

IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 819 OF 2022

IN THE MATTER OF:

ABHISHEK PANWAR

Applicant

Versus

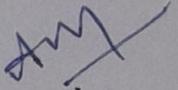
U.P.P.C.B. & Ors

...Respondent(s)

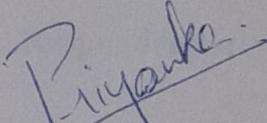
INDEX

S. No.	Particulars	Page No.
1.	Index	1-2
2.	Reply on behalf of State Level Environment Impact Assessment Authority, Uttar Pradesh	3-9
3.	Prayer	10
4.	Duly signed affidavit	11-12

5.	<b>Annexure- I:</b> True copy of Ministry of Environment and Forest, Govt. of India notification dated 14/09/2006 (as amended).	13-25
6.	<b>Annexure- II:</b> True copy of Govt. of India notification bearing no. S.O 3338(E) dated. 16.10.2017 constitution of SEIAA and SEAC.	26-30
7.	<b>Annexure- III:</b> True copy of Govt. of India notification bearing no. S.O. 2276(E) dated 11/06/2021 For Reconstitution of SEIAA and SEAC.	31-36

  
Respondent

THROUGH

  
PRIYANKA SWAMI

Advocate

Counsel for SEIAA, U.P.

Chamber 04, Shivalik Tower

Kaushambi, Ghaziabad

Date: \_\_.01.2023

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Reply On Behalf Of RESPONDENT NO. 02- State Level Environment Impact  
Assessment Authority (SEIAA), Uttar Pradesh.

MOST RESPECTFULLY SHOWETH: -

Preliminary submissions:-

1. It is submitted that an online application has filed in above mentioned matter by Mr. Abhishek Panwar under Sections 14 and 15 of the National Green Tribunal Act, 2010 in public interest for agitating the

cause of severe level of air pollution and degradation of water quality in District Saharanpur due to pollution caused by illegal mushrooming of brick kilns in clusters and near water bodies and due to failure on part of the concerned authorities in stopping them from causing irreversible damage to the environment of the area which is causing serious damage to the health of the local residents.

2. That on 18.11.2022 the Hon'ble Tribunal passed an order

*"In the application, the applicant has made detailed averments as to the violations of the environmental norms which are summarily mentioned as under :-*

- (I) As per the status of brick kilns in the State of Uttar Pradesh provided by UPPCB in Saharanpur around 263 Brick Kilns have been established out of which 25 units have not applied for permission for CTO from UPPCB and closure order has been issued against them but prosecution has been launched only against 3 units and no action has been taken against majority of brick kilns operating illegally.*
- (II) The closure orders passed by UPPCB are nothing more than a paper formality. Due to failure on part of the concerned authorities in taking stringent and effective action these illegal bricks kilns are still operating at the same place just by changing the name on paper as no Khasra number is mentioned.*
- (III) Brick kilns are operating very close to each other and not maintaining the distance of minimum 500 meters between them. Also, the same are established very close to the residential complex, schools, etc. The siting criteria provided under the rules*

*is being violated by the brick kiln operators and the UPPCB has failed to take necessary action against them.*

- (IV) *The Secretary of the Uttar Pradesh Environment Department issued a letter dated 01.05.2020 informing about the notification of the Ministry of Environment and Forest (MoEF) dated 28.03.2020 whereby considering the public good, the MoEF has granted exemption from prior environmental clearance for certain categories of works in which brick kilns are not included. The State Government by making amendment in the Rules granted exemption to brick makers from getting prior environmental clearance for manual excavation of soil by hand digging, provided that the depth of pits resulting from such excavation or mining shall not exceed 2 meters. The State Government by making amendment in the Rules allowed the brick makers to openly exploit and harm the ecology and environment for own commercial advantage without any check. The brick makers of Saharanpur do not record the daily data of soil excavation at the project site and many kiln owners are openly violating the said rules by digging the soil for more than 2 meters and no action has been taken against them by the concerned authorities.*
- (V) *The brick kilns operators of District Saharanpur are using huge quantity of underground water for casting of bricks and dust suppression but they have not applied for permission for extraction of ground water.*
- (VI) *Almost all the brick kilns in Saharanpur have not converted to zig zag technology and they are operating throughout the year.*

(VII) Due to operation and mushrooming of illegal brick kilns in clusters not only the air quality of the District Saharanpur has become severe but the same is also causing problem of land degradation and contamination of surface and water quality of the region. The brick kilns are operating next to Yamuna canal and causing damage to the water bodies. Discharge of untreated effluent is severely polluting Hindon River.

