

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

OA NO. 28 / 2025

Shree Siddheshwar Sahakari

Sakhar Karkhana Ltd.

... Applicant

v.

MoEF&CC & Ors.

... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 2, SEIAA

Sr. No.	Annexure	Particulars	Page Nos.
1.		Reply by Respondent No.2 SEIAA	
2	1	SEIAA Minutes of Meeting 8 th August, 2024	
3.	2	Copy of the final judgment by Hon'ble Supreme Court in WP No. 1394/2023 Vanashakti v. Union of India	

Pune

Date : 13-06-2025



Adv. Aniruddha S Kulkarni

Standing Counsel

Environment and Climate Change Department

Government of Maharashtra



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Shree Siddheshwar Sahakari

Sakhar Karkhana Ltd.

... Applicant

v/s.

MoEF&CC & Ors.

... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 2, SEIAA

I, Dattatray Suryakant Bhalerao, Scientist I and Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. It is submitted that at the very outset this respondent denies each averment made in the present appeal which is contrary to and inconsistent with the

averments made and facts states in the present reply. It is submitted that nothing stated in the appeal may deemed to have been admitted by this respondent unless and until the same has been admitted by the respondent.

2. This original application has been filed praying for directions to be issued to SEIAA to consider the Applicant's pending Application cum Proposal, for Environmental Clearance as recorded in Minutes dated 08.08.2024, expeditiously in a time bound manner in view of the ongoing crushing season for the Sugar Factory and in accordance to the Office Memorandum dated 14.03.2017 of the MoEF&CC.
3. MoEF&CC issued the one time Amnesty Scheme on 14-03-2017 which was valid till 13-09-2017 and further for a period of one month from 14-03-2018 till 13-04-2018.
4. Admittedly the present case is of violation of EIA Notification, 2006. PP made application to MoEF&CC on 26th September, 2013 for grant of ToR, which was granted to them on 24th February, 2014. EIA / EMP report was submitted to EAC, MoEF&CC on 2nd December, 2015. EAC considered the proposal on 30th March, 2016 and deferred the proposal for compliance on various points as recorded in the minutes.



5. The proposal was then considered by the EAC between 20th to 21st July, 2016 and EAC did not agree with compliance submitted by the PP for expansion.
6. Upon receipt of the representation from the PP for reconsideration of the proposal, MoEF&CC asked the Regional Office of MoEF&CC to conduct site visit. Site visit was conducted on 25th June, 2018 and visit report was submitted to the MoEF&CC on 9th July, 2018. The visit report alongwith other observations noted that PP have installed 38 MW co-gen power plant without prior EC and expansion of sugar plant has been carried out from 2500 TCD to 5000 TCD. Therefore proposal was considered by the EAC as a violation project and dealt it as violation case as per the EIA Notification, 2006 in its meeting held between 22-24th October, 2018 and granted ToR on 3rd December, 2018 as per the Amnesty Scheme of 14th March, 2017.
7. Public hearing for violation was conducted at project site by the Collector and MPCB on 10th December, 2020. **Subsequent to that PP submitted the grant of EC to the EAC, MoEF&CC on 2nd September, 2021.**
8. In between, the MoEF&CC issued notification dated 13-06-2019 and after that as PP approached the EAC, they suggested PP to submit EIA / EMP report to the SEIAA vide their EDS dated 08-10-2021.



9. Accordingly, PP submitted their application for the grant of EC to the SEIAA on 22th April, 2021.
10. Since the PP submitted the grant of EC to the EAC, MoEF&CC on 2nd September, 2021 and to the SEIAA on 22th April, 2021, SEIAA considered the application of the PP under the SoP dated 07-07-2021. SEIAA could not have considered their application under the Amnesty Scheme as it was not existing that time. Therefore it is wrong on the part of the applicant to contend that their application should be considered under the Amnesty Scheme and not under the SoP dated 07-07-2021.
11. SEAC considered the proposal between 27th to 29th December, 2021. PP admitted the violation done by them regarding installation of the 38 MW co-generation plant without prior EC and expanded crushing capacity from 2500 TPD to 5000 TCD. PP requested regularisation of the violation. SEAC asked PP to submit compliance on various points.
12. SEIAA considered the proposal on 21st February, 2022 and observed that SEAC has not appraised the proposal as per the SEIAA approach paper and therefore SEIAA referred the proposal back to SEAC and reconsider the proposal as per approach paper to appraise the violation category projects.



A handwritten signature in blue ink, appearing to be "S. Anand", located below the notary seal.

13. SEAC considered the proposal on 6th August, 2022 wherein PP was absent.

14. In between PP went to the Hon'ble High Court to get relief for cursing of sugar cane for the quantity more than consented quantity. The Hon'ble High Court directed SEAC to consider the proposal on merits before 28th November, 2022. Accordingly SEAC considered the application on 27th October, 2022.

15. PP submitted damage assessment as per approach paper adopted by SEIAA. Damage assessment has been calculated for the construction and operation phase from 17-12-2013 to 20-03-2017 total 1189 days and operation phase from 09-07-2018 to 31-05-2022 total 1422 days, total damage cost of Rs. 10,33,75,599 (Rs. 10.33 Cr). Details of the damage cost and remediation plan are given in detail in the Minutes and not reproduced here.

16. As per MoEF&CC notification dated 1st May, 2018, the Corporate Environment Responsibility expenditure worked out as 0.75% of cost of expansion. Since the cost of expansion has been estimated as Rs. 370.43 Cr, 0.75% of same worked out as Rs. 2.78 Cr.

17. SEAC noted that PP has not obtained NOC from the Civil Aviation Ministry to install stack at the project site in terms of ToR dated 03-12-



2018. SEAC opined that EC is not the final clearance under all Acts / Rules, but clearance only under the EIA Notification. PP should obtain all other Consent, Permissions, NOCs as required under those relevant Acts / Rules.

18. SEAC directed PP to submit penalty of Rs. 3.681 Cr as per the SoP dated 07-07-2021 (1% of project cost of Rs. 273.83 Cr) or expansion activity and 0.25% of total turnover from the year 2016-17 and 2021-22 of Rs. 377.51 Cr (Rs. 0.9437 Cr.).

19. SEAC decided to recommend the proposal to SEIAA subject to action against the PP under Sec. 19 EP Act and deposition of Bank Guarantee of Rs. 10.34 Cr and other conditions which are reproduced in the Minutes.

20. SEIAA considered the proposal in their meeting held on 8th August, 2024 and observed that the Hon'ble Supreme Court in WP No. 1394/2023, Vanashakti v. Union of India vide order dated 02-01-2024 has stayed the operation of both the MoEF&CC dated 07-07-2021 and 28-01-2022, and MoEF&CC has communicated the said decision to SEIAA. Therefore SEIAA decided not to hear the proposal till further instructions from MoEF&CC in this regard and deferred the proposal. Copy of SEIAA Minutes of Meeting dated 8th August, 2024 is annexed as **Annexure 1**.



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21. This Hon'ble Tribunal in OA No. 18/2021 directed the following in para 49 –

In view of above we direct that SEIAA shall process EC after receipt of NOC from DGCA and direct industry to deposit BG for Rs. 10.34 cr and penalty (revised after considering turn over after FY 2021-22, 2022-23) with MPCB. Penalty amount shall be utilized for environmental improvement by MPCB in consultation with the District Collector. Report of utilization of penalty shall be posted on MPCB website.

22. PP has not brought on record in the present case, whether they have received NOC from the Director General Civil Aviation. They have also not submitted the details to SEIAA and yet they are praying for grant of EC by issuing directions to SEIAA.

23. On 16th May, 2025, the Hon'ble Supreme Court in WP No. 1394/2023, Vanashakti v. Union of India has observed the following –

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

Ans 2



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.

24. In light of the above averments the present application has become infructuous because SEIAA cannot consider the application for EC under violation category and therefore the present application needs to be rejected.

25. This respondent craves leave to file any additional reply as and when required. It is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Mumbai
Date


Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra



VERIFICATION

I, Dattatray Suryakant Bhalerao, Scientist I and Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra, Mumbai – 400 032 do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

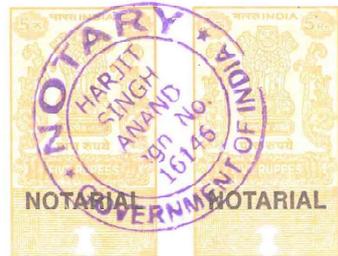
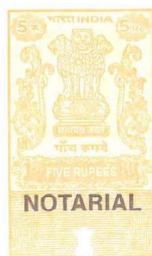
Solemnly affirmed on this _____ day of June, 2025 at Mumbai.

Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra

BEFORE ME

HARJIT SINGH ANAND
ADVOCATE & NOTARY
GOVT. OF INDIA

Sr. No. 2985 Page No. 39
Dated 13 JUN 2025



07

Minutes of 279th Day – 3 (Part D) meeting of SEIAA held on 08th August, 2024

Item no. 39

Proposal No.:- SLA/MH/IND/62878

Type of Project: EC

Subject- Environmental Clearance (Violation) of Modernization –cum-expansion of Sugar Unit (2500 TCD to 7500 TCD), Molasses based Distillery (20 KLPD TO 100 KLPD) AND Installation of Co-generation Power Unit (38MW) Kumathe, Gat no. – 21/1 to 21/6 Village Kumathe, Tikekarwadi, Tal- North Solapur, Dist – Solapur, Maharashtra by M/s. Shree Siddheshwar SSK Ltd.

Project Details-

Representative of PP was present during the meeting along with Accredited Environmental Consultant M/s. Mantras Green Resources Ltd

1. Background:

During meeting, the PP submitted following information of the project,

PP informed that, the violation is regarding completion of expansion of Sugar Cane Crushing plant from 2500 to 7500 TCD and installation of Co-generation plant of 38MW.

M/s. Shree Siddheshwar SSK Ltd initially submitted their application to the EAC Industry II, MOEF & CC under category “A” project on 26th September 2013 for the grant of Terms of References (TOR). The EAC Industry II, MOEF & CC granted TOR on 24th February 2014.

