

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO.09 OF 2021

IN

ORIGINAL APPLICATION NO.78 OF 2021

IN THE MATTER OF:

RAMESH MALIK & ANR.

...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

INDEX

S. No.	Particulars	Page No.
1.	REPLY ON BEHALF OF PROJECT PROPONENT NAMELY M/S AMAR NATH AGGARWAL INVESTMENT (P) LIMITED TO APPLICATION	1 - 25
2.	ANNEXURE R-1 Copy of order dated 06.01.2022 passed by this Hon'ble Tribunal	26 - 29
3.	ANNEXURE R-2 Copy of License No. 33 of 1996, dated 15.03.1996 granted to the Project Proponent	30 - 33
4.	ANNEXURE R-3 Copy of the Part Completion Certificate dated 20.12.2001	34 - 35
5.	ANNEXURE R-4 Copy of EIA Notification, 2006, dated 14.09.2006, published by the Ministry of Environment and Forests	36 - 72
6.	ANNEXURE R-5 Copy of Order dated 16.10.2006 passed by the Hon'ble Supreme Court in Goa Foundation v. Union of India reported in (2020) 15 SCC 811	73 - 74
7.	ANNEXURE R-6 Copy of Order dated 04.12.2006 passed by the Hon'ble Supreme Court in Goa Foundation v. Union of India reported in (2011) 15 SCC 791	75 - 77

8.	ANNEXURE R-7 Copy of 2 nd License no.186 of 2008, dated 29.10.2008, granted for Expansion Project	78 - 79
9.	ANNEXURE R-8 Copy of MoEF letter dated 14.11.2008	80 - 81
10.	ANNEXURE R-9 (Colly) Copy of letter dated 04.11.2009 by the District Forest Officer, alongwith its translated copy	82 - 83
11.	ANNEXURE R-10 Copy of Office Memorandum, dated 02.12.2009, issued by MoEF	84 - 85
12.	ANNEXURE R-11 Copy of Environment Clearance dated 25.03.2010	86 - 92
13.	ANNEXURE R-12 Copy of Part Completion certificate was granted by Director, Town and Country Planning	93 - 94
14.	ANNEXURE R-13 Copy of Notification dated 24.10.2016, for Khol Hi Raitan Wildlife Sanctuary	95 - 104
15.	ANNEXURE R-14 Copy of Notification dated 23.11.2016, for Bir Shikargarh Wildlife Sanctuary	105 - 114
16.	ANNEXURE R-15 Copy of Office Memorandum was superseded by OM dated 08.08.2019	115 - 117
17.	ANNEXURE R-16 Copy of Office Memorandum dated 16.07.2020	118 - 119
18.	ANNEXURE R-17 Copy of letter dated 30.09.2020 by SEIAA	120
19.	ANNEXURE R-18 Copy of Extension of Environmental Clearance was granted vide letter dated 05.01.2021	121
20.	ANNEXURE R-19 Copy of order dated 25.03.2021 passed by this Hon'ble Tribunal in O.A. No. 78 of 2021	122 - 123

21.	ANNEXURE R-20 Copy of Notice issued by SEIAA, Haryana for Withdrawal of EC dated 18.01.2022	124 - 125
22.	ANNEXURE R-21 Copy of MoEF notification dated 22.12.2014	126 - 127
23.	ANNEXURE R-22 (Colly) Copy of letter dated 09.02.2011, alongwith Guidelines issued by MoEF for declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries	128 - 135
24.	ANNEXURE R-23 Copy of Note dated 17.02.2017/22.07.2017 by the office of PCCF (WL) cum CWLW	136 - 140
25.	ANNEXURE R-24 Copy of letter dated 01.03.2017 submitting draft proposal by Government of Haryana to MoEF	141 - 143
26.	ANNEXURE R-25 Copy of letter dated 01.07.2020 by Deputy Commissioner, Panchkula, submitting the minutes of meeting	144 - 155
27.	ANNEXURE R-26 Copy of letter dated 04.08.2020 by PCCF (WL) cum CWLW, sent proposal to Government of Haryana for according approval for delineation of ESZ around Sukhna Wildlife Sanctuary (towards Haryana side), to the extent of 1.0 to 1.5 km. along with the prohibited, regulated and permitted activities	156 - 160
28.	Proof of Service	161

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**REPLY ON BEHALF OF PROJECT
PROPONENT NAMELY M/S AMAR NATH
AGGARWAL INVESTMENT (P) LIMITED
TO APPLICATION**

MOST RESPECTFULLY SHOWETH:**PRELIMINARY SUBMISSIONS:**

1. That this Hon'ble Tribunal, vide order dated 06.01.2022, was pleased to direct issuance of notice to the Project proponent, answering respondent herein, upon grievance of the Applicant against grant of extension of Environment Clearance (EC) by State Environment Impact Assessment Authority, Haryana (hereinafter referred to as "SEIAA") on 05.01.2021. A copy of order dated 06.01.2022 passed by this Hon'ble Tribunal is attached as **Annexure R-1**.
2. That the Project Proponent would like to state at the outset that it has diligently complied with all the relevant rules and regulations and has not been in breach of any of the applicable conditions, as is being detailed in the following paragraphs. A brief list of dates, which are relevant for the present purposes are as follows:

15.03.1996	<p>Much prior to the issuance of EIA, 2006 Notification, License No. 33 of 1996, dated 15.03.1996, was granted by the Department of Town and Country Planning, Haryana to the Project Proponent for setting up of residential colony at Village Bhagwanpur, District Panchkula, Haryana over an area of 102.18 acres. A copy of License No. 33 of 1996, dated 15.03.1996 granted to the Project Proponent is attached as Annexure R-2.</p>
20.12.2001	<p>Part completion certificate, dated 20.12.2001, was issued in respect of 93.08 acres by Director, Town and Country Planning, Haryana in respect of the main project. A copy of the Part Completion Certificate dated 20.12.2001 is attached as Annexure R-3.</p>
14.09.2006	<p>EIA Notification, 2006, dated 14.09.2006, was published was by the Ministry of Environment and Forests, a copy of which is attached as Annexure R-4.</p>
16.10.2006	<p>Hon'ble Supreme Court, vide order dated 16.10.2006, in Goa Foundation v. Union of India reported in (2020) 15 SCC 811, directed MoEF to file an affidavit stating the proposals which have been received from the State Governments requiring them to initiate measures for identification of suitable areas. A copy of Order dated 16.10.2006 passed by the Hon'ble Supreme Court in Goa Foundation v. Union of India though reported in (2020) 15 SCC 811 is attached as Annexure R-5.</p>
04.12.2006	<p>Hon'ble Supreme Court, vide order dated</p>

	<p>04.12.2006, in Goa Foundation v. Union of India reported in (2011) 15 SCC 791, directed MoEF to give a final opportunity to all States/ UTs to respond to its letter.</p> <p>It was stated by the Hon'ble Apex Court that "The communication sent to the States/Union Territories shall make it clear that if the proposals are not sent even now within a period of four weeks of receipt of the communication from the Ministry, this Court may have to consider passing orders for implementation of the decision that was taken on 21-1-2002, namely, notification of the areas within 10 km of the boundaries of the sanctuaries and national parks as eco-sensitive areas with a view to conserve the forest, wildlife and environment, and having regard to the precautionary principles. If the States/Union Territories now fail to respond, they would do so at their own risk and peril."</p> <p>A copy of Order dated 04.12.2006 passed by the Hon'ble Supreme Court in Goa Foundation v. Union of India reported in (2011) 15 SCC 791 is attached as Annexure R-6.</p>
29.10.2008	<p>Project Proponent was granted 2nd License No.186 of 2008, dated 29.10.2008, by Director, Town and Country Planning, Haryana for Expansion project, over 16.156 acres. A copy of 2nd License no.186 of 2008, dated 29.10.2008, granted for Expansion Project is attached as Annexure R-7.</p>
14.11.2008	<p>At the time of expansion of the project, Project proponent sought clarification from Ministry of Environment and Forests regarding applicability of</p>

	EIA Notification, 2006 to the case of the Project Proponent. MoEF, vide letter dated 14.11.2008, categorically clarified that no approval is required by the Project Proponent for expansion of the project. A copy of MoEF letter dated 14.11.2008, is attached as Annexure R-8 .
21.04.2009	Project proponent still diligently and bonafidely submitted application for seeking prior Environment Clearance for Expansion project on 21.04.2009.
04.11.2009	District Forest Officer, vide letter dated 04.11.2009, stated that the project does not fall within the reserved area. Land is 3.9 kms from Bir Shikhargarh sanctuary and 1.6 kms from Khoi Ratan sanctuary. A copy of letter dated 04.11.2009 by the District Forest Officer, alongwith its translated copy, is attached as Annexure R-9 .
02.12.2009	Office Memorandum, dated 02.12.2009, was issued by MoEF stating the Procedure for consideration of proposals for grant of Environmental Clearance under the 2006 Notification, which involve forestland and or wildlife habitat. A copy of Office Memorandum, dated 02.12.2009, issued by MoEF is attached as Annexure R-10 . It is relevant to mention that Project Proponent had already filed its application in April 2009 for grant of EC and the same was pending when the said Office Memorandum was issued.
25.03.2010	Project proponent was granted Environmental Clearance for expansion of the project, vide letter

	dated 25.03.2010. It is relevant to mention that SEAC in its meeting awarded “Gold” grading to the project. A copy of Environment Clearance dated 25.03.2010 is attached as Annexure R-11 .
02.09.2015	Part Completion certificate was granted by Director, Town and Country Planning, a copy of which is attached as Annexure R-12 .
24.10.2016	Central Government, vide notification dated 24.10.2016, notified an area with an extent from Zero meters upto 925 metres from the boundary of Khol Hi Raitan Wildlife Sanctuary as the Eco-sensitive Zone. A copy of Notification dated 24.10.2016, for Khol Hi Raitan Wildlife Sanctuary is attached as Annexure R-13 .
23.11.2016	Central Government, vide notification dated 23.11.2016, notified an area with an extent from Zero meters upto 1200 metres from the boundary of Bir Shikargarh Wildlife Sanctuary as the Eco-sensitive Zone. A copy of Notification dated 23.11.2016, for Bir Shikargarh Wildlife Sanctuary is attached as Annexure R-14 .
31.10.2017	Application, dated 31.10.2017, was submitted by the Project Proponent for grant of extension of Environmental Clearance. The objections raised by
08.08.2019	2009 Office Memorandum was superseded by OM dated 08.08.2019, a copy of which is attached as Annexure R-15 , wherein it was stated that for projects located outside the Eco-sensitive zones, prior clearance from Standing Committee of

	National Board for Wildlife will not be applicable.
16.07.2020	Further, Office Memorandum dated 16.07.2020 clarifies that State Governments not to insist upon wildlife clearance for developmental projects outside the Protected Areas. A copy of Office Memorandum dated 16.07.2020 is attached as Annexure R-16 .
30.09.2020	SEIAA, vide letter dated 30.09.2020, stated that no construction activity has been carried out since March 2017, area for expansion has not been developed so far and recommended the case of the Project Proponent for grant of EC. A copy of letter dated 30.09.2020 by SEIAA is attached as Annexure R-17 .
05.01.2021	Extension of Environmental Clearance was granted vide letter dated 05.01.2021, a copy of which is attached as Annexure R-18 .
25.03.2021	Upon O.A. No. 78 of 2021 being filed by the Applicant challenging grant of extension of EC to the Project Proponent, this Hon'ble Tribunal vide order dated 25.03.2021 was pleased to direct that the issue be examined by a joint Committee of SEIAA, Haryana and Chief Wildlife Warden, Haryana. A copy of order dated 25.03.2021 passed by this Hon'ble Tribunal in O.A. No. 78 of 2021 is attached as Annexure R-19 .
	Pursuant to order dated 06.01.2022 passed by this Hon'ble Court in Execution Application No. 9 of 2021 in O.A. No. 78 of 2021, SEIAA, Haryana issued Notice for Withdrawal of EC dated

	18.01.2022, a copy of which is attached as Annexure R-20.
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A. DETAILS OF THE PROJECT IN QUESTION – FACTS

3. The Project Proponent has developed a 'Township and Area Development Project' over a total area of 118.33 acres (including expansion of 16.15 acres). The main project comprising of 102.83 acres was granted License in the year 1996 and Completion Certificate by the Department of Town and Country Planning, Haryana in the year 2001 itself, i.e. much prior to the coming in force of EIA, 2006 notification.
4. After 2006, Project proponent sought for expansion of the project by 16.15 acres for which Environmental Clearance was granted on 25.02.2010. Part Completion certificate was granted by Director, Town and Country Planning on 02.09.2015. Construction is remaining only on 2.6 acres of land.
5. The issue now being raised by the applicants with regard to competence of State Authority to grant extension of Environmental Clearance, is misconceived and based on misinterpretation of 2006 Notification. It is based on the premise that 'General Conditions' apply to projects mentioned in Clause 8 of the Schedule.
6. As far as location of the project is concerned, as per the Forests Department, Haryana the project is 3.9 kms away from sanctuary and 1.2 kms away from Khol Hi Ratan Sanctuary and falls beyond the notified eco-sensitive boundary.

B. APPLICABILITY OF 'GENERAL CONDITIONS' APPENDED TO THE 2006 NOTIFICATION TO THE PROJECT PROPONENT AND COMPETENCE OF SEIAA TO GRANT EC

7. That main project in question was granted license, permissions in the year 1996 and Completion Certificate in the year 2001, which was much before EIA notification, 2006 came into operation. Hence, EIA, 2006 was not applicable to the main project in question, being executed prior to the date of notification, notification being applicable prospectively and not retrospectively.
8. Though it is the case of the Project Proponent that prior EC is not required as the project in question does not cross the threshold prescribed under Clause 8(b) of the 2006 notification, nevertheless even then 'General Conditions' stipulated therein do not apply.
9. That General Conditions are not applicable to Clause 8(b), as has been specifically excluded by the notification itself. General Conditions have been made applicable to other clauses of the Schedule except Clause 8. Consequently, the projects under the said category cannot be treated as Category-A' projects and State Environment Impact Assessment Authority is the competent authority to grant EC. Hence, there is no illegality/ infirmity in the grant of EC by SEIAA, Haryana since the project in question is not a 'Category-A' project.
10. That the above issue, regarding applicability of General Conditions to Clause 8 of the Notification was clarified by the Additional Solicitor General before the Hon'ble Supreme Court in the case of RE: Noida Memorial Complex Near Okhla Bird Sanctuary (2011) 1 SCC 744 wherein it has been specifically observed as follows:

“60. Mr Raval, learned ASG, produced before the Court, the draft Notification No. S.O. 1324E, published in the Gazette

of India Extraordinary of 15-9-2005. In the draft notification there were two general conditions, GC1 and GC2 and in regard to “(a) Construction of all projects (residential and non-residential), and (b) New Townships and Settlement Colonies”, the application of GC2 was expressly indicated in Column 5 of the table. Later on, in a meeting held on 6-7-2006, chaired by none else than the Prime Minister, it was decided to leave all construction and township projects, housing and area development projects in the hands of the State Government. It was further decided that for all projects involving more than 1,50,000 sq m of built-up area and/or covering more than 50 ha, the EIA requirements should correspond to Category A, even though the clearance would be granted by the State Government. Mr Raval submitted that in light of the decision taken in that meeting, in the final Notification issued on 14-9-2006, the application of general condition was removed in respect of Items 8(a) and 8(b) in the schedule. In view of the changes made in the two items in the final notification, Mr Raval also contended that the general condition has no application to Items 8(a) and 8(b), regardless of the project’s proximity to any sanctuary or reserved area.”

11. That further a subsequent MoEF notification dated 22.12.2014 further clarified and alleviated any remaining doubts as to the applicability of the ‘General Conditions’ on Clause/Item 8 projects of the Schedule. The said notification categorically adds a note to the ‘fifth’ column of the schedule for both 8(a) and 8(b), which stipulates as: “General Conditions shall not apply.” A copy of MoEF notification dated 22.12.2014 is attached as **Annexure R-21**.
12. Since ‘General Conditions’ do not apply to Clause 8 projects, it does not become a ‘Category-A’ project. Hence, the State Authority

was fully competent to issue the EC. Further, if there was any defect/ limitation in the jurisdiction of SEIAA to grant EC, at no stage did the State Authority inform/ mention/ express to the Project Proponent its inability/ lack of jurisdiction to grant EC. The issue of lack of jurisdiction, if any, should have been pointed out by the Authority itself pursuant to which Project proponent would have taken such further steps, as necessary or directed. The application was never returned or referred back by the State Authority. Project Proponent could not be held responsible, especially in view of bonafide steps taken.

C. PRIOR CLEARANCE FROM STANDING COMMITTEE OF NATIONAL BOARD OF WILDLIFE NOT REQUIRED IN THE PRESENT CASE

13. That the 2nd inspection report by the Joint Committee of Chairman SEIAA, Haryana and Chief Wildlife Warden, Haryana dated 15.09.2021, filed before this Hon'ble Tribunal, have relied upon para 2(iii) of the OM dated 02.12.2009 to conclude that prior clearance from Standing Committee of NBWL was mandatory and there is a violation of the said condition. However, it is relevant to mention that the said observation is based on incorrect interpretation.
14. It is relevant to mention that OM dated 02.12.2009 was issued when the application of the Project Proponent for grant of EC was already pending before SEIAA. The said notification was never brought to the notice of the Project proponent. No specific information was obtained from the Project Proponent, as stipulated under the para 2(ii). There was no specific condition stipulated in the EC that "environmental clearance is subject to obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of National Board for Wildlife as applicable", as per para 2(iii) of the said OM. The

Project Proponent had diligently submitted its application for grant of EC. Incase there was any change in procedure, then the same should have been communicated to the Project Proponent by giving an opportunity to meet the additional compliances and by making the specific conditions in EC. Now, after 12 years of grant of EC, it cannot be said that Project Proponent faulted, without any basis. The onus was on the Authority to communicate the same to the Project Proponent, the burden of which cannot be shifted now.

15. That perusal of para 2(iii) of the 2009 OM reveals that the condition of 10 km. mentioned therein is based on the order, dated 04.12.2006, passed by the Hon'ble Supreme Court in the case of Goa Foundation. However, the said interpretation in the said OM is also erroneous since the said order never directed that the distance should be 10 kms. This is evident from reading a copy of the said order of the Hon'ble Apex Court, a copy of which is attached as Annexure R-6. This fact has also been clarified by a three judges bench of the Hon'ble Supreme Court in the case of Goa Foundation v. Union of India (2014) 6 SCC 590, wherein the Hon'ble Court held as follows:

“It will be clear from the order dated 4-12-2006 of this Court that this Court has not passed any orders for implementation of the decision taken on 21-1-2002 to notify areas within 10 km of the boundaries of national parks or wildlife sanctuaries as eco-sensitive areas with a view to conserve the forest, wildlife and environment. By the order dated 4-12-2006 of this Court, however, the Ministry of Environment and Forests, Government of India, was directed to give a final opportunity to all States/Union Territories to respond to the proposal and also to refer to the Standing Committee of the National Board for Wildlife the cases in which environment clearance has already been granted in respect of activities within the 10 km zone from

the boundaries of the wildlife sanctuaries and national parks. There is, therefore, no direction, interim or final, of this Court prohibiting mining activities within 10 km of the boundaries of national parks or wildlife sanctuaries.”