3. The applicant has accordingly sought issuance of directions for remedial action as prayed for in the application.
4. Prima facie, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.
5. Notice of the application be issued to the respondents requiring the respondents to file reply by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
6. We also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of Uttar Pradesh Pollution Control Board and the District Magistrate, Saharanpur and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, verify the factual position and submit its report **within one month** by e-mail at [judicialngt@gov.in](mailto:judicialngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

7. *In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to concerned statutory authorities including State PCB, and District Magistrate, Saharanpur who shall take appropriate remedial action by following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment and submit their action taken report by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF within one month from the date of receipt of a copy of the report of the Joint Committee.*
8. That the Ministry of Environment and Forest, Govt. of India through its notification dated 14/09/2006, herein is annex as **Annexure I** has made it mandatory to obtain Prior Environmental Clearance prior to establishment or expansion of any such project or activity which is listed in the schedule of notification.
9. That the Environmental clearance shall be required for:
  - a) All new projects or activities listed in the Schedule to this notification.
  - b) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

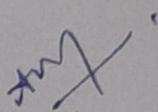
- c) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range.
  - d) Objective of this process is to impose certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts.
10. That the environmental clearance shall be taken from Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level, the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity. The State Environment Impact Assessment Authority (SEIAA) shall base its decision on the recommendations of a State level Expert Appraisal Committee (SEAC).
11. That the SEIAA and SEAC, Uttar Pradesh have been constituted by Ministry of Environment and Forest & CC, Govt. of India vide notification bearing no. S.O 3338(E) dt. 16.10.2017, herein is annex as **Annexure II** and subsequently reconstituted through notification bearing no. S.O. 2276(E) dated 11/06/2021, herein is annex as **Annexure III**.
12. That the Directorate of Environment, Govt. of U.P. has been declared to function as Secretariat to these statutory bodies i.e. SEIAA and SEAC by State Government.

13. That all such project proposals received to the SEIAA, UP for Prior Environmental Clearance are dealt according to the EIA Notification, 2006, is already annex as **Annexure I**.
14. That the SEIAA, having limited power/jurisdiction and complies accordingly. We as an organization have very limited authority and resources thereby restricting our scope of work. SEIAA draws its delegated authority and responsibilities from the Ministry of Environment, Forest & Climate Change.
15. That the District Administration/ Department of Geology and Mining U.P. regulate mining in terms of area, quantity, exploration and also control the actual mining work in the field. The cases of illegal mining/violations may also be provided/ dealt by the District Administration/ Department of Geology and Mining.
16. That it becomes necessary to mention here that the establishment of brick kilns does not come in the purview of EIA notification, 2006, CTE/CTO for establishment/Operation of brick kilns is being dealt by Uttar Pradesh Pollution Control Board.

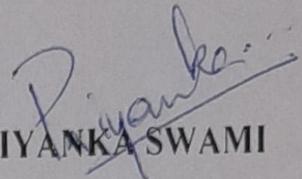
### PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. Dismiss this Application with Exemplary cost Or
- ii. Pass any such other order as may deem fit.

  
Respondent

THROUGH

  
PRIYANKA SWAMI

Advocate

Counsel for SEIAA, U.P.

Chamber 04, Shivalik Tower

Kaushambi, Ghaziabad

Date: \_\_.01.2023

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AFFIDAVIT

Affidavit of Sh. ANURAG KUMAR YADAV, aged about 46 years s/o Sh. P.N.Singh, presently posted as DEPUTY DIRECTOR, DIRECTORATE OF ENVIRONMENT U.P., having office at E-12/1, NOIDA, Uttar Pradesh.

1. That I am posted as stated above and well conversant with the facts of the present case on the basis of official record and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying reply has been drafted by our counsel upon my instructions based on official records.



3. That the contents of the accompanying reply are true and correct and the knowledge has been derived from official records and nothing material has been concealed there from.

I identify the Deponent who has signed/put thumb impression in my presence

*[Handwritten Signature]*

DEPONENT

2301 JAN 2023

VERIFICATION

Verified on solemn affirmation at New Delhi on this \_\_\_\_\_ day of January, 2023, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed there from.

*[Handwritten Signature]*

DEPONENT



*Handwritten:* 11/panka: D/4476/10.

