government of India

Ministry of Environment, Forest & Climate Change
IA-III (Infrastructure) Division

Annexure-R/7

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi- 110 003
8th August, 2023

To

The Regional Officer
Ministry of Environment, Forest and Climate Change
Integrated Regional Office-Nagpur, Ground Floor
East Wing, New Secretariat Building, Civil Lines
Nagpur- 440 001.
Email: apccfcentral-ngp-mef@gov.in

Subject: Original Application No. 41 of 2023 (WZ) titled as Arun Nathuram Gaikwad Vs Secretary, Environment Department, Government of Maharashtra & ors pending before the NGT, WZ, Pune-regarding.

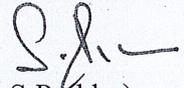
Sir,

This has reference to Hon'ble NGT (WZ) order dated 11.04.2023 passed on the subject mentioned above. In the aforesaid order, Hon'ble Tribunal has sought clarification from MoEF&C and SEIAA as to whether the project falls in the definition of 'Township and Area Development Project' requiring prior EC or not? (Copy enclosed).

2. In this regard, it is requested to conduct a field inspection of the project in question and furnish factual report w.r.t the clarification sought by the Hon'ble NGT alongwith other relevant information related to this case.

Yours faithfully,

Encl.: As above



(Dr S Prabhu)

Scientist- D (Infra-II)

Email: p.subramani@gov.in

1. The Member Secretary, SEIAA Maharashtra, Room No. 217, 2nd Floor, Mantralaya Annexe, Mumbai- 400 032, E.mail: psec.env@maharashtra.gov.in: with request to provide necessary support and co-operation.

OIC
8/8/2023



| Area Statement | | | |
|----------------|--------------------------------|---------------------------------|------------|
| S.No | Particulars | Proposed Land Area Distribution | |
| | | (Ha.) | (%) |
| 1 | Roads | 35.18 | 28.81 |
| 2 | R.O.S. | 11.12 | 9.11 |
| 3 | Reserved Forest Zone | 24.28 | 19.89 |
| 4 | Residential Zone | 8.27 | 6.77 |
| 5 | Commercial Zone | 22.42 | 18.36 |
| 6 | Mixed Landuse Zone | 8.01 | 6.56 |
| 7 | Social & Cultural Facility | 1.81 | 1.48 |
| 8 | Public Utilities | 3.20 | 2.62 |
| 9 | Multimodal Transportation Zone | 6.97 | 5.71 |
| 10 | Rawali Channel | 0.84 | 0.69 |
| | Total | 122.10 | 100 |

LEGEND

- MULTIMODAL TRANSPORTATION ZONE
- COMMERCIAL ZONE
- RESIDENTIAL ZONE
- MIXED LANDUSE ZONE
- SALT PAN LAND / RESERVED FOREST
- WATER BODY
- PUBLIC UTILITIES & SERVICES
- SOCIAL & CULTURAL FACILITIES
- RECREATIONAL OPEN SPACE (ROS.)
- SPA BOUNDARY
- PROPOSED METRO LINE
- MONORAIL



SCALE:-1 : 4000



THIS PLAN IS TO BE READ WITH THE URBAN DEVELOPMENT DEPARTMENT'S NOTIFICATION ISSUED UNDER SECTION 115(3) OF SECTION 40(3)(d) OF THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966 VIDE NOTIFICATION NO.TPB-4318/464/CR-128/2019/ UD-11,DATED 16th SEPTEMBER, 2019.



(Signature)
Deputy Secretary
Urban Development Deptt
Mantralaya, Mumbai - 32

(Signature)
(Uttareshwar Londhe)
Deputy Director of Town Planning,
Greater Mumbai.

