

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**ORIGINAL APPLICATION No. 09 OF 2022 (SZ)**

**IN THE MATTER OF:**

Pisati Indira Reddy  
R/o Pedda Amberpet Village,  
Abdullapurment Mandal  
Ranga Reddy District and another.

....

Applicant(s)

Versus

Union of India Rep. by its Secretary,  
Ministry of Environment, Forests  
and Climate Change,  
New Delhi and 32 Ors

....

Respondent(s)

**REPORT OF THE STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY (SEIAA), TELANGANA STATE (R2)**

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**Place:** Hyderabad.

**Date:** 15.07.2025.

  
**Counsel for Respondent No. 2**



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**Report of State Environment Impact Assessment Authority (SEIAA) (R2) in Original Application No. 9 of 2022.**

It is to submit that as per the provisions laid under para 2 of EIA Notification, 2006 & its subsequent amendments, the activities listed in the Schedule of the EIA Notification require prior Environmental Clearance. As per EIA Notification, 2006, the activity "Mining of minerals" require prior Environmental Clearance (EC) under 1(a) of schedule.

It is to submit that, the activities of Respondents Stone Crusher units & Hot Mix Plants do not come under the purview of EIA Notification, 2006 and the State Level Environment Impact Assessment Authority (SEIAA), Telangana. Earlier SEIAA submitted reports on 27.05.2022 & 31.01.2023 to the Hon'ble NGT.

The MoEF&CC, GoI., vide S.O.804 (E), dt.14.03.2017 & S.O.1030 (E), dt.08.03.2018 **(Annexure-I)** has issued Notifications regarding the appraisal of cases of violation, wherein the project proponent would be required to submit the Bank Guarantee towards implementation of Remediation Plan and Natural and Community Resource Augmentation Plan. Further, the MoEF&CC, GoI., vide Office Memorandum (OM) dt.07.07.2021 issued Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006. **(Annexure-II)**

Further, the MoEF&CC, GoI., vide OM dt.28.01.2022 informed that SoP was challenged in the Hon'ble High Court of Madras in W.P.(MD) No.11757 of 2021 and was stayed vide interim order dt.15.07.2021. Further, informed that however, the Hon'ble Supreme Court in the order dt.09.12.2021 in the matter of Civil Appeal No.7576 – 7577 of 2021 in Electro Steels Ltd., Vs. Union of India, that the interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. **(Annexure-III)**

Accordingly, the applications for ECs falling under violation category were being processed by SEIAA, Telangana as per the above Notifications & OMs dt.07.07.2021 & 28.01.2022 till July, 2023.

It is to submit that SEIAA, Telangana, has reviewed the status of mines which have applied under violation case duly following the procedure. The SEIAA has initiated credible action on the defaulting mines, out of 27 respondents, 14 No. of respondents (Stone crushers, hot mix plants) are not falling under purview of EIA Notification, 2006 and 13 No. of respondent mines are required to obtain EC, however, R-26 was closed and surrendered the quarry lease to mine department, R-15 has obtained EC vide order dt. 08.03.2018 (not violation). Out of remaining 11 No. of respondent mines, 11 number of mines have obtained ToR (violation) of which 09 number of respondent mines have applied for EC duly following the procedure under violation category and credible action was initiated against the 11 number of mines and all the cases

were disposed and the details are submitted at **(Annexure-IV)**. Subsequently, the tenure of the earlier SEIAA was expired on 29.07.2023.

Further, it is to submit that MoEF&CC, GoI., vide its OM dt.08.01.2024 informed that the Hon'ble Supreme Court in W.P.(C) No.1394 / 2023 titled Vanashakthi Vs. Union of India has stayed the operation of the both the Office Memoranda dt.07.07.2021 & 28.01.2022 issued by the MoEF&CC, GoI. **(Annexure-V)**. The SEIAA, Telangana was re-constituted vide S.O.1201(E) dt.11.03.2024 issued by MoEF&CC, GoI. The SEIAA meeting was held on 02.05.2024 and the proposals were reviewed. As the matter was Sub-Judice, the applications processing for EC (violation) were deferred.

Subsequently, the MoEF&CC vide its Office Memorandum dt. 26.05.2025 informed that the Hon'ble Supreme Court vide its judgment dt.16.05.2025 in W.P. 1394/2023 titled Vanashakti Vs. Union of India and connected matters, has struck down the above mentioned Notifications & OMs. Accordingly, the SEIAA has not processed any EC application under violation category as per the said orders of the Hon'ble Supreme Court. **(Annexure-VI)**.

Further, SEIAA has addressed a letter dt.10.07.2025 to the Telangana Pollution Control Board requesting to submit latest status report on the respondent industries/ mines along with the EC compliance & also take necessary action against the respondent industries/mines in view of the orders of the Hon'ble Supreme court. **(Annexure-VII)**.

**Sd/-**  
**Member Secretary,**  
**SEIAA, Telangana**

**//T.C.F.B.O//**

  
**Joint Chief Environmental Engineer (FAC)**

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15/07/2025



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 मार्च, 2017

का.आ. 804(अ).—पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1705(अ) तारीख 10 मई, 2016, पर्यावरणीय अनापत्ति के निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन की प्रक्रिया को पूरा करने के लिए, जिनमें स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पर्यावरण संघात अधिसूचना 2006 के अधीन पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन किया है, द्वारा उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी जाती हैं, माठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

2. और उक्त राजपत्र की प्रतियां जनता को 10 मई, 2016 को उपलब्ध करा दी गई थीं ;
3. और पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सभी सुझावों या आक्षेपों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है ;
4. पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अध्याधीन, अधिनियम की धारा 3 की उपधारा (1) के अधीन केंद्रीय सरकार को ऐसे सभी उपाय करने की शक्ति है, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार तथा पर्यावरण प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के प्रयोजनों के लिए आवश्यक और समीचीन समझती है ;
5. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 केंद्रीय सरकार को निदेश देने के लिए सशक्त करती है, जो इस प्रकार है "केंद्रीय सरकार किसी अन्य विधि में किसी बात के होते हुए भी, किन्तु इस अधिनियम के उपबंधों के अधीन रहते हुए इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कृत्यों के निर्वहन में किसी व्यक्ति, अधिकारी या प्राधिकरण को लिखित निदेश दे मकेगी और ऐसा व्यक्ति, अधिकारी या प्राधिकरण ऐसे निदेशों का अनुपालन करने के लिए आवद्ध होगा ;

6. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने उल्लंघन के मामलों में पर्यावरणीय अनापत्ति अनुदत्त करने के लिए प्रक्रिया स्थापित करने के लिए तारीख 12.12.2012 और तारीख 27.06.2013 को एक कार्यालय जापन जारी किया है ;
7. हिन्दुस्तान कापर लिमिटेड बनाम भारत संघ के मामले में 2014 की रिट याचिका (मिविल) सं0 2364 में माननीय झारखंड उच्च न्यायालय के तारीख 28 नवंबर, 2014 के आदेश के अनुसरण में माननीय न्यायालय ने यह अभिनिर्धारित किया कि तारीख 12 दिसंबर, 2012 के कार्यालय जापन के अधीन पैरा सं0 5(i) और पैरा सं0 5(ii) की शर्तें अवैध और असंवैधानिक थीं और न्यायालय ने यह और अभिनिर्धारित किया कि अभिकथित अतिक्रमण की कार्रवाई स्वतंत्र कार्यवाही और पृथक् कार्यवाही होगी और इसलिए पर्यावरण अनापत्ति के लिए प्रस्ताव पर विचार करने के लिए परियोजना प्रस्तावक के विरुद्ध कार्रवाई आरंभ करने की प्रतीक्षा नहीं की जा सकती। माननीय न्यायालय ने यह व्यवस्था और दी कि पर्यावरण अनापत्ति के प्रस्ताव की परीक्षा इसके गुणगुण, पर्यावरण विधियों के अभिकथित अतिक्रमण के लिए किसी प्रस्तावित कार्रवाई से मुक्त आधार पर की जानी चाहिए ;
8. और राष्ट्रीय हरित अधिकरण की प्रधान न्यायपीठ ने 2015 के मूल आवेदन सं0 37 तथा 2015 के मूल आवेदन सं0 213 में तारीख 7 जुलाई, 2015 के अपने आदेश द्वारा यह अभिनिर्धारित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 या पर्यावरण समाघात निर्धारण अधिसूचना, 2006 तथा तटीय विनियमन जोन अधिसूचना, 2011 के अतिक्रमणों वाले निर्देश के निबंधनों या पर्यावरण अनापत्ति या तटीय विनियमन जोन अनापत्ति के प्रस्तावों पर विचार के विषय पर तारीख 12 दिसंबर, 2012 और 24 जून, 2013 के कार्यालय जापन पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों को परिवर्तित या संशोधित नहीं कर सकते थे और अधिकरण ने उसे अपास्त कर दिया था ;
9. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को कतिपय प्रस्ताव, निर्देशों के निबंधनों और पर्यावरणीय अनापत्ति के लिए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन ऐसी परियोजनाओं के लिए प्राप्त हो रहे हैं, जिन्होंने स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पूर्व पर्यावरणीय अनापत्ति को प्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन कर दिया है ;
10. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने पर्यावरण की क्वालिटी के संरक्षण और उसमें सुधार के प्रयोजन के लिए और पर्यावरणीय प्रदूषण का उपशमन करने के लिए यह आवश्यक समझा कि वह सभी निकाय, जो पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पर्यावरण विनियम का अनुपालन नहीं कर रहे हैं, को समीचीन रीति में पर्यावरणीय विधियों की अनुपालना के लिए उसके अंतर्गत लाया जाए ;
11. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ऐसी परियोजनाओं और क्रियाकलापों को शीघ्रतम पर्यावरणीय विधियों की अनुपालना के अधीन लाना आवश्यक समझता है न कि उन्हें अविनियमित और बिना किसी जांच के छोड़ना, जो पर्यावरण के लिए अधिक नुकसानदायक होगा तथा इस उद्देश्य को अग्रसर करने के लिए भारत सरकार ऐसी सत्ताओं को, जो अनुपालक वनाने के लिए समुचित रक्षोपायों के साथ पर्यावरणीय अनापत्ति प्रदान करना आवश्यक समझती है, प्रक्रिया ऐसी होनी चाहिए, जो पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों के उल्लंघन पर रोक लगाए, जिससे अनुपालना और अनुपालना के धनीय लाभ भयोपरित हों तथा पर्यावरण के नुकसान के लिए समुचित रूप से प्रतिकर हो ;
12. और माननीय उच्चतम न्यायालय ने इंडियन काउंसिल फार एन्वायरो-लीगल एक्शन बनाम भारत संघ (बिछड़ी गांव औद्योगिक प्रदूषण का मामला) में 13 फरवरी, 1996 को निर्णय देते समय विधि के सभी सुसंगत उपबंधों का विश्लेषण किया और यह निष्कर्ष दिया कि पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन नुकसानी की वसूली की जा सकती है (1996(3) एससीसी 212)। माननीय न्यायालय ने यह संप्रेक्षित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 केंद्रीय सरकार (या, यथास्थिति, उसके प्रतिनिधि) को "ऐसे सभी उपाय करने, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन समझे....." अभिव्यक्त रूप से सशक्त करती है। धारा 5 केंद्रीय सरकार (या उसके प्रतिनिधि) को अधिनियम के उद्देश्यों को प्राप्त करने के लिए निदेश जारी करने की शक्ति प्रदान करती है। धारा 2(क), धारा 3 और धारा 5 में "पर्यावरण" की विस्तृत परिभाषा के अनुसार केंद्रीय सरकार को ऐसी सभी शक्तियां हैं, जो "पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन" हैं। केंद्रीय सरकार, ऐसे सभी उपाय करने और ऐसे सभी निदेश जारी करने के लिए सशक्त है, जो पूर्वोक्त प्रयोजन के लिए आवश्यक हो। इस मामले में उक्त शक्तियों के अंतर्गत गाढे कीचड़ को हटाने, उपचारिक उपाय करने और उपचारिक उपाय करने की लागत को उल्लंघन करने वाले उद्योग पर अधिरोपित करने की शक्ति भी है तथा इस प्रकार वसूल की गई रकम का, उपचारिक उपायों को कार्यान्वित करने के लिए उपयोग करना भी है। माननीय न्यायालय ने यह और संप्रेक्षित किया है कि उपचारिक उपायों को कार्यान्वित करने के लिए अपेक्षित लागत का उद्ग्रहण धारा 3 और धारा 5 में अंतर्निहित है, जिसे अत्यधिक विस्तृत और व्यापक भाषा में व्यक्त किया गया है। पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 और धारा 5 जल और वायु अधिनियमों के अन्य उपबंधों के अतिरिक्त सरकार को ऐसे सभी निदेश करने के लिए और ऐसे सभी उपाय करने के लिए सशक्त करते हैं, जो "पर्यावरण" के संरक्षण और संवर्धन के लिए आवश्यक या समीचीन हों, जिस अभिव्यक्ति को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 2(क) में अत्यधिक विस्तृत और व्यापक शब्दों में परिभाषित किया गया है। इस शक्ति के अंतर्गत किसी उद्योग कि निकट किसी क्रियाकलाप को प्रतिषिद्ध करने, उपचारिक उपायों को कार्यान्वित करने का निदेश देने और जहां कहीं आवश्यक हो, उल्लंघन करने वाले उद्योग पर उपचारिक उपायों