Hence, the basis of 2009 OM is completely misplaced and cannot be a ground for concluding that there was any violation by the Project Proponent or that the EC was erroneously granted.

16. The fact that 04.12.2006 order never mandated a 10 km zone has also been considered and followed by this Hon'ble Tribunal in its subsequent judgments.
17. That it is also relevant to mention that the 2009 OM was superseded by OM dated 08.08.2019. It has been clearly stated therein that for projects located outside the Eco-sensitive zones, prior clearance from Standing Committee of National Board for Wildlife will not be applicable. Further, OM dated 16.07.2020 clarifies that State Governments not to insist upon wildlife clearance for developmental projects outside the Protected Areas. Hence, the Project Proponent was not required to take any other permissions and had not violated any of the terms and conditions.
18. That the issue whether directions contained in an Office Memorandum office memorandum insisting prior clearance of the Standing Committee for projects and development activities within 10 kilometres from National Parks is sustainable in law. Provisions of Section 3 of the Environment Protection Act, 1986 read with Rule 5 of Environment Protection Rules, make it clear that the Central Government has to take into consideration the factors mentioned in sub rule (1) while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas. Sub-rule (2) categorically states that while prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central

Government is bound to follow the procedure mentioned in the Rule itself, like issuing notification of its intention to prohibit giving description of the area, industries, operations, processes, reasons; inviting objections within 60 days; considering objections within 120 days.

19. That having regard to Section 3 of the Act and Rule 5 of the Rules, Hon'ble Supreme Court in Goa Foundation case (2014) 6 SCC 590, in the context of prohibiting mining operations around National Parks, that until the Central Government takes into account various factors mentioned in sub-rule (1), follows the procedure laid down in subrule (3) and issues a notification under Rule 5 prohibiting mining operations in an area, there can be no prohibition under law to carry on mining activity beyond 1 km of the boundaries of National Parks prohibited by the Apex Court in T.N. Godavarman Thirumulpad. Hence, unless the Central Government chooses to dispense with the said procedure in Rule 5 in public interest, the procedure prescribed in the said Rule is to be followed even for restriction of an operation that would fall within the scope of Rule 5 of the Rules in an area.
20. That insistence in 2009/ 2019 office memorandums, that prior clearance of the Standing Committee is mandatory for projects and development activities within 10 kilometres from National Parks, is a restriction falling within the scope of Section 3(2)(v) of the Act, is a restriction falling within the scope Section 3(2)(v) of the Act and can be made only in accordance with the procedure laid down in Rule 5 of the Rules. The said procedure, as mandated in Rule 5 has not been followed in the present case and hence is unsustainable in law.

D. PROJECT IS OUTSIDE ECO-SENSITIVE ZONE – ISSUE IN RESPECT OF 3 WILDLIFE SANCTUARIES

21. That admittedly, the project in question is located outside the notified Eco-sensitive Zones of Khol Hi Raitan Wildlife sanctuary and Bir Shikargarh Wildlife sanctuary, even as per the report of the Joint Committee, therefore, obviating the requirement of taking a clearance from the Standing Committee of National Board of Wildlife (NBWL).
22. Sukhna was declared as a sanctuary in the year 1998 by the Administrator, Chandigarh, UT much later than the grant of License and commencement of construction by the Project Proponent. The Sukhna Wildlife sanctuary is located over an area of only 26 sq. km. It abuts the States of Punjab, Haryana and Chandigarh.
23. The State of Punjab has also sought to notify upto 100 m. as Eco-sensitive zone. Draft notification for State of Haryana has already been sent for notifying more than 23 sq. km. as Eco-sensitive zone. The licensed area of the township is clearly outside the area given in the draft notification sent by Haryana. Even before Sukhna was declared as a Sanctuary, massive constructions had already been raised by various persons in the immediate vicinity. Government Authority developed Sectors 1, part of Sectors 2 & 3, Gymkhana club, Sector-1 Mansa Devi Complex and some army area of Chandimandir cantonment (area including small arms firing range of military station Chandimandir), Central Soil & Water Conservation Research Farm (Panchkula) including some MC Panchkula areas also fall in the immediate vicinity. Houses of village Saketari are constructed along the boundary of Sukhna WLS at 0 meter distance, while another village named Prempura is also in close vicinity in Sukhna WLS i.e. from 300 meter to 700 meter. Some area under northern army command falls within 1 km which is having much strategic importance and army is utilizing the area since the past 50 years as the baffled firing range which is surrounded by concrete wall and earth work to

reduce the fire sound. The said firing range is the only training infrastructure in entire Chandimandir military station where the training to the soldiers on small arms is imparted.

24. Important facts and documents regarding the Notification of Sukhna Eco-sensitive Zone are as follows:

- (a) MoEF vide letter dated 09.02.2011 issued guidelines for declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries. Copy of letter dated 09.02.2011, alongwith Guidelines issued by MoEF for declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries, are attached as **Annexure R-22 (Colly)**.
- (b) Proposal for declaring the Eco-Sensitive Zone around Sukhna Wildlife Sanctuary (towards Haryana Side) was submitted by the office of PCCF (WL) cum CWLW to the Government for approval vide Note 17.02.2017 and the same was approved by the Government on 22.02.2017. A copy of Note dated 17.02.2017/22.07.2017 by the office of PCCF (WL) cum CWLW is attached as **Annexure R-23**.
- (c) Consequent to the approval of the draft proposal by Government of Haryana, draft notification was submitted to MoEF, Govt. of India, vide letter dated 01.03.2017. Copy of letter dated 01.03.2017 submitting draft proposal by Government of Haryana to MoEF is attached as **Annexure R-24**.
- (d) In the mean a CWP No.18253 of 2009 was filed in Hon'ble Punjab and Haryana High Court at Chandigarh for taking precautionary measures to save the catchment area of Sukhna lake. The Hon'ble Court vide order dated 02.03.2020 directed the States of Punjab & Haryana to notify at least 1.0 kilometer area from the boundary of Sukhna lake Wildlife Sanctuary as Eco-Sensitive Zone, falling in the areas State of Punjab & Haryana.

- (e) Pursuant to the said order, Deputy Commissioner, Panchkula vide letter dated 01.07.2020 submitted the minutes of the meeting held on 19.06.2020 regarding delineation of the proposed ESZ around Sukhna Wildlife Sanctuary (towards Haryana side). Copy of letter dated 01.07.2020 by Deputy Commissioner, Panchkula, submitting the minutes of meeting is attached as **Annexure R-25**.
- (f) PCCF (WL) cum CWLW, vide letter dated 04.08.2020, sent proposal to Government of Haryana for according approval for delineation of ESZ around Sukhna Wildlife Sanctuary (towards Haryana side), to the extent of 1.0 to 1.5 km. along with the prohibited, regulated and permitted activities. Copy of letter dated 04.08.2020, is attached as **Annexure R-26**.
25. It is relevant to mention that the area around and beyond the Sukhna sanctuary, on Haryana side, is highly constructed and densely populated. Constructions therein have been in existence for decades. Project of the Project Proponent has been in existence for more than 2 decades where few thousand families reside. Hence, to contend that Eco-sensitive zone of 10 km has to be maintained is beyond ground realities, a condition never envisaged in the present case and cannot be applied mechanically. If a 10km range from the said sanctuary is taken, then it would include the entire cities of Panchkula and adjoining areas. Such an interpretation cannot be made applicable retrospectively. Moreover, for a sanctuary of 26 sq. km. there cannot be an eco-sensitive zone of more than 10-15 times the area. Such an import would be highly illogical and irrational. It is relevant to mention that even in respect of Khol Hi Raitan Wildlife sanctuary and Bir Shikargarh Wildlife sanctuary, which are in immediate vicinity, the notification envisages Eco-sensitive zone of 'Zero' meters also.

E. MASTER ZONAL PLAN

26. That the Township in question forms Sector-2 of Pinjore-Kalka Urban Complex and is approved as per Master Plan by Haryana Urban Development Authority. The Master Zonal plan is prepared in consultation with the Departments of Environment, Forest, Urban Development, Tourism, Municipal, Revenue, Agriculture, Haryana State Pollution Control Board. Construction is in accordance with the sanctioned and approved land use. There has been no violation by the Project Proponent. It is relevant to mention that none of the departments ever raised an issue regarding the same. The permitted land use of the area has been shown to be 'Residential' and the Project Proponent has fully complied with all the statutory requirements.

F. NOTICE FOR WITHDRAWAL DATED 18.01.2022

27. That after issuance of notice to the Project Proponent, by this Hon'ble Tribunal, the State Environment Impact Assessment Authority, Haryana issued a notice dated 18.01.2022 for withdrawal of Environment Clearance.
28. That the impugned notice by SEIAA has been issued in haste in view of the order passed by this Hon'ble Tribunal wherein only a prima facie observation has been recorded validity of grant of EC and for the purposes of ascertaining complete facts, notice had been issued to the Project Proponent. The issue is yet to be adjudicated by the Hon'ble Tribunal. Since the issue is pending adjudication before this Hon'ble Tribunal, Notice for withdrawal of Environmental Clearance issued by State Environment Impact Assessment Authority, Haryana, is preemptive and unwarranted at this stage. Any such action by the Authority would cause thwart the adjudication process and result in irreparable loss/damage to the Applicant.

29. That the impugned notice dated 18.01.2022, seeks to withdraw both the Original EC granted on 25.03.2010 as well as extension of EC granted on 05.01.2021 in view of observations by this Hon'ble Tribunal in order dated 06.01.2022. It is relevant to mention that while this Hon'ble Tribunal had issued notice to the Project Proponent on the ground of competence of SEIAA, Haryana itself to grant Environment Clearance in view of location of the project within 10 kms from the wildlife sanctuaries, SEIAA, Haryana is now seeking to withdraw both the clearances granted to the Project Proponent. Withdrawal of Environment Clearance after 12 years of its grant, without any issue being raised at any point of time during its validity, is highly erroneous, unjustified and against the tenet of grant of permissions/ clearances. No objection was raised at any point of time regarding any violation, even though 6 monthly reports had been filed by the Project Proponent. If such a proposition is allowed, it will open a Pandora's box wherein clearances are withdrawn, after being acted upon, after the expiry of their validity thereby jeopardizing the rights of such Project Proponents. It would set a bad precedent and give impetus to belated unwarranted litigation for ulterior motives. Project Proponent had taken all the necessary permissions and had not violated any of the conditions stipulated therein. The Environmental Clearances granted to the Project Proponent are therefore not liable to be withdrawn.

G. PROJECT PROPONENT IS A BONA-FIDE DEVELOPER

30. That the project proponent is a non-polluting township with almost 27 years in existence, which received part-completion certificate in 2001, much before the 2006 EIA notification. It is respectfully submitted that the project proponent is committed to compliance of laws and regulations. The project proponent in its wisdom has complied with the conditions stipulated in the EC and had duly submitted the 6-monthly report to the Ld. Authority. The

project proponent had obtained the Consent to Establish, Consent to Operate, NOC from the forest department, Environmental Clearance for the expansion (even though when it was not required as per the letter dated 14.11.2008 from the MoEF), etc. prior to initiating any construction.

31. Without prejudice, the specific condition for clearance from the Standing Committee of NBWL (as per the 2009 MoEF Office Memorandum) was not incorporated in the 2010 EC granted to the project proponent. Nor did the said requirement was intimated at the time of extension of the said EC by the SEAC or the SEIAA, or in response to any of the six-monthly reports submitted by the project proponent. In any case, the said requirement is not applicable in the present case for the reasons discussed hereinabove.
32. That the Hon'ble Supreme Court of India in M/s Pahwa Plastics Pvt. Ltd. v. Dastak NGO & Ors. in Civil Appeal no.4795 of 2021 decided on 25.03.2022 held that ex-post facto clearances and/or approvals and/or removal of technical irregularities in terms of a Notification under the Environment Protection Act cannot be declined with pedantic rigidity, oblivious of the consequences. Basing its judgment on equity, the Hon'ble further held that:

“64. The question in this case is, whether a unit contributing to the economy of the country and providing livelihood to hundreds of people, which has been set up pursuant to requisite approvals from the concerned statutory authorities, and has applied for *ex post facto* EC, should be closed down for technical regularity for want of prior environmental clearance, pending the issuance of EC, even though it may not cause pollution and/or may be found to comply with the required norms. The answer to the aforesaid question has to be in the negative, more so when the HSPCB was itself

under the misconception that no environment clearance was required for the units in question.”

The present case is on a better footing as the project proponent started operations after obtaining CTE/CTO, and a valid and prior environment clearance certificate.

33. That the Project Proponent is not the only one who has raised construction in the area. HUDA Sectors 27, 28 and 30, Panchkula and various other projects have come up in the said area. To the best of the knowledge of the Project Proponent, none of them have taken any wild life clearance (not even Environment Clearance for many of them), which is now being sought in the present case.
34. It is also relevant to place on record the conduct of the applicants. Applicants, before the Hon'ble Tribunal, are subsequent purchasers and residents of the Townships of Amravati itself i.e. the Project Proponent. Applicant no. 1 purchased the flat in the year 2019 and Applicant no. 2 in the year 2017. They are chronic litigants and have filed numerous complaints and litigations against the fellow residents. The present petition has also been filed with ulterior motives only to harass the Project Proponent and hence is liable to be dismissed with costs.

PARAWISE REPLY

1. That the contents of Para 1 of the Execution Application are matter of record to the extent that applicants are residents of the Project Proponent's colony itself. It is relevant to mention that the applicant no.1 is not the original allottee and had purchased the flat in the year 2019. The applicant no.2 had purchased the flat in the name of his wife and son in the year 2017. Having purchased the apartments knowing fully well the location and the construction in the vicinity, the applicants have now filed the

application merely for the purposes of harassment and to stop the development activities in the area.

2. That the contents of Para 2 of the Execution Application need no reply.
3. That the contents of Para 3 of the Execution Application need no reply.
4. That the contents of Para 4 of the Execution Application are denied unless specifically admitted being the matter of record.

(A) That the contents of sub-para (A) of Para 4 of the Execution Application need no reply being the matter of record regarding environmental clearance granted to the Project Proponent, vide letter dated 25.03.2010. The contents of environmental clearance are a matter of record and hence, need no specific reply. The Project Proponent has diligently followed all the conditions of the environmental clearance.

(B) That the contents of sub-para (B) of Para 4 of the Execution Application are wrong and vehemently denied. The issuance of environmental clearance to the Project Proponent in the year 2010 was not in violation of 2006 Notification. It is relevant to mention that 'General Conditions' mentioned therein is not applicable to the township and area development project under Clause 8(b) of the Schedule.

(C) That the contents of sub-para (C) of Para 4 of the Execution Application are wrong and vehemently denied. SEIAA, Haryana was fully competent to grant environmental clearance to the Project Proponent. The

project was not required to be applied under Category 'A'. The environmental clearance has not been issued in violation of provisions of Wildlife (Protection) Act, 1972. SEIAA, Haryana, was competent to grant environmental clearance without having the permission of the Court for Wildlife (Protection) Act, 1972.

- (D) That the contents of sub-para (D) of Para 4 of the Execution Application are wrong and vehemently denied. The extension of environmental clearance granted, vide order dated 05.01.2021 is not contrary to the notifications issued by Ministry of Environment, Forest and Climate Change.
- (E) That the contents of sub-para (E) of Para 4 of the Execution Application are denied for want of knowledge as they do not concern to the present proponent.
- (E) Wrongly numbered again as (E). That the contents of sub-para (E) of Para 4 of the Execution Application are wrong and vehemently denied. The Project Proponent has not violated any judicial order/ pronouncement issued by the Hon'ble Supreme Court/ High Court. SEIAA, Haryana was fully competent to grant environmental clearance initially and extension of the same. Grant of environmental clearance is not in violation of judgment of the Hon'ble Apex Court in the Goa Foundation and of this Hon'ble Tribunal in the case of Amit Kumar. The contention of the applicant is based on complete misinterpretation of the judgment passed by the Hon'ble Court.
- (F) That the contents of sub-para (F) of Para 4 of the Execution Application are wrong and vehemently

denied. It is wrong and vehemently denied that the Block namely Cineraria was got constructed during the year 2017 to 2019. It is wrong and vehemently denied that there is any collusion between the environmental clearance authority and Project Proponent. The Project Proponent has been fully complying with the conditions imposed from time to time.

- (G) That the contents of sub-para (G) of Para 4 of the Execution Application are wrong and vehemently denied. It is wrong and vehemently denied that the Project Proponent illegally got constructions done illegally. All the permissions by the Project Proponent are per approvals and plans. It is wrong and vehemently denied that the construction is required to be demolished.
- (H) That the contents of sub-para (H) of Para 4 of the Execution Application are denied for want of knowledge.
- (I) That the contents of sub-para (I) of Para 4 of the Execution Application need no reply being a matter of record regarding filing of Original Application No.78 of 2021 by the applicant before this Hon'ble Tribunal and the order dated 25.03.2021 passed by this Hon'ble Tribunal.
- (J) That the contents of sub-para (J) of Para 4 of the Execution Application are denied for want of knowledge.

- (K) That the contents of sub-para (H) of Para 4 of the Execution Application are denied for want of knowledge.
- (L) That the contents of sub-para (H) of Para 4 of the Execution Application need no reply as they do not pertain to the answering respondent.
5. That the contents of Para 5 of the Execution Application are wrong and vehemently denied. The Project Proponent duly sought prior environmental clearance in respect of expansion project to be undertaken before raising any construction. The Project Proponent was rightly issued the environmental clearance and extension of the same. The construction raised in pursuance thereof are valid. The Project Proponent has not carried out any development activity in contravention to the provisions of obtaining prior environmental clearance as per 2006 notification. The Project Proponent has not followed judicial orders/ pronouncement issued by the Hon'ble Supreme Court/ National Green Tribunal.
6. That the contents of Para 6 of the Execution Application need no reply.
7. That the contents of Para 7 of the Execution Application are denied for want of knowledge.

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the instant application and direct SEIAA not to cancel the extension of EC granted to the Project Proponent.



ANUBHA AGRAWAL

ADVOCATE FOR THE PROJECT PROPONENT

DATED: 04.04.2022

37812
31/03/22



Hargobind Goyal
Notary
25
5/6/11
x 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION NO.09 OF 2021
IN
ORIGINAL APPLICATION NO.78 OF 2021

IN THE MATTER OF:
RAMESH MALIK & ANR.

...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

AND IN THE MATTER OF:
AMAR NATH AGGARWAL INVESTMENT PRIVATE LIMITED

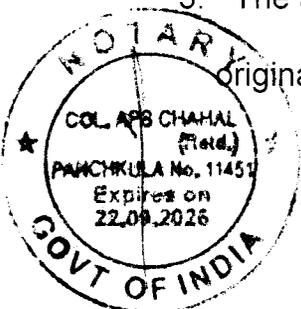
...APPLICANT

AFFIDAVIT

I, Hargobind Goyal, S/o Late Amar Nath Aggarwal, aged about 54 years, Director of M/s. Amar Nath Aggarwal Investment Private Limited, presently at Panchkula, do hereby solemnly affirm on oath and state as under:-

1. That I am the Director of M/s. Amar Nath Aggarwal Investment Private Limited and as such competent to swear and affirm this affidavit on behalf of the Applicant.
2. That I have read over and understood the contents of accompanying reply to application and state that the facts stated therein are true and correct to my knowledge and belief.
3. The annexures annexed to the application are true copies of their respective originals.