(Signature)
Chief, Town Planning Division
एम एम आर डी ए
MMRDA

(Signature)
Metropolitan Commissioner
MUMBAI METROPOLITAN REGION
DEVELOPMENT AUTHORITY(MMRDA)

SANCTIONED REVISED PLANNING PROPOSALS FOR WADALA NOTIFIED AREA (WNA)

Annexure-R/9



LEGEND

- MULTIMODAL TRANSPORTATION ZONE
- COMMERCIAL ZONE
- RESIDENTIAL ZONE
- MIXED LANDUSE ZONE
- SALT PAN LAND / RESERVED FOREST
- WATER BODY
- PUBLIC UTILITIES & SERVICES
- SOCIAL & CULTURAL FACILITIES
- RECREATIONAL OPEN SPACE (ROS.) Layout and Private
- DESIGNATED USE
- ALLOTTED LANDS
- SPA BOUNDARY
- PROPOSED METRO LINE
- MONORAIL

Area Statement

| S.No | Particulars | Proposed Land Area Distribution (Ha.) | (%) |
|------|--------------------------------|---|------------|
| 1 | Roads | 35.18 | 28.81 |
| 2 | R.O.S. | 11.12 | 9.11 |
| 3 | Reserved Forest Zone | 24.28 | 19.89 |
| 4 | Residential Zone | 8.27 | 6.77 |
| 5 | Commercial Zone | 22.42 | 18.36 |
| 6 | Mixed Landuse Zone | 8.01 | 6.56 |
| 7 | Social & Cultural Facility | 1.81 | 1.48 |
| 8 | Public Utilities | 3.20 | 2.62 |
| 9 | Multimodal Transportation Zone | 6.97 | 5.71 |
| 10 | Rawali Channel | 0.84 | 0.69 |
| | Total | 122.10 | 100 |

Plot & Built Up Area Statement

| PLOT NO. | PLOT AREA (Sqm) | PROJECTED FSI AREA (Including Parking) (Sqm) | Utility | |
|-----------|-----------------|--|------------|------------|
| | | | Utility | Area |
| 1 | 54,256.07 | 317,376.12 | Utility 7 | 2,294.89 |
| 2 | 60,297.69 | 292,227.41 | Utility 8 | 997.34 |
| 3 | 5,338.48 | 27,118.17 | Utility 9 | 1,359.73 |
| 4 | 4,971.00 | 52,530.59 | Utility 10 | 2,245.86 |
| 5 | 4,322.00 | 45,393.82 | Utility 11 | 1,627.31 |
| 6 | 4,253.00 | 45,408.64 | Utility 12 | 8,623.71 |
| 7 | 4,892.00 | 42,069.88 | Utility 13 | 1,037.69 |
| 8 | 4,751.99 | 52,550.40 | Utility 14 | 1,261.16 |
| 9 | 10,113.00 | 80,898.18 | Utility 15 | 1,219.87 |
| 10 | 20,771.00 | 147,758.80 | Utility 16 | 1,196.65 |
| 11 | 10,030.00 | 28,938.55 | Utility 17 | 3,024.52 |
| 12 | 2,873.47 | 7,101.35 | R.O.S-1 | 8,546.32 |
| 13 | 10,596.41 | 90,246.43 | R.O.S-2 | 1,403.56 |
| 14 | 6,136.50 | 45,794.77 | R.O.S-3 | 3,618.35 |
| 15 | 8,811.00 | 89,689.95 | R.O.S-4 | 948.96 |
| 16 | 6,242.00 | 45,303.33 | R.O.S-5 | 945.13 |
| 17 | 3,596.00 | 42,076.38 | R.O.S-6 | 3,627.55 |
| 18 | 3,699.00 | 40,877.69 | R.O.S-7 | 911.89 |
| 19 | 4,610.00 | 50,368.78 | R.O.S-8 | 11,199.47 |
| 20 | 4,681.00 | 50,982.16 | R.O.S-9 | 11,949.48 |
| 21 | 4,769.00 | 53,375.69 | R.O.S-10 | 531.58 |
| 22 | 4,376.00 | 27,799.30 | R.O.S-11 | 7,826.68 |
| 23 | 20,733.00 | 125,923.73 | R.O.S-12 | 3,990.73 |
| 24 | 19,003.00 | 101,917.53 | R.O.S-13 | 4,848.00 |
| 25 | 20,803.00 | 129,526.36 | R.O.S-14 | 4,844.92 |
| 26 | 6,945.00 | 62,080.75 | R.O.S-15 | 2,931.66 |
| 27 | 14,053.00 | 145,764.04 | R.O.S-16 | 431.96 |
| 28 | 5,552.00 | 46,556.41 | R.O.S-16A | 2,537.82 |
| 29 | 3,282.00 | 21,885.56 | R.O.S-16B | 1,896.98 |
| 30 | 4,066.00 | 44,702.32 | R.O.S-17 | 3,964.64 |
| 31 | 3,105.00 | 36,324.75 | R.O.S-18 | 3,964.64 |
| 32 | 3,302.00 | 34,732.73 | R.O.S-19 | 8,449.69 |
| 33 | 5,184.00 | 64,603.32 | R.O.S-20 | 6,984.47 |
| 34 | 6,265.00 | 73,752.53 | R.O.S-21 | 15,393.21 |
| 35 | 6,320.00 | 91,047.36 | R.O.S-22 | 143,300.00 |
| 36 | 3,713.00 | 38,614.37 | R.O.S-23 | 531.58 |
| 37 | 3,850.00 | 33,081.25 | R.O.S-24 | 5,338.22 |
| 38 | 8,150.00 | 15,202.40 | R.O.S-25 | 4,873.35 |
| 39 | 5,009.00 | 62,629.81 | R.O.S-26 | |
| Utility 1 | 983.26 | | R.O.S-27 | 6,984.47 |
| Utility 2 | 921.90 | | R.O.S-28 | 15,393.21 |
| Utility 3 | 3,333.75 | | R.O.S-29 | 143,300.00 |
| Utility 4 | 1,443.68 | | R.O.S-30 | 531.58 |
| Utility 5 | 1,214.62 | | R.O.S-31 | 5,338.22 |
| Utility 6 | 1,215.26 | | R.O.S-32 | 4,873.35 |