की लागत अधिरोपित करने की शक्ति भी है। प्रत्यर्थियों के उपचारिक उपायों की लागत की अदायगी के दायित्व का प्रश्न दूसरे दृष्टिकोण से भी देखा जा सकता है, जिसे अब सार्वभौमिक रूप से ठोस सिद्धांत के रूप में स्वीकार किया गया है, जैसे "प्रदूषणकर्ता संदाय करता है" का सिद्धांत। "प्रदूषणकर्ता संदाय करता है, सिद्धांत की यह मांग है कि प्रदूषण द्वारा कारित नुकसान को रोकने या उसका उपचार करने की वित्तीय लागत इस वचनबंध, कि जो प्रदूषण कारित करता है या ऐसे माल का उत्पादन करता है, जो प्रदूषण कारित करता है, के साथ होती है।"

13. (1) इसलिए 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 (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि परियोजना या क्रियाकलाप या विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या क्रियाकलाप, जिनके द्वारा पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पूर्व पर्यावरणीय अनापत्ति अपेक्षित है भारत के किमी भाग में, यथास्थिति, केंद्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय सरकार या राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति प्राप्त किए बिना, जिसमें प्रक्रिया या प्रौद्योगिकी में परिवर्तन के साथ क्षमता में वर्धन या दोनों को शामिल किया गया है, को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा और उममे निम्नलिखित रीति में विनिर्दिष्ट प्रक्रिया के अनुसार ब्यौहार किया जाएगा ;

(2) उस दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहां तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण संघात निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर अनुदत्त की जाएगी।

(3) उल्लंघन के मामलों में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के उपबंधों के अधीन संबंधित राज्य या राज्य प्रदूषण नियंत्रण बोर्ड द्वारा परियोजना प्रस्तावक के विरुद्ध कार्रवाई की जाएगी और इसके अतिरिक्त परियोजना को पर्यावरण अनापत्ति अनुदत्त किए जाने तक प्रचालन करने के लिए या अधिभोग प्रमाणपत्र जारी किए जाने के लिए अनुमति नहीं दी जाएगी।

(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित संबंधित क्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्याप्त पर्यावरणीय सुरक्षोपायों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भरणीय रूप से चलाया जा सकता है ; और उस दशा में जहां विशेषज्ञ मूल्यांकन समिति का निष्कर्ष नकारात्मक है, विधि के अधीन अन्य कार्रवाईयों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।

(5) उस दशा में जहां पूर्वोक्त उप पैरा (4) के विन्दु पर विशेषज्ञ मूल्यांकन समिति के निष्कर्ष सकारात्मक हैं, इस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना तैयार करने के लिए समुचित निदेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय नुकसान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यायित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय नुकसान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्यकता अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।

(6) विशेषज्ञ मूल्यांकन समिति, पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उदभूत आर्थिक फायदे की तत्स्थानी होगी।

(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने

से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।

14. ऐसी परियोजनाएं और क्रियाकलाप, जो इस अधिसूचना की तारीख को उल्लंघनकारी हैं, इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए आवेदन करने के पात्र होंगे और परियोजना प्रस्तावक इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए केवल इस अधिसूचना की तारीख से छह मास के भीतर ही आवेदन कर सकते हैं।

[फा. सं. 22-116/2015-आईए-III]

मनोज कुमार सिंह, मंयुक्त सचिव

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

New Delhi, the 14th March, 2017

**S.O. 804(E).**—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), *vide* number S.O. 1705(E), dated the 10<sup>th</sup> May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 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;

2. And whereas, copies of the said notification were made available to the public on the 10<sup>th</sup> May, 2016;

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

4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;

5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as "Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this 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;

6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.

7. Whereas, the Hon'ble High Court of Jharkhand had passed an order dated the 28<sup>th</sup> November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *Versus* Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12<sup>th</sup> December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon'ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

8. And whereas, Hon'ble National Green Tribunal, Principal Bench *vide* its order dated 7<sup>th</sup> July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12<sup>th</sup> December, 2012 and 24<sup>th</sup> June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;
9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;
10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;
11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;
12. And whereas, Hon'ble Supreme Court in *Indian Council for Enviro-Legal Action Vs. Union of India* (the Bichhri village industrial pollution case), while delivering its judgment on 13<sup>th</sup> February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that ..... section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures 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..... Hon'ble Court has further observed that 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. The question of liability of the respondents to defray the costs of remedial measures can also be

looked into from another angle, which has now come to be accepted universally as a 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".

13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-

(2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.

(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

(6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and 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 and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.



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रजिस्ट्री सं० डी० एल०-33004/99

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 8 मार्च, 2018

**का.आ.1030(अ).**—पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने अधिसूचना सं. का.आ. 804(अ), तारीख 14 मार्च, 2017 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) द्वारा पर्यावरणीय अनापत्ति और निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन के लिए प्रक्रिया अधिसूचित की है, जिसमें स्थल पर पर्यावरण समाघात अधिसूचना 2006 [का.आ. 1533(अ), तारीख 14 दिसंबर, 2006] के अधीन यथा आज्ञापक पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना पर्यावरणीय अनापत्ति के परे उत्पादन का विस्तार या उत्पादन मिश्रण में परिवर्तन का कार्य आरंभ कर दिया है।

और पर्यावरण, वन और जलवायु परिवर्तन (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) उक्त अधिसूचना में, अन्य बातों के साथ, पैरा 13 के उपपैरा (2) द्वारा निदेश दिया है कि उस दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहां तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण संघात निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर अनुदत्त की जाएगी ;

और मंत्रालय को उक्त अधिसूचा के अनुसरण में प्रवर्ग 'क' और प्रवर्ग 'ख' के अंतर्गत आने वाले सभी सेक्टरों से विचार करने के लिए अनेक प्रस्ताव प्राप्त हुए हैं।

और मंत्रालय को लोक प्रतिनिधित्वों तथा औद्योगिक संगमों से अभ्यावेदन प्राप्त हुए हैं जिनमें कार्यचालन संबंधी कारणों तथा प्रस्तावों को आगे बढ़ाने के लिए उल्लंघन संबंधी मामलों का निपटारा करने के लिए संबंधित राज्यों को शक्तियों का प्रत्यायोजन करने का अनुरोध किया गया है;

और नई दिल्ली स्थित राष्ट्रीय हरित अधिकरण ने अपने तारीख 27 नवंबर, 2017 के आदेश द्वारा मैसर्स अंजली इन्फ्रा हाउसिंग एल एल पी बनाम भारत संघ और अन्य नामक मूल आवेदन सं. 570/2016 के वैसे ही मामले में, मैसर्स अंकुल खुशाल कंस्ट्रक्शन एल एल पी बनाम भारत संघ और अन्य नामक मूल आवेदन सं. 576/2016 के मामले में और अंजली इन्फ्रा हाउसिंग एल एल पी बनाम भारत संघ और अन्य मामले में मूल आवेदन सं. 579/2016 के मामले में राज्य स्तर पर परियोजनाओं पर विचार किए जाने के लिए निदेश पारित किए हैं और विधि के अनुसार पर्यावरण अनापत्ति प्रदान करने/का इन्कार करने के संबंध में उचित आदेश पारित किया है।

और उपरोक्त को ध्यान में रखते हुए, केंद्रीय सरकार को यह आवश्यक प्रतीत होता है कि वह लोकहित में, उन व्यक्तियों से, जिनकी इससे प्रभावित होने की संभावना है, आक्षेप तथा सुझाव आमंत्रित करने के बारे में पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) में निर्दिष्ट सूचना की अपेक्षा का त्याग करके उक्त अधिसूचना सं. का.आ. 804(अ), तारीख 14 मार्च, 2017 का संशोधन करे।

इसलिए 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 (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोकहित में उक्त नियम के नियम 5 के उपनियम (3) के खंड (क) में निदेश की सूचना की अपेक्षा के साथ वितरण द्वारा उक्त अधिसूचना में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में, पैरा 13 में,-

(क) उपपैरा (2) के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात्:-

"(2) उस दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और पर्यावरण समाघात निर्धारण अधिसूचना, 2006 की अनुसूची के प्रवर्ग 'क' के अंतर्गत आने वाली परियोजनाओं या क्रियाकलापों का, जिनमें विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार और आधुनिकीकरण भी है, मंत्रालय में विशेषज्ञ मूल्यांकन समिति द्वारा पर्यावरणीय अनापत्ति प्रदान करने के लिए मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर प्रदान की जाएगी और प्रवर्ग 'ख' परियोजनाओं के लिए, उनका मूल्यांकन और अनुमोदन पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित विभिन्न राज्यों और संघ राज्यक्षेत्रों में राज्य या संघ राज्यक्षेत्रीय स्तरीय विशेषज्ञ मूल्यांकन समितियों और राज्य या संघ राज्य क्षेत्रीय पर्यावरण समाघात निर्धारण प्राधिकरणों में निहित होगा।";

(ख) उपपैरा (4) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय स्तर की विशेषज्ञ समिति या राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्याप्त पर्यावरणीय सुरक्षोपायों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भरणीय रूप से चलाया जा सकता है; और उस दशा में जहां प्रवर्ग 'क' के अधीन विशेषज्ञ मूल्यांकन समिति या प्रवर्ग 'ख' के अधीन परियोजना के लिए राज्य या संघ राज्यक्षेत्र स्तर की विशेषज्ञ मूल्यांकन समिति का निष्कर्ष नकारात्मक है, विधि के अधीन अन्य कार्रवाईयों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।";

(ग) उपपैरा (5) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(5) उस दशा में जहां पूर्वोक्त उप पैरा (4) के बिन्दु पर विशेषज्ञ मूल्यांकन समिति राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति के निष्कर्ष सकारात्मक हैं, इस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना और विशेषज्ञ मूल्यांकन समिति या राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति तैयार करने के लिए समुचित निदेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय नुकसान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यायित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय नुकसान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्यकता

अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।";

(घ) उपपैरा (6) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(6) विशेषज्ञ मूल्यांकन समिति, यथास्थिति, राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उदभूत आर्थिक फायदे की तत्स्थानी होगी।";

(ङ) उपपैरा (7) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा या प्रवर्ग 'क' परियोजना के लिए मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति, यथास्थिति, राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।"

[फा. सं. जेड-11013/22/2017-आईए-II(एम)]

ज्ञानेश भारती, संयुक्त सचिव

टिप्पण: मूल अधिसूचना का.आ. 804(अ), तारीख 14 मार्च, 2017 द्वारा प्रकाशित की गई थी।

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 8<sup>th</sup> March, 2018

**S.O. 1030(E).** —Whereas, the Ministry of Environment, Forest and Climate Change *vide* notification number S.O.804(E), dated the 14<sup>th</sup> March, 2017 (hereinafter referred to as the said notification) has notified the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance as mandated under the Environment Impact Assessment Notification, 2006 [S.O.1533 (E), dated the 14<sup>th</sup> September, 2006];

And whereas, the Ministry of Environment, Forest and Climate Change (hereinafter referred to as the Ministry) in the said notification *inter alia*, directed *vide* sub-paragraph (2) of paragraph 13, that in case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority, are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level;

And whereas, the Ministry has received a number of proposals relating to all sectors covered under category A and category B, for consideration in pursuance of the said notification;

And whereas, the Ministry is in receipt of representations from the public representatives and Industrial Associations, requesting delegation of powers to the respective States to deal with the violation cases for operational reasons and expediting the proposals;