Public hearing was conducted at project site by the District Authority and MPCB on 3rd March 2015. After public hearing final EIA/EMP report was submitted to EAC Industry II, MOEF & CC on 2nd December 2015.

Project was considered and appraised by the EAC Industry II, MOEF & CC for Environmental Clearance in their 6th EAC Industry II meeting held on 30th March 2016. The proposal was deferred for following reasons,

The Committee deliberated upon the issues raised during the Public Hearing / Public Consultation meeting conducted by the Maharashtra Pollution Control Board on 3rd March, 2015. The issues were raised regarding use of treated effluent, spent wash storage, local employment, use of solar energy, water conservation, etc. The Committee noted that issues have satisfactorily been responded by the project proponent and incorporated in the final EIA-EMP report

After detailed deliberations, the Committee deferred the project for want of following information;

- *Commitment to scrap existing plant (20KLPD)*
- *Detailed traffic management due to enhanced production and plan to avoid traffic congestion.*
- *Submit plan (5 % of the project cost) for the enterprise social commitment (ESC) based on the local needs such as medical, sanitation facility and action plan with financial and physical break up details.*


Member Secretary


Chairman

Minutes of 279th Day – 3 (Part D) meeting of SEIAA held on 08th August, 2024

PP submitted above information on 9th Sept 2016 and then the proposal was considered and deliberated in 11th EAC industry II, MOEF & CC held 20th -21st July 2016. The details are as below,

i. PP committed to scrap the existing 20 KLPD distillery. PP earmarked RS. 15.51 crore for CSR activities.

ii. PP informed that the total movement of trucks/ LF/B cart will be 866 numbers per day. The Committee noted that this figure is very high and going to create traffic congestion within the city as plant exists within Municipal limit surrounded by dense population. The Committee noted that, traffic management plan has not been drawn adequately and observed that even during routine situation the proposed expansion will add the problem to the town. PP could not justify the traffic management in the routine as well as extreme situation. Committee also took a note of airport which is reported 2.04 km from the project site.

In view of the above point particularly stated at para ii above, the Committee did not agree with the project for proposed expansion.

After receipt of representation from Project proponent for reconsideration of the proposal. MOEF& CC asked the Regional Officer of MoEF&CC to visit site w.r.t the feasibility of the proposed expansion in respect of traffic, truck movement, population density in and around the plant as well as other environmental factors.

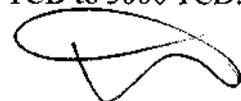
The site visit was carried out by the Regional Officer, MoEF&CC, Nagpur on 25th June 2018 and site visit report submitted to MOEF &CC & Project Proponent on 9th July 2018.

During site visit following observations were made by RO, Nagpur.

- Industry is located at the outer limits of municipal boundary of Solapur city. It is within 400 meters of the boundary of Solapur Municipality limits. Few habitations exist only on north west side of the industry. The industry is covered by agriculture fields on other sides. Hotgi lake is at distance of over 1.5 kms from the industry.
- Currently 280 nos of vehicles (per day) utilised for cane /product movement to and from the industry. After the proposed expansion, 871 no's of vehicles (per day) will be required for the transportation of cane /product.
- Cane will be transported from 327 villages through 27 no's of routes reaching to industry. As per the route maps submitted vehicles are not entering Solapur city.
- Sugar Plant operates from October to March based on the sugar cane availability. Hence majority of the vehicles (i.e 785 to 871 vehicles) will be operate only during the period from October to March.
- PA submitted that, airport is located at a distance (by road) of 2.0 km from the project. However, the aerial distance from the airport boundary to project boundary is less than 2 kms.
- 38 MW cogeneration power plant already installed without prior environmental clearance. Expansion of sugar plant has been carried out from 2500 TCD to 5000 TCD.



Member Secretary



Chairman

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Therefore, the proposal was considered by the EAC as violation project and dealt as violation case as per the EIA Notification 2006 in its 14th meeting held on 22-24 October 2018 and accordingly granted Terms of References vide letter dated 3rd December 2018.

During meeting EAC has taken a cognizance of the site visit report submitted by the Regional Office, Nagpur.

The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for issuing Standard Term of Reference along with the following specific Term of Reference for undertaking EIA and preparation of Environment Management Plan (EMP): -

- The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC.
- The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
- Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
- Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
- The PP is required to conduct public hearing as per EIA notification, 2006.
- Fresh one season Base line data is to be collected.
- Fund allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/2017-IA.III dated 1st May, 2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in 20 EIA/EMP report.
- No objection certificate from Civil Aviation Ministry to install stack at the project site.
- Revised water balance statement to be submitted


Member Secretary



Chairman

Minutes of 279th Day – 3 (Part D) meeting of SEIAA held on 08th August, 2024

- Transport impact assessment study to be carried out by reputed Government agencies/institute with respect to present status and after expansion of the project and report to be submitted.
- ZLD to be installed for the entire integrated project (sugar + distillery).
- Commitment to scrap existing 20 KLD plant.
- Traffic management plan with pollution control measures.
- Allotment letter from concerned authority for use of water from Hotigi lake

Thereafter, the Public Hearing for violation was conducted at project site by the District Collector and MPCB on 10th December 2020.

After public hearing, PP submitted application for the grant of Environmental Clearance to the EAC, MOEF & CC on 2nd September 2021.

In the meantime MoEF&CC issued Notification No. 1960 (E) dated 13.06.2019 and after that as PP approached the EAC, MEF&CC, they suggested PP to submit EIA/EMP report to the State Environment Impact Assessment Authority (SEIAA) , Maharashtra vide their EDS on 08.10.2021.

Accordingly, PP submitted their application for the grant of Environmental Clearance to the SEIAA, Maharashtra, as category "B" project on 22th April 2021.

The SEAC-1, Maharashtra considered proposal in their 213th Meeting held on 27th to 29th December 2021.

During deliberations, PP and their accredited consultant informed that, the 38 MW cogeneration power plant installation and cane crushing expansion from 2500 TCD to 5000 TCD was violation made by them. PP requested to consider this proposal for regularization of violation as mentioned along with expansion of existing C- Molasses based distillery from 20 KLPD to 100KLPD.

PP also informed that; the state pollution control board has filed criminal case against the industry vide no. Dava No. 822/2021 in July 2021 for operating the industry without obtaining consent to operate.

After deliberation with PP and their accredited consultant, *SEAC-1 decided to recommend the proposal to SEIAA subject to Compliance of the following conditions.*

1. PP to submit details of all ongoing court cases pending Courts in following format,

Sr No	Cas e No.	Name of the Hon. court	Operat ing para of the order	Date of Order	Compliance status (Yes/No)	Details of Action Taken	Remark



Member Secretary



Chairman

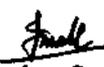
Minutes of 279th Day – 3 (Part D) meeting of SEIAA held on 08th August, 2024

2. PP to obtain NOC for chimney height of 90 meters from the Competent Authority of Aviation Department.
3. PP to consider the start of violation date from the day PP started construction of Co-Gen Power Plant and expansion of cane crushing activity whichever is earlier for Ecological Damage Assessment details.
4. PP to recalculate the ecological damage assessment considering the point No.2 above and compare it with the CPCB guidelines published for ecological damage assessment and shall propose Bank Guarantee for damage cost which is higher of two. The Bank guarantee shall include cost of ecological damage, EMP cost and cost required for Natural and Community Resource Augmentation Plan.
5. PP to compare baseline data of year 2015 with the current data of to assess change in air quality, if any.
6. PP to revise EMP in terms of breakup of activities and budget for various environmental parameters like water, soil, air, noise, odour, solid waste, hazardous waste, carbon di oxide management, CER etc
7. PP to submit revised EIA/EMP report along with Ecological Damage Assessment report and natural and Community Resource Augmentation Plan including details as mentioned from point No. 1 to 6 above.
8. PP to submit point wise compliance of issues raised during Public Hearing along with financial provisions and time lines for compliance.
9. PP proposes to sale carbon dioxide gas by providing bottling plant for collection and storage of carbon dioxide gas. PP to ensure that no carbon dioxide gas is emitted to the atmosphere.
10. PP to carry out physiochemical analysis of the compost proposed to be used as manure and obtain approval from the competent Authority so as to ensure its safe use on agricultural land.
11. PP proposes to remove existing bio-composting yard in future expansion of distillery and will provide MEE & incineration boiler for the treatment of concentrated spent wash.
12. PP to provide Zero Liquid Discharge Effluent Treatment Plant. PP to explore possibility to assess techno-economic feasibility of using alternate technology for MEE such as low temperature/mechanical vapour compressor etc. so as to reduce operation cost and use of natural resources.

The proposal was considered by the SEIAA in their 238th meeting held on 21st February 2022.

During meeting, SEIAA observed that SEAC has not appraised the proposal as per the approach paper, Hence, SEIAA decided to refer back the proposal to SEAC to reconsider the proposal as per approach adopted by SEIAA to appraise the violation category projects.

As directed by the SEIAA, SEAC -1 considered the proposal in their 226th (part-A) meeting of SEAC-1, Maharashtra held on 6th august 2022 wherein PP was absent.


Member Secretary


Chairman

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In between, PP went to the Hon'ble High Court to get relief for crushing of sugar cane for the quantity more than consented quantity. The Hon'ble High Court of Bombay vide their order dated 22th October 2022 directed SEAC-1 to consider the proposal of PP on merit before 28th November 2022.

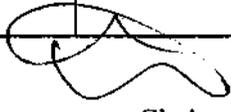
Accordingly the proposal was taken up on agenda by the SEAC-1 in their 230th meeting held on 27th October 2022.

In view of above chronology, SEAC-1 decided to consider the proposal for appraisal.