Detailed Master Plan for Wadala Notified Area



| Status of Existing Buildings in Wadala Notified Area | | | | | | |
|--|--|---|--|------------|----------------------|---|
| Sr. No | Owner / Developer / Lessee | User | Status of permission granted | BUA in Sqm | OC/ Pat OC issued on | Environment Clearance |
| 1 | M/s. Macrotech Developers Limited | Commercial-C1 (Block-C) (Plot Area-81,740 Sqm) (Permissible BUA 3,18,947 Sqm) | Resi. Bldg B3 (Ground +41 floor)- OC issued | 38846.52 | 08/06/2017 | Environment Clearance obtained on 05/09/2011 & 15/01/2020 (EC is obtained for an FSI area of 4,95,000 Sqm.) (EC copy attached as Annexure-13) |
| | | | Resi. Bldg B4 (Ground +43 floor)- OC issued | 28135.03 | 08/06/2017 | |
| | | | Resi. Bldg C5 (Ground +43 floor)- OC issued | 28216.27 | 08/06/2017 | |
| | | | Resi. Bldg C6 (Ground +43 floor)- OC issued | 27598.41 | 08/06/2017 | |
| | | | Resi. Bldg D7 (4 level Basements+ Ground +43 floor)- OC issued | 29390.86 | 16/08/2018 | |
| | | | Commercial Building H (4 Level Basement+ 28 Floors)- OC issued | 50782.734 | 04/12/2018 | |
| | | | Resi. Bldg D8 (4 level Basements+ Ground +38 floor)- OC issued | 25456.56 | 24/09/2019 | |
| | | | Resi. Bldg F11 (4 level Basements+ Ground +37 floor)- Part OC issued | 25307.32 | 28/10/2021 | |
| | | | Commercial Bldg CT5- (G+16 floor)- OC issued | 14942.78 | 05/09/2022 | |
| | | | Residential cum Commercial Bldg A1(Ground +40 floor)- CC issued | 24731.62 | | |
| | | | Community Hall (Ground)-1- CC issued | 133.88 | | |
| | | | Community Hall (Ground)-2- CC issued | 58.01 | | |
| | | | Kindergarten (School) (Ground + 6 floor)- Part OC issued | 631.68 | 26/05/2022 | |
| | | | Club House(in RG area) -(G +1 floor)- Part OC issued | 7622.83 | 01/12/2020 | |
| 2 | Bombay Goods Transport Association (BGTA) | Commercial | A2 (Basement+ Ground + 3 floor) - OC issued | 6436.00 | 16/07/2017 | NA |
| | | | A3 (Ground + 3 floor) - OC issued | 6436.00 | 27/04/2017 | NA |
| | | | B6 (Ground +3) - OC issued | 5380.00 | 30/05/2017 | NA |
| | | | B7 (Ground +3) – CC issued | 5380.00 | | NA |
| | | | B8 (Ground +3) – OC issued | 5380.00 | 21/04/2017 | NA |
| | | | F1 (Ground +1) – OC issued | 3548.80 | 20/09/2017 | NA |
| | | | G1 (Ground +1) – OC issued | 3812.80 | 27/10/2016 | NA |
| 3 | Maharashtra Rajya Truck Tempo, Tankar, Bus Vahatuk, Mahasangh Premises, Co-Operative Societies Sangh Maryadit(Mahasangh) | Commercial | C1 (Ground +3) | 4324.00 | 10/07/2017 | NA |
| | | | C2 (Ground +3) | 4324.00 | 29/09/2017 | NA |
| | | | D1 (Ground+1) | 2314.40 | 25/09/1998 | NA |
| | | | E1 (Ground +1) | 2842.40 | 25/09/1998 | NA |
| | | | J1 (Ground +1) | 4340.80 | 15/05/2017 | NA |
| | | | J2 (Ground +1) | 4340.80 | 23/05/2017 | NA |
| 4 | Mumbai Pune Motor Malak Premises Co.Op.Soc.Ltd. (Shramjeevan) | Commercial | B5 (G+3)- OC issued | 5380.00 | 28/08/2017 | NA |
| 5 | Workshop Spare part | Commercial | Plot 2 (Ground) | 50.00 | | NA |
| | | | Plot 3(Ground) – Completion accepted | 50.00 | 27/05/2009 | NA |
| | | | Plot 5(Ground) – CC issued | 50.00 | 13/03/2009 | NA |
| 6 | Weigh Bridge | Commercial | (Ground) – Completion Accepted | 60.00 | 05/03/2002 | NA |
| 7 | Petrol Pump -1 (IOCL)-(near Rawli channel) | Commercial | Ground – OC issued | 350.00 | 15/03/2008 | NA |
| 8 | Petrol Pump -1 (IOCL)-(near Monorail Depot) | Commercial | Ground | 350.00 | | NA |
| 9 | MMRDA Buildings | Commercial | A1 (Ground +3) | 6124.00 | 02/05/1995 | NA |
| | | | B1 (Ground +3) | 5087.27 | 02/05/1995 | NA |
| | | | B2 (Ground +3) | 5087.27 | 02/05/1995 | NA |
| | | | D2 (Ground +1) | 2231.89 | 02/05/1995 | NA |
| | | | Amenity Building (Ground +1) | 4400.00 | | NA |