And whereas, the National Green Tribunal, Principal Bench at New Delhi *vide* their order dated the 27<sup>th</sup> November, 2017 in similar matters in OA No.570/2016 titled *M/s Anjli Infra Housing LLP Vs Union of India & others*, OA No.576/2016 in the matter of *M/s Ankur Khusal Construction LLP Vs Union of India & others* and OA No.579/2016 in the matter of *Anjli Infra Housing LLP Vs Union of India & others*, has passed directions for consideration of the projects at the State level and pass appropriate orders in regard to grant/refusal of the environmental clearance in accordance with law;

And whereas, in view of the above, the Central Government finds it necessary to amend the said notification number S.O.804(E), dated the 14<sup>th</sup> March, 2017 by dispensing with the requirement of notice referred to in clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 regarding inviting objections and suggestions from persons likely to be affected thereby, in public interest;

Now, therefore, in exercise of the powers conferred by sub-section (1), sub-clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification by dispensing with the requirement of notice referred to in clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, namely:-

In the said notification, in paragraph 13, -

- (a) for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:-

“(2) In case the projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 from the concerned regulatory authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernisation, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and the projects or activities covered under category A of the Schedule to the Environment Impact Assessment Notification, 2006, including expansion and modernisation of existing projects or activities and change in product mix, shall be appraised for grant of environmental clearance by the Expert Appraisal Committee in the Ministry and the environmental clearance shall be granted at Central level, and for category B projects, the appraisal and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.”;

- (b) for sub-paragraph (4), the following sub-paragraph shall be substituted, namely:-

“(4) The cases of violations will be appraised by the Expert Appraisal Committee at the Central level or State or Union territory level Expert Appraisal Committee constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.”;

- (c) for sub-paragraph (5), the following sub-paragraph shall be substituted, namely:-

“(5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants, and the collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or a environmental laboratory accredited by the National Accreditation Board

for Testing and Calibration Laboratories, or a laboratory of the Council of Scientific and Industrial Research institution working in the field of environment.”;

(d) for sub-paragraph (6), the following sub-paragraph shall be substituted, namely:-

“(6) The Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, as the case may be, shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.”;

(e) for sub-paragraph (7), the following sub-paragraph shall be substituted, namely:-

“(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by the Expert Appraisal Committee for category A projects or by the State or Union territory level Expert Appraisal Committee for category B projects, as the case may be, and finalised by the concerned Regulatory Authority, and the bank guarantee shall be deposited prior to the grant of environmental clearance and released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after recommendation by regional office of the Ministry, Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee and approval of the Regulatory Authority.”.

[F.No.Z-11013/22/2017-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

**Note:** The principal notification was published vide number S.O.804(E), dated the 14<sup>th</sup> March, 2017.

#### आदेश

नई दिल्ली, 8 मार्च, 2018

**का.आ. 1031(अ).**—केन्द्रीय सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1), उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) के अधीन जारी भारत सरकार की, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में अधिसूचना संख्या का.आ.804(अ) तारीख 14 मार्च, 2017 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) द्वारा उन परियोजनाओं का जिन्होंने पूर्व पर्यावरण अनापत्ति प्राप्त किए बिना कार्य आरंभ कर दिया है और ऐसे मामलों को उल्लंघन माना गया है, का मूल्यांकन करने के लिए प्रबंध किया है।

और उपर्युक्त अधिसूचना के पैरा 13 के उपपैरा (1) द्वारा निर्देश दिया गया है कि यथास्थिति केन्द्रीय सरकार से अथवा उपर्युक्त अधिनियम के अधीन केन्द्रीय सरकार द्वारा विधिवत रूप से गठित राज्य पर्यावरण समाघात निर्धारण प्राधिकरण से, पूर्व पर्यावरणीय स्वीकृति प्राप्त किए बिना भारत के किसी भी भाग में प्रक्रिया या प्रौद्योगिकी अथवा दोनों में परिवर्तन सहित अतिरिक्त क्षमता के लिए शुरू की गई पर्यावरण समाघात निर्धारण अधिसूचना, 2006 [का.आ.1533(अ) तारीख 14 सितंबर, 2006] के अधीन पूर्व पर्यावरणीय स्वीकृति की अपेक्षा वाली परियोजनाओं अथवा क्रियाकलापों या मौजूदा परियोजनाओं अथवा क्रियाकलापों के विस्तार या आधुनिकीकरण को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा;

और उपर्युक्त अधिसूचना में यह और उपबंध है कि ऊपर उल्लिखित परियोजनाओं और क्रियाकलापों से उपर्युक्त अधिसूचना के पैरा 13 के उपपैरा (2) से (7) में विनिर्दिष्ट प्रक्रिया के अनुसार सख्ती से निपटा जाएगा;

और पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उपर्युक्त अधिसूचना के पैरा 13 के उप पैरा (4) के अनुसरण में सभी क्षेत्रों में उल्लंघन के मामलों का मूल्यांकन करने और केन्द्रीय सरकार को सिफोरिशें करने के लिए विभिन्न क्षेत्रों के विशेषज्ञों से मिलकर बनने वाली भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, संख्यांक का.आ.1805(अ), तारीख 6 जून, 2017 की अधिसूचना द्वारा एक विशेषज्ञ मूल्यांकन समिति (ईएसी) का गठन किया गया था ;

और इस प्रकार गठित की गई विशेषज्ञ मूल्यांकन समिति में, श्री एस.के.श्रीवास्तव, वैज्ञानिक ई को उक्त समिति के सदस्य सचिव के रूप में पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के प्रतिनिधि रूप में नामनिर्देशित किया गया था।

और प्रशासनिक तथा प्रचालन संबंधी कारणों से, अतिक्रमण मामलों में कार्यवाई करने के लिए गठित की गई विशेषज्ञ मूल्यांकन समिति के सदस्य सचिव के रूप में यथास्थिति श्री एस.के.श्रीवास्तव, वैज्ञानिक ई के साथ वैज्ञानिक ई या वैज्ञानिक एफ या वैज्ञानिक जी का नामांकन प्रतिस्थापित करना समीचीन हुआ है;

और अतः अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उक्त अधिसूचना सं0 का.आ.804(अ) तारीख 14 मार्च, 2017 के पैरा 13 के उपपैरा (4) के अनुसरण में भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii), तारीख 6 जून, 2017 में प्रकाशित भारत सरकार की पर्यावरण वन और जलवायु परिवर्तन मंत्रालय संख्या का.आ.1805(अ), तारीख 6 जून, 2017 के आदेश में निम्नलिखित संशोधन करती है, अर्थात्:--

उक्त आदेश की सारणी में, क्रम सं0 11 के सामने, स्तंभ (2) में प्रविष्टियों के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:--

"वैज्ञानिक ई या वैज्ञानिक एफ या वैज्ञानिक जी, यथास्थिति, पर्यावरण, वन और जलवायु परिवर्तन, मंत्रालय, जोरबाग रोड, नई दिल्ली-3।

[फा.सं.जेड-11013/22/2017-आईए-11(एम)]

ज्ञानेश भारती, संयुक्त सचिव

टिप्पण: मूल आदेश सं. का.आ.1805(अ) तारीख 6 जून, 2017 द्वारा प्रकाशित किया गया था।

### ORDER

New Delhi, the 8<sup>th</sup> March, 2018

**S.O. 1031(E).**—Whereas, by the notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 804(E), dated the 14<sup>th</sup> March, 2017, issued under sub-section (1), sub-clause (a) of clause (i) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as the said notification), the Central Government has established an arrangement to appraise the projects, which have started the work without obtaining prior environmental clearance and such cases have been termed as cases of violation;

And whereas, vide sub-paragraph (1) of paragraph 13 of the said notification, it has been directed that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 [S.O.1533(E), dated the 14<sup>th</sup> September, 2006] entailing capacity addition with change in process or technology or both, undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006;

And whereas, the said notification further provides that the projects and activities referred above, shall be dealt strictly as per the procedure specified in sub-paragraph (2) to (7) of paragraph 13 of the said notification;

And whereas, in exercise of the power conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 and in pursuance of sub-paragraph (4) of paragraph 13 of the said notification, an Expert Appraisal Committee (EAC) was constituted by notification of the Government of India in the Ministry of Environment, Forest and Climate Change vide number S.O.1805(E), dated the 6<sup>th</sup> June, 2017 comprising members with expertise in different sectors to appraise and make recommendations to the Central Government as cases of violation in all the sectors;

And whereas, in this Expert Appraisal Committee so constituted, Shri S K Srivastava, Scientist E was nominated as representative of the Ministry of Environment, Forest and Climate Change as Member Secretary of the said Committee;

And whereas, due to administrative and operating reasons, it has become expedient to replace the nomination of Shri S. K. Srivastava, Scientist E with the Scientist E or Scientist F or Scientist G, as the case may be, as Member Secretary of the Expert Appraisal Committee constituted to deal with violation cases;

And now, therefore, in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of sub-paragraph (4) of paragraph 13 of the said notification number S.O.804(E), dated the 14<sup>th</sup> March, 2017, the Central Government hereby makes the following amendments in the order of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O.1805(E), dated the 6<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 6<sup>th</sup> June, 2017, namely:-

In the said order, in the Table, against serial number 11, for the entries in column (2), the following entries shall be substituted, namely:-

“Scientist E or Scientist F or Scientist G, as the case may be, Ministry of Environment, Forest and Climate Change, Jorbagh Road, New Delhi-3”.

[F. No. Z-11013/22/2017-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

**Note:** The principal order was published vide number S.O.1805(E), dated the 6<sup>th</sup> June, 2017.



(17)

Annexure - II

**F. No. 22-21/2020-IA.III**  
Government of India  
Ministry of Environment, Forest and Climate Change  
Impact Assessment Division

\*\*\*\*\*

Indira Paryavaran Bhawan  
Jor Bagh Road, Aliganj  
New Delhi - 110003  
sujit.baju@gov.in

Date: 7<sup>th</sup> 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 14<sup>th</sup> 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

*Sujit*

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*

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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.....

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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:

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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 <b>close</b> its operation
2.	If prior EC is available for existing/old unit	Order to <b>revert the activity/production to permissible limits.</b>
3.	If prior EC was not required for earlier production level but is now required	<b>Restrict the activity/production</b> 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**

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**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

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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).





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

Dated 28<sup>th</sup> January, 2022

**OFFICE MEMORANDUM**

**Sub.: Observation of Hon'ble Supreme Court with reference to the SoP dated 7th July 2021 for identification and handling of violation cases under EIA Notification 2006 - reg.**

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

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

3. Recently, in the Order dated 09<sup>th</sup> December 2021 in the matter of Civil Appeal Nos. 7576-7577 of 2021 in Electrosteel Steels Limited Vs Union of India and Ors., the Hon'ble Supreme Court of India has *inter-alia* observed the following:

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

4. The copy of the order which is self-explanatory is enclosed herewith for necessary action.

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

  
(A K Agrawal)  
Director

Encl: As above.