MAR 2022



Hargobind Goyal
DEPONENT

Verification:

I, the deponent above named deponent hereby verify that the contents of paras 1 and 3 of my above affidavit are true and correct to my knowledge & belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Panchkula on the 31st day of March, 2022

Hargobind Goyal
DEPONENT

MAR 2022

ATTESTED
APS CHAHAL No. 11451
NOTARY, PANCHKULA

Annexure R-1

Item No. 03

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Execution Application No. 09/2021

In

Original Application No. 78/2021

(with report dated 24.11.2021)

Ramesh Malik & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 06.01.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Ramesh Malik (in person)

Respondent(s): Mr. Anil Grover, Sr. AAG with Mr. Rahul Khurana, Advocate for SEIAA, Haryana.

ORDER

1. Grievance in this application is against extension of Environment Clearance (EC) by State Environment Impact Assessment Authority (SEIAA), Haryana on 05.01.2021 in favour of M/s. Amarnath Aggarwal Investments (P) Limited, under entry 8 (b) of the schedule to the EIA Notification, 2006 for the construction project. It is stated that SEIAA is not competent for grant of such EC in view of General condition appended to the said schedule. The general condition provides that if there is a Wildlife Sanctuary within 10 kms of the project, the project will be treated as category A and require approval of the MoEF&CC. There are two sanctuaries at a distance of 3.90 km and 1.6 km, as mentioned in the letter dated 04.11.2009, by the Divisional Forest Officer, Morni,

Pinjore namely, Bir Shikargah Wildlife Sanctuary and Khol-Hai-Raitan Wildlife Sanctuary. The earlier EC expired on 24.03.2017. Fresh EC has been granted subject to clearance under the Wildlife (Protection) Act, 1972. The project proponent applied for EC on 03.11.2020 which was forwarded to SEAC which accepted and the SEIAA granted EC on 05.01.2021 which is illegal. DG, Town and Country Planning has given approval for the projects, as revised building plans.

2. The matter was earlier considered on 25.03.2021 and a joint Committee of SEIAA, Haryana and the Chief Wildlife Warden, Haryana was directed to examine the matter and take action in accordance with law.

3. The applicant filed execution application no. 09/2021 alleging that order of this Tribunal dated 25.03.2021 has not been complied with.

4. On 15.06.2021, the Tribunal directed the SEIAA, Haryana and the Chief Wildlife Warden, Haryana to file a status report in the matter.

5. SEIAA, Haryana has filed status report dated 24.11.2021 merely seeking time for constitution of a fresh Committee.

6. We have considered the matter. We find no justification for the stand of SEIAA. If it has granted EC, it cannot plead lack of clarity in the matter. Grant of EC and lack of clarity are contradiction in terms. If it is not clear whether EC could be granted, we fail to understand how it is allowed to continue. In environmental issues, doubt about legality cannot be ground to permit a project.

7. Learned Counsel for the applicant points out that according to letter of Deputy Chief Wildlife Warden, Panchkula, addressed to Chief

Conservator of Forest (Wildlife), Panchkula, dated 26.05.2021, which is on record shows following details of the project:-

Sr. No.	Name of project	Name of nearby projected area	Distance from WLS	Distance from ESZ of WLS
1	Amravati enclave	Bir Shikargah WLS	4010 meter (30°45'33".16N) (76°54'29".18E)	3780 meter Project site situated outside of ESZ area as per notification of 23.11.2016.
2	-do-	Khol hai raitan WLS	880 meter (30°44'41".52N) (76°54'39".64E)	700 meter Project site situated outside of ESZ area as per notification of 24.10.2016.
3	-do-	Sukhna WLS	1620 meter (30°45'23".63N) (76°54'18".40E)	Proposal of ESZ (towards Haryana side) under consideration, however, Hon'ble Punjab and Haryana High Court, Chd. has directed for a minimum ESZ of 1 KM from boundary of Sukhna WLS. Keeping in mind this fact the project side is out of proposed (High Court direction) ESZ, however, it falls under 10KM from boundary of Sukhna WLS.

8. From the above, it is clear that the project is *prima facie* within 10 km from the wildlife sanctuaries in question and grant of EC by SEIAA, Haryana is *prima facie* illegal.

9. Accordingly, we direct issuance of notice to the project proponent, M/s. Amarnath Aggarwal Investments (P) Limited, which may be served by the applicant with a copy of the paper book and an affidavit of service filed within one week. SEIAA, Haryana may file further affidavit in

response to the above observations and also file a copy of the relevant Notification of ESZ and other documents.

List for further consideration on 08.04.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

January 06, 2022
Execution Application No. 09/2021 in
Original Application No. 78/2021
AVT

HARYANA GOVERNMENT

TOWN AND COUNTRY PLANNING DEPARTMENT

Licence No. 33 of 1996

1. This licence has been granted under the Haryana Development & Regulation of Urban Areas Act, 1975 & the Rules made thereunder to M/s Amar Nath Aggarwal Investment (P) Ltd., Panchkula for setting up of Plotted/Group Housing Colony at village Bhagwanpur, Islam Nagar, and Chandimandir, Distt. Panchkula (Haryana).
2. The particulars of land wherein the aforesaid colony is to be set up are given in the Schedule annexed hereto and duly signed by the Director, Town and Country Planning, Haryana.
3. The licence is granted subject to the conditions:
 - a) That the Plotted/Group Housing Colony is laid out to conform to the approved layout plan and development works are executed according to the designs and specifications shown in the approved plan Amravati Enclave-Lay out Plan No.186 Dt.11.03.96.
 - b) That the conditions of the agreements already executed are duly fulfilled and the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and Rules made thereunder are duly complied with.
 - c) That the demarcation plan of the colony area is submitted before starting the development works in the colony and for approval of the zoning plan.
4. That the portion of Sector/master plan road which shall form part of the licenced area shall be transferred free of cost to the Government in accordance with Section 3(3) (a) (iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
- ✓ 5. That in case external development is provided at any stage by Govt./HUDA, then the colonizer would pay proportionate external development charges as may be finalised by the Director, Town & Country Planning, Haryana.
6. That the colonizer shall make the existing 38 ft. wide village road into an all weather metalled road.
7. That the colonizer shall abide by the conditions as imposed by the Financial Commissioner and Secretary to Govt. Haryana, Public Works (B&R) Department vide his Memo No.9/36/96-3 B&R(W) Dt.20.02.96.
8. The permission under section 11 of the Punjab New Capital (Periphery) Control Haryana Amendment Act, 1971 is also granted.
9. This licence is valid upto 14-3-1998

Dated Chandigarh
the 15-3-96

Endst.No.5DP(2)96/ 2911

(R.S.GUJRAL)

DIRECTOR, Town & Country Planning
Haryana, Chandigarh *Sam*

Dated 15-3-96

A Copy alongwith a copy of Schedule of land is forwarded to the following for information and necessary action:

1. M/s Amar Nath Aggarwal Investment (P) Ltd., Panchkula
alongwith copy of agreement *and Address of Agreement & layout plan.*
2. Chief Administrator, HUDA, Panchkula;
3. Addl. Director, Urban Estates, Haryana, Panchkula;
4. Chief Engineer, HUDA, Manimajra;
5. Superintending Engineer, HUDA, Panchkula
6. Land Acquisition Officer, Panchkula;
7. Senior Town Planner, Panchkula;
8. Senior Town Planner (Enforcement), Panchkula;
9. District Town Planner, Panchkula
10. Accounts Officer, O/O D.T.C.P. Haryana, Chandigarh
alongwith copy of agreement.


District Town Planner (Hq)M,
for DIRECTOR, Town & Country Planning
Haryana, Chandigarh 170002

Schedule of Kh.Nos of Land owned by M/s Amar Nath Aggarwal Investment (P) Ltd., in village Bhagwanpur, Chandimandir and Islam Nagar, Distt. Panchkula (Haryana).

<u>Name of Village</u>	<u>Kh.No.</u>	<u>Area</u>
		<u>B B</u>
Bhagwanpur	51	0-2
	52	5-18
	70 min	0-16
	71 min	23-3
	72 min	2-18
	73	5-14
	74	5-8
	76	8-11
	77	4-6
	78	5-4
	79	1-12
	80	4-14
	81	0-12
	82	4-13
	83	1-8
	84	0-6
	85	0-4
	86 min	29-18
	87/1	2-17
	88/1	0-1
	89	0-3
	90	0-6
	91	0-2
	92/2	4-0
	93/2	4-13
	94/1	0-7
	100/2	0-16
	103/2	0-3
	104/2	4-1
	105	2-11
	106	0-12
	108/1 min	23-10
	108/3	16-5
	109	49-0
	111	6-16
	112	1-6
	113	1-4
114/1	0-3	
114/3	0-11	
115/1	0-2	
116/2	3-11	
117	0-12	
118	3-6	
119	0-10	
120	0-9	
121	1-6	
122	2-4	
123	3-3	
124	2-5	
125	2-11	
126	3-11	
127	1-11	
128	0-16	
129	1-7	
130	1-3	
131	2-18	
132	1-12	
133	6-13	
134	12-15	
135	20-8	
136	9-19	
137	8-15	

DTCP (HR)

CONFIDENTIAL

	<u>Kh. No.</u>	<u>Area</u> <u>B B</u>
	138	0-6
	139	2-2
	140	11-1
	141	8-8
	142	3-5
	143	0-13
	144	0-14
	145	0-1
	146	5-0
	147	57-13
	149	1-5
	153	3-0
	181	3-13
	182	1-8
	188	1-0
	189	0-11
	190	4-8
	191	2-4
	192	0-2
	193/2	25-13
	194/2	12-19
	195	7-13
	202/2	5-4
		<hr/>
	Total of Village	<u>474-6</u>
		<hr/>
Islam Nagar	428	0-17
	429	4-0
	430	0-11
	431	1-3
	432	1-3
	433	4-8
		<hr/>
		<u>12.2</u>
		<hr/>
Chandimandir	150	4-1
	151	0-1
		<hr/>
		<u>4-2</u>
		<hr/>
GRAND TOTAL		490-10
		OR 102.18 AC

DIRECTOR
Township Planning
Haryana, Chandigarh

FORM L.C.-IX

From

The Director,
Town & Country Planning,
Haryana, Chandigarh.

To

✓
M/S Amar Nath Aggarwal Investments Pvt. Ltd.
S.C.O. No.10 Sector- 2, Panchkula.

Memo No. 5 DP-ii-2001/ 16177
Dated 26.12.2001

Reference your application dated 20.9.2001 requesting for completion certificate in respect of part of your colony for which licence No.33 of 1996 dated 15.3.96 was granted vide this office endst. No.5 DP (2)-96/3911-3920 dated 15.3.96

2 It is hereby certified that the required development works of the part of the colony comprising of plotted area measuring 93.08 acres as indicated in the enclosed layout plan of the colony falling in the revenue estate of village Bhagwanpur, Islam Nager & Chnadimandir Distt Panchkula. duly signed by me read inconjunction with the following terms and conditions, have been completed to my satisfaction. The development works are water supply, sewerage, storm water drainage, roads, roadside plantation & streetlights.

- 1) That you will abide by the directions of Director, Town and Country Planning, Haryana till the time final completion certificate of the entire colony is granted. You will also carry out all left over services/works, which are deemed appropriate by the Director, Town & Country Planning.
- 2) That you will be fully responsible to meet with the demand of water and their allied services as per norms. The provision for 1135 K.L.under ground tank alongwith boosting chamber will be made by you besides additional tube wells, if required will also be provided by you.
- 3) That you will be sole responsible for making the disposal arrangements of the sewerage system. You will provide the treatment plant as provided in the estimates.
- 4) That you will be sole responsible for making the disposal arrangements of the storm water.
- 5) That you will develop all the parks as per the requirement.
- 6) That you will be sole responsible for integrating the internal services with the master services if provided at a later stage by the Govt./HUDA at your own cost.
- 7) That in case some additional structures are required relating to public health services/internal development works, to be constructed as desired by Director Town and Country Planning, Haryana/HUDA at later stage, the same would be binding upon you.
- 8) That this part completion certificate is without prejudice to the final decision on the transfer /lease/ construction of community buildings.
- 9) That you will construct the community buildings on the community sites in the said area within a period of three years from the approval of zoning plans. This period would commence after two months of the approval of zoning plans of community buildings during which you will submit the building plans for sanction. This three years period, however, will exclude 90 days statutory period given for the approval of the building plans.
- 10) That you will get the licence renewed till such time final completion certificate of the colony is granted to you by the DTCP
- 11) That you will pay the proportionate external development charges as and when

- 12) That the department will retain 25% bank guarantee of the total cost of construction of community buildings in the area and the same will only be released after the completion of construction of community buildings.
- 13) That you will submit the certificate from Chartered Accountant regarding allotment of 20% EWS/LIG & 25% of NPNI, category of plots, and the profit has not exceeded 15% of the total project cost of the scheme within 90 days of the grant of full & final completion certificate of the colony.
- 14) That this part completion certificate is only in respect of the services mentioned herein and the final completion certificate in respect of the total area including the area mentioned in this certificate would be granted after all the obligations/liabilities cast upon you through the agreements and Act & Rules are discharged to the satisfaction of the Director, Town and Country Planning, Haryana. In the event of failure to do so, this part completion certificate would be deemed to have been cancelled at any time. You will also abide by all the directions/instructions of DTCP and provisions of the Haryana Development and Regulation of Urban Area Act, 1975, and Rules framed there under. You will continue to maintain the services as per the provisions of Act and Rules.

Director,
Town and Country Planning,
Haryana, Chandigarh.

Endst. No, 5 DP-ii/2001/ dated

A copy is forwarded to the Chief Engineer, HUDA, Panchkula with reference to his letter No 9907 dated 28.11.2001. The above part completion certificate in respect of licence No 33 of 1996 dated 15.3.96 for an area of 93.08 acres (plotted area) of the residential colony in the revenue estate of village Bhagwanpur, Islam Nager & Chandimandir Distt Panchkula has been granted keeping in view your report and certification made on the service plans by you. Follow up action on the relevant terms and conditions on which the part completion certificate has been granted may be taken under intimation to this office.

Director,
Town and Country Planning,
Haryana, Chandigarh.

Endst.No.5 DP-ii-2001/ dated

A copy is forwarded to the following for information and necessary action:-

- i) The Administrator, HUDA, Panchkula.
- ii) The Superintending Engineer, HUDA, Panchkula,
- iii) The Senior Town Planner, Panchkula,
- iv) The Distt Town Planner, Panchkula &
- v) The Executive Engineer, HUDA, Panchkula.

Director,
Town and Country Planning,
Haryana, Chandigarh.

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 14th September, 2006

S.O. 1533(E).—Whereas, a draft notification under Sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union Territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union Territory Administration concerned under Sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1324(B), dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

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

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

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

¹Includes the territorial waters

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

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

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

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

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

5. Screening, Scoping and Appraisal Committees:-

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

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

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

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form I annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form I and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

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

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

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

1. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form I by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity

requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form I/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes/Housing) shall not require Scoping and will be appraised on the basis of Form I/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form I. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities. If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form I, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

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

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

- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
 - (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
 - (d) all Building /Construction projects/Area Development projects and Townships (item 8).
 - (e) all Category 'B2' projects and activities.
 - (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
 - (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
 - (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.
 - (iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days..
 - (v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.
 - (vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use

other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

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

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product -mix shall be made in Form 1 and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence.

necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

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

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant - within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

11. Transferability of Environmental Clearance (EC):

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

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

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

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity	Category with threshold limit		Conditions if any	
	A	B		
1	Mining, extraction of natural resources and power generation (for a specified production capacity)			
(1)	(2)	(3)	(4)	(5)
I(a)	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p><50 ha</p> <p>≥ 5 ha .of mining lease area.</p>	<p>General Condition shall apply</p> <p>Note Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
I(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p>Note Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
I(c)	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) < 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) < 10,000 ha. of culturable command area</p>	General Condition shall apply
I(d)	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naphtha & gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>< 500 MW (coal/lignite/naphtha & gas based);</p> <p><50 MW</p> <p>≥ 5MW (Pet coke ,diesel and all other fuels)</p>	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		
2		Primary Processing		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

3				
Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	<p>a) Primary metallurgical industry</p> <p>All projects</p> <p>b) Sponge iron manufacturing ≥ 200TPD</p> <p>c) Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum</p>	<p>Sponge iron manufacturing < 200TPD</p> <p>Secondary metallurgical processing industry</p> <p>i.) All toxic and heavy metal producing units $< 20,000$ tonnes /annum</p> <p>ii.) All other non-toxic secondary metallurgical processing industries > 5000 tonnes/annum</p>	General Condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	< 1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply

4				
Materials Processing				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/estate	<300 TPD production capacity and located within a notified industrial area/estate	Specific Condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
5				
Manufacturing/Fabrication				
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD	All Cane juice/ non-molasses based distilleries <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	-	All projects	General Condition shall apply
6		Service Sectors		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects		

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		
7(a)	Air ports	All projects	-	-
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	**All projects under Item 8(b) shall be appraised as Category B I

Note:-**General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre -defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

[No. J-11013/56/2004-IA-II(I)]
R. CHANDRAMOHAN, Jt. Secy.

APPENDIX I

(See paragraph - 6)

FORM 1**(I) Basic Information**

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

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

(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		

1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		

2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		

4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
3.2	From any other causes		
3.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other 		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		

2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)		

(IV). Proposed Terms of Reference for EIA studies

APPENDIX II**(See paragraph 6)****FORM-1 A (only for construction projects listed under item 8 of the Schedule)****CHECK LIST OF ENVIRONMENTAL IMPACTS**

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. LAND ENVIRONMENT

(Attach panoramic view of the project site and the vicinity)

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

- 7.2. Give details of the existing social infrastructure around the proposed project.
- 7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

- 8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)
- 8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?
- 8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?
- 8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

- 9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?
- 9.2. What type of, and capacity of, power back-up to you plan to provide?
- 9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?
- 9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.
- 9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.
- 9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?
- 9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.
- 9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX III

(See paragraph 7)

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout)

		<ul style="list-style-type: none"> • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure
3.	Description of the Environment	<ul style="list-style-type: none"> • Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative

6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled. • Other tangible benefits
9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> • Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11.	Summary & Conclusion (This will constitute the summary of the EIA Report)	<ul style="list-style-type: none"> • Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> • The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A
(See paragraph 7).

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

APPENDIX IV**(See paragraph 7)****PROCEDURE FOR CONDUCT OF PUBLIC HEARING**

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally

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

3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

4.0 The Panel

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public

hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings:

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall send the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

APPENDIX -V (See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC

/SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -I or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

APPENDIX VI

(See paragraph 5)

COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of "Experts" are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**
- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

ANNEXURE R-5

GOA FOUNDATION v. UNION OF INDIA

811

[CITED ORDER (2)]

a (2020) 15 Supreme Court Cases 811
(Record of Proceedings)

3-Judge
Bench
2006
Oct. 16

(BEFORE Y.K. SABHARWAL, C.J. AND C.K. THAKKER AND ALTAMAS KABIR, JJ.)

GOA FOUNDATION . . . Petitioner;

Versus

b UNION OF INDIA . . . Respondent.