CERTIFIED THAT THE DEPONENT  
Shri/Smt./Km... *anurag kumar*  
S/o, W/o, D/o, Sh... *P.N. Singh*  
Identified by Shri/Smt. *P. N. Singh*  
has solemnly affirmed before me at Delhi  
on..... *19/23*.....Sl. No.. ....  
that the contents of the affidavit which  
have been read Over & explained to him/ha,  
are true & correct to his/her knowledge

Oath Commissioner KKD Court Delhi

31 JAN 2023

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

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

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

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

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

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

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

<sup>1</sup>Includes the territorial waters

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

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

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

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

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

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

#### 4. Categorization of projects and activities:-

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

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

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

#### 5. Screening, Scoping and Appraisal Committees:-

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

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

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

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

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

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

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

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

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

##### I. Stage (1) - Screening:

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

##### II. Stage (2) - Scoping:

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

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

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

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

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

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

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

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

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

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

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

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

#### **IV. Stage (4) - Appraisal:**

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

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

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

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

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

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

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

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

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

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

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

#### 9. Validity of Environmental Clearance (EC):

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

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

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

#### 10. Post Environmental Clearance Monitoring:

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

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

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

**11. Transferability of Environmental Clearance (EC):**

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

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

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

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

रजिस्ट्री सं० डी० एल०-33004/99

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# भारत का राजपत्र

## The Gazette of India

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 16 अक्टूबर, 2017

**का.आ. 3338 (अ).**—केन्द्रीय सरकार, भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) के अनुसरण में पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण उत्तर प्रदेश (जिसे इसमें इसके पश्चात् प्राधिकरण कहा गया है) गठित करती है, जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—

1.	प्रो. राणा प्रताप सिंह मकान नं. 247, सेक्टर-2, उद्यान-II एल्लिको, रायबरेली रोड, लखनऊ-226025, उत्तर प्रदेश।	अध्यक्ष
2.	डॉ. (श्रीमती) मधु भारद्वाज, बी-2/879, विनय खंड, गोमती नगर, लखनऊ-226010, उत्तर प्रदेश।	सदस्य
3.	सदस्य-सचिव, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड।	सदस्य-सचिव।

2. प्राधिकरण के अध्यक्ष और सदस्य, राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए पद धारण करेंगे।

3. प्राधिकरण, उत्तर प्रदेश ऐसी शक्तियों का प्रयोग करेगा और ऐसी प्रक्रिया का पालन करेगा जो उक्त अधिसूचना में प्रगणित हैं।

4. प्राधिकरण उत्तर प्रदेश, उत्तर प्रदेश राज्य के लिए इस अधिसूचना के पैरा 5 के अधीन गठित राज्य स्तरीय विशेषज्ञ आंकन समिति द्वारा की गई सिफारिशों के आधार पर अपना विनिश्चय करेगा।
5. प्राधिकरण, उत्तर प्रदेश को सहायता प्रदान करने के लिए केन्द्रीय सरकार, उत्तर प्रदेश राज्य सरकार के परामर्श से, राज्य विशेषज्ञ आंकन समिति (सीईएसी), (जिसे इस अधिसूचना में इसके पश्चात् सीईएसी, उत्तर प्रदेश, कहा गया है) गठित करती है, जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—