To

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

Copy for information to

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



**Status of Credible Action taken against the Respondent mines in O.A No.09 of 2022**

<b>S.No.</b>	<b>Respondents</b>	<b>Name</b>	<b>Status</b>
1.	R-10	M/s. Sai Rohit Metal Industries, Sy. No.253/A/1, 253/AA/2, 253/A/3, 253/AA/4, 253/A/A/2, 4, 253/AA/1, 3, 5 & 268, Chinnaravirala (V), Abdullapurmet (M), Rangareddy District.	Case filed in the Court of 1 <sup>st</sup> Class Judicial Magistrate, Hayath Nagar with CC No.62 of 2023.  Convicted U/sec 241 Cr.PC and Case disposed vide dt:08.09.2023.
2.	R-11	M/s. Tirumala Rock Sand Manufacturing Unit, Sy.No.246/AA, 247/A, 247/AA & 249/AA, Bandaraviryala (V), Abdullapurmet (M), Rangareddy District.	Case filed in the Court of 1 <sup>st</sup> Class Judicial Magistrate, Hayath Nagar with CC No.59 of 2023.  Convicted U/sec 241 Cr.PC and Case disposed vide dt:08.09.2023.
3.	R-12	M/s. KRC Infra Projects, Sy.No.268, Chinnaravirala (V), Hayathnagar (M), Rangareddy District.	Case filed in the Court of 1 <sup>st</sup> Class Judicial Magistrate, Hayath Nagar with CC No.71 of 2023.  Convicted U/sec 241 Cr.PC and Case disposed vide dt:08.09.2023.
4.	R-13	M/s. Padmavathi Metal Industry, Sy.No. 268, Chinnaraviryala(V), Abdullapurmet (M), Rangareddy District.	Case filed in the Court of 1 <sup>st</sup> Class Judicial Magistrate, Hayath Nagar with CC No.64 of 2023.  Convicted U/sec 241 Cr.PC and Case disposed vide dt:08.09.2023.
5.	R-14	M/s. Sai Baba Metal Industry, Sy.No. 268, Chinnaraviryala(V), Abdullapurmet (M), Rangareddy District.	Case filed in the Court of 1 <sup>st</sup> Class Judicial Magistrate, Hayath Nagar with CC No.54 of 2023.  Convicted U/sec 241 Cr.PC and Case disposed vide dt:08.09.2023.
6.	R-16	M/s. Sri Venkata Shiva Metal Industry, Sy.No. 56/A & 65/A, Deshmukhi (V), Pochampally (M), Yadadri-Bhuvanagiri District.	Case No. CC No. 542/2022 filed before First Class Judicial Magistrate, Choutuppal for initiation of credible action. EC issued vide order dt. 06.03.2023& the Case was disposed on 30.12.2023.
7.	R-17	M/s. Super Fine Sand Hyderabad Pvt. Ltd. (Mines), Sy.No.84/A, Deshmukhi (V), Pochampally (M), Yadadri-Bhuvanagiri District.	Case No. CC No. 529/2023 filed before First Class Judicial Magistrate, Choutuppal for initiation of credible action. The Case was disposed on 11.06.2024

8.	R-27	M/s. Alluri Estates Pvt Ltd, Sy.No. 57, Deshmukhi (V), Pochampally (M), Yadadri-Bhuvanagiri District.	Case No. CC No. 114/2024 filed before First Class Judicial Magistrate, Choutuppal for initiation of credible action. The case was disposed on 16.03.2024.
9.	R-30	M/s. Rock Crushing India Pvt. Ltd., Sy.No.268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District.	Case filed in the Court of 1 <sup>st</sup> Class Judicial Magistrate, Hayath Nagar with CC No.65 of 2023. (30.23 Ha) Convicted U/sec 241 Cr.PC and Case disposed vide dt:08.09.2023.
10.	R-31	M/s. Shona Engineers, Sy.No. 268, Chinnaraviryal (V), Abdullapurmet (M), Rangareddy District.	Case filed in the Court of 1 <sup>st</sup> Class Judicial Magistrate, Hayath Nagar with CC No.56 of 2023. Convicted U/sec 241 Cr.PC and Case disposed vide dt:08.09.2023.
11.	R-32	M/s. B.N.R Stone Crushers (Mine), Sy.No. 268, Chinnaraviryal (V), Abdullapurmet (M), Rangareddy District.	Case filed in the Court of 1 <sup>st</sup> Class Judicial Magistrate, Hayath Nagar with CC No.63 of 2023. Convicted U/sec 241 Cr.PC and Case disposed vide dt:08.09.2023.


**State Level Environment Impact Assessment Authority (SEIAA)**  
**Telangana State**  
**Government of India**  
**Ministry of Environment Forests & Climate Change**  
**A-3, Industrial Estate, Sanathnagar, Hyderabad-500 018.**

Order No. SEIAA/TS/OL/RRD-946/2019- 1D\

Dt:17.06.2022.

To  
 The Special Chief Secretary to Government (FAC),  
 ES&T Department,  
 Government of Telangana,  
 Secretariat, Hyderabad.

Sir,

	Sub: SEIAA, Telangana - 15.115 Ha or 37.35 Acres (18.0 Acres in Block Nos. 33A, 34A & 35A, 12.0 Acres in Block No. 33B, 34B & 35B and Acr 7.35 gts in Common Area) Stone & Metal Quarry of M/s. Sai Rohit Metal Industries, Sy. No. 268, Chinnaraviryala (V), Abdullapurmet (M), Rangateddy District - Violation of provisions laid under the Environment (Protection) Act, 1986 - Reg.
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24/6  
 AR/10

State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. Sai Rohit Metal Industries, seeking Environmental Clearance for the proposed 15.115.Ha or 37.35 Acres (18.0 Acres in Block Nos. 33A, 34A & 35A, 12.0 Acres in Block No. 33B, 34B & 35B, and Acr 7.35 gts in Common Area) Stone & Metal Quarry in the name of M/s. Sai Rohit Metal Industries, Sy. No. 268, Chinnaravirvala (V), Abdullapurmet (M), Rangateddy District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 07.05.2022 and by the SEIAA in its meeting held on 27.05.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment Protection Act, 1986, as the proponent started mining operations from the year 2016-17 to 2020-21 as per lr. dt. 19.03.2022 of ADMG, Rangareddy District, without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 30.05.2022 was issued to the proponent for preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

Encl: As above.

Yours faithfully,  
 Sd/-  
**MEMBER SECRETARY**  
**SEIAA, Telangana**

//T.C.F.B.O.//

  
**JOINT CHIEF ENVIRONMENTAL ENGINEER**



**State Level Environment Impact Assessment Authority (SEIAA)**  
**Telangana State**  
**Government of India**  
**Ministry of Environment Forests & Climate Change**  
**A-3, Industrial Estate, Sanathnagar, Hyderabad-500 018.**

Order No. SEIAA/TS/OL/RRD-936/2019-96

Dt:17.06.2022.

✓  
 The Special Chief Secretary to Government (FAC),  
 ES&T Department,  
 Government of Telangana,  
 Secretariat, Hyderabad.



Sub: SEIAA, Telangana - 5.038 ha or 12.45 Acres (6.0 Acres in A-Zone, Block No. 32A, 4.0 Acres in B-Zone, Block No. 32B and Acr 2.45 gts in Common Area) Stone & Metal and Gravel/Morrum of M/s. Sri Thirumala Stone Sand Metal Industry, Survey No. 268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District - Violation of provisions laid under the Environment (Protection) Act, 1986 - Reg.

\*\*\*

By  
 24/6  
 A/S

The State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. Sri Thirumala Stone Sand Metal Industry, seeking Environmental Clearance for the proposed 5.038 ha or 12.45 Acres (6.0 Acres in A-Zone, Block No. 32A, 4.0 Acres in B-Zone, Block No. 32B and Acr 2.45 gts in Common Area) Stone & Metal and Gravel/Morrum in the name of M/s. Sri Thirumala Stone Sand Metal Industry, Survey No. 268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 29.04.2022 and by the SEIAA in its meeting held on 21.05.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment Protection Act, 1986, as the proponent started mining operations from the year 2016-17 to 2020-21 as per lr. dt. 11.03.2022 of ADMG, Rangareddy District, without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 30.05.2022 was issued to the proponent for

preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

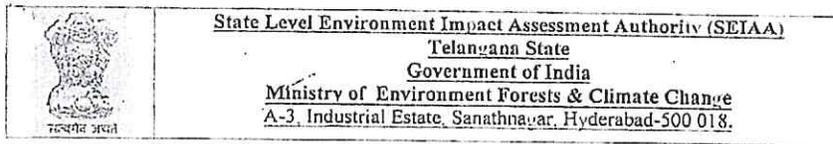
Encl: As above.

Yours faithfully,  
 Sd/-  
**MEMBER SECRETARY**  
 SEIAA, Telangana

//T.C.F.B.O.//

  
**JOINT CHIEF ENVIRONMENTAL ENGINEER**





Order No. SEIAA/TS/OL/RRD-936/2019-98

Dt:17.06.2022.

To  
 ✓ The Special Chief Secretary to Government (FAC),  
 ES&T Department,  
 Government of Telangana,  
 Secretariat, Hyderabad.

Sir,



SEIAA, Telangana - 5.038 Ha or 12.45 Acres (6.0 Acres in Block No. 10A, 4.0 Acres in Block No. 10B and Acr 2.45 gts in Common Area) Stone & Metal and Gravel/Morrum Quarry of M/s. KRC Infra Projects, Sy. No. 268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District - Violation of provisions laid under the Environment (Protection) Act, 1986 - Reg.

\*\*\*

State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. KRC Infra Projects, seeking Environmental Clearance for the proposed 5.038 Ha or 12.45 Acres (6.0 Acres in Block No. 10A, 4.0 Acres in Block No. 10B and Acr 2.45 gts in Common Area) Stone & Metal and Gravel/Morrum Quarry in the name of M/s. KRC Infra Projects, Sy. No. 268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 07.05.2022 and by the SEIAA in its meeting held on 27.05.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment Protection Act, 1986, as the proponent started mining operations from the year 2014-15 to 2020-21 as per Ir. dt. 11.03.2022 of ADMG, Rangareddy District, without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 30.05.2022 was issued to the proponent for

preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

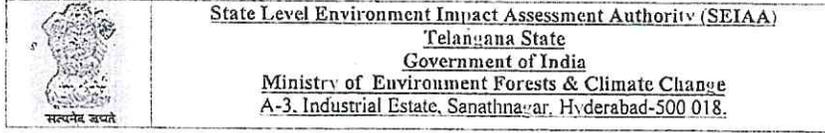
Encl: As above.

Yours faithfully,  
 Sd/-  
 MEMBER SECRETARY  
 SEIAA, Telangana

//T.C.F.B.O.//

  
 JOINT CHIEF ENVIRONMENTAL ENGINEER





Order No. SEIAA/TS/OL/RRD-954/2019- 193

Dt:27.06.2022.

To  
The Special Chief Secretary to Government (FAC),  
ES&T Department,  
Government of Telangana,  
Secretariat, Hyderabad.



SEIAA, Telangana – 5.038 ha or 12.45 Acres. Stone & Metal quarry of  
Padmavathi Metal Industries, (6.0 Acres in Block No. 31A, 4.0 Acres in  
Block No. 31B and 2.45 Acres in Common Area) in Survey No. 268,  
Chinnaraviryala Village, Abdullapurmet Mandal, Rangareddy District -  
Violation of provisions laid under the Environment (Protection) Act, 1986 -  
Reg.

\*\*\*

The State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. Padmavathi Metal Industries, seeking Environmental Clearance for the 5.038 ha or 12.45 Acres. Stone & Metal quarry in the name of M/s. Padmavathi Metal Industries, (6.0 Acres in Block No. 31A, 4.0 Acres in Block No. 31B and 2.45 Acres in Common Area) in Survey No. 268, Chinnaraviryala Village, Abdullapurmet Mandal, Rangareddy District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 08.06.2022 and by the SEIAA in its meeting held on 18.06.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment Protection Act, 1986, as the proponent started mining operations from the year 2017-18 & 2019-20 to 2021-22 as per Ir. dt. 20.05.2022 of ADMG, Rangareddy District, without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 22.06.2022 was issued to the proponent for

preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

Encl: As above.

Yours faithfully,  
Sd/-  
MEMBER SECRETARY  
SEIAA, Telangana

//T.C.F.B.O.//

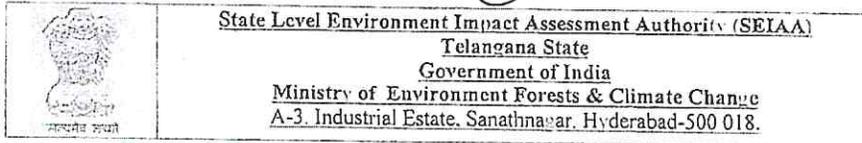
  
JOINT CHIEF ENVIRONMENTAL ENGINEER







34



Order No. SEIAA/TS/OL/YBR-143/2019- 197

Dt:27.06.2022.

To  
 The Special Chief Secretary to Government (FAC),  
 ES&T Department,  
 Government of Telangana,  
 Secretariat, Hyderabad.



SEIAA, Telangana - Acres 16.10 Gts (6.52 Ha.) Rough Stone and Road  
 Metal Quarry of M/s. Sri Venkata Shiva Metal Industries, Survey No. 56/A  
 & 65/A, Deshmuki Village, Pochampally Mandal, Yadadri Bhuvanagiri  
 District - Violation of provisions laid under the Environment (Protection)  
 Act, 1986 - Reg.

\*\*\*

The State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. Sri Venkata Shiva Metal Industries, seeking Environmental Clearance for the Acres 16.10 Gts (6.52 Ha.) Rough Stone and Road Metal Quarry in the name of M/s. Sri Venkata Shiva Metal Industries, Survey No. 56/A & 65/A, Deshmuki Village, Pochampally Mandal, Yadadri Bhuvanagiri District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 08.06.2022 and by the SEIAA in its meeting held on 18.06.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment Protection Act, 1986, as the proponent started mining operations from the year 2008-2009 as per Ir. dt. 26.02.2022 of ADMG, Yadadri Bhuvanagiri District, without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 22.06.2022 was issued to the proponent for preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

Encl: As above.