Details of Court cases as submitted by the PP are as below,

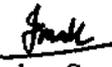
Sr. No.	Case No	Name Of Hon'ble court	Operating Paa of Order	Date of Order	Compliance status (Yes/No)	Brief Prayer	Detailed Action Taken	Remark Hearing details
1	O.A. 18/2021 Dated 14/2/2021 THE NATIONAL GREEN TRIBUNAL WESTERN ZONE BENCH, PUNE (By Video Conferencing)	Hon'ble NGT Pune Bench 1. Sanjay Thobade Versus The Chairman & Directors, Shree Siddheshwar Sahakari Karkhana Ltd. & Ors	Under Process Under Process	Under Process	No	1. Shree Siddheshwar SSK Ltd. Direct to stop functioning and operations of its co-generation plant and the expansion until obtaining E.C.	Not any	Hearing date- 21.11.2022: Hearing done but order not yet received
				Under Process	Yes	2. Saddled with cost compensation / fire of appropriate amount for starting of operations without obtaining necessary permission etc.	Affidavit & DGCA order submitted on 15 th Nov - joint committee of CPCB , PCB & District magistrate, Mumbai 2022.	Respondent no. 1 (Karkhana) - 19.10.2022 Additional affidavit is required to be brought on record in that light before proceeding regarding in respect of height of stack issued by DGCA. Two-week period granted. Respondent no. 2 (


Member Secretary


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							<p>MPCB) – Reply affidavit has already submitted. Respondent no. 3(Solapur Municipal Corporation) – Permitted to file reply affidavit. Respondent no. 4 (District Collector) – He has submitted joint committee reports. Respondent no 5(Airport Authority of India) - Approved & apprised that he is not necessary party in this case and yet he has name shall be deleted in this ground he has taken in this affidavit.</p>
					Yes		<p>After receipt of Join Committee report. Reply submitted</p> <p>1. Hon'ble court direct that issue notices to rep – 3,4,5</p>


 Member Secretary


 Chairman

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								<p>not present returnable within three weeks hearing date- 8.9.2022 online conducted. Applicant are present & pressing for interim order. Respondent no. - 1(Karkhana). Appeared and apprised that copy of Joint inspection report has not been provided reply & affidavit filed Respondent No. 2(MPCB) has been served yesterday. Hence same time may be allowed to him to file its rebuttal. Respondent no. -4 (District Collector) Appeared Respondent no. - 5 (Airport Authority of</p>
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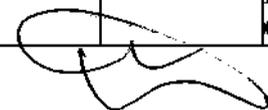
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Member Secretary

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Chairman

Minutes of 279th Day - 3 (Part D) meeting of SEIAA held on 08th August, 2024

							<p>India) Appeared Prays for two week time to file his reply.</p> <p>(Respondent no. - 3 (Solapur Municipal Corporation) Absent Pleading shall be exchanged by the parties among themselves before next date- 19.10.2022 online conducted.</p> <p>Respondent no. 3(Solapur Municipal Corporation) - SEIAA no- 4 & 5 MPCB - None has appeared .</p> <p>Respondent no. - 2 (MPCB) not filed reply affidavit here permitted one weeks to file written reply affidavit .</p> <p>Respondent No.- 3(Solapur Municipal Corporation)</p>
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 Member Secretary

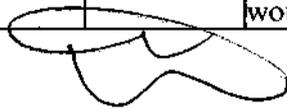

 Chairman

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							shall appear before Hon'ble Court for rendering necessary & effective assistance.
					Yes	After receipt of OA, Reply submitted on 6 th September 2022	<p>Date - 05.08.2022 online hearing conducted. Applicant is present before Hon'ble Court & has appraised that he has not received copy of O A Hon'ble Court directed to provide copy of OA today & thereafter within seven days reply affidavit shall be filed.</p> <p>Application would submit that an additional affidavit with supporting documents has been filed.</p> <p>Committee would</p>

J. K. K.

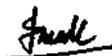
Member Secretary

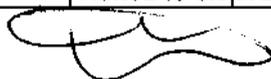


Chairman

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							submit inspection & after finalization the report will be submitted before Hon'ble court as the next date of hearing .
					No		Not any Dated-20.09.2021 online hearing completed in order Tribunal has considered the rival submissions and also perused the materials placed on record in the light of the time sought for by the learned standing counsel appearing for the Respondent no. 2 (MPCB) to submit the Joint Inspection Committee report.
					Yes		Joint committee of CPCB , PCB & District magistrate visited to site Dated - 09.06.2021 online hearing completed in order


Member Secretary


Chairman

Minutes of 279th Day – 3 (Part D) meeting of SEIAA held on 08th August, 2024

						on 29 th July 2021.	Hon'ble court has appointed joint committee of CPCB, PCB & District magistrate, & Instruct to visit site & to be submitted to Hon'ble court, report may be furnished within two months by e-mail.
2.	Regular Criminal Case no. 822/2021 Dated 7.7.2021	Hon'ble District Court MPCB VS Shree Siddheshwar SSK Ltd	Under Verification	-	No any notice received to factory	Not any	Upcoming date- 22.11.2022 First Hearing dt- 7.9.2021 Karkhana have not yet received notice.



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3	W.P. 9446/2021 Dt 30.10.2021 DGCA Delhi has given order to factory, therefore factory has filed case against him.	Hon'ble High Court, Mumbai Shree Siddheshwar SSK Ltd., Kumathe Vs Union of India New Delhi Director General of Civil aviation New Delhi	Disposed Of	31.5. 2022	-	Quashed & set aside the impugned order dated 03.12.2019 passed by DGCA	As per court order dated 31.05.2022, submitted written and oral argument before DGCA/	Hon'ble High court of Mumbai has given the order dated- 31.05.2022 disposal of Writ Petition & quashed and set aside the order dt- 3.12.2019 DGCA New Delhi. remanding the matter back to DGCA for a fresh hearing and after giving petitioner (Karkhana) an opportunity for being heard .
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4	W.P. 7872/2021 Dated 17.11.2021 Solapur Municipal Corporatio n has given notice to factory, against notice factory has filed case	Hon'ble High Court, Mumbai	Disposed Of	31.05 .2022	-	Quashed & set aside the impugned order Dated- 15.01.2021 and Notice dated – 17.11.2021 passed / given by Solapur Municipal Corporation	As per order of high court, hearings are in progress at Solapur municipal corporation, Solapur	Hon'ble High court of Mumbai has given the order dated 31 st May 2022 and set aside the order dated- 15.01.2021 and Notice dated 17.11.2021 given by Solapur Municipal Corporation , Solapur which challenge in the writ petition 7872/2021. In Writ Petition No. 7872 of 2021, the order dated 15 th January, 2021 by the Solapur Municipal Corporation and the notice dated 17 th November, 2021 issued by the Town Planning of Solapur Municipal Corporation is under challenge. The order dated 15 th January ,
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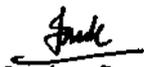
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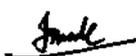
								<p>2021 refers to the subject of demolition of the subject Chimney . We observe from the order dated 15th January , 2021 that the said order has been passed after considering the impugned order dated 3th December, 2019 by the DGCA which has been impugned in Writ Petition no. 9446 of 2021 which order we have set aside today and remanded the matter for fresh consideration by the DGCA. We note that there are references to the notice dated 11th November, 2019 under Section 478 of the MMC Act.</p>
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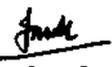
								including the Solapur Municipal Corporation to hear Petitioner afresh and to pass a speaking and reasoned order expeditiously. In the event the decision is adverse to Petitioner, the said order shall not be implemented for a further period of four weeks from the date of communication of the said order for Petitioner to take out appropriate, if so advised.
5	W.P. 1873/2022 Dt. 21.01.2022 Shifting of Air port from Hotagi road to Boramani Village Dist Solapur as per GR of Govt Maharashtra dt.13.6.200	Hon'ble High Court, Mumbai Shree Siddheshwar S.S.K. Ltd., Kumathe, Solapur	Disposed Of	31.05.2022			Petition withdraw by factory	Hon'ble High court of Mumbai has given the order dated 31 st May 2022 and Disposed off the petition 1873/2022. In view of the disposal of the Writ petition no.


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	8 & 21.8.2013							9446 of 2021 remanding the matter back to the DGCA, learned counsel for the petitioner seeks leaves to withdraw the petition with liberty to file. In view of withdrawal of the Writ Petition the Interim application do not survive and to stand disposed of.
6	W.P. 8597/2021 Dated 29.11.2021 MPCB has given closer direction / Notice to factory, against this direction / notice factory has filed case	Hon'ble High Court, Mumbai	Disposed Of	07.12.2021	-	Quashed & set aside the impugned Closer Direction / Notice Dated- 29.11.2021 given by MPCB	As per high court order, submitted written and oral argument to MPCB. MPCB directed to factory not resume production activity till the obtaining EC and CTO	Hon'ble High court of Mumbai has given the order dated 07.12.2021 and set aside the Closer Direction / Notice dated 29.11.2021 given by Maharashtra Pollution Control Board, Pune. Solapur which challenge in the writ


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							petition. 8597/2021. It is expected of the State Expert Appraisal Committee (SEAC) / State Environment Impact Assessment Authority (SEIAA) to take a decision on the proposal of the Petitioner for environment clearance, expeditiously.
7	DIRECTOR GENERAL OF CIVIL AVIATION, NEW DELHI	DIRECTOR GENERAL OF CIVIL AVIATION, NEW DELHI	Disposed Of	19.09.2022		As per DGCA order, joint director civil aviation hearing are in progress.	DGCA ORDER Date- 19.09.2022 Therefore, in the light of new facts and issues which have emerged during the appeal hearing and are detailed above, I am of the considered view that the issue can't be taken to a reasonable and logical conclusion without

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Member Secretary



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								<p>considering these new facts and issues and under these circumstances it will not be apposite to process the matter for demolition of obstruction. Therefore, I hereby set aside the final order dated 24.08.2019 and remand the matter back to Shri. D. C. Sharma, Joint Director General (the then DDG, who issued the final order under Rule 6 and which is impugned herein) to examine the whole issue afresh and in detail and pass final order afresh. If any party is aggrieved by such final order then that party may again prefer an appeal under rule 6A to the</p>
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							<p>appellate authority.</p> <p>With above directions the instant appeal stands disposed off.</p> <p>22.08.2022</p> <p>The matter is adjourned with the instruction to both the parties to file the written submissions if any up to 31st August 2022 for disposal of instant appeal.</p> <p>19.07.2022</p> <p>Two weeks time (i.e. up to 03.08.2022) is here by granted to the appellant herein for filing their written submissions.</p> <p>27.06.2022</p> <p>In Direction issued by Hon'ble High Court noticed for fresh appeal hearing were issued</p>
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Member Secretary