1.	डॉ. (प्रो.) एस.एन.सिंह 645 ए/797, जानकी बिहार कॉलानी, (सरस्वतीपुरम), जानकीपुरम एक्सटेंशन, लखनऊ-226031, उत्तर प्रदेश।	अध्यक्ष
2.	डा. सरिता सिन्हा 2/146, विवेक खंड-II, गोमती नगर, लखनऊ-226010 उत्तर प्रदेश।	सदस्य;
3.	डॉ. अरविंद माथुर रिमोट सेंसिंग एप्लीकेशन सेंटर, उत्तर प्रदेश, सेक्टर-जी, जानकीपुरम, कुर्सी रोड, लखनऊ- 226010, उत्तर प्रदेश।	सदस्य
4.	डॉ. विरेन्द्र मिश्रा 538 के/1681 पानी की टंकी के नज़दीक, त्रिवेणी नगर II, सीतापुर रोड लखनऊ-226020, उत्तर प्रदेश।	सदस्य;
5.	श्री प्रमोद कुमार मिश्रा प्रधान, पर्यावरण विज्ञान विभाग स्नातकोत्तर महाविद्यालय, गाज़ीपुर-233001, उत्तर प्रदेश।	सदस्य;
6.	डॉ. रीछपाल सिंह संगु 499 सी, सेक्टर-13, आवास विकास कालोनी, सिकंदरा, आगरा-282007 उत्तर प्रदेश।	सदस्य ;
7.	प्रो. डी.पी.सिंह 250, एल्डिको-II, उद्यान-II, रायबरेली रोड, लखनऊ-226010 उत्तर प्रदेश।	सदस्य;
8.	डॉ. रंजीत कुमार दलेला मकान नं. 1/2 सेक्टर-13, विकास नगर, लखनऊ-226022, उत्तर प्रदेश	सदस्य;
9.	श्री रमेश चंद्र कटारियां क्यू-404, अनुपम अपार्टमेंट, ईस्ट अर्जुन नगर, शाहदरा, दिल्ली-110032	सदस्य;
10.	प्रो. एस.के. उपाध्याय 40, नवशील धाम, बिठौर रोड, कल्याणपुर, कानपुर-208017, उत्तर प्रदेश	सदस्य;
11.	डॉ. अर्जुन कुमार मंडल डी-68, भूमि तल, शाम नगर, ख्याला रोड, नई दिल्ली-110018	सदस्य;
12.	श्री मिराजउद्दीन 278/49, खुर्शीद विला, तयाल बिहार कालोनी, ऐशबाग रोड, लखनऊ-226004, उत्तर प्रदेश	सदस्य;

13.	डी राजीव कुमार रघुसत्यम, बी-2/4, बिजयंत खंड, गोमती नगर, लखनऊ-226010, उत्तर प्रदेश	सदस्य;
14.	निदेशक, पर्यावरण, उत्तर प्रदेश सरकार	सचिव।

6. एसईएसी उत्तर प्रदेश के अध्यक्ष और सदस्य राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए पद धारण करेंगे।
7. एसईएसी उत्तर प्रदेश, ऐसी शक्तियों का प्रयोग करेगी और ऐसी प्रक्रिया का अनुसरण करेगी जो उक्त अधिसूचना में प्रगणित है।
8. एसईएसी उत्तर प्रदेश, सामूहिक उत्तरदायित्व के सिद्धांत पर कार्य करेगी और अध्यक्ष प्रत्येक मामले में सर्वसम्मति पर पहुंचने का प्रयास करेगा और यदि सर्वसम्मति पर नहीं पहुंचा जा सकता है तो बहुमत का मत अभिभावी होगा।
9. उत्तर प्रदेश सरकार, प्राधिकरण, उत्तर प्रदेश और एस.ई.ए.सी. उत्तर प्रदेश के लिए सचिवालय के रूप में कार्य करने के लिए किसी अभिकरण को अधिसूचित करेगी और सचिवालय सभी वित्तीय और संभार तंत्र समर्थन जिसके अंतर्गत वास-सुविधा, परिवहन और प्राधिकरण के सभी कानूनी कृत्यों के संबंध में ऐसी अन्य सुविधाएं भी हैं, को उपलब्ध कराएगा।
10. प्राधिकरण, उत्तर प्रदेश तथा एसईएसी उत्तर प्रदेश के अध्यक्ष और सदस्यों को बैठक के लिए फीस, यात्रा भत्ता और महंगाई भत्ता उत्तर प्रदेश सरकार के नियमों के अनुसार संदत्त होंगे।

[फा. सं. जे-11013/43/2007-आईए. II (1)]

ज्ञानेश भारती, संयुक्त सचिव

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

**NOTIFICATION**

New Delhi, the 16th October, 2017

**S.O. 3338(E).**—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 the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 1533(E), dated the 14th September, 2006 (hereinafter referred to as the said notification), the Central Government hereby constitutes the State Level Environment Impact Assessment Authority, Uttar Pradesh (hereinafter referred to as the Authority, Uttar Pradesh) comprising of the following Members, namely:—

1. Prof. Rana Pratap Singh  
House No. 247, Sector-2, Udyan-II,  
Eldeco, Raebareilly Road,  
Lucknow - 226025, Uttar Pradesh  
-Chairman;
2. Dr. (Smt.) Madhu Bhardwaj  
B-2/879, Vinay Khand, Gomti Nagar,  
Lucknow - 226010, Uttar Pradesh  
-Member;

4

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

3. Member Secretary,  
Uttar Pradesh Pollution Control Board
- Member Secretary.

2. The Chairman and Members of the Authority, Uttar Pradesh shall hold office for a term of three years from the date of publication of this order in the Official Gazette.