Yours faithfully,  
 Sd/-  
 MEMBER SECRETARY  
 SEIAA, Telangana

//T.C.F.B.O.//

  
 JOINT CHIEF ENVIRONMENTAL ENGINEER



(35)

R-17

State Level Environment Impact Assessment Authority (SEIAA)

Telangana State

Government of India

Ministry of Environment Forests & Climate Change

A-3, Industrial Estate, Sanathnagar, Hyderabad-500 018.

सत्यमेव जयते

Order No. SEIAA/TS/OL/YDBR-149/2022- 355

Dt:15.11.2022.

To  
The Special Chief Secretary to Government (FAC),  
ES&T Department,  
Government of Telangana,  
Secretariat, Hyderabad.



Sub: SEIAA, Telangana – 6.00 Ha. Road Metal and Building Stone of M/s. Super Fine Sand Hyd Ltd., Survey No. 84/A, Deshmuki Village, B. Pochampally Mandal, Yadadri Bhuvanagiri District - Violation of provisions laid under the Environment (Protection) Act, 1986 – Reg.

\*\*\*

The State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. Super Fine Sand Hyd Ltd. seeking Environmental Clearance for the proposed 6.00 Ha. Road Metal and Building Stone of M/s. Super Fine Sand Hyd Ltd., Survey No. 84/A, Deshmuki Village, B. Pochampally Mandal, Yadadri Bhuvanagiri District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 21.07.2022 and by the SEIAA in its meeting held on 15.09.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment (Protection) Act, 1986, as the proponent started mining operations from the year 2006-07 as per Ir. dt. 17.06.2022 of ADMG, Yadadri Bhuvanagiri District without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, Govt vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 23.09.2022 was issued to the proponent for preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of

29/11  
13/50  
For: Mr.

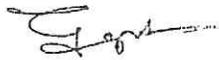
... the period for which the ... taken ... in ... obtaining requisite prior Environmental Clearance. The ... may ... with supporting documents to enable us to further process ... and also any ... as deemed appropriate.

This issues with the approval of the Competent Authority.

Encl: As above.

Yours faithfully,  
Sd/-  
MEMBER SECRETARY  
SEIAA, Telangana

//T.C.F.B.O.//



JOINT CHIEF ENVIRONMENTAL ENGINEER





**State Level Environment Impact Assessment Authority (SEIAA)**  
**Telangana State**  
**Government of India**  
**Ministry of Environment Forests & Climate Change**  
**Block No.305, Maitrivihar Commercial Complex, Ameerpet, Hyderabad.**

Lr No. SEIAA/TS/OL/YDBR-162/2022-240

Dt: 13.07.2023.

To  
 The Special Chief Secretary to Government (FAC),  
 ES&T Department,  
 Government of Telangana,  
 Secretariat, Hyderabad.

Sir,

Sub: SEIAA, Telangana - 6.60 Ha. Building Stone, Road Metal & Gravel Quarry of M/s. Alluri Estates Pvt. Ltd., Sy.No. 57 (Patta Land), Deshmukhi (V), Pochampally(M), Yadadri-Bhuvanagiri District - Violation of provisions laid under the Environment (Protection) Act, 1986 -  
 Re:.

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The State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. Alluri Estates Pvt. Ltd. seeking Environmental Clearance for the proposed 6.60 Ha. Building Stone, Road Metal & Gravel Quarry of M/s. Alluri Estates Pvt. Ltd., Sy.No. 57 (Patta Land), Deshmukhi (V), Pochampally(M), Yadadri-Bhuvanagiri District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 18.05.2023 and by the SEIAA in its meeting held on 12.06.2023. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment (Protection) Act, 1986, as the project proponent started mining operations from 2013-14 without obtaining EC, as per Ir. dt. 16.05.2023 of ADMG, Yadadri-Bhuvanagiri District (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection)-Act, 1986 & ToRs dt:20.06.2023 was issued to the proponent for preparation of EIA report and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

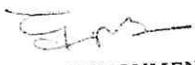
In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

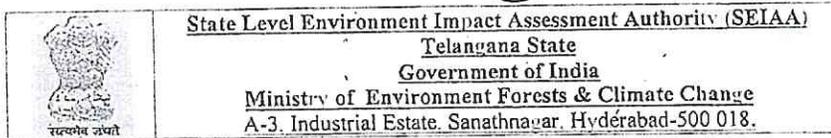
Encl: As above.

Yours faithfully,  
 Sd/-  
 MEMBER SECRETARY (FAC)  
 SEIAA, Telangana

//T.C.F.B.O.//

  
 JOINT CHIEF ENVIRONMENTAL ENGINEER

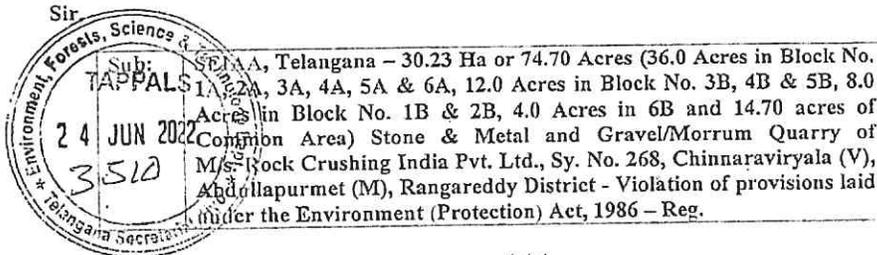




Order No. SEIAA/TS/OL/RRD-928/2019-99

Dt:17.06.2022.

To  
The Special Chief Secretary to Government (FAC),  
ES&T Department,  
Government of Telangana,  
Secretariat, Hyderabad.



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CS/ 21/6  
AR/6

The State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. Rock Crushing India Pvt. Ltd. seeking Environmental Clearance for the proposed 30.23 Ha or 74.70 Acres (36.0 Acres in Block No. 1A, 2A, 3A, 4A, 5A & 6A, 12.0 Acres in Block No. 3B, 4B & 5B, 8.0 Acres in Block No. 1B & 2B, 4.0 Acres in 6B and 14.70 acres of Common Area) Stone & Metal and Gravel/Morrum Quarry in the name of M/s. Rock Crushing India Pvt. Ltd., Sv. No. 268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 07.05.2022 and by the SEIAA in its meeting held on 27.05.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment Protection Act, 1986, as the proponent started mining operations from the year 2016-17 to 2020-21 as per lr. dt. 12.04.2022 of ADMG, Rangareddy District, without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 30.05.2022 was issued to the proponent for preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

Encl: As above.

Yours faithfully,  
Sd/-  
MEMBER SECRETARY  
SEIAA, Telangana

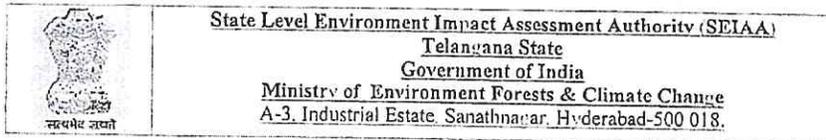
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JOINT CHIEF ENVIRONMENTAL ENGINEER



39

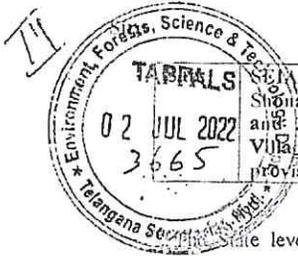
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Order No. SEIAA/TS/OL/RRD-953/2019- 1916

Dt:27.06.2022.

To  
The Special Chief Secretary to Government (FAC),  
ES&T Department,  
Government of Telangana,  
Secretariat, Hyderabad.



SEIAA, Telangana - 5.038 Ha or 12.45 Acres. Stone & Metal Quarry of M/s. Shona Engineers, (6.0 Acres in Block No. 25A, 4.0 Acres in Block No. 25B and 2.45 Acres in Common Area) in Survey No. 268, Chinnaraviryala Village, Abdullapurmet Mandal, Rangareddy District - Violation of provisions laid under the Environment (Protection) Act, 1986 - Reg.

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The State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. Shona Engineers, seeking Environmental Clearance for the 5.038 Ha or 12.45 Acres. Stone & Metal Quarry in the name of M/s. Shona Engineers, (6.0 Acres in Block No. 25A, 4.0 Acres in Block No. 25B and 2.45 Acres in Common Area) in Survey No. 268, Chinnaraviryala Village, Abdullapurmet Mandal, Rangareddy District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 08.06.2022 and by the SEIAA in its meeting held on 18.06.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment Protection Act, 1986, as the proponent started mining operations from the year 2017-18 & 2019-20 to 2021-22 as per Ir. dt. 19.05.2022 of ADMG, Rangareddy District, without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

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It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 22.06.2022 was issued to the proponent for preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

Encl: As above.

Yours faithfully,  
Sd/-  
MEMBER SECRETARY  
SEIAA, Telangana

//T.C.F.B.O.//

JOINT CHIEF ENVIRONMENTAL ENGINEER



Order No. SEIAA/TS/OL/RRD-932/2019- 194

Dt:27.06.2022.

To  
The Special Chief Secretary to Government (FAC),  
ES&T Department,  
Government of Telangana,  
Secretariat, Hyderabad.

Sir,



SEIAA, Telangana – 10.07 ha or 24.90 Acres (12.0 Acres in Block No. 26A & 27A, 8.0 Acres in Block No. 26B & 27B and Acr 4.90 gts in Common Area) Stone & Metal and Gravel/Morrum of M/s. BNR Stone Crusher, Sy. No. 268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District - Violation of provisions laid under the Environment (Protection) Act, 1986 – Reg.

\*\*\*

The State level Environment Impact Assessment Authority (SEIAA), Telangana received a proposal from M/s. BNR Stone Crusher, seeking Environmental Clearance for the proposed 10.07 ha or 24.90 Acres (12.0 Acres in Block No. 26A & 27A, 8.0 Acres in Block No. 26B & 27B and Acr 4.90 gts in Common Area) Stone & Metal and Gravel/Morrum in the name of M/s. BNR Stone Crusher, Sy. No. 268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District. The project was considered by the State level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 29.04.2022 and by the SEIAA in its meeting held on 21.05.2022. While considering the project, it was observed that this is a case of violation of EIA Notification, 2006 & its amendments thereof notified under the Environment Protection Act-1986, as the proponent started mining operations from the year 2015-16 to 2020-21 as per lr. dt. 11.03.2022 of ADMG, Rangareddy District, without obtaining prior EC (extract from the minutes of SEAC & SEIAA meetings are enclosed).

It is to inform that the Ministry of Environment & Forests, GoI vide S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018 and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 has issued instructions for dealing with cases involving violation. As per the procedure mentioned in above notifications, the State Govt. concerned has to take credible action on the violation against the proponent under the Environment (Protection), Act, 1986 & ToRs dt: 30.05.2022 was issued to the proponent for preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance (copy enclosed).

In the light of the foregoing, the undersigned has been directed to request you to initiate credible action on the violation against the above proponent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place i.e., started mining operations without obtaining requisite prior Environmental Clearance. The details of action taken may be intimated to us with supporting documents to enable us to further process of the case and also any other action as deemed appropriate.

This issues with the approval of the Competent Authority.

Encl: As above.

Yours faithfully,  
Sd/-  
MEMBER SECRETARY  
SEIAA, Telangana

//T.C.F.B.O.//

  
JOINT CHIEF ENVIRONMENTAL ENGINEER



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

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

Dated: 8<sup>th</sup> January, 2024

OFFICE MEMORANDUM

**Sub: Stay imposed by Hon'ble Supreme Court with reference to the SOP dated 7<sup>th</sup> July 2021 and OM dated 28<sup>th</sup> January 2022 - reg.**

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

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

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

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

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

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

5. However, the Hon'ble Supreme Court in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India, has stayed the operation of both the Office Memoranda dated 7<sup>th</sup> July 2021 and dated 28<sup>th</sup> January 2022 issued by this Ministry.

6. The copy of the order which is self-explanatory is enclosed herewith for necessary action.

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

  
(Sundar Ramanathan)  
Scientist E

Encl: As above.