Writ Petitions (C) No. 460 of 2004[†] with
No. 91 of 2005, Order dated October 16, 2006

c **Environment Law — Environmental Clearance/NOC/Environment
Impact Assessment (EIA) — Mining and industrial units operating without
environmental clearance — Directions issued to the Ministry of Environment
and Forests to file affidavit regarding action taken — Forests, Wildlife and
Zoos — Mining and Industry in Forest Area (Paras 1 to 4)**

G-D/51686/S

Advocates who appeared in this case :

d S.K. Dholakia, Senior Advocate [Raj Panjwani, Ms Purnima Bhat, Dr A. Francis Julian
and Sumit Kumar (for M/s Arputham, Aruna & Co.), Advocates], for the Petitioner;
G.E. Vahanvati, Solicitor General, Ajay Siwach, Additional Advocate General, K.K.
Venugopal and Soli J. Sorabjee, Senior Advocates [A.N.S. Nadkarni, O. Athaide,
Mala Karnekar, Pratap Venugopal, E. Venu Kumar (for M/s K.J. John & Co.), Bharat
Sangal, R.R. Kumar, Samyadip Chatterji, Ms V. Pattanaik, Ms Suchita Sharma,
Rishi Maheshwari, Ms Shally B. Maheshwari, Ms Anna Mathew, Dhruv Mehta,
Harshvardhan Jha, Yashraj Deora, Manoj Mehta (for M/s K.L. Mehta & Co.), S.
e Chandra Shekhar, Vikas Sharma, Shilpa Singh, R.C. Kathiya, Ms Anil Katiyar, T.V.
George, R.N. Karanjawala, Ms Nandini Gore, Manik Karanjawala, Bhavanishankar
V. Gadnis, Ms B. Sunita Rao, Aruneshwar Gupta, Naveen Kr. Singh, Mukul Sood,
Shashwat Gupta, Ms Shikha Tandon, Sunil Dogra, S.U.K. Sagar, Ms Bina Madhavan
(for M/s Lawyer's Knit & Co.), Anip Sachthey, B. Parthasarthy, M.K. Dua (M/s Gagrat
& Co.), Sunil Kr. Jain, Rakesh K. Sharma, Ms Praveena Gautam, Nikhil Nayyar and
Ms Prabha Swami, Advocates], for the Respondent.

f

ORDER

g 1. How the Wildlife Conservation Strategy has undergone a change
between 2002 and 2005 is incorporated in brief in the affidavit dated 21-2-2006
filed by Shri Satish C. Garkoti, Additional Director (S), Ministry of
Environment & Forests. Along with the affidavit, a copy of the Letter
dated 27-5-2005 addressed by the Ministry of Environment & Forests
("MoEF") to the Chief Wildlife Wardens of all the States/Union Territories
requiring them to initiate measures for identification of suitable areas and
submit detailed proposals at the earliest has been annexed.

h

[†] Arising under Article 32 of the Constitution of India

812

SUPREME COURT CASES

(2020) 15 SCC

2. MoEF is directed to file an affidavit stating therein the proposals which may have been received pursuant to its letter and whether the said proposals have been referred to the Standing Committee or the National Board for Wildlife under the Wildlife (Protection) Act, 1972 (Sections 5-B and 5-C). Such of the States/Union Territories who have not initiated the measures and submitted proposals in terms of the letter shall be directed by MoEF to do the needful within four weeks of the communication of the directions of this Court by the Ministry to them. MoEF shall indicate in the affidavit directed to be filed what it proposes to do in respect of the proposals that may be received. Our attention has also been drawn to the affidavit of the Ministry dated 7-12-2004 as also to the Circular dated 14-5-2002 filed as Annexure-3 thereto.

3. In the affidavit to be filed, the Ministry shall also indicate whether any steps have been taken for recovery of the amounts from the defaulting units as per the Circular dated 14-5-2002 or any action taken under Section 19 of the Environment (Protection) Act, 1986, as noticed in Paras 2(i) to (vii) of the affidavit.

4. The affidavit of the Ministry shall be filed by 30-11-2006. List the matter in December 2006.

Court Masters

END OF THE VOLUME

ANNEXURE R-6

GOA FOUNDATION v. UNION OF INDIA

791

a accordingly. We have issued the aforementioned directions in view of the fact that the said deed of lease is not before us. Furthermore, it is possible that the terms and conditions of the deed of lease may have to be explained by the parties by adduction of oral admissible evidence, if the same are ambiguous.

10. We may furthermore notice that the learned Judge of Small Cause Court, although held that the provisions of the Bombay Rent Act are not applicable to the present suit answered Preliminary Issue 1 in the negative, but held:

b “However, the bare test of the suit plaint of the plaintiff does not fall within Section 28(1)(b); whereas the present suit, at the hand, is a regular civil suit which came to be filed in respect of the premises allotted for manufacturing purpose, along with machineries on the basis of the lease deed and on expiry of the lease period i.e. after the end of 31-10-1986, the plaintiff has filed the present suit for the recovery and (sic possession) of the building, along with machinery therein, which came to be let out for trade and business purpose and as such, for such suit, filed for recovery and possession of building, after termination of tenancy, is required to be entertained before the Civil Court, Jalgaon where there is no Small Cause Court.”

d 11. The parties may produce the deed of lease before the Small Cause Court. This appeal is disposed of with the aforementioned direction.

(2011) 15 Supreme Court Cases 791

(Record of Proceedings)

(BEFORE Y.K. SABHARWAL, C.J. AND C.K. THAKKER, J.)

e GOA FOUNDATION .. Petitioner;

Versus

UNION OF INDIA .. Respondent.

Writ Petitions (C) No. 460 of 2004 with No. 91 of 2005,
decided on December 4, 2006

f **Environment Protection and Pollution Control — Wildlife — Wildlife Conservation — Eco-sensitive areas — Supreme Court’s order dt. 30-1-2006 referring to decision taken by Indian Board for Wildlife on 21-1-2002 to notify areas within 10 km of boundaries of national parks and sanctuaries as eco-sensitive areas — Order dt. 16-10-2006 referring to Letter dt. 27-5-2005 addressed by Ministry of Environment & Forests (MoEF) to Chief Wildlife Wardens of all States/UTs requiring them to initiate measures for identification of suitable areas and submit detailed proposals — Letter dt. 27-5-2005 a departure from decision of 21-1-2002 — No State/UT, except State of Goa, sent any proposal and proposal of State of Goa also not in conformity with requirement of Letter dt. 27-5-2005 — Ministry directed to give a final opportunity to all States/UTs to respond to Letter dt. 27-5-2005 within four weeks — Ministry also directed to refer to Standing Committee of National Board for Wildlife under Ss. 5-B and 5-C(2) of Wildlife**

792 SUPREME COURT CASES (2011) 15 SCC

(Protection) Act cases where environment clearance already granted where activities are within 10 km zone — Wildlife (Protection) Act, 1972, Ss. 5-B and 5-C(2)

Goa Foundation v. Union of India, (2011) 15 SCC 793, referred to

R-M/47256/S

Chronological list of cases cited

on page(s)

1. (2011) 15 SCC 793, *Goa Foundation v. Union of India*

792e-f

ORDER

1. The order dated 16-10-2006 refers to a Letter dated 27-5-2005 which was addressed by the Ministry of Environment and Forests (MoEF) to the Chief Wildlife Wardens of all States/Union Territories requiring them to initiate measures for identification of suitable areas and submit detailed proposals at the earliest. The order passed on that date was that MoEF shall file an affidavit stating whether the proposals received pursuant to the Letter of 27-5-2005 have been referred to the Standing Committee of the National Board for Wildlife under the Wildlife (Protection) Act, 1972 or not. It was further directed that such of the States/Union Territories who have not responded to the Letter dated 27-5-2005 shall do the needful within four weeks of the communication of the directions of this Court by the Ministry to them.

2. It seems that despite the Letter dated 27-5-2005 and despite the Ministry having issued reminders and also bringing to the notice of the States/Union Territories the orders of this Court dated 16-10-2006, the States/Union Territories have not responded. However, we are told that the State of Goa alone has sent the proposal but that too does not appear to be in full conformity with what was sought for in the Letter dated 27-5-2005.

3. The order earlier passed on 30-1-2006¹ refers to the decision which was taken on 21-1-2002 to notify the areas within 10 km of the boundaries of national parks and sanctuaries as eco-sensitive areas. The Letter dated 27-5-2005 is a departure from the decision of 21-1-2002. For the present, in this case, we are not considering the correctness of this departure. That is being examined in another case separately. Be that as it may, it is evident that the States/Union Territories have not given the importance that is required to be given to most of the laws to protect environment made after Rio Declaration, 1992.

4. The Ministry is directed to give a final opportunity to all States/Union Territories to respond to its Letter dated 27-5-2005. The State of Goa also is permitted to give appropriate proposal in addition to what is said to have already been sent to the Central Government. The communication sent to the States/Union Territories shall make it clear that if the proposals are not sent even now within a period of four weeks of receipt of the communication from the Ministry, this Court may have to consider passing orders for

¹ *Goa Foundation v. Union of India*, (2011) 15 SCC 793

GOA FOUNDATION v. UNION OF INDIA

793

a implementation of the decision that was taken on 21-1-2002, namely, notification of the areas within 10 km of the boundaries of the sanctuaries and national parks as eco-sensitive areas with a view to conserve the forest, wildlife and environment, and having regard to the precautionary principles. If the States/Union Territories now fail to respond, they would do so at their own risk and peril.

b 5. The MoEF would also refer to the Standing Committee of the National Board for Wildlife, under Sections 5-B and 5-C(2) of the Wildlife (Protection) Act, the cases where environment clearance has already been granted where activities are within 10 km zone.

6. List the matter after eight weeks.

Court Masters

c (2011) 15 Supreme Court Cases 793

(Record of Proceedings)

(BEFORE Y.K. SABHARWAL, C.J. AND C.K. THAKKER AND
R.V. RAVEENDRAN, JJ.)

GOA FOUNDATION .. Petitioner;

d Versus

UNION OF INDIA .. Respondent.

Writ Petitions (C) No. 460 of 2004 with No. 91 of 2005,
decided on January 30, 2006

e **Environment Protection and Pollution Control — Wildlife — Wildlife Conservation — Eco-sensitive areas — Mining activities — Indian Board for Wildlife's decision dt. 21-1-2002 to notify areas within 10 km of boundaries of national parks and sanctuaries and wildlife corridors as eco-sensitive areas — Ministry of Environment and Forests directed to file affidavit stating their stand in respect of decision dt. 21-1-2002 and on issue of grant of clearance for mining in areas in close proximity of sanctuaries and policy as to distance of area from boundaries of sanctuaries for considering application for grant of mining lease — Ministry also directed to examine issue regarding closure of mines of those who did not apply within stipulated time for grant of mining lease**

Goa Foundation v. Union of India, (2005) 11 SCC 564; *Goa Foundation v. Union of India*, (2005) 11 SCC 561, referred to

R-M/34414/S

g **Chronological list of cases cited** *on page(s)*

1. (2005) 11 SCC 564, *Goa Foundation v. Union of India* 794d-e
2. (2005) 11 SCC 561, *Goa Foundation v. Union of India* 794d-e

ORDER

h 1. Our attention has been drawn by Mr Panjwani, learned counsel appearing for the petitioner, inter alia, to a communication dated 5-2-2002 sent to the Chief Wildlife Warden, Government of Goa by Additional DGF (Wildlife) of the Ministry of Environment and Forests (MoEF) which sets out

FORM LC-V
(See Rule 12)
HARYANA GOVERNMENT
TOWN AND COUNTRY PLANNING DEPARTMENT

Licence No. 186 of 2008.

1. This licence has been granted under the Haryana Development & Regulation of Urban Areas Act, 1975 & Rules, 1976 made thereunder to M/s. Amar Nath Aggarwal Investment Pvt. Ltd S.C.O. -10, Sector-2 Panchkula for setting up of a residential colony at village Bhagwanpur, Distric. Panchkula.
2. The particulars of the land wherein the aforesaid colony is to be set up are given in the Schedule annexed hereto and duly signed by the Director, Town & Country Planning, Haryana.
3. The licence is granted subject to the following conditions:
 - a) That the residential colony is laid out to conform to the approved layout plan and development works are executed according to the designs and specifications shown in the approved plan.
 - b) That the conditions of the agreements already executed are duly fulfilled and the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and the Rules 1976 made thereunder are duly complied with.
 - c) That the demarcation plan of the colony area is submitted before starting the development works in the colony and for the approval of zoning plan.
4. That the licensee shall construct the portion of service road forming part of licenced area at his own cost and will transfer the same free of cost to the Government along with area falling in green belt.
5. That the portion of Sector /Master plan road which shall form part of the licenced area shall be transferred free of cost to the Government in accordance with the provisions of Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
6. That you will have no objection for the regularization of the boundaries of the licenced land on the basis of give equal take equal with the land that HUDA is finally able to acquire in the interest of planned development and integration of service.
7. That you shall obtain approval /NOC from the competent authority to fulfil the requirements of notification dated 14-09-2006 issued by the Ministry of Environment & Forests, Govt of India before starting the development works of the colony.
8. That the licensee will use only CFL fittings for internal lighting as well as for car/pus lighting in the complex.
9. The licence is valid upto 22-10-2010

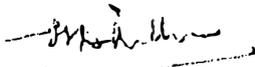
Dated: Chandigarh

The 29-10-2008

Endst No. 9362

A copy along with a copy of schedule of land is forwarded to the following for information and necessary action: -

1. M/s. Amar Nath Aggarwal Investment Pvt Ltd S.C.O. -10, Sector-2 Panchkula along with a copy of agreement LC-IV and Bilateral agreement.
2. Chief Administrator, HUDA, Panchkula.
3. Managing Director, HVPN, Planning Directorate Shakti Bhawan, Sector-6, Panchkula.
4. Addl. Director Urban Estates, Haryana, Panchkula.
5. Administrator, HUDA, Panchkula.
6. Chief Engineer, HUDA, Panchkula.
7. Superintending Engineer, HUDA, Panchkula along with a copy of agreement.
8. Land Acquisition Officer, Panchkula.
9. Senior Town Planner, Panchkula. He will ensure that colonizer obtains approval/NOC as per condition No. 7 above before starting the development works in the colony
10. Senior Town Planner (Enforcement), Haryana, Chandigarh.
11. District Town Planner, Panchkula along with a copy of agreement.
12. District Town Planner (Enf), Panchkula.
13. Accounts Officer, O/O Director, Town & Country Planning, Haryana, Chandigarh along with a copy of agreement.
14. Senior Town Planner (Monitoring Cell), Haryana, Chandigarh.


S.S.-Dhillon
Director,
Town & Country Planning
Haryana, Chandigarh.

Dated: 30-10-08

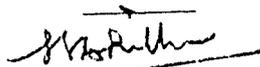

District Town Planner (Hq)
For Director, Town and Country Planning,
Haryana, Chandigarh.

(26)

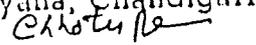
To be read with licence No. 186 of 2008

Detail of land owned by M/s Amarnath Aggarwal investment (P) Ltd. Village
Bhagwanpur, Tehsil - Kalka, Distt. Panchkula.

<u>Village</u>	<u>Kh. No.</u>	<u>Area</u> <u>B. B</u>
Bhagwanpur	183	5-18
	184	7-17
	187	1-4
	176	1-15
	185	1-4
	179	2-5
	174	1-18
	107	33-14
	312/108/2	21-16
Total		77-11 or 16.156 Acres



Director

Town and Country Planning,
Haryana, Chandigarh




भारत सरकार

पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS



जहाँ है हरियाली!
यहाँ है सुखशाली!!

दूरभाष :
Telephone No.: (0172) 2600061, 2664589
Fax No. (0172) 2604134

उत्तर क्षेत्रीय कार्यालय,
ब्लॉक नं. 24-25, सेक्टर 31-ए
दक्षिण मार्ग, चण्डीगढ़-160030
NORTHERN REGIONAL OFFICE
BAYS NO. 24-26, SECTOR 31-A,
DAKSHIN MARG, CHANDIGARH-160030

F.No. 3-168/06-RO(NZ)/3326

Dated: 14.11.2008

To

The Managing Director
M/s Amarnath Aggarwal Investments Pvt. Ltd.
S.C.O -10, Sector-2,
Panchkula (Haryana)

Sub:- Proposal for expansion of Amravati Enclave, a Residential Plotted Colony at Panchkula—clarification about applicability of new EIA Notification vide S.O. No.1533 dated 14th September, 2006.

Ref. Your letter No. 767/8 dated 1st November, 2008.

Sir,

I am to refer to your letter No. 767/8 dated 1st November, 2008 wherein you have proposed to expand a Residential Plotted colony/Integrated Township named as Amravati Enclave at Panchkula with the following details:-

1.	Amravati Enclave, Panchkula is a residential plotted colony approved by the Director, Town and Country Planning, Govt. of Haryana over 102.18 acres. The project was approved vide license no. 33 of 1996 dated 15.03.1996.			
2.	The residential plotted colony falls in revenue estate in village-Bhagwanpur, Islam Nagar & Chandimandir of District-Panchkula.			
3.	The development and other works for 93.08 acres (net planned area) were completed in 2001 and completion certificate from the Director, Town & Country Planning was obtained vide Memo No. 5 DP-ii-2001/16177 dated 26.12.2001.			
4.	The project is proposed for expansion now for which the license has been obtained from the Director, Town and Country Planning vide Memo No. LC-1302-JD(B) 2008/8314 dated 24.09.2008. The status of the project after expansion and as per approved drawings will be as under:-			
	Area details	Old	Expansion	Total after expansion
	Total scheme area	102.18 acres	16.156 acres	118.336 acres
	Net planned area	93.18 acres	11.566 acres	104.746 acres
	Area under Group Housing in the total scheme area	9.00 acres	4.59 acres	13.59 acres
	Area under plots	46.72 acres	6.63 acres	53.35 acres
	No. of plots – General	830	129	959
	EWS plots	166	30	196
5.	Approved population as per license now is 17501 against 12259 persons as approved earlier.			
6.	Total built up area of the existing and proposed construction projects within the colony shall be approximately 1,22,560 sq. meters (on the basis of FAR approved) which includes 96129 sq. meters for Group Housing, 18831 sq. meters for Multiplex, 4000 sq. meters for Schools, 2000 sq. meters for club, 400 sq. meters for religious places and 1200 sq. meters for dispensary.			

You have sought the clarification whether the expansion of above plotted colony/Integrated Township involving total area to the tune of 118.336 acres and built up area to the tune of 1,22,560 sq. meters and other details mentioned at point (1) to (6) above is covered under new EIA Notification vide S.O No. 1533 dated 14th September, 2006 or not. In this regard, it is to inform you that Townships and Area Development Projects have been listed at S.No.8(b) of the Schedule of new EIA Notification dated 14th September, 2006.

Your case has been examined in this office in the light of provisions under new EIA Notification, 2006 and it is clarified that development of an Integrated Township/plotted colony in question involving total area to the tune of 118.336 acres and built up area to the tune of 1,22,560 sq. meters involving other details mentioned at point no. (1) to (6) above does not require environmental clearance from the Union Ministry of Environment & Forests or the State Environment Impact Assessment Authority (SEIAA) under new EIA Notification, 2006.

However, approval from following departments/local authorities will be required wherever applicable:-

(a)	'Consent to Establish' [NOC] and subsequently 'Consent to Operate' from the Haryana State Pollution Control Board will be obtained and all the conditions laid down by HSPCB in the NOC/Consent to Operate shall be complied with by the Project Proponent.
(b)	Local Municipal Corporation.
(c)	Approval from Fire Safety Department.
(d)	Approval from Civil Aviation Department, if applicable.
(e)	Approval from Union Ministry of Environment & Forests, Govt. of India for the approach road to Integrated township named as Amravati Enclave under the Forest (Conservation) Act, 1980, if applicable.