3. The Authority, Uttar Pradesh shall exercise such powers and follow such procedures as enumerated in the said notification.

4. The Authority, Uttar Pradesh shall take its decision after the recommendations of the State Level Expert Appraisal Committee constituted under paragraph 5 of this notification for the State of Uttar Pradesh.

5. To assist the Authority, Uttar Pradesh, the Central Government in consultation with the State Government of Uttar Pradesh, hereby constitutes the State Expert Appraisal Committee (SEAC) (hereinafter in this notification referred to as SEAC, Uttar Pradesh) comprising of the following Members, namely:—

1.	Dr. (Prof.) S.N. Singh 645 A/797, Janki Vihar Colony, (Saraswatipuram), Jankipuram Extension, Lucknow - 226031, Uttar Pradesh	-Chairman;
2.	Dr. Sarita Sinha 2/146, Vivek Khand-II, Gomti Nagar, Lucknow - 226010, Uttar Pradesh	-Member;
3.	Dr. Arvind Mathur Remote Sensing Application Centre, Uttar Pradesh, Sector - G, Jankipuram, Kursi Road, Lucknow- 226021, Uttar Pradesh	-Member;
4.	Dr. Virendra Mishra 538 K/1681 Near Water Tank, Triveni Nagar II, Sitapur Road, Lucknow - 226020, Uttar Pradesh	-Member;
5.	Dr. Pramod Kumar Mishra Head, Department of Environment Science, Post Graduate College, Ghazipur - 233001, Uttar Pradesh	-Member;
6.	Dr. Richhpal Singh Sangu 499 C, Sector-13, Avas Vikas Colony, Sikandara, Agra - 282007, Uttar Pradesh	-Member;
7.	Prof. D.P. Singh 250, Eldeco-II, Udyan-II, Raebareilly Road, Lucknow - 226025, Uttar Pradesh	-Member;
8.	Dr. Ranjeet Kumar Dalela House No. ½, Sector-13, Vikas Nagar, Lucknow - 226022, Uttar Pradesh	-Member;

9.	Shri Ramesh Chandra Katariya Q-404, Anupam Apartment, East Arjun Nagar, Shahdara, Delhi-110032.	-Member;
10.	Prof. S.K. Upadhyay 40, Navsheel Dham, Bithore Road, Kalyanpur, Kanpur -208017, Uttar Pradesh	-Member;
11.	Dr. Ajoy Kumar Mandal D-68, Ground Floor, Sham Nagar, Khyala Road, New Delhi -110018	-Member;
12.	Shri Meraj Uddin 278/49, Khursheed Villa, Tayal Vihar Colony, Aishbagh Road, Lucknow - 226004, Uttar Pradesh	-Member;
13.	Shri Rajive Kumar Raghusatyam, B-2/4, Vijyant Khand, Gomti Nagar, Lucknow - 226010, Uttar Pradesh	-Member;
14.	Director, Environment, Government of Uttar Pradesh	-Secretary.

6. The Chairman and Members of SEAC, Uttar Pradesh shall hold office for a term of three years from the date of publication of this order in the Official Gazette.

7. The SEAC, Uttar Pradesh shall exercise such powers and follow such procedures as enumerated in the said notification.

8. The SEAC, Uttar Pradesh shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

9. The Government of Uttar Pradesh shall notify an agency to act as Secretariat for the Authority, Uttar Pradesh and SEAC, Uttar Pradesh and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of the statutory functions of the Authority, Uttar Pradesh and SEAC, Uttar Pradesh.

10. The sitting fee, travelling allowances and dearness allowances to the Chairman and Members of the Authority, Uttar Pradesh and SEAC, Uttar Pradesh shall be paid as per the rules of the Government of Uttar Pradesh.

[F. No. J-11013/43/2007-IA-II (I)]

GYANESH BHARTI, Jt. Secy.