To

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

Copy for information to

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

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

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

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA  
(FOR ADMISSION  
ORDERS/DIRECTIONS )

and IA

Respondent(s)

No.257416/2023-APPROPRIATE

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

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SANDEEP MEHTA

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

For Respondent(s)

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

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

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS(BEENA JOLLY)  
COURT MASTER (NSH)



44

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

Dated: 26<sup>th</sup> May, 2025

OFFICE MEMORANDUM

**Subject: Circulation of the Judgement dated 16.05.2025 of Hon'ble Supreme Court in W.P. 1394/2023 in the matter of Vanashakti vs. Union of India. – reg.**

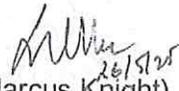
The Ministry issued the Notification S.O.804(E) dated 14/03/2017 providing a window period for the projects which were in violation to apply for the grant of EC.

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

3. The Hon'ble Supreme Court, vide its judgment dated 16.05.2025, in W.P. 1394/2023 titled Vanashakti vs. Union of India and connected matters, i.e. WP (C) 118 of 2019 titled Ajay Jajodia vs. Union of India; WP(C) 115 of 2024 titled One Earth One Life vs Union of India and Civil Appeal 381-382 of 2025 titled Fatima vs. Union of India has struck down the above mentioned Notification S.O. 804(E) dated 14/03/2017 and SoP dated 07/07/2021.

4. The copy of the order which is self-explanatory is enclosed herewith for compliance.

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

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

Encl: As above.

To

1. The Chief Secretaries of all the States / UTs
2. Chairperson/ Member Secretaries of all Expert Appraisal Committees
3. Chairperson/Member Secretaries of all SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/ UTPCCs
5. All Officers of IA Division

Copy for information to

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



(15)

2025 INSC 718

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**WRIT PETITION (C) NO.1394 OF 2023**

**VANASHAKTI**

**...PETITIONER**

**Vs.**

**UNION OF INDIA**

**...RESPONDENT**

**WITH**

**WRIT PETITION (C) NO.118 OF 2019**

**WRIT PETITION (C) NO.115 OF 2024**

**AND**

**CIVIL APPEAL NO.381-382 OF 2025**

**J U D G M E N T**

**ABHAY S. OKA, J.**

1. Part IV-A of the Constitution of India containing fundamental duties as set out in Article 51A was incorporated in the Constitution by the 42<sup>nd</sup> Amendment Act with effect from 3<sup>rd</sup> January 1977. Clause (g) of Article 51A provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. This Court in several decisions has held that the right to live in a

Signature Not Verified

Digitally signed by  
ANITA MALHOTRA  
Date: 2025.05.16  
17:50:25 IST  
Reason: —

pollution free atmosphere is a part of the fundamental right guaranteed under Article 21 of the Constitution of India.

**2.** The world changed rapidly after World War II. From the late 1960s and early 1970s, slowly there was a realisation about the drastic consequences of the destruction of environment and pollution of various kinds. In June 1972, at Stockholm, the United Nations Conference on Human Environment was held. In the said conference, several decisions were taken by the world community to protect the environment.

**3.** In our country, it took fourteen years thereafter for the legislature to come out with a law for protection and improvement of the environment. The Environment (Protection) Act, 1986 (for short, 'the 1986 Act') was brought into force with effect from 19<sup>th</sup> November 1986. As can be noticed from several orders of this Court and the High Courts, the progress of implementation of the 1986 Act has been very slow.

**4.** The 1970s and 1980s saw growth of industrialisation in our country. The activities such as mining, gas exploration, thermal power plants, petroleum refining industries, various other industries, building and construction projects, such as, highways started growing.

5. Again, it took twenty years after the 1986 Act came into force to exercise the power under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the 1986 Act read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 (for short, '1986 Rules') for coming out with the Environment Impact Assessment Notification, 2006 (for short, 'the EIA notification'). The EIA notification was issued on 14th September 2006. It provided that the projects or activities mentioned in clause (2) thereof shall require prior Environmental Clearance (for short, 'the EC') from the concerned regulatory authority. The concerned regulatory authority in the Central Government is the Ministry of Environment Forests and Climate Change (for short, 'the MoEFCC') for matters falling under Category 'A' in the Schedule, and at the State level, the State Environment Impact Assessment Authority (for short, 'the SEIAA') for the matters falling in Category 'B'. In the Schedule, Categories 'A' and 'B' were incorporated setting out industries and other development work. The entire controversy in this group of petitions is about ex post facto grant of EC.

6. On 14th March 2017, a notification was issued by the MoEFCC. The said notification is hereafter referred to as 'the 2017 notification'. The said notification was made applicable to the projects or activities that have

started the work on site, expanded the production beyond the limit of the EC, or changed the production mix without obtaining EC. The 2017 notification provided that in case of such works, ex post facto EC can be granted. It provided that the projects or activities which are in violation of the EIA notification as on 14th March 2017 were eligible to apply under the 2017 notification for ex post facto EC within a period of six months from 14th March 2017.

7. The National Green Tribunal (for short, 'the NGT') vide order dated 24th May 2021 directed the MoEFCC to prepare a Standard Operating Procedure (for short, 'the SOP') for grant of EC in the cases of violation so as to address the gap in the binding law and practice being currently followed. In purported compliance with the said direction, Office Memorandum dated 7th July 2021 (for short, 'the 2021 OM') was issued.

8. In the meanwhile, the 2017 notification was challenged by way of a writ petition before the High Court of Madras in the case of Puducherry Environment Protection Association v. Union of India<sup>1</sup>, which was decided by order dated 13th October 2017. During the course of hearing of the case before the Madras High Court, when it was pointed out that the outer limit for making applications for grant of ex post facto EC have

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<sup>1</sup> 2017 SCC OnLine Mad 7056

been repeatedly extended, the Union of India gave a categorical undertaking that the 2017 notification was only a one-time measure. By recording the said submission made on behalf of the Union of India that the 2017 notification was certainly and clearly only a one time measure, the High Court disposed of the petition. Later on, by order dated 14th March 2018 passed by the High Court of Madras in another case, the time period under the 2017 notification for submission of proposals by project proponents was extended by a further period of thirty days.

**9.** In Writ Petition (C) No.1394 of 2023, the first prayer is for quashing the 2021 OM on the ground that it was arbitrary, illegal and ultra vires the provisions of the 1986 Act. The second prayer is for issuing a writ of mandamus directing the MoEFCC and SEIAA/SEACs not to process and entertain any application for ex-post facto EC after 13th May 2018. As stated earlier, the time granted under the 2017 notification to apply was lastly extended till 13th April 2018.

**10.** In Writ Petition (C) No.118 of 2019, the challenge is to the 2017 notification issued by the MoEFCC. A prayer was made seeking directions to the respondents to produce a list of real estate projects and project proponents who have undertaken real estate development

projects without obtaining EC under the 2006 notification.

**11.** In Writ Petition (C) No.115 of 2024, the challenge is to the 2017 notification and the 2021 OM. A prayer for writ of prohibition is made for restraining the MoEFCC from issuing any notification or office memorandum permitting ex-post facto EC.

**12.** The High Court of Madras by judgment and order dated 30th August 2024 quashed the 2021 OM and another OM dated 19th February 2021. The challenge in Civil Appeal No.381-382 of 2025 is to this decision of the High Court of Madras. In the judgment and order dated 30th August 2024, the Madras High Court declared that its order will operate only prospectively and applications under consideration will remain unaffected. The challenge in this appeal is only to the extent of giving prospective effect to the impugned judgment.

### **THE EIA NOTIFICATION**

**13.** Firstly, we come to the EIA notification. It has been issued in exercise of powers under sub-Section (1) and clause (v) of sub-Section (2) of Section 3 of the 1986 Act read with clause (d) of sub-Rule (3) of Rule 5 of the 1986 Rules. Section 3 of the 1986 Act reads thus:

“3. Power of Central Government to take measures to protect and improve environment.—(1) Subject to the provisions

of this Act, **the Central Government shall have the power to take all such 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.**

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), such measures may include measures with respect to all or any of the following matters, namely:—

(i) co-ordination of actions by the State Governments, officers and other authorities

—  
(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nationwide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of

environmental pollutants from such sources;

**(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;**

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(*xii*) collection and dissemination of information in respect of matters relating to environmental pollution;

(*xiii*) preparation of manuals, codes or guides relating to the prevention control and abatement of environmental pollution;

(*xiv*) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in subsection (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.”

(emphasis added)

**13.1** Sub-section (1) of Section 3 sums up the very object of the 1986 Act. Therefore, the EIA notification has been issued not only for the purposes of protecting and improving the quality of the environment but also for preventing and abating environmental pollution. Sub-section (1) of Section 3 confers general power of taking measures on the Central Government. Sub-section (2) confers specific power for taking measures in the matters set out in clauses (i) to (ix) thereof. Clause (v) of sub-section (2) of Section 3 empowers the Central Government to take measures for putting restrictions of areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to safeguards.

**14.** Rule 5 of the 1986 Rules reads thus:

**"5. Prohibition and restriction on the location of industries and the carrying on of processes and operations in different areas.—**(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:

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

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

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

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

(v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

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

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

(ix) Proximity to human settlements.

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

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the

Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

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

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

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may [within [seven hundred and twenty-five days [,and in respect of the States of Assam, Meghalaya, Arunachal

Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days,]] from such date of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area:

[Provided that on account of COVID-19 pandemic, for the purpose of this clause, the period of validity of the notification expiring in the financial year 2020-2021 and 2021-2022 shall be extended up to [30th June, 2022] or six months from the end of the month when the relevant notification would have expired without any extension, whichever is later.]

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

**14.1** For issuing the EIA notification, power has been exercised under clause (d) of sub-rule (3) of Rule 5 which empowers the Central Government to impose prohibition or restrictions on location of such industries and the carrying on any process or operation in an area. There is a power to impose complete prohibition on carrying on any process or operation in an area. Clause (2) of the EIA notification reads thus:

**“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 and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining minerals 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, modernization or any change in the product mix or raw material mix in existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7.”

**14.2** Therefore, without prior EC, construction of new projects or activities, expansion or modernisation of existing projects or activities listed in the Schedule entailing capacity addition with change in process or

technology, cannot be undertaken. Entire procedure for grant of prior EC is laid down in the EIA notification.

**LEGALITY OF THE 2017 NOTIFICATION**

**15.** The 2017 notification refers to the OMs dated 12<sup>th</sup> December 2012 and 27<sup>th</sup> June 2013 by which a process was sought to be established for grant of EC in the cases of violation of the EIA notification. It also refers to the judgment of the High Court of Jharkhand holding these two OMs as illegal. The same OMs were also quashed by the NGT as mentioned in the said notification. There are three recitals in the said notification which are relevant. Recital Nos.9 to 11 read thus:

**“9.** And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

**10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving**

**the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;**

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;"

15.1 Thus, what was sought to be done was to protect the project proponents who committed gross illegality by commencing construction or commencing operation or process without obtaining prior EC as provided in the

EIA notification. The 2017 notification was a one-time measure. Moreover, this Court in the case of **Common Cause v Union of India & Ors.**<sup>2</sup>, held in no uncertain terms that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence including the EIA notification. The decision in the case of **Common Cause**<sup>2</sup> was delivered on 2<sup>nd</sup> August 2017. Notwithstanding the clear declaration of law which was made on 2<sup>nd</sup> August 2017, the Central Government did not withdraw the 2017 notification.

**16.** We may note here that this is not the first time that the concept of prior EC was brought into force. For this purpose, useful reference can be made to a decision of this Court in the case of **Alembic Pharmaceuticals v. Rohit Prajapati**<sup>3</sup>. It records that there was a notification of 27<sup>th</sup> January 1994 mandating prior EC for setting up and expansion of industrial projects falling within thirty categories. The issue before this Court was about the legality and validity of the circular dated 14<sup>th</sup> May 2002, which permitted obtaining of *ex post facto* EC. This Court specifically dealt with the challenge to the circular dated 14<sup>th</sup> May 2002. In paragraph 12, this Court noted the issue to be decided:

“**12.** The issue to be adjudicated is whether in view of the requirement of a prior EC

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<sup>2</sup> 2017 (9) SCC 499

<sup>3</sup> 2020 (17) SCC 157

under the EIA Notification of 1994, a provision for an ex post facto EC to industrial units could be validly made by means of the Circular dated 14-5-2002."