It is, however, emphasized that this clarification is based on the information and approved drawings submitted by M/s Amarnath Aggarwal Investments Pvt. Ltd., SCO-10, Sector-2, Panchkula to this office and it is the responsibility of the project proponent to prove the authenticity and truthfulness of the information in case of any clarification in future.

Yours faithfully,

(Surendra Kumar)
Additional Director(S)
Tel. No.(0172)-2624994
E Mail: sk581@yahoo.com

Copy to: ✓ The Director, M/s Amarnath Aggarwal Investments Pvt. Ltd., S.C.O -10, Sector-2, Panchkula (Haryana) for information and further necessary action.


(Surendra Kumar)
Additional Director(S)

ANNEXURE R-9

From: Forest Division Officer
Morni, Pinjore

To M/s. Amar Nath Aggarwal
Investment Private Limited
S.C.O. No.10 Sector-2
Panchkula

Sl. No.2399

Dated 04.11.2009

Sub: Application of Section 4 & 5 of PLPA 1900 & Section 38 Indian
Forest Act, 1927

Ref. Your letter No.194 dated 27.10.2009

With reference to the above mentioned letter no., after perusing a copy of the jamabandi revenue records of village Bhagwanpura, Tehsil Kalka, District Panchkula, Khasra nos. 183, 184, 187, 176, 185, 179, 174, 107, 312/ 108/ 2 were examined and it has been found that:

1. The land of Amravati Enclave, which is shown in the map, does not come under protected/ reserved area.
2. The proposed land does not come under Section 4 and 5 of Forest Conservation Act, 1900 but the area comes under general Section 4 of the Soil Conservation Act which prohibits only cutting of trees. Permission from Forest Division Officer is required to be obtained before cutting of trees.
3. It is also clarified to you that at a distance of 3.9 km from the proposed area, Bir Shikargarh Wildlife Sanctuary is situated and at a distance of 1.60 km Khol hi Raitan Wildlife Sanctuary is situated. Therefore, the proposed area falls under Eco Sensitive Zone wherein permission under Environment Act, 1986 is to be obtained.
4. If any other related Acts/ Articles/ Rule/ Court Order/ Instructions, are applicable, it is your responsibility to take necessary permissions.

Sd/-
Forest Division Officer,
Morni, Pinjore

//TRUE TRANSLATED COPY//

Annexure R-9

प्रेषक:-

वन मण्डल अधिकारी
मोरनी-पिजौर।

सेवा में

M/s Amar Nath Aggarwal.
Investment Pvt. Ltd.
S.C.O. No. 10 Sec-2
Panchkula

क्रमांक 2399

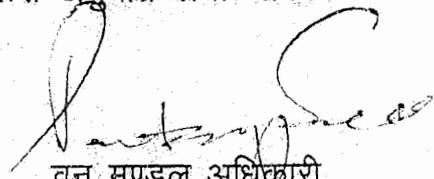
दिनांक:- 4-11-09

Sub: Application of Section 4 & 5 of PLPA 1900 & Section 38 Indian Forest Act. 1927.

संदर्भ:- आपका पत्र क्रमांक 194 दिनांक 27.10.09।

उपरोक्त विषय के सम्बंध में संदर्भित पत्र द्वारा भेजे गये राजस्व अभिलेख गांव भगवानपुरा तहसील कालका जिला पंचकूला की नकल जमाबन्दी में दर्शाये गये खसरा नं० 183,184,187,176,185,179,174,107,312/108/2 का अवलोकन किया गया, अवलोकन करने पर पाया गया कि:-

1. अमरावती इनकलेव कि जो भूमि संलग्न नक्शा में दिखाई गई है वह सुरक्षित / आरक्षित क्षेत्र में नहीं आती।
2. प्रस्तावित क्षेत्र वन संरक्षण अधिनियम 1900 कि धारा 4 व 5 के अर्न्तगत नहीं आता अपितु यह क्षेत्र भूमि परिक्षण अधिनियम की जनरल धारा 4 के अर्न्तगत आती है, इसमें केवल पेड़ काटने पर प्रतिबंध है। पेड़ काटने से पहले वन मण्डल अधिकारी से अनुमति प्राप्त करनी होगी।
3. आपको यह भी स्पष्ट किया जाता है कि प्रस्तावित क्षेत्र से 3.90 कि०मी० की दूरी पर बीड़ शिकारगाह वाईल्ड लाईफ सैन्चुरी तथा 1.60 कि०मी० की दूरी पर खोलहाय रायतन वाईल्ड लाईफ सैन्चुरी पडती है, इसलिए प्रस्तावित क्षेत्र ईक्को सैन्सटिव जोन के अर्न्तगत आता है जिसमें पर्यावरण अधिनियम 1986 के तहत स्वीकृति प्राप्त करनी होगी।
4. यदि कोई अन्य सम्बन्धित अधिनियम / अनुच्छेद नियम / न्यायालय आदेश / अनुदेश आदि इस पर लागू होते हैं, तो अधीन जरूरी अनुमति लेना आपकी जिम्मेवारी होगी।


वन मण्डल अधिकारी
मोरनी-पिजौर।

Annexure R-10

No.J.11013/41/2006-1A.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi – 110003
Telefax: 24362434
Dated the 2nd December, 2009

OFFICE MEMORANDUM

Sub: Procedure for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat Regarding.

The issue regarding the procedure to be followed for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat has been under consideration of this Ministry. The issue has been discussed and deliberated at length and the provisions of EIA Notification, 2006 as contained in Para 8(v) or the said notification have also been considered.

2. It has now been decided that the following procedure shall be adopted in dealing with such cases.
 - (i) The proposals for environmental clearances will not be linked with the clearances from forestry and wildlife angle even if it involves forestland and or wildlife habitat as these clearances are independent of each other and would in any case need to be obtained as applicable to such projects before starting any activity at site.
 - (ii) While considering such proposals under EIA Notification, 2006, specific information on the following should be obtained from the proponent:
 - (a) Whether the application for diversion of forestland involved in the project has been submitted? If so, what is the status of grant of forestry clearance? It would be essential that in such cases, the application for diversion of forestland has been submitted by the project proponent before they come for environment clearance and a copy of the application submitted for forestry clearance along with all its enclosures should also be submitted by the proponent along with their environment clearance application.
 - (b) Information about wildlife clearance as applicable to the project should also be obtained. The project proponent should submit their application for wildlife clearance / clearance from Standing Committee of the National Board for Wildlife to the Competent Authority before coming for environment clearance and copy of their application should be furnished along with environment clearance application.
 - (iii) The proposal from environmental angle will be appraised by the respective Expert Appraisal Committee and recommendations made on the same which will be processed by the IA Division and approval obtained from the Competent Authority. However while granting environmental clearance to projects involving forestland, wildlife habitat (core zone of elephant/tiger reserve etc.) and or located within 10 km of the National Park Wildlife Sanctuary (at present the distance of 10 km has been taken in conformity with the order dated 4.12.2006 in writ petition no 460 of 2004 in the matter of Goa foundation Vs Union of India), a specific condition shall be stipulated that the environmental clearance is subject to their obtaining prior clearance from forestry and

wildlife angle including clearance from the Standing Committee or the National Board for wildlife as applicable. Further it will also be categorically stated in the environment clearance that grant of environmental clearance does not necessarily implies that forestry and wildlife clearance shall be granted to the project and that their proposals for forestry and wildlife clearance will be considered by the respective authorities on their merits and decision taken. The investment made in the project if any, based on environmental clearance so granted in anticipation of the clearance from forestry and wildlife angle shall be entirely at the cost and risk of the project proponent and Ministry of Environment & Forests shall not be responsible in this regard in any manner.

- (iv) A copy of the clearance letter, besides others, shall also be endorsed to (i) IGF(FC), MoEF, (ii) IGF(WL), MoEF, (iii) PCCF of respective States and (iv) Chief Wildlife Warden of the State.

Note: There will not be any need to refer the files relating to grant of environmental clearance from IA Division to FC Division and or Wildlife Division during consideration of proposals under EIA Notification, 2006 as done at present in view of the course of action stipulated at paras 2(i)-(iv) above.

^ This issues with the approval of the Competent Authority.

(S.K. Aggarwal)
Director

All the Officers of IA Division

Copy to:-

1. PPS to AS(JMM)
2. PPS to ADG(F)
3. PPS to ADG(Wildlife)
4. IGF(FC)
5. Advisor(GKP)
6. Advisor(NB)
7. Director (PLA) with a request to issue necessary instructions to all the SEIAAs/SEACs to follow the above instructions.
8. Website of the Ministry.

GOVERNMENT OF HARYANA
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

No. SEIAA/HR/10

53

Dated:.....25-3-10.....

To

✓ M/S Amar Nath Aggarwal Investments Pvt. Ltd.
Colonisers & Land Developers.
S.C.O. 10, Sector-2, Panchkula.

Subject: Environmental Clearance for expansion of Amravati Enclave NH-22, Shopping Mall + 1080 No. of Flats + Plots at village – Bhagwanpur, Islamnagar and Chandimandir, Ambala –Kalka National Highway near Panchkula.

Dear Sir,

This has reference to your application no. ANAI-09/60 Dated 21.04.09 addressed to MS SEIAA received on 30.04.09 and subsequent letters dated 24.06.09, 15.11.09 & 08.02.10 seeking prior environmental clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., Form-1, Form1-A & Conceptual Plan and the additional clarifications furnished in response to the observations of the State Expert Appraisal Committee (SEAC) constituted by MOEF, GOI vide their Notification 21.4.2008, in its meetings held on 07.08.09 & 16.12.09 awarded "Gold" grading to the project.

[2] It is interalia, noted that the project involves expansion of township project at villages Bhagwanpur, Islamnagar and Chandimandir, Ambala –Kalka National Highway near Panchkula, on total plot area of 118.33 acres. The Project Proponent had partially developed 102.18 acres of licenced area for which completion certificate was issue on 26.12.01 and EIA Notification was not applicable at that time. The existing township of 102.18 acres includes 46.02 acres for plot development, 3.718 acrs under commercial sites (Shopping Mall), 9 acres for group housing and remaining area for dispensary, schools, STP, roads, footpaths, and parks etc. The Project Proponent has proposed to develop 16.15 acres of licenced area as an expansion of the existing project which includes 6.63 acres for plot development, 4.59 acres for construction of group housing and

remaning for commercial purposes. The existing builtup area of the project (Shopping Mall & Group Housing) is 96128 sqmt and after expansion the total builtup area will be 134560 sqmt. The total water requirement will be 2902 KLD out of which 707 KLD of water will be required for expansion project, which will be met from existing 2no. of tube-wells. The total waste water generation from the expansion project will be 530 KLD and will be treated in STP of capacity 2150 KLD, which will be developed in 3 phases presentaly STP of 750 KLD capacity is in operation. The treated water will be recycled/ reused leading to zero discharge. Total solid waste generation will be 1048 Kg/day. About 50% waste is expected to be bio-degradable. The collected non bio-degradable solid waste would be segregated and transported to a Govt. designated waste disposal site and bio-degradable waste will be used for composting with in the complex. The power requirement will be 1280 KVA which will be supplied by Haryana Vidyut Vitran Nigam Ltd. The total parking spaces proposed are for 334 ECS. Total cost of the development of expansion project is Rs. 2500 lac.

[3] The State Expert Appraisal Committee, Haryana after due consideration of the relevant documents submitted by the project proponent and additional clarification furnished in response to its observations have recommended the grant of environmental clearance for the project mentioned above subject to compliance with the stipulated conditions. Accordingly, the State Environment Impact Assessment Authority hereby accords necessary environmental clearance for the project under Category 8(b) of EIA Notification 2006 subject to the strict compliance with the specific and general conditions mentioned below:-

PART A-

SPECIFIC CONDITIONS:-

Construction Phase:-

- [i] A first aid room as proposed in the project report will be provided in both during construction and operation of the project.
- [ii] Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. Open defecation by the laboures is strictly prohibited. The safe disposal of waste water and solid waste generated during the construction phase should be ensured.

- [iii] All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.
- [iv] Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- [v] Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water and any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approval of the Haryana State Pollution Control Board.
- [vi] The diesel generator sets to be used during construction phase should be of low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.
- [vii] The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.
- [viii] Ambient noise levels should conform to residential and commercial standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be taken to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards.
- [ix] Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August 2003.
- [x] Ready mixed concrete must be used in building construction.
- [xi] Storm water control and its re-use as per CGWB and BIS standards for various applications.
- [xii] Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices as referred.
- [xiii] Permission from Competent Authority for supply of water shall be obtained prior to operation of the project.

- [xiv] Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
- [xv] Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air conditioned spaces while it is aspirational for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
- [xvi] The approval of the competent authority shall be obtained for structural safety of the building due to earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightening etc. If any forest land is involved in the proposed site, clearance under Forest Conservation Act shall be taken from the competent Authority.
- [xvii] The project proponent will use the water for construction phase through tankers. However, prior permission from CGWA will be taken before using the bore well water for construction purposes.
- [xviii] The project proponent will construct rain water harvesting pits @ 1 pit per acre for recharging the ground water within the project premises.
- [xix] The PP will obtain and submit permission of the airport authority about the height of the building to SEIAA before starting construction process of their project, if required.

Operation Phase:

- [i] The STP shall be installed for the treatment of the sewage generated to the prescribed standards including odour and treated effluent will be recycled to achieve zero exit discharge. The STP should be installed at the farthest place in the project area.
- [ii] Separation of the grey and black water should be done by the use of dual plumbing line. Treatment of 100% grey water by decentralized treatment should be done ensuring that the re-circulated water should have BOD maximum 10 pm and the recycled water will be used for flushing, gardening and DG set cooling.
- [iii] For disinfections of the treated wastewater ultra violet radiation or ozonization should be used.

- [iv] The solid waste generated should be properly collected and segregated. Bio-degradable waste will be decomposed at site and dry/ inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
- [v] Diesel power generating sets proposed as source of backup power for lifts, common area illumination and for domestic use should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The location of the DG sets should be in the basement as promised by the project proponent with appropriate stack height i.e above the roof level of the building as per the CPCB norms. The diesel used for DG sets should be of low sulphur contents (maximum 0.25%).
- [vi] Ambient Noise level should be controlled to ensure that it does not exceed the prescribed standards both within and at the boundary of the Proposed Township Project.
- [vii] [a] The Project Proponent should consult a good landscaping consultant and prepare a detailed plantation pattern for the entire township.
[b] The project proponent should maintain at least 20% as green cover area for tree plantation. The Project Proponent shall grow suitable trees in open spaces and along the roads in the project area as well as in the existing area preferably with local species so as to provide protection against particulates and noise. The open spaces inside the plot should be preferably landscaped and covered with vegetation/grass.
- [viii] Weep holes in the compound front walls shall be provided to ensure natural drainage of rain water in the catchments area during the monsoon period.
- [ix] The project proponent shall setup rain water harvesting pits @ 1 pit/ acre having 400 mm bore and 200 mm slotted pipe as proposed for roof run-off and surface run-off, as per plan submitted should be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging should be kept at least 5 mts. above the highest ground water table.
- [x] The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.

- [xi] There should be no traffic congestion near the entry and exist points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be utilized.
- [xii] A report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors etc and submit to the SEIAA, Haryana in three months time.
- [xiii] Energy conservation measures like installation of CFLs/TFLs for lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the maximum extent possible.
- [xiv] The solid waste generated should be properly collected and segregated as per the requirement of the MSW Rules, 2000 and as amended from time to time. The bio-degradable waste should be composted at the site ear marked within the project area and dry/inert solid waste should be disposed off to the approved sites for land filing after recovering recyclable material.
- [xv] The provision of the solar water heating system shall be as per the norms specified by HAREDA and shall be made operational in each building block.
- [xvi] The project proponent will use the water from the already existing tube wells for domestic purposes and commercial purpose only after getting permission from CGWA or will use water supply from municipality whichever is earlier during operational phase.
- [xvii] The traffic plan and the parking plan proposed by the PP should be adhered to meticulously with further scope of additional parking for future requirement. There should be no traffic congestion near the entry and exit points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be utilized.
- [xviii] Post project monitoring should be carried out after installing dust

- [xix] The Project Proponent shall comply with the EC BC norms.

PART-B. GENERAL CONDITIONS:

- [i] The environmental safeguards contained in the EIA/EMP Report should be implemented in letter and spirit.
- [ii] Six monthly compliance reports should be submitted to the HSPCB and Regional Office, MOEF, GOI, Northern Region, Chandigarh and a copy to the SEIAA Haryana.
- [iii] The SEIAA, Haryana reserves the right to add additional safeguard measures, subsequently, if found necessary. Environmental Clearance granted will be revoked if it is found that false information has been given for getting approval of this project.
- [iv] All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972, PLPA, 1900, Forest Act, 1927 etc. shall be obtained, as applicable by project proponents from the respective authorities prior to construction of the project.
- [v] The Project proponent will not violate any judicial orders/pronouncements issued by the Hon'ble Supreme Court/High Courts.



**Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.**

STC

Endst. No. SEIAA/HR/10

Dated:.....

A copy of the above is forwarded to the following:

1. The Additional Director (IA Division), MOEF, GOI, CGO Complex, Lodhi Road, New Delhi.
2. The Regional officer, Ministry of Environment Forests, Govt. of India, Sector 31, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, Pkl.

**Member Secretary,
State Level Environment Impact**

ANNEXURE R-12

Directorate of Town and Country Planning, HaryanaSCO No. 71-75, 2nd Floor, Sector-17 C, Chandigarh, web site: tcpharyana.gov.inPhone: 0172-2549349; e-mail: tcphry@gmail.com**LC-IX****(See Rule 16 (2))**

To

Amar Nath Aggarwal Investment (P) Ltd.,
SCO No. 10, Sector-2, Panchkula.

Memo no. LC-1302-JE (BR)-2015/ 16709 Dated: 9/9/15

Subject:

Grant of part completion certificate for an area measuring 11.566 acres out of total area of 16.156 acres in License no. 186 of 2008 dated 29.10.2008 granted to develop Residential Colony at Sector-2 in Revenue Estate of Village Bhagwanpur, Pinjore-Kalka Urban Complex, District Panchkula- Amarnath Aggarwal Investments Pvt. Ltd.

With reference to your application dated 26.06.2014, regarding request for grant of part completion certificate in respect of residential plotted/group housing colony developed in the revenue estate of Village Bhagwanpur, Sector 2, Pinjore-Kalka Urban Complex District Panchkula for which license no. 186 of 2008 dated 29.10.2008 was granted on the land measuring 16.156 acres, it is hereby certified that the development works namely: Water supply, Sewerage, Storm water Drainage, Roads, Horticulture and Street Lights in the residential plotted colony comprising of Licence mentioned above for 11.566 acres as indicated on the enclosed approved layout plan and certified by Chief Administrator, HUDA Panchkula and read in conjunction with the following terms and conditions have been completed to my satisfaction. The completion certificate is granted on the following terms and conditions:-

- i. That you shall be required to obtain final completion certificate after laying out the colony as per approved layout plan and completion of Internal Development Works as per approved specifications and design as required under section 3(6) of the Haryana Development and Regulation of Urban Area Act, 1975.
- ii. That you shall be fully responsible for operation, upkeep and maintenance of all roads, openspaces, public parks and public health services like water supply, sewerage and drainage etc. for a period as approved in the service plan estimates of your colony from the date of issuance of final completion certificate or earlier relieved of said responsibility and thereupon transfer all such roads openspaces, public parks and public health services like water supply, sewerage and drainage etc. free of cost to the Government or the local authority as directed.
- iii. The services will be laid by the colonizer upto alignment of proposed external services of the town and connection with the HUDA system will be done by the

licensee at his own cost with the prior approval of the competent authority. In case pumping is required, the same will be done by the licensee at his own cost. The services will be provided as per provision in the EDC of Panchkula.