[Signature]
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							hearing was conducted date- 27.06.2022 appellant – Shree Siddheshwar SSK Ltd Kumathe, Solapur & AAI The matter is adjourned with instruction to appellant that there request would be considered and next date for hearing would be intimated to all concerned parties through E-mail in due course of action.
8.	W.P. 12607/2022 Dated 01.09.2022 MPCB has given notice to factory, against notice factory has filed case in the Hon'ble High Court Mumbai	Shri Siddheshwar SSK Ltd., Kumathe Vs Ministry of Environment	Disposed Of	20.10.2022		Quashed & set aside the impugned directions Dated- 01.09.2022 issued by MPCB	20.10.2022 The sugar factory application for an EC will be taken up and included in the agenda for that SEAC meeting and the application will be processed



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								as expeditiousl y as possible and in any case before 28 th November 2022. Factory will seeks liberty to adopt appropriate proceedings in accordance with law for MPCB notice / Order Dated 01.09.2022.
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The summary of the project as given by the PP is as below,

- i. The proposal is for the grant of environmental clearance (violation case) to the project of Modernization and expansion project of Shree Siddheshwar Sahakari Sakhar Karkhana Ltd., to increase cane crushing for sugar manufacturing from 2500 TCD to 7500 TCD, installation of 38 MW cogeneration plant and new Molasses based distillery 100 KLPD by scrapping existing 20KLPD.
- ii. The project proposal was considered by the EAC dealing with violation cases in its 14th EAC meeting held during on 22-24 October 2018 and granted TOR 3rd December 2018. The TOR has been issued vide letter No. F.No J-11011/303/2013-IA II (I) dated 3rd December 2018.
- iii. Industry is located at the outer limits of municipal boundary of Solapur city. It is within 400 meters of the boundary of Solapur municipality limits. Few habitations exist only on North West side of the industry. The industry is covered by agriculture fields on other sides. Hotgi lake is at distance of over 1.5 kms from the industry.
- iv. Currently 280 nos of vehicles (per day) utilised for cane /product movement to and from the industry. After the proposed expansion, 871 no.s of vehicles (per day) will be required for the transportation of cane /product.
- v. Cane will be transported from 327 villages through 27 no.s of routes reaching to industry. As per the route maps submitted vehicles are not entering Solapur city.


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- vi. Sugar Plant operates from October to march based on the sugar cane availability. Hence majority of the vehicles (i.e 785 to 871 vehicles) will be operate only during the period from October to march.
- vii. PA submitted that airport is located at a distance (byroad) of 2.0 km from the project. However, the aerial distance from the airport boundary to project boundary is less than 2kms.
- viii. Existing land area is 1118520 Sq.m.
- ix. Industry has provided 373019.22 Sq.m (33 %) land for Greenbelt development, industry has planted 26900 Nos. plants and proposed 29053 Nos of plants.
- x. The estimated project cost is Rs 370.43 Cr. Total capital cost earmarked towards EMP is Rs. 68.39 Crore. & The Recurring cost for EMP (operation & maintenance) will be about Rs. 4.09 Cr per annum.
- xi. The CER amount of the project will be Rs. 2.78 Cr (0.75 % of proposed activity cost).
- xii. Total employment will be 115 persons as direct & approximate 500 persons indirect after proposed activity. Industry proposes to allocate 2 % of profit towards Corporate Social Responsibility.
- xiii. Whether General and Specific Conditions are applicable to the proposed project: No
- xiv. Ambient air quality monitoring was carried out at 8 locations during October to December 2019 and baseline data indicates that ranges of concentrations of PM₁₀ (45.2 to 69 µg/m³), PM_{2.5} (15.2 to 34.7 µg/m³), SO₂ (12.2 to 23.3 µg/m³), NO_x (18.2 To 29.1 µg/m³). AAQ modeling study for point source emissions indicates that the maximum incremental GLCs after the proposed project would be 0.12 µg/m³, 1.07 µg/m³& 1.45 µg/m³with respect to PM₁₀, SO₂ & NO_x. The resultant concentrations are within the National Ambient Air Quality Standards (NAAQS).
- xv. **Total water requirement is 2856 m³/day out of which fresh water requirement of 1583 m³/day will be met from Hotgi Lake. Water use Break up is as follows:**
 - **Sugar & cogeneration: 900 M3/day**
 - **Distillery: 661 M3/day**
 - **Domestic: 22 M3/day**
 - **Garden – 365.51 M3/day (treated effluent from ETP)**
- xvi. Effluent from sugar and cogeneration **471.87 m³/day** quantity will be treated in ETP capacity **2000 CMD**. Treated effluent will be used for green belt. Effluent of spent wash 800 m³/day quantity will be treated through Biomethanation followed by MEE to reduce quantity to 207TPD and then Concentrated Spent wash will be incinerated in 200 TPH Boiler. Condensate from MEE, Boiler Blowdown and Cooling tower blow down will be treated in Condensate polishing unit and recycled in process for Zero Liquid Discharge. Sewage of 65 m³/day will be treated in STP.
- xvii. Power requirement of the project will be 16.53 MW and will be met from 200 TPH & 38 MW TG set. Existing unit has 2 DG sets of 1010 KVA and 500 KVA Capacity. Stack height 6 m is provided as per CPCB norms to the existing DG sets.



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Existing sugar unit has 6 no's of boiler having capacity 60 TPH , 20 TPH (2 Nos), 30TPH, 25 TPH and 200 TPH Boiler also installed and in operation for cogeneration. The fuel for boiler will be Bagasse. Stack of height of 90 m and 50 m is provided for 200 TPH & 60 TPH existing Boiler for controlling the Particulate emissions within statutory limit of 115 mg/Nm³ for Boiler.

The brief information of the project as submitted by the PP is as under,

Sr. No.	Particulars Required	Details
1	Name of the project & Address along with all corner latitude and longitude	Shree Siddheshwar Sahakari Sakhar Karkhana Ltd. At Gat No.21/1 to 21/6, Kumathe, Post-Tikekarwadi, Tal. North Solapur, Dist. Solapur, Maharashtra, Pin code 413224. Latitude 17°36'41.23"N and Longitude 75°56'44.13"E
2	Type of Organization (Private /Government/Semi Government etc.)	Co-operative
3	Correspondence Address and contact details of Project Proponent	Gat No.21/1 to 21/6, Kumathe, Post-Tikekarwadi, Tal. North Solapur, Dist. Solapur, Maharashtra, Pin code 413224.
4	Type of project (ToR/EC/Amendment in ToR/Amendment in EC/ Revalidation/ Expansion/Process change etc.)	Expansion cum modernization Project. (Violation ToR)
5	Category of project as per EIA Notification 2006 amended from time to time (Pl. mention category A,B,B1,B2 etc. whichever is applicable)	5(g) and 5(j), and 1 (d) in B1 Category.
6	If earlier ToR is obtained pl. mention details (ToR letter No. & Date, SEAC/EAC Meeting No.)	ToR is obtained from MoEFCC for Violation on dtd. 03.12.2018
7	If earlier EC is obtained pl. mention EC Number & Date	Unit is established in the Year 1973 before EIA Notification 2006
8	Whether the proposal is a violation case (yes/no)	Yes. EIA Report is prepared accordingly.
9	Applicability of CRZ clearance (yes /no)	No.
10	Whether General /Specific Conditions are applicable to the project (Yes/No) If yes pl. give details	No.
11	Whether Scrutiny fees paid as per SEIAA guidelines (Yes/No); If yes pl give payment details	No.



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12	Name of accredited Environmental Consultant & address along with Accreditation No. & Validity	Mantras Green Resources Ltd. NABET Certificate details- NABET/EIA/ 1922/ RA 0201.																																																																	
13	Name of layout plan approving Authority	Town Planning Authority																																																																	
14	Estimated cost of Project (in Rs. Lakhs)	Total Cost of the Project including Expansion of Sugar unit, proposed 100 KLPD Molasses based distillery unit and establishment of new cogeneration unit is Rs. 370.43 Cr. (Sugar 100.24 Cr, Cogeneration 173.59 Cr & Distillery 96.60 Cr). Total cost of the project already Executed for sugar and Cogeneration: 273.83 Cr.)																																																																	
15	Area of project (in Sq.m.)	1118520 Sq.mt. (111.85 Ha)																																																																	
16	Whether 33% green belt is provided (Yes/No)	Yes																																																																	
17	Area of Green Belt & No. of trees in the proposed project in Sq.m. (Pl. provide 1500 trees per hectare of green belt area)	373019 m2 area to 33% of plant area Total Number of plants Planted : 26900 Nos Proposed Plants: 29053 Nos																																																																	
18	Width of internal roads and turning radius	6 m internal road and 9 m turning radius																																																																	
19	Details of proposed construction																																																																		
	Total Built-up Area(in Sq.m)	Industrial project																																																																	
	No. of Buildings & its height in mtrs.																																																																		
20	List of Raw materials & Storage Details (Pl. add on in the list if necessary)																																																																		
<p>Sugar unit</p> <table border="1"> <thead> <tr> <th rowspan="2">Sr. No.</th> <th rowspan="2">Raw material</th> <th rowspan="2">Source</th> <th colspan="3">Quantity</th> <th rowspan="2">Method of transport</th> </tr> <tr> <th>Existing (2500 TCD)</th> <th>Proposed (5000 TCD)</th> <th>Total (7500 TCD)</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Sugar cane</td> <td>Local area</td> <td>75000 MT/M</td> <td>1,50,000 MT/M</td> <td>2,25,000 MT/M</td> <td>By trucks, tractors & bullock carts</td> </tr> <tr> <td>2.</td> <td>Lime</td> <td>Local area</td> <td>60 MT/M</td> <td>120 MT/M</td> <td>180 MT/M</td> <td>Through covered trucks by Road</td> </tr> <tr> <td>3.</td> <td>Sulphur</td> <td>Local area</td> <td>18.5 MT/M</td> <td>37 MT/M</td> <td>55.5 MT/M</td> <td>Through covered trucks by Road</td> </tr> <tr> <td>4.</td> <td>Phosphoric acid</td> <td>Local area</td> <td>11.5</td> <td>22.5</td> <td>34</td> <td>Through covered trucks by Road</td> </tr> <tr> <td>5.</td> <td>Oil & grease</td> <td>Local area</td> <td>5.5 MT/M</td> <td>11 MT/M</td> <td>16.5 MT/M</td> <td>Through covered trucks by Road</td> </tr> </tbody> </table> <p>Distillery</p> <table border="1"> <thead> <tr> <th rowspan="2">Sr. No.</th> <th rowspan="2">Raw material</th> <th rowspan="2">Source</th> <th colspan="2">Quantity</th> <th rowspan="2">Method of transport</th> </tr> <tr> <th>Existing (20 KLPD)</th> <th>Proposed (100 KLPD)</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Molasses</td> <td>From sugar plant</td> <td>2400MT/M</td> <td>12000MT/M</td> <td>Through Pipeline</td> </tr> <tr> <td>2.</td> <td>T.R.Oil</td> <td>Local area</td> <td>1.0 MT/M</td> <td>2.5 MT/M</td> <td>Through covered trucks by Road</td> </tr> </tbody> </table>			Sr. No.	Raw material	Source	Quantity			Method of transport	Existing (2500 TCD)	Proposed (5000 TCD)	Total (7500 TCD)	1.	Sugar cane	Local area	75000 MT/M	1,50,000 MT/M	2,25,000 MT/M	By trucks, tractors & bullock carts	2.	Lime	Local area	60 MT/M	120 MT/M	180 MT/M	Through covered trucks by Road	3.	Sulphur	Local area	18.5 MT/M	37 MT/M	55.5 MT/M	Through covered trucks by Road	4.	Phosphoric acid	Local area	11.5	22.5	34	Through covered trucks by Road	5.	Oil & grease	Local area	5.5 MT/M	11 MT/M	16.5 MT/M	Through covered trucks by Road	Sr. No.	Raw material	Source	Quantity		Method of transport	Existing (20 KLPD)	Proposed (100 KLPD)	1.	Molasses	From sugar plant	2400MT/M	12000MT/M	Through Pipeline	2.	T.R.Oil	Local area	1.0 MT/M	2.5 MT/M	Through covered trucks by Road
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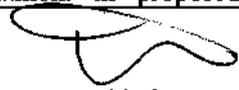
TOTAL INPUT WATER		
S. No.	Section	Water Quantity (m ³ /day)
1	Water in Molasses	53
2	Process Water for Fermentation	595
3	Process water for Process	47
4	DM water for RS dilution	881
5	DM water for Boiler & DS	545
6	Soft water for Cooling Tower	531
7	Soft water for vacuum pump & Blower	158
8	Washing water for WTP	67
9	Other domestic usage	10
TOTAL WATER INPUT		2887