**16.1** Thereafter, this Court considered Section 3(1) of the 1986 Act. In paragraph 21 this Court held thus:

**"21.** The omission in the appeal to make any attempt to sustain the Circular dated 14-5-2002 with reference to the provisions of Section 3 of the Environment (Protection) Act, 1986 is significant. For an action of the Central Government to be treated as a measure referable to Section 3 it must satisfy the statutory requirement of being necessary or expedient "for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution". The Circular dated 14-5-2002 in fact does quite the contrary. It purported to allow an extension of time for industrial units to comply with the requirement of an EC. The EIA Notification dated 27-1-1994 mandated that an EC has to be obtained before embarking on a new project or expanding or modernising an existing one. The EIA Notification of 1994 has been issued under the provisions of the Environment (Protection) Act, 1986 and the Environment Protection Rules, 1986, with the object of imposing restrictions and prohibitions on setting up of new projects or expansion or modernisation of existing project. The measures are based on the precautionary principle and aim to protect the interests of

the environment. The Circular dated 14-5-2002 allowed defaulting industrial units which had commenced activities without an EC to cure the default by an ex post facto clearance. Being an administrative decision, it is beyond the scope of Section 3 and cannot be said to be a measure for the purpose of protecting and improving the quality of the environment. The circular notes that there were defaulting units which had failed to comply with the requirement of obtaining an EC as mandated. The circular provided for an extension of time and inexplicably introduced the notion of an ex post facto clearance. In effect, it impacted the obligation of the industrial units to be in compliance with the law. **The concept of ex post facto clearance is fundamentally at odds with the EIA Notification dated 27-1-1994. The EIA Notification of 1994 contained a stipulation that any expansion or modernisation of an activity or setting up of a new project listed in Schedule I "shall not be undertaken in any part of India unless it has been accorded environmental clearance". The language of the notification is as clear as it can be to indicate that the requirement is of a prior EC. A mandatory provision requires complete compliance. The words "shall not be undertaken" read in conjunction with the expression "unless" can only have one meaning : before undertaking a new project or expanding or modernising an existing one, an EC must be obtained. When the EIA Notification of 1994 mandates a prior EC, it**

proscribes a post activity approval or an ex post facto permission. What is sought to be achieved by the administrative Circular dated 14-5-2002 is contrary to the statutory Notification dated 27-1-1994. The Circular dated 14-5-2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA Notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA Notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative Circular dated 14-5-2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law.”

(emphasis added)

**16.2** Ultimately, in paragraph 23, this Court held thus:

**The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA Notification dated 27-1-1994. It is, as the judgment**

**in Common Cause [Common Cause v. Union of India, (2017) 9 SCC 499] holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development.”**

(emphasis added)

**16.3** In fact, as noted in paragraph 22.1, the word 'prior' was not used in the EIA notification dated 27<sup>th</sup> January 1994. However, the words 'shall not be undertaken' were used. In the 2006 EIA notification, the word 'prior' appears at multiple places.

**17.** The issue of *ex post facto* EC was dealt with in the case of **Common Cause<sup>2</sup>**, In paragraph 108, a submission was recorded that the possibility of getting *ex post facto* EC was a signal to the mining leaseholders that obtaining an EC was not mandatory or that if it was not obtained, the default was retrospectively condonable. In paragraph 125, this Court held thus:

**"125.** We are not in agreement with the learned counsel for the mining leaseholders. **There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long-term impact. EIA 1994 is therefore very clear that if expansion or modernisation of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in *M.C. Mehta [M.C. Mehta v. Union of India, (2004) 12 SCC 118]* even for the renewal of a mining lease where there is no expansion or modernisation of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an *ex post facto***

environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an *ex post facto* or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.”

(emphasis added)

18. Therefore, there is already a concluded finding of this Court that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence and the EIA notification. This view was reiterated by this Court in the case of ***Electrosteel Steels Ltd. v. Union of India and Ors.***<sup>4</sup>. In paragraph 72, this Court held thus:

**“72. There can be no doubt that the need to comply with the requirement to obtain environment clearance is non-negotiable.** A project can be set up or allowed to expand subject to compliance of the requisite norms. Environmental clearance is granted on condition of the suitability of the site to set up the project from the environmental angle, and existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations, it is imperative that pollution laws be strictly enforced. Under no circumstances, can industries which pollute

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4 (2023) 6 SCC 615

be allowed to operate unchecked and degrade the environment.”

(emphasis added)

**18.1** In this case, as well as in the case of ***Alembic Pharmaceuticals***<sup>3</sup>, this Court exercised its jurisdiction under Article 142 of the Constitution and permitted *ex post facto* EC in particular cases considering the peculiar factual situation.

**19.** It is in this context that the legality and validity of the 2017 notification will have to be tested. Interestingly, in paragraph 10 of the notification, it is recorded that the MoEFCC deems it necessary for the purpose of protecting and improving the quality of environment and abating environmental pollution that all the entities not complying with the environmental regulation under EIA notification be brought under compliance within the environmental laws in an expeditious manner. The object of protecting and improving the environment and preventing and abating environmental pollution was achieved by the EIA notification. The object of the 2017 notification appears to be to protect the industries and entities which violated the EIA notification. In fact, paragraph 14 of the 2017 notification is material which reads thus:

“**14.** The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental

clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.”

**20.** Moreover, the 2017 notification is completely in violation of the law laid down by this court in the case of **Common Cause<sup>2</sup>** and **Alembic Pharmaceuticals<sup>3</sup>**. From the recitals of the 2017 notification, it is apparent that it was a one-time measure to protect those who were in violation as on the date of the 2017 notification. In view of the settled law, even a ‘one-time measure’ or ‘one-time relaxation’ was illegal. The 2021 OM encourages the entities who contributed to pollution by not obtaining prior EC. Whenever EC is granted, it is always conditional. Certain conditions are imposed to abate or reduce the pollution. Such one-time measures add to air and/or water pollution. Such measures infringe the right to live in a pollution free environment guaranteed by Article 21. Thus, the 2017 notification was completely illegal.

**21.** The Division bench of Madras High Court by judgment dated 13<sup>th</sup> October 2017, in the case of **Puducherry Environment Protection Association<sup>1</sup>** dealt with the issue regarding the legality of the 2017 notification which was subject matter of challenge in a Public Interest Litigation. A very specific submission was

made before the Madras High Court on behalf of the Central Government by the learned Additional Solicitor General, which is recorded in paragraph 4(i) of the judgment. Relevant portion of paragraph 4(i) reads thus:

“4(i) With regard to precautionary principle, faced with the situation that ex post facto clearance and regularization dates have been repeatedly extended time and again by series of notifications, **learned Additional Solicitor General at the bar, on instructions, submits that this impugned notification shall clearly and certainly be only a one time measure. We record this submission also.**

.....”

(emphasis added)

**21.1** This statement was treated as an undertaking of the Central Government, which is clear from paragraph 4(n) of the said judgment:

“4(n) We are convinced that paragraphs 3,4 and 5 of the impugned notification alluded to supra coupled with the two undertakings made on instructions by learned Additional Solicitor General that (a) public hearing can be read into paragraph 5 of the impugned notification and **(b) this shall certainly and clearly be a one time measure, this writ petition can be closed and disposed of recording the above submissions. We do so.**”

(emphasis added)

**21.2** It is in view of this undertaking that the High Court did not interfere. The Central Government is bound by this undertaking. It is the duty of the Central Government to comply with the undertaking in its true letter and spirit.

**22.** The period provided in the 2017 notification to apply for *ex-post facto* EC ended on 13<sup>th</sup> September 2017. In the case of ***Appaswamy Real Estates Limited v. Puducherry Environment Protection Association***<sup>5</sup>, the request of the MoEFCC for extending the time provided in the 2017 notification was accepted. As a result, the OM dated 16<sup>th</sup> March 2018 was issued which permitted the project proponents to apply under the 2017 notification within thirty days from the date of the High Court order. What is pertinent to note is that notwithstanding the grant of extension of time to apply, there was no modification made to paragraph 14 of the 2017 notification which clarified that it is applicable only to those projects and activities which were in violation on the date of the said notification. Therefore, any project or activity or process which required EC under the EIA notification commenced after 14<sup>th</sup> March 2017 was not protected by the 2017 notification.

**23.** Apart from the fact that the very concept of grant of *ex-post facto* EC is illegal, it is not possible to understand

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<sup>5</sup> 2018 SCC OnLine Mad 1283

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why the Central Government made efforts to protect those who committed illegality by not obtaining prior EC in terms of the EIA notification. As the EIA notification was eleven years old when the 2017 notification was issued, there was no equity in favour of those who committed such gross illegality of not obtaining prior EC. The persons who acted without prior EC were not illiterate persons. They were companies, real estate developers, public sector undertakings, mining industries, etc. They were the persons who knowingly committed illegality. We, therefore, make it clear that hereafter, the Central Government shall not come out with a new version of the 2017 notification which provides for the grant of *ex-post facto* EC in any manner.

**LEGALITY AND VALIDITY OF THE 2021 OM SUBMISSIONS**

24. The learned senior counsel appearing for the Petitioner submitted that post a series of judgments of this Court in ***Alembic***<sup>3</sup> and ***Common Cause***<sup>2</sup>, it is not permissible to grant *ex post facto* EC. He further submits that the 2021 OM is in violation of the 1986 Act and the EIA notification. He submits that EC must be prior and cannot be granted *ex post facto*. While the 2021 OM does not expressly extend the timeline under the 2017 notification or mention *ex post facto*, the 2021 OM and its

application has effectively allowed grant of *ex post facto* EC.

**25.** The main submission of the learned Additional Solicitor General is that the 2021 OM does not seek to grant *ex-post facto* EC. It is only an SOP. The learned ASG invited our attention to the contents of the SOP. Her submission is that it provides for the demolition of projects not allowable or permissible for want of EC. It also provides for the closure of projects allowable/permissible, if prior EC has not been taken as per the EIA notification. She submitted that even if EC is granted, it will be effective from the date of the issue, and therefore, it is not *ex post facto*. She submitted that before such EC is granted, the project proponent will have to pay certain amounts as provided therein based on Polluter Pays Principle. Moreover, the project proponents will have to undertake activities relating to remedial plan and community accommodation plan. She also pointed out that the projects which are not allowable or permissible, shall be demolished. She also pointed out provisions regarding penalty, project proponents furnishing bank guarantee, etc. Thus, in short, her submission is that the object of the 2021 OM is to protect those projects and industries which could have been granted an EC under EIA notification before the date of commencement of activities, but proceeded to commence

activities without EC. Her submission is that this measure has been taken to ensure that the huge spending on constructions is not lost and wasted.

**OUR VIEW**

26. The basic submission by learned ASG is based on a premise that what is provided under the 2021 OM is not grant of *ex-post facto* EC. The relevant part of the 2021 OM is in paragraph 10 and 11, which read thus:

**“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/permmissible, for grant of EC, as per extant regulations: **To be demolished.**
- iii. Projects allowable/permmissible, 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 (Protection) Act, 1986

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

### 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 Polluter Pays 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."**

27. In short, it provides for grant of EC to category of 'allowable/permmissible' projects. We must remember that the 2021 OM is applicable even to the completed projects. The 2021 OM says that grant of EC to such projects shall be effective from the date of issue. If the project proponent goes ahead with construction which requires EC under the EIA notification, it will amount to violation of the provisions of 1986 Act and 1986 Rules. It will attract penalty under Section 15 of the 1986 Act. Perusal of the provisions of Section 15 shows that even if the penalty is paid by the project proponent, it will not regularise the project. Therefore, even after the payment of penalty, if the project is under construction, the same has to be stopped and demolished and even if operation has already commenced, the same has to be stopped and demolished. Therefore, the construction work has to be demolished.

**28.** Now, we will consider what is the meaning of “*ex post facto*”. Various dictionary meanings can be summarised as under:

- a) Having retrospective effect or force;
- b) From a thing done afterwards;
- c) Retroactive or affecting something that has already happened.