| Details of plots allotted for temporary use in Wadala | | | | |
|---|--|-----------------|------------|-----------|
| WTT, Phase-I | | | | |
| Sr. No. | Name of Agency | Area in Sq.Mts. | From | To |
| 1 | M/s.DMRC line 6 | 28400 | 21-Jun-19 | 20-Jan-24 |
| 2 | M/s.DMRC line 6 | 15132 | 1-Apr-21 | 31-Dec-23 |
| 3 | M/s. N.C.C.- line 2 & 7 | 8500 | 21-Jun-19 | 20-Jan-24 |
| 4 | M/s.DMRC line 6 | 2302 | 23-Sep-21 | 22-Jul-23 |
| 5 | M/s.DMRC line 6 | 500 | 21-Jun-19 | 20-Jan-24 |
| | Total | 54834 | | |
| WTT, Phase-II | | | | |
| Sr. No. | Name of Agency | Area in Sq.Mts. | From | To |
| 6 | M/s. N.C.C. Line 2 & 7 | 38023.5 | 1-Jul-19 | till date |
| 7 | | 30500 | 1-Jul-19 | till date |
| 8 | M/s.DMRC Line -6 (ISBT) | 5380 | 15-Apr-21 | 31-Jan-24 |
| 9 | M/s.DMRC Line -4 (ISBT) | 5380 | 15-Apr-21 | 31-Jan-24 |
| 10 | M/s. MMRCL Line - 3 | 70000 | 10-Mar-16 | till date |
| | | 9975 | 20-Sep-16 | till date |
| | Total | 159258.5 | | |
| WTT, Phase-III | | | | |
| Sr. No. | Name of Agency | Area in Sq.Mts. | From | To |
| 11 | M/s Mumbai Metro Rail Corporation Ltd - Line 3 | 83602 | 10.03.2016 | till date |
| | TOTAL | 83602 | | |
| | Phase I+II+III | 297695 | | |