TOTAL OUTPUT WATER		
S. No.	Section	Water Quantity (m ³ /day)
1	Spent Lees	962
2	Water in Spent Wash	533
3	Water in sludge after decanter	33
4	Vacuum pump & Blower	153
5	Water in Product	3
6	Washing Water	10
7	Blow Down Water & Reject Streams	275
8	Steam Generation	512
TOTAL WATER OUTPUT		2481

LOSS DURING CONTINUOUS OPERATION		
S. No.	Section	Water Quantity (m ³ /day)
1	Vacuum Pump loss	5
2	CT Evaporation & Drift Losses,	464
TOTAL LOSSES		469

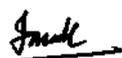
23	Quantity of sewage generation (in CMD)	Sewage generation from Sugar + Cogen and Distillery Unit will be 65 CMD
24	Details of Sewage Treatment and Disposal of treatedsewage:	Sewage will be mixed in aeration tank of sugar unit, further treatment will be done in ETP of sugar unit
25	Detail of Effluent Generation (unit CMD)	Effluent from Sugar & Cogeneration Unit - 471.87 m ³ /day. And Spray water 700 M ³ /day Distillery Spent wash – 800 m ³ /day Spent lees :962 M ³ /day Other effluent: 275 M ³ /day.
26	Whether Zero liquid Discharge Effluent Treatment is proposed (Yes/No)	Distillery unit will be Zero liquid Discharge and effluent from sugar and cogeneration will be used for green belt within premises
27	Brief Description of Effluent Treatment scheme	For Sugar & Cogeneration Unit: 2000 M ³ /day capacity Effluent treatment plan with tertiary treatment For Distillery Unit- Spent wash generated from Distillery will be send to MEE and concentrated spent wash will bur in Boiler. Other effluents generated from proposed distillery shall be – Spent lees, MEE Condensate, boiler blow down, cooling blow downs and washing & laboratory. All the above streams shall be given appropriate treatment in proposed


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		'Condensate Polishing Unit (CPU)' to be provided in distillery. There shall be a RO in CPU. The RO permeate to the tune shall be used for molasses dilution and cooling tower make-up water.																																								
28	Qty of treated effluent proposed to be sent to CETP (Pl. mention Name of CETP and its membership Details)			NA																																						
29	Please mention parameters of treated effluent to be achieved as per EP Rule, 1986 and or stipulated by the SPCB			<table border="1"> <thead> <tr> <th>Sr. No</th> <th>Parameter</th> <th>Unit</th> <th>Raw Effluent</th> <th>Treated effluent</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>pH</td> <td>-</td> <td>5-8</td> <td>6.5 to 8.5</td> </tr> <tr> <td>2.</td> <td>BOD</td> <td>mg/l</td> <td>1500</td> <td>< 30</td> </tr> <tr> <td>3.</td> <td>COD</td> <td>mg/l</td> <td>3500</td> <td>< 100</td> </tr> <tr> <td>4.</td> <td>TDS</td> <td>mg/l</td> <td>2000</td> <td>< 2100</td> </tr> <tr> <td>5.</td> <td>TSS</td> <td>mg/l</td> <td>600</td> <td>< 30</td> </tr> <tr> <td>6.</td> <td>Oil & Grease</td> <td>mg/l</td> <td>10-50</td> <td>< 10</td> </tr> </tbody> </table>				Sr. No	Parameter	Unit	Raw Effluent	Treated effluent	1.	pH	-	5-8	6.5 to 8.5	2.	BOD	mg/l	1500	< 30	3.	COD	mg/l	3500	< 100	4.	TDS	mg/l	2000	< 2100	5.	TSS	mg/l	600	< 30	6.	Oil & Grease	mg/l	10-50	< 10
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5.	TSS	mg/l	600	< 30																																						
6.	Oil & Grease	mg/l	10-50	< 10																																						
30	Brief Note on proposed Rainwater harvesting scheme along with budget allocation			Rain Water Harvesting Tank of capacity is 2500 M3																																						
31	Solid Waste management																																									
	Sr. No	Unit	Name of Solid waste	Solid waste MT		Methods of Disposal/treatment																																				
				Existing	After expansion	Existing	After expansion																																			
	1	Sugar	Fly/Boiler Ash	500 MT/Y	-	Sale to Brick Manufacturer/used in Composting	-																																			
			Sludge from waste water treatment	2MT/M	10 MT/M	Soil Conditioning/Manure	Soil Conditioning/Manure																																			
	2	Co Gen	Boiler Ash	-	930 MT/M	-	Soil Conditioning/Manure																																			
	3	Distillery	Boiler Ash	-	890 MT/M (Coal Ash 140 MT + Spent wash Ash 750 MT)	-	Sold to brick manufactures/ used as soil conditioning/manure																																			
			Yeast Sludge	90MT/M	360 MT/M	Composting	Composting																																			
			Sludge from waste water treatment	-	3 MT/M	MT/M	Manure																																			
32	Hazardous Waste Generation & Disposal (As per HW Rule 2016)																																									



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Minutes of 279th Day – 3 (Part D) meeting of SEIAA held on 08th August, 2024

	Sr. no.	H.W. Category	Qty.		Mode of packing	Storage	Disposal
			Existing	Proposed			
	1.	5.1- Used Oil	0.3 MT/M	0.6 MT/M	Drums	Drums	Burnt with Bagasse in co-gen Boiler.
33	Fuel Consumption						
	Sugar Boiler details						
	1	Boiler	I	II	III	IV	
	2	Capacity TPH	60	30	25	20 x 2	
	3	Fuel Type	Bagasse	Bagasse	Bagasse	Bagasse	
	4	Fuel Consumption Ton/hr	27.27	13.64	11.36	9.1	
	Cogeneration Boiler						
	1	Boiler	I		Spent wash will be concentrated and incinerated in 200 TPH Boiler in season and dried in offseason		
	2	Capacity	200 TPH				
	3	Fuel type	Bagasse				
	4	Fuel Consumption Ton/hr.	80				
	60 TPH, 30 TPH, 25 TPH, 20 TPH, 20 TPH boilers replaced by 200 TPH Boiler.						
	Proposed Boiler-						
	In proposed expansion, all existing Boiler will be replaced by 200 TPH capacity of Boiler for Sugar and Cogen unit						
	DG sets						
	Sr	DG Set	DG Set				
	1	500 KVA	1010 KVA				
	2	Diesel	Diesel				
	3	50 Lit/hr	85 Lit/hr				
34	Brief Note on Air Pollution Control equipment's			ESP and 90m stack provided to 200 TPH Boiler			
35	Energy a) Source of power Supply : b) Maximum Demand (KVA) : c) whether DG sets will be provided (Yes/No): if yes : Please Mention if high tension line is passing through the plot: Yes /No If yes, pl. give details of safety measures adopted:			For Sugar Factory & Colony <ul style="list-style-type: none"> • 2500 TCD Sugar- 6 MW/Hr. • 5000 TCD - 8.78 MW/Hr • 38 MW: 3.69 MW/Hr Distillery The estimated requirement of power for proposed distillery with incineration boiler will be 1750 KWH project will be generated and supplied from the proposed extraction cum condensing type TG set of 2.5 Mw capacity. Not Applicable.			
36	Details of use of renewable energy with budget allocation: i) Total Energy Demand ii) Proposed renewable energy source iii) Proposed Budget (in Rs. Lakhs):			The estimated requirement of power for proposed distillery with incineration boiler will be 1750 KWH. project will be generated and supplied from the proposed extraction cum condensing type TG set of 2.5 Mw capacity.			