**29.** Now, we will take a case of *ex post facto* EC provided under the 2017 notification. The effect of grant of *ex post facto* clearance is that if without obtaining EC, construction is in progress, the same is allowed to continue. If the construction is complete and operation and processes are going on, the same can go on after *ex post facto* EC is granted. Effect of grant of EC under clause (11) of 2021 OM will be grant of permission to complete the construction of the project, though construction had commenced without prior EC. Where the construction is already complete which is being used for processes etc., by grant of EC, the process/activities can continue. Thus, in effect, the EC granted under clause (11) of 2021 OM regularises something which was illegal with retrospective effect. In effect, the EC granted under clause (11) of 2021 OM will regularise the illegality done by commencing the construction or commencing the project without prior EC. Therefore, in substance, what is provided is grant of *ex post facto* EC. In other

words what is granted is EC with retrospective effect as it regularises illegality committed earlier. The grant of EC under the 2021 OM, no doubt, is subject to making payment of compensation determined based on Polluter Pays Principle and undertaking activities relating to remedial plan. Once there is a violation of the EIA notification, the project proponent has to compensate following the Polluter Pays Principle. Even if, EC is not granted to him he has to pay for remedial plan to remedy the damage done to the environment. He has to also pay the penalty under Section 15 of the 1986 Act. Therefore, what is done by the 2021 OM is something which was completely prohibited by this Court in the cases of **Common Cause**<sup>2</sup> and **Alembic Pharmaceuticals**<sup>3</sup>. It is an attempt to bring in an *ex-post facto* or retrospective regime by craftily drafting the SOP. The grant of EC under the 2021 OM in substance and in effect amounts to *ex post facto* grant of EC. The Court must come down very heavily on the attempt of the Central Government to do something which is completely prohibited under the law. Cleverly, the words *ex post facto* have not been used, but without using those words, there is a provision to effectively grant *ex post facto* EC. The 2021 OM has been issued in violation of the decisions of this Court in the cases of **Common Cause**<sup>2</sup> and **Alembic Pharmaceuticals**<sup>3</sup>. Therefore, we have no manner of

doubt that the 2021 OM which permits grant of EC is completely arbitrary and illegal. Moreover, the 2021 OM does not refer to exercise of any power under the 1986 Act or the 1986 Rules.

**30.** There is one more aspect which is required to be noted. As per paragraph 14 of the 2017 notification, provision for grant of *ex post facto* EC was made only in relation to projects or activities which were in violation as of 14<sup>th</sup> March 2017. Therefore, grant of *ex post facto* clearance was not permitted under 2017 notification for the projects and activities which were commenced or continued after 14<sup>th</sup> March 2017. The window which was initially for a period of six months was eventually extended till completion of 30 days from 14<sup>th</sup> March 2018. Therefore, the 2021 OM is brought in to do something which was not permissible under the 2017 notification, the law laid down by this Court, and the solemn undertaking given by the Central Government to the Madras High Court. We must deprecate such effort on the part of the Central Government.

**31.** The EIA notification is of 14<sup>th</sup> September 2006. When the 2021 OM was issued, it was nearly 15 years old. Therefore, all project proponents were fully aware of the stringent requirements under the EIA notification. The 2021 OM seeks to protect the violations of the EIA notification which have taken place or continue to take

place 15 years after the EIA notification came into force. Thus, the 2021 OM seeks to protect violators who have acted with full knowledge of consequences of violating the EIA notification. Those who violate the law regarding obtaining prior EC are not only committing gross illegality, but they are acting against the society at large. The violation of the condition of obtaining prior EC must be dealt with heavy hands. In environmental matters, the Courts must take a very strict view of the violations of the laws relating to the environment. It is the duty of the Constitutional Courts to do so.

**32.** Under Article 21 of the Constitution of India, the right to live in a pollution free environment is guaranteed. In fact, the 1986 Act has been enacted to give effect to this fundamental right. In 1977, fundamental duties of all citizens were incorporated in the Constitution which enjoined every citizen of India to protect and improve the environment as provided in clause (g) of Article 51A. Therefore, even the Central Government has a duty to protect and improve the natural environment.

**33.** Today, in the year 2025, we have been experiencing the drastic consequences of large-scale destruction of environment on human lives in the capital city of our country and in many other cities. At least for a span of two months every year, the residents of Delhi suffocate due to air pollution. The AQI level is either dangerous or

very dangerous. They suffer in their health. The other leading cities are not far behind. The air and water pollution in the cities is ever increasing. Therefore, coming out with measures such as the 2021 OM is violative of fundamental rights of all persons guaranteed under Article 21 to live in a pollution free environment. It also infringes the right to health guaranteed under Article 21 of the Constitution.

**34.** The 2021 OM talks about the concept of development. Can there be development at the cost of environment? Conservation of environment and its improvement is an essential part of the concept of development. Therefore, going out of the way by issuing such OMs to protect those who have caused harm to the environment has to be deprecated by the Courts which are under a constitutional and statutory mandate to uphold the fundamental right under Article 21 and to protect the environment. In fact, the Courts should come down heavily on such attempts. As stated earlier, the 2021 OM deals with project proponents who were fully aware of the EIA notification and who have taken conscious risk to flout the EIA notification and go ahead with the construction/continuation/expansion of projects. They have shown scant respect to the law and their duty to protect the environment. Apart from violation of Article 21, such action is completely arbitrary

which is violative of Article 14 of the Constitution of India besides being violative of the 1986 Act and the EIA notification.

**35.** We are, however, conscious of the fact that *ex post facto* EC may have been granted in certain cases both under the 2017 notification and the 2021 OM. ECs already granted under 2017 notification and the 2021 OM, at this stage, should not be disturbed.

**36.** Hence, we pass the following order:

- a) We hold that the 2017 notification and the 2021 OM as well as all circulars/orders/OMs/notifications issued for giving effect to these notifications are illegal and are hereby struck down;
- b) We restrain the Central Government from issuing circulars/orders/OMs/notifications providing for grant of *ex post facto* EC in any form or manner or for regularising the acts done in contravention of the EIA notification;
- c) We clarify that the ECs already granted till date under the 2017 notification and the 2021 OM shall, however, remain unaffected.

**37.** The writ petitions and civil appeals are accordingly allowed on the above terms.

.....J.  
(Abhay S. Oka)

.....J.  
(Ujjal Bhuyan)

**New Delhi;  
May 16, 2025**



**State Level Environment Impact Assessment Authority (SEIAA)**

**Telangana  
Government of India**

**Ministry of Environment, Forests & Climate Change  
Block No.305, Maitri Vihar, Ameerpet, Hyderabad – 500 038**

**Lr.No.1/SEIAA/TG/Gen/2024- 10**

**Dt.: 10 .07.2025.**

To

The Member secretary  
Telangana Pollution Control Board,  
Sanathnagar, Hyderabad

Sir,

**Sub :** SEIAA, Telangana –Orders of the Hon'ble NGT, SZ in the OA 9 of 2022-  
Action requested - Reg.

**Ref:** Hon'ble NGT, Chennai Order dated.12.06.2025

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Attention is invited to the subject cited, wherein the Hon'ble NGT, Chennai issued order dt.12.06.2025 in O.A. 9 of 2022 directing that, "*it must be clarified whether any action has been initiated by the authorities in respect of the violations already committed. If so, a detailed report shall be filed in this regard*".

In this regard, it is to inform that respondents metal quarries have applied for EC under violation category on which credible action was taken. The proposals were reviewed before the SEIAA and deferred in view of the Hon'ble Supreme Court orders issued in processing of EC applications under violation category and Ministry of Environment, Forests & Climate Change (MoEF&CC), Govt. of India Office Memorandum (OM) dt.08.01.2024.

Subsequently, MoEF&CC vide its Office Memorandum dt. 26.05.2025 informed that the Hon'ble Supreme Court vide its judgment dt.16.05.2025 struck down the Notifications & OMs issued for processing EC application under violation category. Accordingly, the SEIAA has not processed any EC application under violation category as per the said order of the Hon'ble Supreme Court.

In view of the above, as the TGPCB being a regulatory authority, it is requested to submit latest status report on the respondent industries/ mines along with the EC compliance & also take necessary action against the respondent industries/mines and communicate the same for submitting before the Hon'ble NGT, Chennai.

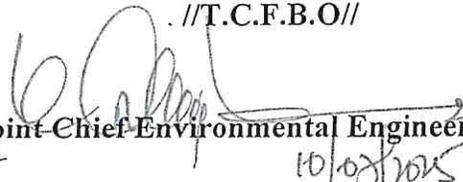
It is requested to treat this on a priority basis.

Yours faithfully,

Encl:  
Hon'ble NGT, Chennai Order dated.12.06.2025  
List of industries as above.

Sd/-  
Member Secretary  
(SEIAA, Telangana)

//T.C.F.B.O//

  
Joint Chief Environmental Engineer (FAC)

10/07/2025



Item No.12:-

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

[Through Physical Hearing (Hybrid Option)]

Original Application No.09 of 2022(SZ) &  
I.A. No. 186 of 2022(SZ), I.A. No. 117of 2023 (SZ)

IN THE MATTER OF:

Pisati Indira Reddy,  
Ranga Reddy District,  
Telangana and Another.

...Applicant(s)

*Versus*

Union of India,  
Rep by its Secretary,  
MoEF& CC, New Delhi and Ors.

...Respondent(s)

Date of hearing: 12.06.2025.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. Shivang Singh represented  
Ms. Mamatha Ralla.

For Respondent(s):

Mr. G.M. Syed Nurullah Sheriff for R1.  
Mr. B. Rajaprabhakar represented  
Mr. T. Sai Krishnan for R2 & R4.  
Ms. Nivedhitha represented  
Mrs. H. Yasmeen Ali for R3, R5 & R6.  
Mr. G. Stanly Hebzon Singh for R7 to R18.

ORDER

1. Today, Mr. G. Stanly Hebzon Singh, the learned counsel appearing for the Respondents No.7 to 18 states that he has come on a change of vakalat and seeks accommodation.

2. The report filed by the SEIAA on 27.05.2022 provides the status of Respondents No.7 to 33. In certain cases, it has been specifically mentioned that the industries have applied under the 'violation' category. If such applications are pending, it must be clarified whether any action has been initiated by the authorities in respect of the violations already committed. If so, a detailed report shall be filed in this regard.

3. In the event no action has been taken by the SEIAA till date, the MoEF&CC is directed to step in and take appropriate action in accordance with the provisions of the Environmental (Protection) Act, 1986. Let the MoEF&CC also file a report in this regard.

4. List the matter on 18.07.2025 for final hearing. No further adjournment will be granted.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.09/2022 (SZ) &  
I.A. No.186/2022 (SZ),  
I.A. No.117/2023 (SZ)  
12<sup>th</sup> June, 2025. AD.

List of industries

S.No.	Respondents	Name
1.	R10	M/s. Sai Rohit Metal Industries, Sy. No.253/A/1, 253/AA/2, 253/A/3, 253/AA/4, 253/A/A/2, 4, 253/AA/1, 3, 5 & 268, Chinnaravirala (V), Abdullapurmet (M), Rangareddy District.
2.	R11	M/s. Tirumala Rock Sand Manufacturing Unit, Sy.No.246/AA, 247/A, 247/AA & 249/AA, Bandaraviryala (V), Abdullapurmet (M), Rangareddy District.
3.	R12	M/s. KRC Infra Projects, Sy.No.268, Chinnaravirala (V), Hayathnagar (M), Rangareddy District.
4.	R13	M/s. Padmavathi Metal Industry, Sy.No. 268, Chinnaraviryala(V), Abdullapurmet (M), Rangareddy District.
5.	R14	M/s. Sai Baba Metal Industry, Sy.No. 268, Chinnaraviryala(V), Abdullapurmet (M), Rangareddy District.
6.	R15	M/s. Sai Vikas Stone Crushing Industries, Sy.No. 56, 57, 58, 64, Deshmukhi (V), Pochampally (M), Yadadri-Bhuvanagiri District.
7.	R16	M/s. Sri Venkata Shiva Metal Industry, Sy.No. 56/A & 65/A, Deshmukhi (V), Pochampally (M), Yadadri-Bhuvanagiri District.
8.	R17	M/s. Super Fine Sand Hyderabad Pvt. Ltd. (Mines), Sy.No.84/A, Deshmukhi (V), Pochampally (M), Yadadri-Bhuvanagiri District.
9.	R26	M/s. Sri Guduru Narender Reddy, (0.99 Ha. Rough Stone & Road Metal Mine), Sy.No. 73/A, Deshmukh (V), Pochampally (M), Yadadri Bhuvanagiri District.
10.	R27	M/s. Alluri Estates Pvt Ltd, Sy.No. 57, Deshmukhi (V), Pochampally (M), Yadadri-Bhuvanagiri District.
11.	R30	M/s. Rock Crushing India Pvt. Ltd., Sy.No.268, Chinnaraviryala (V), Abdullapurmet (M), Rangareddy District.
12.	R31	M/s. Shona Engineers, Sy.No. 268, Chinnaraviryal (V), Abdullapurmet (M), Rangareddy District.
13.	R32	M/s. B.N.R Stone Crushers (Mine), Sy.No. 268, Chinnaraviryal (V), Abdullapurmet (M), Rangareddy District.