- iv. Level/Extent of the services to be provided by HUDA i.e. water supply sewerage, SWD, roads etc. will be proportionate of EDC provisions.
- v. That in case some additional structures are required to be constructed and decided by HUDA at a later stage, the same will be binding upon you.
- vi. That you shall neither erect nor allow the erection of any communication and transmission Tower with in colony without prior approval of competent authority.
- vii. That you shall construct the community sites within the period of 4 years from date of amendment of section 3 of Act No. 8 of 1975 i.e. 03.04.2012.
- viii. That you shall submit inspection report within two months from UHBVNL for Internal Electrical Services laid at site.
- ix. That you shall be solely responsible for water supply, disposal of sewage and storm water of the colony as per guidelines of HSPCB/Environment Department till such time the external services are provided by HUDA/State Government as per their scheme.
- x. That you shall get the licence renewed as laid down under rule 13 of Haryana Development and Regulation of Urban Area Rules, 1976 till the grant of final completion certificate.

This part completion certificate shall be void ab-initio, if any of the conditions mentioned above are not complied with.

DA/As above.

(Arun Kumar Gupta, IAS)
Director General,
Town and Country Planning
Haryana, Chandigarh
Dated:

Endst. No. LC-1302-JE(BR)-2015/

A copy is forwarded to the following for information and necessary action.

- i. Chief Administrator, HUDA, Panchkula.
- ii. Senior Town Planner, Panchkula.
- iii. District Town Planner, Panchkula.
- iv. Account Officer O/o Director General, Town and Country Planning, Haryana, Chandigarh.

(Vijay Kumar)
District Town Planner, (HQ)
For Director General, Town and Country Planning,
Haryana, Chandigarh.

3. आंचलिक महायोजना की तैयारी की प्रास्थिति जिसके अंतर्गत पर्यटन महायोजना ।
4. भू-अभिलेख में सदृश्य त्रुटियों के सुधार के लिए कार्यवाही किए गए मामलों का सारांश ।
5. पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन आने वाली क्रियाकलापों की संविधा के मामलों का सारांश ।
ब्यौरों को पृथक् उपाबंध के रूप में संलग्न किया जा सकेगा।
6. पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन न आने वाली क्रियाकलापों की संविधा के मामलों का सारांश ।
ब्यौरों को पृथक् उपाबंध के रूप में संलग्न किया जा सकेगा।
7. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन दर्ज की गई शिकायतों का सारांश ।
8. कोई अन्य महत्वपूर्ण विषय ।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 24th October, 2016

S.O. 3308(E).—WHEREAS, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of the India in the Ministry of Environment, Forest and Climate Change vide number S.O. 1395 (E), dated the 21st May, 2015, inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

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

WHEREAS, the Khol Hi Raitan Wildlife Sanctuary of 4883 hectare is situated in the State of Haryana and located in Shiwalik hill system which is very near to Bir Shikargah Wildlife Sanctuary and the aerial distance between the two is about three kilometers and Khol Hai Raitan has steep sloping hills and the soil of this Sanctuary is also sandy loam and has red color because of more iron content;

AND WHEREAS, Khol Hi Raitan Wildlife Sanctuary is important and known for its fauna, leopard is on the top of hierarchy, other animals such as Cheetal or Spotted Deer, Sambar, Wild Boar, Rhesus Monkey, Langoor, Hyena, Jungle Cat, Common Mongoose, Indian Fox, Jackal, Porcupine, etc.;

AND WHEREAS, it is necessary to conserve and protect the area the extent and boundaries of which is specified in paragraph 1 of this notification around the protected area of the Khol Hi Raitan Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) read with clause (v) and clause (xiv) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area with an extent of upto 925 meters from the boundary of the protected area of Khol Hi Raitan Wildlife Sanctuary in the State of Haryana as the Khol Hi Raitan Wildlife Sanctuary Eco-sensitive Zone (hereinafter referred to as the Eco-sensitive Zone) details of which are as under, namely:-

1. Extent and Boundaries of Eco-sensitive Zone.- (1) The Eco-sensitive Zone varies from zero to 925 meters around the boundary of Khol Hi Raitan Wildlife Sanctuary comprising an area of 1320 hectares approximately.

(2) The Eco-sensitive Zone is bounded by 30°42'15.640"N latitude and 77°0'34.688"E longitude towards East (point No.2 of Annexure I map); 30°43'55.091"N latitude and 76°54'12.405"E longitude towards west (point No.22 of Annexure I map); 30°44'27.031"N latitude and 76°56'11.013"E longitude towards north (point No.8 of Annexure I map) and 30°40'9.132"N latitude and 76°57'0.902"E longitude towards south (point No.42 of Annexure I map).

(3) The map of Eco-sensitive Zone boundary together with its latitude and longitude is appended as **Annexure I**.

(4) The coordinates of Eco-sensitive Zone and Wildlife sanctuary with its latitude and longitude is appended as **Annexure II**.

(5) The villages whose area or parts thereof falling within the Eco-sensitive Zone are, Firozpur, Dudhgarh, Dhadwali, Kaadyani, Mandhna, Sisram, Jakhri, Chaudhari Bas, Thattar, Jala, Ambwala, Kotian, Burj Tanda, Gumthala.

2. Zonal Master Plan for Eco-sensitive Zone.- (1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of final notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification.

- (2) The Zonal Master Plan shall be approved by the Competent Authority in the State Government.
- (3) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.
- (4) The Zonal Master Plan shall be prepared in consultation with all concerned State Departments, namely:-
- (i) Environment;
 - (ii) Forest;
 - (iii) Urban Development;
 - (iv) Tourism;
 - (v) Municipal;
 - (vi) Revenue;
 - (vii) Agriculture; and
 - (ix) Haryana State Pollution Control Board,

for integrating environmental and ecological considerations into it.

(5) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.

(6) The Zonal Master plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

(7) The Zonal Master Plan shall demarcate all the existing worshipping places, village and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies.

(8) The Zonal Master Plan shall regulate development in Eco-sensitive Zone so as to ensure Eco-friendly development and livelihood security of local communities.

3. Measures to be taken by State Government.- The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

(1) **Land use.-** Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or industrial related development activities:

Provided that the conversion of agricultural lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the State Government, to meet the residential needs of local residents, and for the activities listed against serial numbers 27, 37 and 42 in column (2) of the Table in paragraph 4, namely:-

- (i) Small scale industries not causing pollution;
- (ii) Rainwater harvesting; and
- (iii) Cottage industries including village artisans:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of the Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the above correction of error shall not include change of land use in any case except as provided under this sub-paragraph:

Provided also that there shall be no consequential reduction in green area, such as forest area and agricultural area and efforts shall be made to reforest the unused or unproductive agricultural areas.

(2) **Natural Springs.**- The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.

(3) **Tourism.**- (a) The activity relating to tourism within the Eco-sensitive Zone shall be as per Tourism Master Plan, which shall form part of the Zonal Master Plan.

(b) The Tourism Master Plan shall be prepared by the Department of Tourism, Government of Haryana in consultation with the Department of Revenue and Forests, Government of Haryana.

(c) The activity of tourism shall be regulated as under, namely:-

(i) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the eco-tourism guidelines issued by the National Tiger Conservation Authority, Ministry of Environment, Forest and Climate Change (as amended from time to time) with emphasis on eco-tourism, eco-education and eco-development and based on carrying capacity study of the Eco-sensitive Zone;

(ii) new construction of hotels and resorts shall not be permitted within the Eco-sensitive Zone;

(iii) till the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee.

(4) **Natural Heritage.**- All sites of valuable natural heritage in the Eco-sensitive Zone such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and preserved and proper plan shall be drawn up for their protection and conservation, within six months from the date of publication of this notification and such plan shall form part of the Zonal Master Plan.

(5) **Man-made heritage sites.**- Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be identified in the Eco-sensitive Zone and plans for their conservation shall be prepared within six months from the date of publication of this notification and incorporated in the Zonal Master Plan.

(6) **Noise pollution.**- The Environment Department of the State Government shall draw up guidelines and regulations for the control of noise pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and the rules made thereunder.

(7) **Air pollution.**- The Environment Department of the State Government shall draw up guidelines and regulations for the control of air pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.

(8) **Discharge of effluents.**- The discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974(6 of 1974) and the rules made thereunder.

(9) **Solid wastes.** - Disposal of solid wastes shall be as under:-

(i) the solid waste disposal in Eco-sensitive Zone shall be carried out in accordance with the provisions of the Solid Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number S.O. 1357 (E), dated the 8th April, 2016 as amended from time to time;

(ii) the local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components;

(iii) the biodegradable material shall be recycled preferably through composting or vermiculture;

(iv) the inorganic material may be disposed in an environmentally acceptable manner at site(s) identified outside the Eco-sensitive Zone and no burning or incineration of solid wastes shall be permitted in the Eco-sensitive Zone.

(10) **Bio-medical waste.**- The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out in accordance with the provisions of the Bio-Medical Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R 343 (E), dated the 28th March, 2016, as amended from time to time.

(11) **Vehicular traffic.** - The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal master plan is prepared and approved by the Ministry of Environment, Forest and Climate Change, Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

4. List of activities prohibited or to be regulated within the Eco-sensitive Zone.- All activities in the Eco-sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made thereunder and shall be regulated in the manner specified in the Table below, namely:-

TABLE

Sl. No.	Activity	Remarks
(1)	(2)	(3)
A. Prohibited Activities:		
1.	Commercial Mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units are prohibited except for the domestic needs of <i>bona fide</i> local residents. (b) The mining operations shall strictly be in accordance with the orders of the Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No.202 of 1995 and dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No.435 of 2012.
2.	Setting up of saw mills.	No new and expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
3.	Setting up of industries causing water or air or soil or noise pollution.	No new or expansion of polluting industries in the Eco-sensitive Zone shall be permitted.
4.	Use or production of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Commercial use of firewood.	Prohibited (except as otherwise provided) as per applicable laws.
6.	Establishment of new major hydroelectric projects.	Prohibited (except as otherwise provided) as per applicable laws.
7.	Uses of plastic carry bags.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Discharge of untreated effluents and solid waste in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
9.	Setting-up of Medium Density Fiberboard/ Particle Board Units/ Plants.	Prohibited (except as otherwise provided) as per applicable laws.
10.	Setting-up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
11.	Commercial helicopter services.	Prohibited (except as otherwise provided) as per applicable laws.
12.	Erection of mobile Tower.	Prohibited (except as otherwise provided) as per applicable laws.
B. Regulated Activities:		
13.	Felling of trees.	(a) There shall be no felling of trees on the forest land or Government or revenue or private lands without prior permission of the competent authority in the State Government. (b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made there under.

14.	Commercial establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted within one kilometer of the boundary of the protected area or up to the boundary of the Eco-sensitive Zone whichever is nearer except for accommodation for temporary occupation of tourists related to eco-friendly tourism activities: Provided that, beyond one kilometer or up to the extent of the Eco-sensitive Zone, all new tourism activities or expansion of existing activities shall be in conformity with the Tourism Master Plan.
15.	Undertaking activities related to tourism like over-flying the sanctuary area by hot-air balloons, etc.	Regulated under applicable laws.
16.	Construction activities.	(a) No new commercial construction of any kind shall be permitted within one kilometer from the boundary of protected area or up to the boundary of the Eco-sensitive Zone whichever is nearer. Provided that, local people shall be permitted to undertake construction in their land for their residential use including the activities listed in sub-paragraph (1) of paragraph 3: (b) Beyond one kilometer upto the extent of Eco-sensitive Zone, construction for <i>bona fide</i> local needs shall be allowed and other construction activities shall be regulated as per the Zonal Master Plan. (c) Provided further that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per the applicable rules and regulations, if any.
17.	Drastic change of agriculture system.	Regulated under applicable laws.
18.	Commercial water resources including ground water harvesting.	(a) The extraction of surface water and ground water shall be permitted only for <i>bona fide</i> agricultural use and domestic consumption of the occupier of the land. (b) The extraction of surface water and ground water for industrial or commercial use including the amount that can be extracted, shall require prior written permission from the concerned Regulatory Authority. (c) No sale of surface water or ground water shall be permitted. (d) Steps shall be taken to prevent contamination or pollution of water from any source including agriculture.
19.	Erection of electrical cables and telecommunication towers.	Promote underground cabling.
20.	Fencing of existing premises of hotels and lodges.	Regulated under applicable laws.
21.	Widening and strengthening of existing roads and construction of new roads.	Shall be done with proper Environment Impact Assessment and mitigation measures, as applicable
22.	Movement of vehicular traffic at night	Regulated for commercial purpose under applicable laws.
23.	Introduction of exotic species.	Regulated under applicable laws.
24.	Commercial Sign boards and hoardings.	Regulated under applicable laws.
25.	Air and vehicular pollution.	Regulated under applicable laws.
26.	Protection of hill slopes and river banks	Regulated under applicable laws.
27.	Small scale industries not causing pollution.	Non-polluting, non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous goods from the Eco-sensitive Zone which do not cause any adverse impact on environment shall be permitted.

28.	Discharge of treated effluents in natural water bodies or land area.	Recycling of treated effluent shall be encouraged and for disposal of sludge or solid wastes, the existing regulations shall be followed.
29.	Collection of Forest produce or Non-Timber Forest Produce (NTFP).	Regulated under applicable laws.
30.	Security Forces Camp.	Regulated under applicable laws.
31.	Collection of boulders, gravel and sand from the river beds.	Regulated under applicable laws.
32.	Laying of transmission and distribution system above 33KV.	Regulated under applicable laws.
33.	New wood based industry.	No establishment of new wood based industry shall be permitted within the units of Eco-sensitive Zone: Provided that new wood based industry may be set up in the Eco-sensitive Zone using 100% imported wood stock.
34.	Solid Waste Management	Regulated under applicable laws.
35.	Eco-tourism	Regulated under applicable laws.
C. Promoted Activities:		
36.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming and fisheries.	Permitted under applicable laws.
37.	Rain water harvesting.	Shall be actively promoted.
38.	Organic farming.	Shall be actively promoted.
39.	Adoption of green technology for all activities.	Shall be actively promoted.
40.	Use of renewable energy sources.	Permitted under applicable laws.
41.	Vegetative fencing.	Permitted under applicable laws.
42.	Cottage industries including village artisans, etc.	Shall be actively promoted.
43.	Agriculture operations including plantation, horticulture and orchards.	Permitted under applicable laws.
44.	Agro Forestry.	Shall be actively promoted.
45.	Environmental Awareness.	Shall be actively promoted.

5. Eco-sensitive Zone Monitoring Committee.- (1) The Central Government hereby constitutes a Monitoring Committee, for effective monitoring of the Eco-sensitive Zone, which shall comprise of the following, namely:-

- (a) Deputy Commissioner, Panchkula - Chairman;
- (b) a representative of Non-governmental Organisations working in the field of environment (including heritage conservation) to be nominated by the Government of Haryana for a term of three year – Member;
- (c) Regional Officer, Haryana State Pollution Control Board, Panchkula - Member;
- (d) District Town Planner, Panchkula - Member;
- (e) one expert in the area of ecology and environment to be nominated by the Government of Haryana - Member;
- (f) Divisional Wildlife Officer, Panchkula – Member;
- (g) Representative of State Bio Diversity Board-Member;
- (h) Deputy Conservator of Forests (Territorial) Panchkula – Member Secretary.

Terms of Reference:

- (2) The tenure of the Monitoring Committee is for three (3) years.
- (3) The Monitoring Committee shall monitor the compliance of the provisions of Notification.
- (4) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to

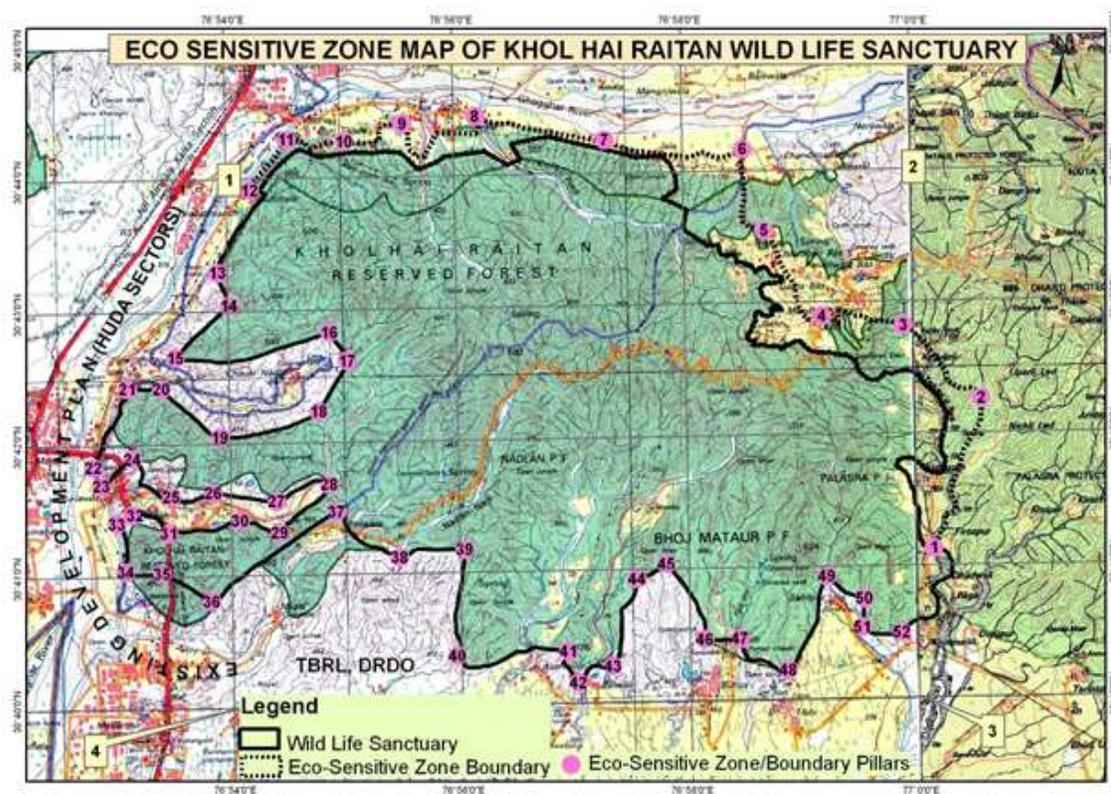
- the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
- (5) The activities that are not covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned Regulatory Authorities.
 - (6) The Member Secretary of the Monitoring Committee or the concerned Deputy Commissioner(s) shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 (29 of 1986) against any person who contravenes the provisions of this notification.
 - (7) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from Industry Associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
 - (8) The Monitoring Committee shall submit the annual action taken report of its activities as on 31st March of every year by 30th June of that year to the Chief Wild Life Warden of the State per pro forma appended at **Annexure III**.
 - (9) The Central Government in the Ministry of Environment, Forest and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.
6. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.
7. The provisions of this notification shall be subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court or National Green Tribunal.