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Timeline for implementation:																			
S.N.	Description	connected Load	50% On Solar	No of Solar Panel Installed	Capacity of each panel	Total Capacity of Solar panel	Each panel required in Sqmt	Total Sear space required in Sqmt	Total cost for Solar panel										
1	Total load of Illumination of Office Building, Street Lights, Parking Area, Staircase & Common Lighting	10 KW	05 KW	18 NOS	300 Wp	5400 Wp	2 Sqmt	36 Sqmt	3,60,000										
37	<p>Details of public hearing (if applicable) Place of public hearing: Gat No. 21/1 to 21/6, Kumathe, Post- Tikekarwadi, Tal. North Solapur, Dist. Solapur, Maharashtra, Pincode 413224 Date of public hearing: 10/12/2020.</p> <table border="1"> <thead> <tr> <th>Sr. No</th> <th>Issue raised during publichearing</th> <th>Applicant plan for its compliance/ implementation</th> <th>Budget allocation for implementation</th> <th>Specific time line compliance</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td> <p>Shri Sanjay Thobade, Ex. Director of the Project, Residence - Balives, Tal- Uttar Solapur, Dist - Solapur:- He informed that he is former Director of this project and his father is Founder Member of the factory. Shri Thobade remarked that in the presentation, it is mentioned as Proposed Project, which is totally wrong. The project is in operation since last five years. Now, we are gathered to attend the public hearing meeting of the existing operating industry, which is an unfortunate incidence. Moreover, as the Project Proponent has violated the Rules, instead of serving closure notice, here the farce of public hearing is going on. In the presentation, the word in English stack is used instead of chimney and it is informed that the survey of 10 k.m. is carried. Then, how they could not know that the Air Port is adjacent to the project?</p> <p>He said the Members have come from District Collector Office, where I have already submitted the complaint regarding illegal erection of chimney/stack and for the illegal construction of chimney/stack, this public hearing is arranged, which is violation of directives of the Hon'ble Court. Now you are insulting our Constitution also, which is already conveyed by my complaint letter to District Magistrate, Solapur. But he has sent Additional District Magistrate. This is unfortunate incident which brought disgrace. Secondly, erection of the chimney is illegal, hence total project is illegal and Government is conducting the public hearing of the illegal project.</p> </td> <td> <p>While giving answers, Managing Director of the Project clarified that the objection is raised by Shri Thobade that this project is not "Proposed Project," it is completed project. Here it is to submit that the public hearing for this project is already conducted in the year 2017. In that public hearing meeting, the doubts were raised regarding Traffic Management Plan and at that time, the directives were issued for preparing the Traffic Management Plan and the ToR is issued accordingly. After compliance of it, we are approaching this Public Hearing Committee.</p> <p>Project Proponent further informed that Shri Thobade has objected that this project is "totally commissioned project." This is true, but here I want give information of last three years. The sugar crushing project is of 2,500 TCD. In the year 2017- 18, our sugar crushing was 7,45,000.0 Tons/A. In 2018-19, it was 6,45,000.0 Tons/A and in the year 2019-20 our crushing was 3,57,000.0 Tons/A.</p> <p>In 2017-2018 - 3.83 MW; in 2018-2019- 5.65 MW and in 2019-2020 it 2.5 MW power export of the factory. It means that if the project of 2,500.0 TCD runs for 160 days, as per the figures, if this project of 7,500 TCD is operated, then there should be crushing of 12-14 lakh crushing. Utmost care is taken that violations of directives/rule should not happen. The issue of stack is raised. The discussions are already going on with various departments of Central Government regarding the stack and the airport. 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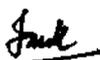
		will be rectified. Hence, here it is better not to give any comments. But this is Proposed Project. Here, Shri Thobade raised the objection that one thing happened good. The management has accepted that the project is in operation. But why the management misleading that the discussions are going on with various departments. Three times, District Collector have written a letter to Dy. Secretary that considering all the aspects, it is not possible to prescribe stay for the construction of the chimney. Then how many meetings will be taken. Mumbai High Court has given. the Judgment that the construction of chimney/stack is illegal. Hon'ble Supreme Court of India has also declared construction of stack is illegal. This is very shameful act.		
2.	Shri Chandrakant Shankar Kulkarni, Resident - Kumbhari, Tal - Dakshin Solapur, Dist - Solapur. While raising the objection, Shri Chandrakant Shankar Kulkarni informed that while going from Kumbhari village to MIDC, the sewage flows. Nobody talks about it. Every day, I watch it, there is foam on the nallla water. Nobody talks about it. Here in our plant there is bagasse based co-gen. If the coal is used for producing electricity, the coal does not created. The coal is used to produce electricity at Chandrapur. After cutting sugar crop, the sugar, molasses is created, bagasse is also created. The electricity is prepared by bagasse. At distillery, there is biogas project. The farmers get manure. In this area, there is large availability of sugar crop. Now a days, in this area, its raining a lot. Hence, the sugar cane crushing should be increased up to 10,000.0 TCD. All the members do belief on the factory management. Hence, it is requested to Environment Public Hearing Committee to sanction the project and give Justice to farmers, workers.	Positive response	NA	NA
3.	Shri Ashok Revansind Birajdar, Resident - Kumbhari, Tal-South Solapur, Dist -Solapur:- I am member of the Karkhana / factory and I am sugarcane crop producer member. My agriculture fields are ½ k.m. away from the	Positive response	NA	NA


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	<p>factory site. Due to this factory, the future of 35,000 members and workers have become bright. Our children learnt and now they are working on the higher posts. There is no threat or pollution problem due to this project. We do not agree that due to the chimney/stack, there is threat to the existing airport. The planes are regularly coming here and going also, which we all are observing. If the survey is carried, then out of 35,000 members, 34,999 members will support the project. Whatever happened, it is good. Before inception of the project, there were unemployed people here. Now how much local people have been benefited, it should be noted. Due to co-generation and distillery projects, how many local people have got jobs should be considered. How many sons of workers and members have got the job opportunities should be considered. Our Prime Minister says that unemployment should be reduced. If somebody says to remove the stack/chimney, then whether any solution is planned to avoid the unemployment. If at all any steps is taken of closing the factory, we all 35,000 members will oppose it.</p>			
4.	<p>Shri Sanjay Thobade, Former Director of the Factory, Resident Ball Ves, Tal - Uttar Solapur, Dist-Solapur. While raising the objections, he thanked for informing the difficulties of the members, Shri Thobade remarked that as this karkhana is of 35,000 farmer members, it is mine also. I was Director in the Karkhana. My father was director, my mother was director, my brother was director and now my cousin brother is director of the karkhana. I am not at all enemy of the Karkhana. I am well wisher of the Karkhana. But those who have erected the stack/chimney illegally, they should be punished. Now the question of 34,000 member arises. If the stack is removed, our factory can be operated on the old stacks also. The person who did illegal work should give compensation to other members i.e. all 34,999 member should recover the amount. We will operate our Karkhana very nicely. He requested</p>	NA	NA	Stack issue is in Court



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	<p>not to have doubts in mind.</p> <p>Shri Thobade further appealed that instead of taking care of only 34,999 members, we should think all citizens of Solapur, who are 15 lakhs. If the Airport is kept in operation, many multi national companies will start their operations here. Many thousand local people will get the jobs. We should not think by one side only, we have think of all.</p>			
5	<p>Shri J.B. Sangewar, Regional Officer, MPCB, Pune and Member, Environment Public Hearing Committee:- Project Environment Consultant here informed that this project will be ZLD (Zero Liquid Discharge). Then which method will be adopted for ZLD. The information of all sugar, distillery and co-gen. should be given. He further remarked that when you say about the ZLD, the details of all the units should be given</p>	<p>Managing Director of the Project Proponent informed that our project is of 7,500 TCD. Here after adopting water management, additional 20% condensate water will be available every day. The additional condensate water and the water from the sugarcane crop which is 65-70%, which will be treated and due to this, there will additional water of 20.0 MT for each ton. The water will be treated in CPU, where the organics will be removed of the sugar unit and the additional condensate water will be used for distillery unit. Hence, there will not be any requirement of fresh water for distillery.</p> <p>The spent wash will be created in the production activities. It will be produced at the ratio of 6-7 litres of one litre. We have adopted bottom system. We will adopt most advanced Industrial Effluent Treatment Plant (ETP). The spent wash will be created at the 6-7 lakh litre per day, five stage evaporators will be installed, and spent wash upto 50% will be concentrated. The bio-methanation will be carried on the spent wash. The Methane Gas will be removed. The calorific value of the remaining spent wash will be nearly 1200 kilo. It (spent wash) and the gas removed from it i.e. on both fuel the incineration boiler will be operated and on the steam of boiler, we will operate distillery unit. Hence, the effluent from the distillery will not go to industrial effluent treatment plant. In Distillery Unit, only the condensate water will be reused. If the water storage tank of the sugar unit is filled totally, and after operating all the three units, sugar, distillery and co-gen, there will be availability of five crores</p>	Rs. 30 Cr. For Sugar ETP CPU for sugar and MEE and CPU achieve ZLD	Upgradation of ETP completed