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# भारत का राजपत्र The Gazette of India

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असाधारण  
EXTRAORDINARY

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

प्राधिकार से प्रकाशित  
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नई दिल्ली, शुक्रवार, जून 11, 2021/ज्येष्ठ 21, 1943  
NEW DELHI, FRIDAY, JUNE 11, 2021/JYAISHTHA 21, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय  
अधिसूचना

नई दिल्ली, 11 जून, 2021

का. आ. 2276(अ).—केंद्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के पूर्ववर्ती पर्यावरण और वन मंत्रालय की तारीख 14 सितम्बर, 2006 की अधिसूचना संख्या का. आ. 1533 (अ) के अनुसरण में, (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है), और भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की दिनांक 16 अक्टूबर, 2017 की अधिसूचना संख्या का. आ. 3338 (अ) को, उन बातों के सिवाय अधिकांश करते हुए जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है, उत्तर प्रदेश की राज्य सरकार के परामर्श से, एतद्द्वारा राज्य स्तरीय पर्यावरण प्रभाव आकलन प्राधिकरण (एसईआईएए) (जिसे इसमें इसके पश्चात् प्राधिकरण, उत्तर प्रदेश के रूप में उल्लिखित किया गया है) का निम्नलिखित सदस्यों को सम्मिलित करते हुए गठन करती है, अर्थात् :

1	2	3
1.	डॉ. राजीव कुमार गर्ग, 17, राणा प्रताप मार्ग, लखनऊ	अध्यक्ष;
2.	श्री पारसनाथ, हाउस न. 2/386 वीनामरखंड, गोमती नगर, लखनऊ	सदस्य;
3.	सदस्य सचिव उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड	सदस्य सचिव

2. प्राधिकरण, उत्तर प्रदेश के अध्यक्ष और सदस्य राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की समयावधि के लिए कार्यभार संभालेंगे।
3. प्राधिकरण, उत्तर प्रदेश उक्त अधिसूचना में यथा विनिर्दिष्ट शक्तियों का प्रयोग और प्रक्रियाओं का पालन करेगा।
4. प्राधिकरण, उत्तर प्रदेश, उत्तर प्रदेश राज्य के जिन पैरा 5 के अधीन मंडित राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति (एस ई ए मी 1) की सिफारिशों पर अपना निर्णय लेगा।
5. प्राधिकरण, उत्तर प्रदेश की सहायता के प्रयोजन के लिए, केंद्रीय सरकार, उत्तर प्रदेश की राज्य सरकार के परामर्श से एतद्द्वारा दो राज्य स्तरीय विशेषज्ञ मूल्यांकन समितियों अर्थात् राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति-1 और राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति-2 (जिसे इसमें इसके पश्चात् एसईएमी-1 और एसईएमी-2, उत्तर प्रदेश के रूप में उल्लिखित किया गया है) का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:

एसईएमी-1, उत्तर प्रदेश

1	2	3
1.	श्री राजीव कुमार, रघुसत्यम बी-2/4 विजयंत खंड, गोमती नगर, लखनऊ-226010	अध्यक्ष ;
2.	डॉ. अजय मिश्रा, जियोलॉजी विभाग, लखनऊ विश्वविद्यालय, लखनऊ-226007	सदस्य ;
3.	श्री ओम प्रकाश श्रीवास्तव, एच-150, साउथ सिटी, पीजीआई रोड, लखनऊ-226025	सदस्य ;
4.	डॉ. बृज बिहारी अवस्थी फ्लैट न. 503, टावर-एम, रोहतास प्लूमेरिया अपार्टमेंट, विभूति खंड, गोमती नगर, लखनऊ- 226010	सदस्य ;
5.	श्री उमेशचंद्र शर्मा, 88 ए, मानस नगर, शाहगंज, आगरा-282010	सदस्य ;
6.	डॉ. रत्नाकर वीरवल साहनी इंस्टीच्यूट ऑफ पैलियोसाइंसेज, 53, यूनिवर्सिटी रोड, लखनऊ-226007	सदस्य ;
7.	निदेशक, पर्यावरण विभाग, उत्तर प्रदेश सरकार	सदस्य सचिव ;

एसईएमी-2, उत्तर प्रदेश

1	2	3
1.	डॉ. हरिकेश बहादुर सिंह, 13/21 विकास नगर, पोस्ट ऑफिस विकास नगर, लखनऊ- 226022	अध्यक्ष ;
2.	डॉ. अमृत लाल हलधर, 7/554 ए विकास नगर (सीआईएमएपी कॉलोनी के सामने), नार्दन गेट, लखनऊ 226022	सदस्य ;