[F. No. 25/29/2014-ESZ/RE]

Dr. T. CHANDINI, Scientist 'G'

Annexure I

Map of Eco-sensitive Zone boundary of Khol Hai Raitan Wildlife Sanctuary, Haryana together with its latitudes and longitude of extremes and extent.



Annexure II

The coordinates showing prominent points of the outer boundary of Eco-sensitive Zone of Khol Hai Raitan Wildlife Sanctuary, Haryana

COORDINATES OF ECO-SENSITIVE ZONE		
Id	Longitude	Latitude
1.	77 0' 8.560" E	30 41' 7.833" N
2.	77 0' 34.688" E	30 42' 15.640" N
3.	76 59' 54.483" E	30 42' 49.133" N
4.	76 59' 11.778" E	30 42' 53.898" N
5.	76 58' 42.139" E	30 43' 32.976" N
6.	76 58' 31.481" E	30 44' 10.120" N
7.	76 57' 19.280" E	30 44' 15.323" N
8.	76 56' 11.013" E	30 44' 27.031" N
9.	76 55' 32.901" E	30 44' 24.311" N
10.	76 55' 2.301" E	30 44' 16.546" N
11.	76 54' 31.881" E	30 44' 17.817" N
12.	76 54' 12.405" E	30 43' 55.091" N
13.	76 53' 54.698" E	30 43' 17.777" N
14.	76 54' 0.524" E	30 43' 2.667" N
15.	76 53' 32.031" E	30 42' 39.449" N
16.	76 54' 52.933" E	30 42' 50.080" N
17.	76 55' 2.247" E	30 42' 36.944" N
18.	76 54' 46.752" E	30 42' 14.129" N
19.	76 53' 54.569" E	30 42' 3.078" N
20.	76 53' 24.235" E	30 42' 25.382" N
21.	76 53' 6.461" E	30 42' 25.641" N
22.	76 52' 47.988" E	30 41' 49.866" N
23.	76 52' 51.929" E	30 41' 41.537" N
24.	76 53' 8.575" E	30 41' 53.704" N
25.	76 53' 28.747" E	30 41' 36.276" N
26.	76 53' 50.654" E	30 41' 37.729" N
27.	76 54' 24.076" E	30 41' 33.694" N
28.	76 54' 51.568" E	30 41' 40.970" N
29.	76 54' 25.165" E	30 41' 19.497" N
30.	76 54' 4.765" E	30 41' 25.114" N
31.	76 53' 27.058" E	30 41' 19.756" N
32.	76 53' 8.081" E	30 41' 28.304" N
33.	76 52' 59.799" E	30 41' 24.289" N
34.	76 53' 4.159" E	30 41' 2.364" N
35.	76 53' 23.284" E	30 41' 1.495" N
36.	76 53' 49.012" E	30 40' 48.712" N
37.	76 54' 55.424" E	30 41' 28.506" N
38.	76 55' 28.068" E	30 41' 7.421" N
39.	76 56' 2.256" E	30 41' 10.383" N
40.	76 55' 57.695" E	30 40' 22.296" N
41.	76 56' 55.921" E	30 40' 23.342" N
42.	76 57' 0.902" E	30 40' 9.132" N
43.	76 57' 19.061" E	30 40' 16.286" N
44.	76 57' 32.610" E	30 40' 55.852" N
45.	76 57' 47.986" E	30 41' 2.328" N
46.	76 58' 7.521" E	30 40' 27.773" N

47.	76 58' 26.090" E	30 40' 27.870" N
48.	76 58' 51.200" E	30 40' 13.311" N
49.	76 59' 12.324" E	30 40' 55.520" N
50.	76 59' 31.732" E	30 40' 45.215" N
51.	76 59' 30.499" E	30 40' 32.169" N
52.	76 59' 51.030" E	30 40' 29.629" N

CO-ORDINATES OF KHOL-HI-RATAN WILDLIFE SANCTUARY

Longitude	Latitude
77 0' 0.575" E	30 41' 13.397" N
77 0' 15.891" E	30 42' 9.120" N
76 59' 47.440" E	30 42' 27.920" N
76 59' 5.141" E	30 42' 37.750" N
76 58' 34.574" E	30 43' 17.125" N
76 57' 55.941" E	30 43' 58.370" N
76 57' 18.722" E	30 44' 9.862" N
76 56' 31.215" E	30 44' 13.199" N
76 55' 32.924" E	30 44' 8.821" N
76 55' 2.086" E	30 44' 10.590" N
76 54' 38.838" E	30 44' 12.244" N
76 54' 20.218" E	30 43' 51.970" N
76 53' 54.698" E	30 43' 17.777" N
76 54' 0.524" E	30 43' 2.667" N
76 53' 32.031" E	30 42' 39.449" N
76 54' 52.933" E	30 42' 50.080" N
76 55' 2.247" E	30 42' 36.944" N
76 54' 46.752" E	30 42' 14.129" N
76 53' 54.569" E	30 42' 3.078" N
76 53' 24.235" E	30 42' 25.382" N
76 53' 6.461" E	30 42' 25.641" N
76 52' 47.988" E	30 41' 49.866" N
76 52' 51.929" E	30 41' 41.537" N
76 53' 8.575" E	30 41' 53.704" N
76 53' 28.747" E	30 41' 36.276" N
76 53' 50.654" E	30 41' 37.729" N
76 54' 24.076" E	30 41' 33.694" N
76 54' 51.568" E	30 41' 40.970" N
76 54' 25.165" E	30 41' 19.497" N
76 54' 4.765" E	30 41' 25.114" N
76 53' 27.058" E	30 41' 19.756" N
76 53' 8.081" E	30 41' 28.304" N
76 52' 59.799" E	30 41' 24.289" N
76 53' 4.159" E	30 41' 2.364" N
76 53' 23.284" E	30 41' 1.495" N
76 53' 49.012" E	30 40' 48.712" N
76 54' 55.424" E	30 41' 28.506" N
76 55' 28.068" E	30 41' 7.421" N
76 56' 2.256" E	30 41' 10.383" N
76 55' 57.695" E	30 40' 22.296" N
76 56' 55.921" E	30 40' 23.342" N
76 57' 0.902" E	30 40' 9.132" N

76 57' 19.061" E	30 40' 16.286" N
76 57' 32.610" E	30 40' 55.852" N
76 57' 47.986" E	30 41' 2.328" N
76 58' 7.521" E	30 40' 27.773" N
76 58' 26.090" E	30 40' 27.870" N
76 58' 51.200" E	30 40' 13.311" N
76 59' 12.324" E	30 40' 55.520" N
76 59' 31.732" E	30 40' 45.215" N
76 59' 30.499" E	30 40' 32.169" N
76 59' 51.030" E	30 40' 29.629" N

Annexure III**Proforma of Action Taken Report:- Eco-sensitive Zone Monitoring Committee.-**

1. Number and date of Meetings:
2. Minutes of the meetings: Mention main noteworthy points. Attached Minutes of the meeting on separate Annexure.
3. Status of preparation of Zonal master Plan including Tourism master Plan:
4. Summary of cases dealt for rectification of error apparent on face of land record.
Details may be attached as Annexure
5. Summary of cases scrutinised for activities covered under the Environment Impact Assessment Notification, 2006:
Details may be attached as separate Annexure.
6. Summary of case scrutinised for activities not covered the under Environment Impact Assessment Notification, 2006:
Details may be attached as separate Annexure.
7. Summary of complaints ledged under Section 19 of Environment (Protection) Act, 1986:
8. Any other matter of importance:

पारिस्थितिक संवेदी जोन मानीटरी समिति-की गई कार्रवाई की रिपोर्ट का रूप विधान

1. बैठकों की संख्या और तारीख ।
2. बैठकों का कार्यवृत्त : कृपया मुख्य उल्लेखनीय बिंदुओं का वर्णन करें । बैठक के कार्यवृत्त को एक पृथक अनुबंध में उपाबद्ध करें ।
3. आंचलिक महायोजना की तैयारी की प्रास्थिति जिसके अंतर्गत पर्यटन महायोजना ।
4. भू-अभिलेख में मदृश्य त्रुटियों के मुद्धार के लिए कार्यवाही किए गए मामलों का सारांश ।
5. पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन आने वाली क्रियाकलापों की संवीक्षा के मामलों का सारांश । व्यौरों को पृथक् उपाबंध के रूप में संलग्न किया जा सकेगा।
6. पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन न आने वाली क्रियाकलापों की संवीक्षा के मामलों का सारांश । व्यौरों को पृथक् उपाबंध के रूप में संलग्न किया जा सकेगा।
7. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन दर्ज की गई शिकायतों का सारांश ।
8. कोई अन्य महत्वपूर्ण विषय ।

[फा. सं. 25/30/2014-ईएमजेड-आर्डी]

डॉ. टी. चांदनी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 23rd November, 2016

S.O. 3516(E).—WHEREAS, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 1447, dated the 26th May, 2015, inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

AND whereas, objections and suggestions received from all persons and stakeholders in response to the draft notification have been duly considered by the Central Government;

WHEREAS, the Bir Shikargarh Wildlife Sanctuary of 767 hectare situated in Haryana State and falls within Shivalik hill system and it is located at an altitude of about 400 meters above Sea Level and is a part of Ghaggar river catchments and surrounded by forest areas and a few villages and seasonal river named Kaushalya originating in the adjoining Himachal area passes through the sanctuary and the entire area of this sanctuary is made up of conglomerates, clay and silt having the characters of alluvial deposits;

AND WHEREAS, Bir Shikargarh Wildlife Sanctuary has thick forest and *Acacia catechu* (Khair) is the dominant species of this area and the larger part of the sanctuary is a natural forest and manmade plantation of species like *Eucalyptus globulus* (Safeda) and *Tectona grandis* (Teak) have also been done and among fauna, leopard is on the top of hierarchy and other animals are Spotted Deer, Sambar, Wild Boar, Rhesus Monkey, Langoor, Hyaena, Jungle Cat, Common Mongoose, India Fox, Jackal, Porcupine, etc.;

AND WHEREAS, it is necessary to conserve and protect the area, the extent and boundaries of which is specified in paragraph 1 of this notification around the protected area of the Bir Shikargarh Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1), clause (v) and clause (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area with an extent of upto 1200 metres from the boundary of the Bir Shikargarh Wildlife Sanctuary in the State of Haryana as the Bir Shikargarh Wildlife Sanctuary Eco-sensitive Zone (hereinafter referred to as the Eco-sensitive Zone), details of which are as under, namely:-

1. **Extent and boundaries of Eco-sensitive Zone.**-(1) The Eco-sensitive Zone varies from zero to 2310 meters around the boundary of Bir Shikargarh Wildlife Sanctuary and the total area falling under the Eco-Sensitive Zone is 1131 hectares approximately.

(2) Bir Shikargarh Wildlife Sanctuary is situated in the Panchkula District of Haryana State between 300 44'06" to 300 47'34.01" North latitude and between 760 56'34.05" to 760 59'38.62" East longitude.

(3) The map of Eco-sensitive Zone boundary together with its latitude and longitude is appended as **Annexure I**.

(4) The coordinates of Eco-sensitive Zone with its latitude and longitude is appended as **Annexure II**.

(5) The villages whose area or parts thereof falling within the Eco-sensitive Zone are appended as **Annexure-III**.

2. **Zonal Master Plan for Eco-sensitive Zone.**-(1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of final notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification.

(2) The Zonal Master Plan shall be approved by the Competent Authority in the State Government.

(3) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

(4) The Zonal Master Plan shall be prepared in consultation with all concerned State Departments, namely:-

- (i) Environment;
- (ii) Forest;
- (iii) Urban Development;
- (iv) Tourism;
- (v) Municipal;
- (vi) Revenue;
- (vii) Agriculture; and
- (ix) Haryana State Pollution Control Board,

for integrating environmental and ecological considerations into it.

(5) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.

(6) The Zonal Master plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

(7) The Zonal Master Plan shall demarcate all the existing worshipping places, village and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green areas, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies.

(8) The Zonal Master Plan shall regulate development in Eco-sensitive Zone as to ensure Eco-friendly development for livelihood security of local communities.

3. **Measures to be taken by State Government.**-The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

(1) **Landuse.**- Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or industrial related development activities:

Provided that the conversion of agricultural lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the State Government, to meet the

residential needs of local residents, and for the activities listed against serial numbers 24, 32 and 37 in column (2) of the Table in paragraph 4, namely:-

- (i) Small scale industries not causing pollution;
- (ii) Rainwater harvesting; and
- (iii) Cottage industries including village artisans:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of the Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the above correction of error shall not include change of land use in any case except as provided under this sub-paragraph:

Provided also that there shall be no consequential reduction in green area, such as forest area and agricultural area and efforts shall be made to reforest the unused or unproductive agricultural areas.

(2) **Natural Springs.**-The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be drawn up by the State Government in such a manner as to prohibit the development activities at or near these areas which are detrimental to such areas.

(3) **Tourism.**-(a) The activity relating to tourism within the Eco-sensitive Zone shall be as per Tourism Master Plan, which shall form part of the Zonal Master Plan.

(b) The Tourism Master Plan shall be prepared by the Department of Tourism, Government of Haryana in consultation with Department of Revenue and Forests, Government of Haryana.

(c) The activity of tourism shall be regulated as under, namely:-

(i) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the eco-tourism guidelines issued by the National Tiger Conservation Authority, Ministry of Environment and Forest and Climate Change (as amended from time to time) with emphasis on eco-tourism, eco-education and eco-development and based on carrying capacity study of the Eco-sensitive Zone;

(ii) new construction of hotels and resorts shall not be permitted within the Eco-sensitive Zone;

(iii) till the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee.

(4) **Natural Heritage.**- All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and preserved and plan shall be drawn up for their protection and conservation, within six months from the date of publication of this notification and such plan shall form part of the Zonal Master Plan.

(5) **Man-made heritage sites.**- Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be identified in the Eco-sensitive Zone and plans for their conservation shall be prepared within six months from the date of publication of this notification and incorporated in the Zonal Master Plan.

(6) **Noise pollution.**- The Environment Department of the State Government shall draw up guidelines and regulations for the control of noise pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and the rules made thereunder.

(7) **Air pollution.**- The Environment Department of the State Government shall draw up guidelines and regulations for the control of air pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)and the rules made thereunder.

(8) **Discharge of effluents.**- The discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974(6 of 1974) and the rules made thereunder.

(9) **Solid wastes.** - Disposal of solid wastes shall be as under:-

(i) the solid waste disposal in Eco-sensitive Zone shall be carried out in accordance with the provisions of the Solid Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number S.O. 1357(E), dated the 8th April, 2016 as amended from time to time:

(ii) the local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components;

(iii) the biodegradable material shall be recycled preferably through composting or vermiculture;

(iv) the inorganic material may be disposed in an environmentally acceptable manner at site(s) identified outside the Eco-sensitive Zone and no burning or incineration of solid wastes shall be permitted in the Eco-sensitive Zone.

(10) **Bio-medical waste.**- The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out in accordance with the provisions of the Bio-Medical Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R. 343(E), dated the 28th March, 2016, as amended from time to time.

(11) **Vehicular traffic.** - The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master Plan is prepared and approved by the competent authority in the State Government and the Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

4. List of activities prohibited or to be regulated within Eco-sensitive Zone.-All activities in the Eco-sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made thereunder and shall be regulated in the manner specified in the Table below, namely:-

TABLE

Sl. No.	Activity	Remarks
(1)	(2)	(3)
A. Prohibited Activities:		
1.	Commercial Mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units are prohibited except for the domestic needs of <i>bona fide</i> local residents. (b) The mining operations shall strictly be in accordance with the orders of the Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
2.	Setting up of saw mills.	No new and expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
3.	Setting up of industries causing water or air or soil or noise pollution.	No new or expansion of polluting industries in the Eco-sensitive Zone shall be permitted.
4.	Use or production of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Commercial use of firewood.	Prohibited (except as otherwise provided) as per applicable laws.
6.	Establishment of new major hydroelectric projects.	Prohibited (except as otherwise provided) as per applicable laws.
7.	Discharge of untreated effluents and solid waste in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Setting-up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.

9.	Commercial helicopter services.	Prohibited (except as otherwise provided) as per applicable laws.
10.	Uses of plastic carry bags.	Prohibited (except as otherwise provided) as per applicable laws.
B. Regulated Activities:		
11.	Commercial establishment of hotels and resorts.	<p>No new commercial hotels and resorts shall be permitted within one kilometer of the boundary of the protected area or up to the boundary of the Eco-sensitive Zone whichever is nearer except for accommodation for temporary occupation of tourists related to eco-friendly tourism activities:</p> <p>Provided that, beyond one kilometre or up to the extent of the Eco-sensitive Zone, all new tourism activities or expansion of existing activities shall be in conformity with the Eco-Tourism Master Plan.</p> <p>Commercial eco-tourism establishments is to be regulated strictly in accordance with "The guidelines for taking non-forestry activities in Wild life habitats" issued vide F. No. 610/2011 WL dated 15-03.2011 by the Ministry of Environment and Forest (WL Division), New Delhi and National Tiger Conservation Authority Guidelines (if applicable).</p>
12.	Construction activities.	<p>(a) No new commercial construction of any kind shall be permitted within one kilometre from the boundary of protected area or up to the boundary of the Eco-sensitive Zone whichever is nearer:</p> <p>Provided that, local people shall be permitted to undertake construction in their land for their residential use including the activities listed in sub-paragraph (1) of paragraph 3:</p> <p>Provided further that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per the applicable rules and regulations, if any.</p> <p>(b) Beyond one kilometre upto the extent of Eco-Sensitive Zone, construction for <i>bone fide</i> local needs shall be allowed and other construction activities and construction and augmentation of civic amenities shall be regulated as per the Zonal Master Plan.</p>
13.	Felling of trees.	<p>(a) There shall be no felling of trees on the forest land or Government or revenue or private lands without prior permission of the competent authority in the State Government.</p> <p>(b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made there under.</p>
14.	Drastic change of agriculture system.	Regulated under applicable laws.

15.	Commercial water resources including ground water harvesting.	(a) The extraction of surface water and ground water shall be permitted only for <i>bona fide</i> agricultural use and domestic consumption of the occupier of the land. (b) The extraction of surface water and ground water for industrial or commercial use including the amount that can be extracted, shall require prior written permission from the concerned Regulatory Authority. (c) No sale of surface water or ground water shall be permitted. (d) Steps shall be taken to prevent contamination or pollution of water from any source including agriculture.
16.	Erection of electrical cables and telecommunication towers.	Promote underground cabling.
17.	Fencing of existing premises of hotels and lodges.	Regulated under applicable laws.
18.	Widening and strengthening of existing roads and construction of new roads.	Construction of new roads and widening /repair of existing roads in the Eco-sensitive Zone should be regulated and done with minimal impact.
19.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
20.	Introduction of exotic species.	Regulated under applicable laws.
21.	Commercial Sign boards and hoardings.	Regulated under applicable laws.
22.	Air and vehicular pollution.	Regulated under applicable laws.
23.	Protection of hill slopes and river banks.	Regulated under applicable laws.
24.	Small scale industries not causing pollution.	Non-polluting, non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous goods from the Eco-sensitive Zone which do not cause any adverse impact on environment shall be permitted.
25.	Discharge of treated effluents in natural water bodies or land area.	Recycling of treated effluent shall be encouraged and for disposal of sludge or solid wastes, the existing regulations shall be followed.
26.	Collection of Forest produce or Non-Timber Forest Produce (NTFP).	Regulated under applicable laws.
27.	Security Forces Camp.	Regulated under applicable laws.
28.	Collection of boulders, gravel and sand from the river beds.	Regulated under applicable laws.
29.	Laying of transmission and distribution system above 33KV.	Regulated under applicable laws.
30.	New wood based industry.	No establishment of new wood based industry shall be permitted within the units of Eco-sensitive Zone: Provided that new wood based industry may be set up in the Eco-sensitive Zone using 100% imported wood stock.
C. Promoted Activities:		
31.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming and fisheries.	Permitted under applicable laws.
32.	Rain water harvesting.	Shall be actively promoted.