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		litre of water after the season also. The large usage of water is required in co-gen project. But in co-gen unit, we are installing air cooled condensate. The water is not required for it. We will carry condensate by air. Hence, in co-gen project, there is no requirement of additional water.																																																																			
38	<p>EMP (Please mention specific items proposed in EMP along with specific timeline for its implementation.</p> <p>Construction Phase:</p> <table border="1"> <thead> <tr> <th>Sr. No.</th> <th>Parameters</th> <th>Total Cost /Annum [Rs. In Lakh]</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Water Environment</td> <td>4.0</td> </tr> <tr> <td>2</td> <td>Water Environment</td> <td>4.0</td> </tr> <tr> <td>3</td> <td>Site Sanitation</td> <td>2.0</td> </tr> <tr> <td>4</td> <td>EHS</td> <td>3.2</td> </tr> <tr> <td>5</td> <td>Environmental Monitoring</td> <td>3.0</td> </tr> <tr> <td>6</td> <td>Biological Environment</td> <td>1.5</td> </tr> <tr> <td>7</td> <td>Solid Waste Management</td> <td>2.5</td> </tr> <tr> <td></td> <td>Total</td> <td>20.2</td> </tr> </tbody> </table> <p>Operation Phase: Sugar and Cogeneration</p> <table border="1"> <thead> <tr> <th>Sr. No.</th> <th>Environmental Aspect</th> <th>Equipment</th> <th>Capital Cost (Rs.)</th> <th>Total Recurring Cost (Rs)</th> <th>Basis/ Remarks</th> </tr> </thead> <tbody> <tr> <td rowspan="3">1.</td> <td rowspan="3">Water Environment</td> <td>Existing ETP 350 KLD</td> <td>Included in A.1</td> <td>29,24,351.00</td> <td rowspan="3">ETP upgraded. ETP is in operation Proposed</td> </tr> <tr> <td>ETP (2000 KLD) Common for sugar and cogeneration</td> <td>4,68,00,000.00</td> <td>73,97,966.00</td> </tr> <tr> <td>Sewage Treatment plant,</td> <td>20,00,000.00</td> <td>32,75,866.00</td> </tr> <tr> <td rowspan="2">2</td> <td rowspan="2">Air Environment</td> <td>ESP</td> <td>4,01,00,000.00</td> <td rowspan="2">66,33,500.00</td> <td rowspan="2">ESP and 90 m Stack installed</td> </tr> <tr> <td>Stack 90 Mtr</td> <td>1,25,00,000.00</td> </tr> <tr> <td>3.</td> <td>Solid waste Management</td> <td>Ash handling silo for 200 TPH boiler</td> <td>78,00,000.00</td> <td>7,50,000.00</td> <td>Ash Handling system installed</td> </tr> <tr> <td>4.</td> <td>Green Belt development</td> <td>Tree plantation 1,800 nos of trees planted on site.</td> <td>28,32,000.00</td> <td>1,02,000.00</td> <td>Plantation at project site</td> </tr> </tbody> </table>				Sr. No.	Parameters	Total Cost /Annum [Rs. In Lakh]	1	Water Environment	4.0	2	Water Environment	4.0	3	Site Sanitation	2.0	4	EHS	3.2	5	Environmental Monitoring	3.0	6	Biological Environment	1.5	7	Solid Waste Management	2.5		Total	20.2	Sr. No.	Environmental Aspect	Equipment	Capital Cost (Rs.)	Total Recurring Cost (Rs)	Basis/ Remarks	1.	Water Environment	Existing ETP 350 KLD	Included in A.1	29,24,351.00	ETP upgraded. ETP is in operation Proposed	ETP (2000 KLD) Common for sugar and cogeneration	4,68,00,000.00	73,97,966.00	Sewage Treatment plant,	20,00,000.00	32,75,866.00	2	Air Environment	ESP	4,01,00,000.00	66,33,500.00	ESP and 90 m Stack installed	Stack 90 Mtr	1,25,00,000.00	3.	Solid waste Management	Ash handling silo for 200 TPH boiler	78,00,000.00	7,50,000.00	Ash Handling system installed	4.	Green Belt development	Tree plantation 1,800 nos of trees planted on site.	28,32,000.00	1,02,000.00	Plantation at project site
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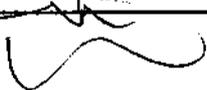
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5.	Occupational Health and Safety	Safety audit	6,00,000.00	Nil	Expenditure done
		PPEs, Health Checkup etc	1,50,000.00	1,12,000.00	Expenditure done
6.	Fire Safety	Common Firefighting system for entire plant	1,76,00,000.00	30,00,000.00	Fire system installed
7.	Energy Conservation measure	Proposed solar lighting on common parking, stair case etc LED Light	36,00,000.00	1,63,000.00	Proposed
		Air cooled condenser for steam condensation in cogeneration plant	15,00,00,000.00	17,60,000.00	ACC installed
9.	Noise Pollution Control System	Acoustic enclosure to DG set	4,00,000.00	1,20,000.00	Installed
10..	On line monitoring	On line monitoring system for new ETP and 200 TPH boiler	20,00,000.00	5,80,000.00	Installed and connected to CPCB & MPCB server
11	Rain Water harvesting	RWH system with reservoir	75,00,000.00	6,20,000.00	
Total			29,38,82,000.00	2,74,38,683.00	

Distillery

Sr. No.	Environmental Aspect	Equipment	Proposed Expansion Capital Cost (Rs.)	Total Recurring Cost per year Estimated (Rs)	Basis/ Remarks
1.	Provision of ZLD system for treatment of spent wash	Bio Gas plant,	9,00,00,000.00	8,70,000.00	
		MEE	12,00,00,000.00	9,60,000.00	
		Spent wash storage	1,00,00,000.00	4,58,000.00	


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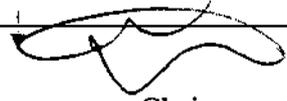
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	and other discharges	CPU	2,50,00,000.00	8,34,000	
		Modification of 200 TPH Boiler firing system.	4,00,00,000.00	38,00,000.00	For incineration of concentrated spent wash in season
		Dryer for conversion of BMSW to powder/granules	6,00,00,000.00	28,60,000.00	Provision of conversion during offseason
		CO2 Bottling Plant	3,00,00,000.00	22,90,000.00	
2.	Green Belt development	Additional 29052 trees to be planted	69,72,480.00	2,08,000.00	
3	Occupational Health and Safety	Factory plan approval, safety audit	10,50,000.00	Nil	
		PPEs, Health Checkup etc	1,50,000.00	1,12,000.00	
		Common Firefighting system for entire plant	70,00,000.00	12,00,000.00	
	Total		39,01,72,480.00	13,592,000.00	

39	Other Relevant Information: (Pl. provide	Sugar unit 2500 TCD to 7500 TCD and 38 MW Cogeneration is in operation without EC. Damage assessment study was carried out and damage Cost is of Rs 10.33 Cr. Cos will be utilized for remediation, Natural and Community Augmentation Plan
40	Details of skill development program within Organization	Employees will be sponsor for further education if needed in their existing field. Employees shall be sponsored for various conferences, workshops and training in the related field by reputed institutes. SOPs shall be prepared and activities will be carried out in line with SOP.
41	Details of environmental Monitoring Cell (Pl. provide organogram with educated Qualification and experience)	Director ↓ Plant Manager


Member Secretary

Director
↓
Plant Manager


Chairman

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		Production in charge ↓ EHS Manager ↓ Operator and Workmen
42	Details of court cases if pending in any Hon ^{ble} court	Yes, details of Court cases enclosed

PP also submitted and presented damage assessment as per approach paper adopted by SEIAA as directed by the SEIAA in their 238th meeting. The damage assessment has been calculated for the period of construction and operation phase. (Construction Phase: From Date 17.12.2013 to 20.03.2017 total 1189 days and operation Phase: From Date 09.07.2018.to 31.05.2022 total 1422 days) Total calculated damage cost: RS. 10,33,75,599.1 (10.33 Cr).

The details of the consolidated ecological damage cost (Construction & Operation phase) as worked out by the PP is as below,

Sr No	Details	Particulars	Ecological damage Cost
1	Construction Phase	Recurring Cost	45,84,360.3
		Non recurring Cost	20,00,000
		Sub total	65,84,360.3
2	Operation Phase		
	Greenhouse gas Emission		5,13,18,377.58
	Air Pollution; damage Cost	ESP and stack	-
	Water Pollution Damage Cost	Water Consumption & Effluent Treatment	1,11,17,861.2
	Land Pollution: Damage Cost	Waste Disposal	-
	Noise Pollution damage Cost	Most of provisions are adequate	-
	Biodiversity: Damage Cost	Green belt by planting 29053 trees	6972000
		Sub total	69408238.8
	Total (1+2)		75992599.1

Accordingly PP prepared and presented following Remediation Plan and Natural and Community Resource Augmentation Plan,

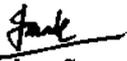
Sr No.	Activities	Cost in Rs Cr.
A	REMEDIATION PLAN	


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	2	YETANA L	SCHOOL	5 KW	500 SQFT	7.50	06 NOS	1200	1.20	8.70	
	3	HATTUR	GRAMPAN CHYAT	4 KW	400 SQFT	6.00	08 NOS	1600	1.60	7.60	
	4	GURDEH ALLI	SCHOOL	3 KW	300 SQFT	4.50	05 NOS	1000	1.00	5.50	
	5	BANKAL GI	SCHOOL	4 KW	400 SQFT	6.00	05 NOS	1000	1.00	7.00	
	6	KUMBH ARI	SCHOOL	10 KW	1000 SQFT	15.00	20 NOS	4000	4.00	19.00	
	7	SHINGA DGAON	SCHOOL	4 KW	400 SQFT	6.00	05 NOS	1000	1.00	7.00	
	8	WADAK BAL	GRAMPAN CHYAT	5 KW	500 SQFT	7.50	06 NOS	1200	1.20	8.70	
	9	DHOTRI	GRAMPAN CHYAT	2 KW	200 SQFT	3.00	05 NOS	1000	1.00	4.00	
		TOTAL								75	
C	Community Augmentation Plan										
	Infrastructure development work										
	Solar Pump set to member Farmers										
3	Solar pump for farmers shall be provided by Shree Siddheshwar SSKL. The SOP for the selection criteria will be prepared. The estimated cost of 5 HP solar pump is Rs 2,55,000/- (Two lakh and Fifty five Thousand Only)										
	Total 100 farmers will be selected through lucky draw method.										2.55
C	Soft Skill development										
	Internship for students of Diploma / graduate in engineering: 10 students per year										
	Criteria for selection:										
	<ul style="list-style-type: none"> • He/she have minimum 75 % marks in 10th or 12th Std science. • He/she shall be from economically weaker section (EWS), the proof for the same shall be submitted 										
1	Fee structure for one year										
	<ul style="list-style-type: none"> • Tuition fees per year: Rs 58000/- • Books & uniforms: Rs 10000/- • Hostel: 36800/- • Total: Rs 104800.00/- 										
	All expenditure per student shall be borne by siddheshwar SSK. It will be for 10 students and hence the estimated expenditure as Rs 1048000/- per year. For five years it will be Rs. 5240000/- (52.40 Lakhs)										0.52
	Total										10.33


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PP committed to implement above plans within two years from the date of grant of Environmental Clearance.