3.	डॉ. दिनेश्वर प्रसाद सिंह, फ्लैट न. बी-0701 गोदरेज सम्मिट, सेक्टर 104 द्वारका एक्सप्रेसवे, हरियाणा- 122006	सदस्य ;
4.	श्री तंज़र उल्लाह खान बी- 904, अंतरिक्ष अपार्टमेंट, सेक्टर-52, नोएडा, उत्तर प्रदेश	सदस्य ;
5.	प्रो. जसवंत सिंह, पर्यावरण विज्ञान विभाग, विभागाध्यक्ष, डॉ राम मनोहर लोहिया अवध यूनिवर्सिटी, अयोध्या, 224001	सदस्य ;
6.	डॉ. शिवओम सिंह, 8, उर्मिला विहार, कंपू लक्ष्कर, ग्वालियर, 474001 मध्य प्रदेश	सदस्य ;
7.	निदेशक पर्यावरण विभाग, उत्तर प्रदेश सरकार	सदस्य सचिव ;

6. एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश के अध्यक्ष और सदस्य, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की समयावधि के लिए कार्यभार संभालेंगे।
7. एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश उक्त अधिसूचना में यथा विनिर्दिष्ट शक्तियों का प्रयोग और प्रक्रियाओं का पालन करेगा।
8. एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश सामूहिक उत्तरदायित्व के सिद्धांत पर कार्य करेगी और अध्यक्ष प्रत्येक मामले में सहमति प्राप्त करने का प्रयास करेंगे और यदि सहमति प्राप्त नहीं हो सकती, बहुमत का विचार अभिभावी होगा।
9. हितों के किसी विवाद से बचने के लिए :
- (क) प्राधिकरण, उत्तर प्रदेश और एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश के अध्यक्ष और सदस्य यह घोषित करेंगे कि वे किस परामर्शी संगठन और किस परियोजना प्रस्तावक के साथ जुड़े हुए हैं।
- (ख) प्राधिकरण, उत्तर प्रदेश और एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश के अध्यक्ष और सदस्य अपने कार्यकाल के दौरान ऐसी किसी भी परियोजना के लिए पर्यावरण प्रभाव मूल्यांकन (ईआईए), पर्यावरण प्रबंधन योजना तैयार करने में न तो कोई परामर्श देंगे, न ही उससे जुड़ेंगे, जिसका मूल्यांकन प्राधिकरण, उत्तर प्रदेश और एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश द्वारा किया जाना है; और
- (ग) यदि गत पाँच वर्षों में प्राधिकरण, उत्तर प्रदेश और एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश के अध्यक्ष या किसी सदस्य ने किसी परियोजना प्रस्तावक के लिए कोई परामर्शी सेवा प्रदान की है या ईआईए अध्ययनों का संचालन किया है, ऐसी स्थिति में, वे ऐसे प्रस्तावकों द्वारा प्रस्तावित की जाने वाली किसी परियोजना के मूल्यांकन की प्रक्रिया में प्राधिकरण, उत्तर प्रदेश और एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश की बैठकों में स्वयं सम्मिलित होने से बचेंगे।
10. प्राधिकरण, उत्तर प्रदेश और एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश के लिए सचिवालय के रूप में कार्य करने के लिए उत्तर प्रदेश सरकार एक अभिकरण को अधिसूचित करेगी और वह सचिवालय उनके सभी सांविधिक कार्यों के संबंध में आवास, परिवहन और ऐसी अन्य सुविधाओं सहित सभी वित्तीय और संभार तंत्र सहायता प्रदान करेगा।
11. प्राधिकरण, उत्तर प्रदेश और एसईएसी-1 और एसईएसी-2, उत्तर प्रदेश के अध्यक्ष और सदस्यों को बैठक शुल्क, यात्रा भत्ता और महंगाई भत्ता उत्तर प्रदेश राज्य सरकार के नियमों के अनुसार दिया जाएगा।

[फा. सं. जे-11013-43/2007.आईए-II(I) पार्ट-I]

डॉ. सुजीत कुमार वाजपेयी, संयुक्त सचिव

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

## NOTIFICATION

New Delhi, the 11th June, 2021.

**S.O. 2276(E).**—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 the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the said notification), and in supersession of the notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 3338(E), dated the 16<sup>th</sup> October, 2017, except as respects things done or omitted to be done before such supersession, the Central Government in consultation with the State Government of Uttar Pradesh, hereby constitutes the State Level Environment Impact Assessment Authority (SEIAA) (hereinafter referred to as the Authority, Uttar Pradesh) comprising of the following Members, namely: -

(1)	(2)	(3)
1.	Dr. Rajiv Kumar Garg 17, Rana Pratap Marg, Lucknow	Chairman;
2.	Shri Parasnath House No. 2/386 Vinamrakhand Gomti Nagar, Lucknow	Member;
3.	Member Secretary Uttar Pradesh Pollution Control Board	Member Secretary.