Corporate Environment Responsibility

As per MOEF notification dated 1st May 2018, the CER Expenditure works out as 0.75% of cost of expansion. Since the cost of expansion has been estimated as Rs 370.43 cr, 0.75% of same works out as Rs 2.78 Cr.

Sr. No	CER Yearly Activities	2023 Rs.in lakhs	2024 Rs.in lakhs
1.	Provision of Solar Panel lighting in common areas in 1) Limbi Chincholi , 2)Darganhalli, 3) Dindur, 4) Tirth, 5) Yelegaon, 6)Rampur, 7) Wadgaon, 8) Kasegaon, 9) Chinchapur	70.0	80
2.	Provide Ambulance and funds to Akkalkot Primary Health Center and Kamati Primary Health Centre	13	012
3.	Technical support and guidance /training to local farmers for conservations of soil and water conservation as well as enhance the productivity of crop	7.0	12.0
4.	Camps for farmers education	9.0	6.0
5.	Rainwater harvesting in 1) Nimbargi, 2)Malkavate, 3) Sadepur, 4) Khanapur, 5)Wadapur.	15.0	10.0
6.	Installation of RO Plant for safe drinking water supply to 1) Hal Chincholi, 2) Nanegaon, 3) Galorgi, 4)Gholasgaon, 5) Pitapur villages	8.1	1.90
7	Construction check dam on natural water stream in 1) Hydra, 2) Mirajgi, 3) Sapale, 4) Andewadi, 5) Kal Karjal	15.0	9.5
8	Construction to separate Toilet blocks for boys & girls schools at 1) Byagehalli, 2) Barhanpur, 3) Balgi, 4) Chandral, 5)Kurghot village	6.0	4.0
9.	Plantation in 1) Akole Mandrup, 2) Chikkali, 3) Devikavathe, 4) Hilli, 5) Gjhungargaon, 6) Kesegaon, 7) Mahalumbra, 8) Mangarul, 9) Chivari, 10) Shirdhon	4.0	5.6
	Total	147.0	131.0
	Grand Total		278

As per above submission, PP to contribute rupees Two Crores Seventy Eight Lacs towards Corporate Environment Responsibility for the benefits of villagers residing in nearby


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village as well as generation of electrical power from solar energy **within two year from the date of grant of Environmental Clearance.**

SEAC Deliberation –

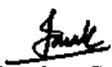
It is to bring to the kind attention of the SEIAA that, through other factors are satisfactory for the proposed project; PP has not yet obtained No objection Certificate from Civil Aviation Ministry to install stack at the project site as directed by the EAC, MEF&CC in their Terms of References dated 03.12.2018 at point No. 5(ix).

In view of above, SEAC-1 is of the opinion that, the Environmental Clearance is not the final clearance under all Acts/ Rules but it is the clearance only under EIA Notification, 2006 amended from time to time. The PP has to obtain all other Consent, Permissions, NOC's required under those relevant Acts/Rules.

PP to submit penalty of Rs.3.681 Cr. as per OM on SOP for violation cases issued by the MOEF&CC vide No. 22-21/2020-IA-III dated 07.07.2021. (1% of project cost of Rs. 273.83 Cr. (2.738 Cr.) or expansion activity and 0.25% of total turnover from year 2016-17 to 2021-22 of Rs. 377.51 Cr. (0.9437 Cr.))

After detailed deliberations with the PP and their accredited consultant, SEAC-1 decided to recommend the proposal to the SEIAA subject to the action taken against the PP under Sec. 19 of the Environment Protection Act, 1986, deposition of Bank Guarantee of Rs. 10.34 Cr. and following specific conditions,

1. PP during deliberations informed that, the stack height of 90 meters is essential for the proper diffusion of pollutants. But PP has not obtained NOC form the Aviation Ministry. PP to explore new and modern technologies to ensure proper diffusion of all pollutants within the permissible limits with reduced stack height as per requirements of the Ministry of Aviation.
2. PP to deposit Bank Guarantee of Rs. 10.34 Cr with Maharashtra pollution control board towards Remediation Plan Natural and Community Resources Augmentation Plan.
3. PP to implement remediation plan and Natural and Community augmentation plan within two year from the date of grant of Environmental Clearance. The overall implementation of the plan should be overseen by an expert agency from IIT/NIT/TISS
4. PP to ensure to utilize CER fund (Rs.2.78 Cr.) before the commissioning of the manufacturing activity in consultation with the District Collector.
5. PP implement Enterprise Social Commitment by providing 5% funds of the total project cost as identified by the EAC, MoEF&CC in their 6th meeting held on 30th March 2016. PP to submit commitment in this regard.
6. PP to obtain water lifting permission from the Competent Authority to lift water from Hotigi Lake.
7. PP to obtain all necessary NOCs from the Competent Authority before taking any effective steps on site.


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8. PP to ensure augmentation of the existing ETP and CPU by modifying and introducing new treatment units etc. to ensure discharge within the permissible limits of the Consent.
9. PP to ensure that, no waste water shall go outside the premises in any form as identified in the Public Hearing. All treated waste water shall be reused/recycles within the premises.
10. PP to prepare and implement a plan and conduct a study to assess impact of their activities on soil and ground water with the help of reputed Government organisations, agricultural universities etc. PP shall carry out all necessary remediation action as per recommendations of the study.
11. PP to submit their plan to comply with the observations made in the certified compliance of existing Consent to Operate.
12. PP to complete development of mandatory green belt immediately with the provision of drip irrigation and submit photographs.
13. PP proposes to sale carbon do oxide gas by providing bottling plant for collection and storage of carbon dioxide gas. PP to ensure that no carbon dioxide gas is emitted to the atmosphere. PP to carry out demand – supply calculations of CO₂ gas for beverage industry and explore alternate use-of CO₂ gas capture and use.
14. PP to carry out physiochemical analysis report of the compost proposed to be used as manure and obtain approval from the competent Authority so as to ensure its safe use on agricultural land
15. PP to provide Zero Liquid Discharge Effluent Treatment PP to explore possibility to assess techno-economic feasibility of using technology for MEE such as low temperature/mechanical vapour compressor etc. so as to reduce operation cost and use of natural resources. ZLD scheme to be technically vetted by IIT/NIT experts and submitted.
16. PP to ensure enclosed storage with impervious flooring of all raw materials and chemicals, no open storage be practiced so as to avoid odour nuisance and its impact on the soil in case of spillage.
17. PP to submit copies of MoU executed with the brick manufacturer for disposal of boiler ash along with their quantities.
18. PP to provide asphaltting on all internal roads so as to reduce particulate matter pollution during plying of vehicles within the premises.
19. PP to submit detailed report on technical adequacy of all pollution control equipment including air, water, noise etc.as PP is not proposing any modification / augmentation for proposed expansion.
20. PP to ensure to reduce spent wash generation within 6-8 KL/KL of alcohol produced
21. PP to ensure to restrict fresh water consumption within 10 KL/KL of alcohol production



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22. PP to prepare and submit detailed technical plan with application of proper technology to control odour nuisance.
23. PP to complete rain water harvesting facility before the commissioning of the manufacturing activity.

Recommendations of SEAC-

Recommended.

Deliberation in SEIAA-

Proposal is a violation of EIA Notification, 2006. PP has applied as per MoEF&CC Office Memorandum dated 07.07.2021 for identification and handling of violation cases. Proposal is considered by SEAC-1 in its 230th meeting and recommended the proposal to SEIAA for grant of Environment Clearance under violation category as per MoEF&CC Office Memorandum dated 07.07.2021 with Bank Guarantee of 10.34 Cr and Penalty of Rs. 3.681 Cr.

Proposal was then considered by SEIAA in its 254th meeting and deferred for submission of compliance of condition no of SEAC-1 minutes regarding reduction in Stack height. Proposal was again considered in 269th SEIAA meeting and deferred for want of plan approval from the ADTP with 33 % green belt. Now, PP submitted the compliance.

During the meeting, SEIAA observed that, Hon'ble Supreme Court in the WP(C) no 1394/2023 titled Vanshakti vs Union of India vide order dated 02.01.2024 has stayed the operation of both the MoEF&CC OM dated 07.07.2021 and 28.01.2022. MoEF&CC has also communicated the order of Hon'ble Supreme Court dated 02.01.2024.

In the view of above, SEIAA decided not to hear the proposal till further instructions from MoEF&CC in this regard. SEIAA decided to defer the proposal.

SEIAA Decision-

SEIAA decided to defer the proposal.



Member Secretary



Chairman



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 42nd Amendment Act with effect from 3rd 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

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Date: 2025.05.16
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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 19th 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 India¹, 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

¹ 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 nation-wide 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 12th December 2012 and 27th 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.**², 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**² was delivered on 2nd August 2017. Notwithstanding the clear declaration of law which was made on 2nd 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**³. It records that there was a notification of 27th 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 14th May 2002, which permitted obtaining of *ex post facto* EC. This Court specifically dealt with the challenge to the circular dated 14th 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

² 2017 (9) SCC 499

³ 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 27th 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**², 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.***⁴. 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

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***³, 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***² and ***Alembic Pharmaceuticals***³. 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 13th October 2017, in the case of ***Puducherry Environment Protection Association***¹ 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 13th September 2017. In the case of ***Appaswamy Real Estates Limited v. Puducherry Environment Protection Association***⁵, the request of the MoEFCC for extending the time provided in the 2017 notification was accepted. As a result, the OM dated 16th 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 14th 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

⁵ 2018 SCC OnLine Mad 1283

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***³ and ***Common Cause***², 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/permissible, for grant of EC, as per extant regulations: **To be demolished.**
- iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**
- iv. **Polluter pays:** Violators to pay for violation period proportionate to the scale of project and extent of commercial transaction.
- v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

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

Step 2: Action under Environment (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/permissible' 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 Cause²** and **Alembic Pharmaceuticals³**. 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 Cause²** and **Alembic Pharmaceuticals³**. 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 14th 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 14th March 2017. The window which was initially for a period of six months was eventually extended till completion of 30 days from 14th 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 14th 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**