2. The Chairman and Members of the Authority, Uttar Pradesh shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

3. The Authority, Uttar Pradesh shall exercise such powers and follow such procedures as specified in the said notification.

4. The Authority, Uttar Pradesh shall take its decision on the recommendations of the State Level Expert Appraisal Committee -1(SEAC-1) constituted under paragraph 5 for the State of Uttar Pradesh.

5. For the purpose of assisting the Authority, Uttar Pradesh, the Central Government in consultation with the State Government of Uttar Pradesh, hereby constitutes two State Level Expert Appraisal Committees, that is, the State Level Expert Appraisal Committee-1 and State Level Expert Appraisal Committee-2 (hereinafter referred to as the SEAC-1 and SEAC-2, Uttar Pradesh) comprising of the following Members, namely: -

SEAC-1, Uttar Pradesh:

(1)	(2)	(3)
1.	Shri Rajiv Kumar Raghusatyam B-2/4 Vijyantkhand Gomti Magar Lucknow-226010	Chairman;
2.	Dr. Ajai Mishra Department of Geology, Lucknow University Lucknow-226007	Member;
3.	Mr Om Prakash Srivastava H-150, Southcity PGI Road, Lucknow- 226025	Member;

4.	Dr. Brij Bihari Awasthi Flat No. 503, Tower-M, Rohtash Plumeriya Apartment, Vibhuti Khand, Gomti Nagar, Lucknow- 226010	Member;
5.	Shri Umesh Chand Sharma 88A, Manas Nagar, Shahganj, Agra-282010	Member;
6.	Dr. Ratankar Birbal Sahni Institute of Palaeosciences, 53, University Road, Lucknow-226007	Member;
7.	Director, Environment Department. Govt. of UP	Member Secretary.

## SEAC-2, Uttar Pradesh:

(1)	(2)	(3)
1.	Dr Harikesh Bahadur Singh 13/21, Vikas Nagar, PO Vikas Nagar, Lucknow-226022	Chairman;
2.	Dr. Amrit Lal Haldar 7/554A, Vikas Nagar (Opp CIMAP Colony), Northern Gate, Lucknow-226022	Member;
3.	Dr. Dineshwar Prasad Singh Flat No. B0701, Godrej Summit, Sector-104, Dwaraka Expressway, Haryana-122006	Member;
4.	Shri Tanzar Ullah Khan B-904 Antrarish Apartment, Sec-52, Noida, U.P.	Member;
5.	Prof. Jaswant Singh Head of Environment Science Department, Dr. Ram Manohar Lohia Awadh University, Ayodhya- 224001	Member;
6.	Dr. Shiv Om Singh, 8, Urmilla Vihar, Kampoo, Lashkar, Gwalior- 474001 Madhya Pradesh	Member;
7.	Director, Environment Department. Govt. of UP	Member Secretary.

6. The Chairman and Members of the SEAC-1 and SEAC-2, Uttar Pradesh shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

7. The SEAC-1 and SEAC-2, Uttar Pradesh shall exercise such powers and follow such procedures as specified in the said notification.

8. The SEAC-1 and SEAC-2, Uttar Pradesh shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6  
9. In order to avoid any conflict of interest -

- (a) the Chairman and Members of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh shall declare as to which consulting organisation they have been associated with and also the project proponents;
- (b) the Chairman and Members of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh shall not undertake any consultation or associate with preparation of Environmental Impact Assessment (EIA) Environment Management Plan for a project, which is to be appraised by the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh during their tenure; and
- (c) if in the past five years, the Chairman or any of the Members of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh have provided consultancy services or conducted EIA studies for any project proponent, in that event they shall recuse themselves from the meeting of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh in the process of appraisal of any project being proposed by such proponents.

10. Government of Uttar Pradesh shall notify an agency to act as Secretariat for the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all their statutory functions.

11. The sitting fee, travelling allowances and dearness allowances to the Chairman and Members of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh shall be paid as per the rules of the State Government of Uttar Pradesh.

[F. No. J.11013-43/2007-IA.II(I) Pt.I]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.