33.	Organic farming.	Shall be actively promoted.
34.	Adoption of green technology for all activities.	Shall be actively promoted.
35.	Use of renewable energy sources.	Permitted under applicable laws.
36.	Vegetative fencing.	Permitted under applicable laws.
37.	Cottage industries including village artisans, etc.	Shall be actively promoted.
38.	Agriculture operations including plantation, horticulture and orchards.	Permitted under applicable laws.
39.	Skill development.	Shall be actively promoted.
40.	Agro Forestry.	Shall be actively promoted.
41.	Environmental Awareness.	Shall be actively promoted.

5. **Eco-sensitive Zone Monitoring Committee.**- (1) The Central Government hereby constitutes the Monitoring Committee, for effective monitoring of the Eco-sensitive Zone, which shall comprise of the following, namely:-

- (a) Deputy Commissioner, Panchkula - Chairman;
- (b) A representatives of Non-governmental Organisations working in the field of environment (including heritage conservation) to be nominated by the Government of Haryana for a term of three year – Member;
- (c) Regional Officer, Haryana State Pollution Control Board Member;
- (d) District Town Planner, Panchkula - Member;
- (e) one expert in the area of ecology and environment to be nominated by the Government of Haryana - Member;
- (f) Divisional Wildlife Officer, Panchkula – Member;
- (g) Member of State Biodiversity Board - Member
- (h) Deputy Conservator of Forests (Territorial) Panchkula- Member Secretary.

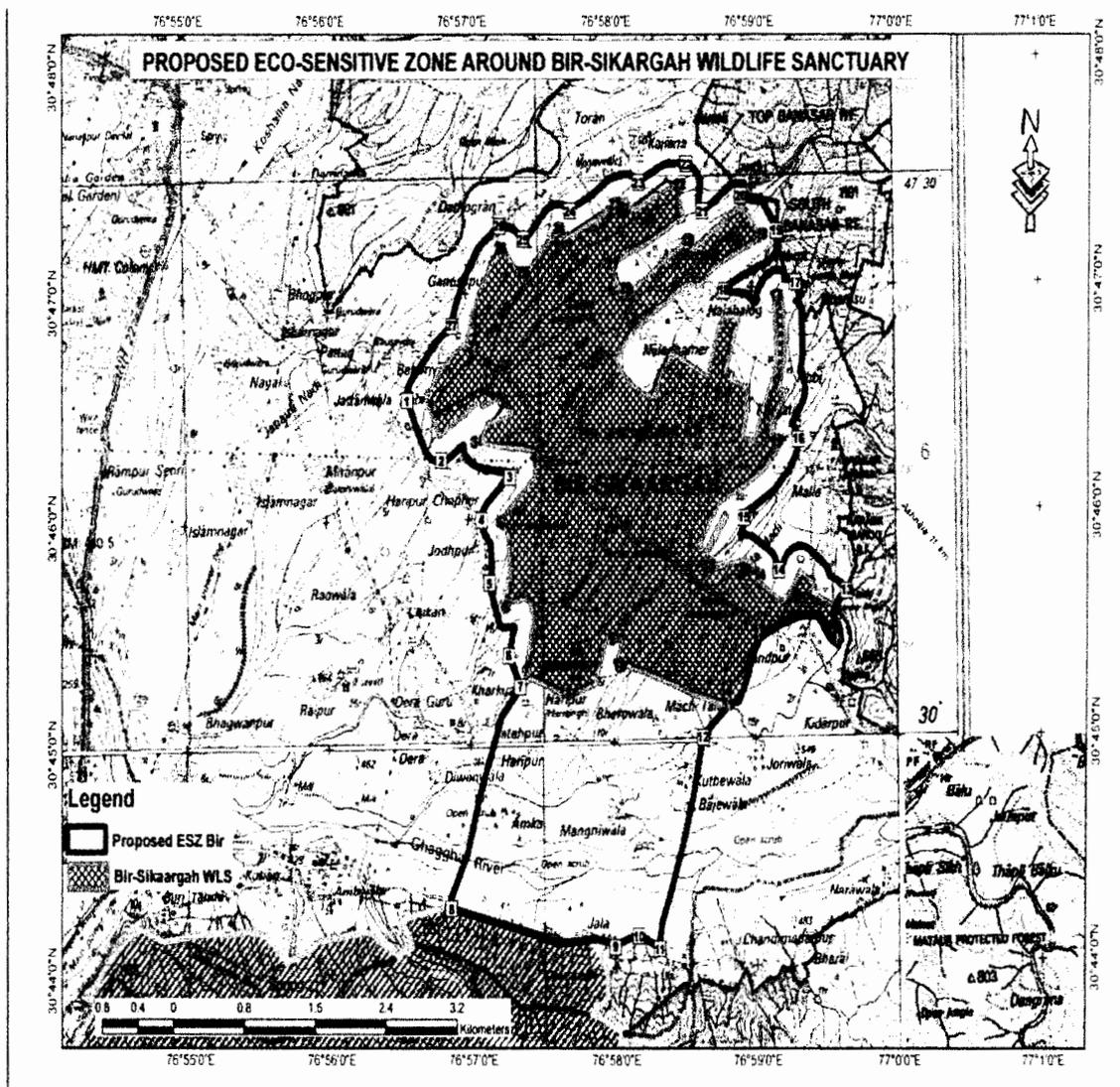
6. **Terms of Reference:**

- (1) The Monitoring Committee shall monitor the compliance of the provisions of this Notification.
- (2) The tenure of the Monitoring Committee and the subject expert would be three years.
- (3) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
- (4) The activities that are not covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned Regulatory Authorities.
- (5) The Member Secretary of the Monitoring Committee or the concerned Deputy Commissioner(s) shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 (29 of 1986) against any person who contravenes the provisions of this notification.
- (6) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from Industry Associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
- (7) The Monitoring Committee shall submit the annual action taken report of its activities as on 31st March of every year by 30th June of that year to the Chief Wild Life Warden of the State per proforma appended at **Annexure IV**.

- (8) The Central Government in the Ministry of Environment, Forest and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.
7. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.
8. The provisions of this notification shall be subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court or National Green Tribunal.

Annexure I

Map of Eco-sensitive Zone of Bir Shikargah Wildlife Sanctuary, Haryana.



The boundary description of Eco-sensitive Zone of Bir Shikargarh Wildlife Sanctuary, Haryana

ID	Longitude	Latitude	Distance from WLS Boundary
1	76 56' 34.641" E	30 46' 31.902" N	200
2	76 56' 48.824" E	30 46' 15.785" N	200
3	76 57' 17.149" E	30 46' 10.936" N	200
4	76 57' 5.382" E	30 45' 59.861" N	200
5	76 57' 8.194" E	30 45' 42.924" N	200
6	76 57' 16.034" E	30 45' 23.629" N	200
7	76 57' 20.584" E	30 45' 15.172" N	200
8	76 56' 50.863" E	30 44' 16.725" N	2090
9	76 57' 59.390" E	30 44' 5.794" N	2310
10	76 58' 9.480" E	30 44' 8.387" N	2190
11	76 58' 18.229" E	30 44' 4.905" N	2120
12	76 58' 37.400" E	30 45' 0.858" N	320
13	76 59' 38.674" E	30 45' 39.019" N	200
14	76 59' 10.121" E	30 45' 44.615" N	200
15	76 58' 55.566" E	30 45' 58.983" N	200
16	76 59' 18.885" E	30 46' 19.374" N	200
17	76 59' 18.057" E	30 47' 0.977" N	200
18	76 58' 47.957" E	30 46' 59.308" N	200
19	76 59' 10.293" E	30 47' 14.952" N	200
20	76 58' 55.480" E	30 47' 24.416" N	200
21	76 58' 39.274" E	30 47' 20.574" N	200
22	76 58' 32.660" E	30 47' 33.052" N	200
23	76 58' 12.555" E	30 47' 28.459" N	200
24	76 57' 43.440" E	30 47' 21.423" N	200
25	76 57' 23.876" E	30 47' 13.983" N	200
26	76 57' 14.096" E	30 47' 17.741" N	200
27	76 56' 53.855" E	30 46' 51.487" N	200

Annexure III

List of villages falling under Eco-sensitive Zone of Bir Shikargarh Wildlife Sanctuary, Haryana

S. No.	Name of Village	S. No.	Name of Village	S. No.	Name of Village
1	Tipra	28	Jodhpur	55	Dakrog
2	Toran	29	Kharkua	56	Khoi
3	Gawahi	30	Haripur Harisingh	59	Dhato Ghran
4	Bitna	31	Nandpur	60	Jabrot
5	Bagharni	32	Bahoriyan	61	Nala Domehar
6	Noulta	33	Toran	62	Kajiyana
7	Jaithal	34	Bagharni	63	Ganeshpur
8	Bhawana	35	Noulta	64	Nala Bloug
9	Dakrog	36	Jaithal	65	Nala Dakrog
10	Khoi	37	Bhawana	66	Haripur Chopahar
11	Janouli	38	Dakrog	67	Ber Ghati
12	Damdama	39	Khoi	68	Bahoriyan
13	Dhato Ghran	40	Janouli		
14	Jabrot	41	Dhato Ghran		
15	Nala Domehar	42	Jabrot		
16	Kajiyana	43	Nala Domehar		
17	Bhogpur	44	Kajiyana		
18	Ganeshpur	45	Ganeshpur		
19	Dhamsoo	46	Dhamsoo		
20	Patan	47	Nala Bloug		
21	Nala Bloug	48	Nala Dakrog		
22	Nala Dakrog	49	Haripur Chopahar		
23	Haripur Chopahar	50	Tibi		
24	Tibi	51	Ber Ghati		
25	Ber Ghati	52	Malla		
26	Chikan	53	Jodhpur		
27	Malla	54	Bahoriyan		

Annexure IV

Proforma of Action Taken Report:- Eco-sensitive Zone Monitoring Committee.-

1. Number and date of meetings:
2. Minutes of the meetings: mention main noteworthy points. Attached Minutes of the meeting on separate Annexure.
3. Status of preparation of Zonal master Plan including Tourism master Plan:
4. Summary of cases dealt for rectification of error apparent on face of land record:
Details may be attached as Annexure
5. Summary of cases scrutinised for activities covered under Environment Impact Assessment Notification, 2006:
Details may be attached as separate Annexure.
6. Summary of cases scrutinised for activities not covered under Environment Impact Assessment Notification, 2006:
Details may be attached as separate Annexure.
7. Summary of complaints ledged under Section 19 of Environment (Protection) Act, 1986:
8. Any other matter of importance:

[F. No. 25/30/2014-ESZ/RE]

Dr. T. CHANDNI, Scientist 'G'

F.No. 22-43/2018-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi – 110003

Dated: 8th August, 2019

OFFICE MEMORANDUM

Subject: Procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the Environmental Impact Assessment (EIA) Notification, 2006 - regarding.

The Hon'ble Supreme Court vide its Order dated 4.12.2006 in Writ Petition No. 460 of 2004 – Goa Foundation Vs. Union of India, has inter-alia directed that Ministry of Environment and Forests "(MoEF) would also refer to the Standing Committee of the National Board for Wildlife, under section 5(b) & 5(c) (ii) of the Wildlife Protection Act, 1972, the cases where environmental clearances has already been granted where activities are within 10km. zone" of the boundaries of the Sanctuaries and National Parks."

2. In this regard, the erstwhile MoEF vide Circular No. L-11011/7/2004-IAII (I)(Part) dated 27.02.2007 and Office Memorandum No. J-11013/41/2006-IA.II(I) dated 02.12.2009 delineated a procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary for grant of environmental clearance under EIA Notification, 2006. As per the stipulated procedure, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) would be required for the developmental projects located within 10km of the National Park/Wildlife Sanctuary.

3. Over a period of time, Ministry has notified number of Eco-Sensitive Zones (ESZs) around Protected Areas (PAs). Many of developmental activities are prohibited/regulated in these ESZs *inter-alia* including mining operations to be carried out in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in

W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012 as per the notifications issued for their constitution.

4. In light of the aforesaid Orders passed by the Hon'ble Supreme Court, the issues related to the prior clearance from SCNBWL for the notified ESZs and the remaining areas have been examined in detail. In this regard, it has been decided by the Competent Authority in the Ministry to adopt a following procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the EIA Notification, 2006, in supersession of the earlier O.M.s dated 27.2.2007 and 2.12.2009:

- i. Proposals involving developmental activity/project located within the notified Eco-Sensitive Zones (ESZ) shall be regulated and governed by the concerned ESZ notification. However, for the developmental project/activity located within the notified ESZ and covered under the schedule of the EIA Notification 2006, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference as well as wildlife clearance.
- ii. Proposals involving developmental activity/project located outside the stipulated boundary limit of notified ESZ and located within 10 km of National Park/Wildlife Sanctuary, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) may not be applicable. However, such proposals from environmental angle including impact of developmental activity/project on the wildlife habitat, if any, would be examined by the sector specific Expert Appraisal Committee and appropriate conservation measures in the form of recommendations shall be made. These recommendations shall be explicitly mentioned in the environmental clearance letter and shall be ensured by the member secretary concerned.
- iii. Proposals involving developmental activity/project located within 10 km of National Park/Wildlife Sanctuary wherein final ESZ notification is not notified (or) ESZ notification is in draft stage, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference/environmental clearance as well as wildlife clearance.

- iv. Proposals involving mining of minerals within the ESZ (or) one kilometer from the boundaries of National Parks and Sanctuaries whichever is higher is prohibited in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
5. This issues with the approval of the Competent Authority.



(Sharath Kumar Pallerla)
Director

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. All the Officers of I.A. Division
5. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary(EF&CC)
4. PPS to SS(AKJ)
5. PPS to AS (RSP)
6. PPS to JS (GM)/ JS(RS)/JS(AKN)
7. Website, MoEF&CC
8. Guard file.

F. No. 6-60/2020WL Part (1)
Government of India
Ministry of Environment, Forest and Climate Change
(Wildlife Division)

1st Floor, Agni Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road,
Aliganj,
New Delhi — 1 10003
Dated: 16 July, 2020

To
The Chief Secretary
All States/ UTs

Subject: Procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary by Standing Committee of the National Board for Wild Life seeking environmental clearance under the provisions of the Environmental Impact Assessment (EIA) Notification, 2006 - regarding.

The Ministry has received letters from States/UTs seeking clarifications regarding applicability of consideration by Standing Committee of the National Board for Wild Life for developmental projects/activities which do not require environmental clearance and are located outside the National Parks and Wildlife Sanctuaries.

2. This Ministry vide O.M. F. No. 22-43/ 2018-IA. III dated 08.08.2019 lays out detailed procedure to be adopted for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the EIA Notification, 2006.

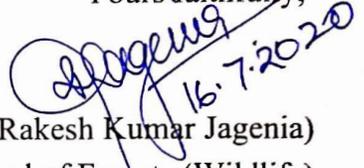
3. After careful consideration of the matter, it is clarified that prior clearance from the Standing Committee of the National Board of Wild Life will be required outside Protected Area in the following cases:

- i. Proposals involving project/ activity located within the notified ESZ (not being draft notification) and listed in the Schedule of the EIA Notification 2006 and requiring environment clearance, prior clearance from Standing Committee of the National Board for Wild Life will be required.
- ii. Proposals involving activity/project located within 10 km of National Park/Wildlife Sanctuary wherein ESZ has not been finally notified and listed in the Schedule of the EIA Notification 2006 and requiring environment clearance, prior clearance from Standing Committee of the National Board for Wild Life will be required.
- iii. Proposals involving activity/project, falling outside the protected areas linking one protected area or tiger reserve with another protected area or tiger reserve, prior clearance from the Standing Committee of the National Board for Wild

Life as per the section 38 O(1)(g) of the Wild Life (Protection) Act, 1972 will be required.

4. Para 4(ii) and para 4(iv) of the OM dated 08.08.2019 supra shall however continue to apply.
5. State Governments are requested not to insist upon wildlife clearance for such developmental projects outside Protected Areas that are not covered under para 3 above.
6. This issues with the approval of the Competent Authority.

Yours faithfully,


(Rakesh Kumar Jagenia)
Deputy Inspector General of Forests (Wildlife)
E-mail – digwl-mefcc@gov.in

Copy to

- (1) Addl. Chief Secretary/ Principal Secretary / Secretary, Forest and Wildlife Department (All States/ UTs)
- (2) Principal Chief Conservator of Forests & HoFF (All States/ UTs)/ Chief Wild Life Wardens (All States/UTs)
- (3) Dy. Director General (Central), Regional Office, MoEFCC (All)
- (4) Sr. PPS to Secretary MoEFCC/Sr. PPS to DGF&SS/Sr.PPS to ADG (FC)/ Sr PPS to ADG(WL)/ Sr. PPS to MS (NTCA) / Sr PPS to AS (RA)/ Sr. PPS to IGF (FC)/ Sr. PPS to IGF(WL)/Sr. PPS to IGF (FC)/ Sr. PPS to Adv (SCG)/ Sr. PPS to DIG (WL)/ Guard File

**State Environment Impact Assessment Authority, Haryana,
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.**

Telephone No. 0172-2565232

Memo No: SEIAA(124)/HR/ /2020/ 429

Dated: 30.09.2020

To

M/s Amar Nath Aggarwal investment (P) Ltd.
SCO 10-11, Sector-2,
Panchkula (Haryana)

Subject: Expansion of Amravati Enclave NH-22 for Shopping Mall, 1080 Flats & Plots at village Bhagwanpur, Islam Nagar by M/s Amarnath Aggarwal Investment (P) Limited.

The Site Visit report conducted by Regional Officer, MoEF & CC, Chandigarh was considered in 124th meeting of SEIAA, wherein it is stated that "*No construction activity has been carried out since March, 2017. The Area Earmarked for proposed expansion has not been developed so far as observed*".

After detailed deliberations and discussions the Authority decided to accede your request in the matter.

This is for your kind information, please.

for 
Chairman,
SEIAA, Haryana.

State Environment Impact Assessment Authority, Haryana,
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.

Telephone No. 0172-2565232
E-mail ID: seiaa.hry@gmail.com

Memo No: SEIAA/HR/2021/31

Date: 05/01/2021

To

M/s Amarnath Aggarwal Investments (P) Limited,
Central Office-SCO 10-11, Sector-2,
Panchkula, Haryana
E-mail ID: amarenclave@gmail.com

Subject: Extension of EC for Amravati Enclave issued to vide Memo No. SEIAA/HR/1053 dated 25.03.2010.

With reference to the subject cited above; the case was considered in the 205th meeting of SEAC Haryana held on 10.11.2020 and the Committee deliberated that the EC of the said project was expired on 23.03.2017 but you have applied for extension in validity of EC on 31.10.2017 after the expiry of EC letter. However, no construction was carried after expiry of EC as conveyed by MOEF & CC vide letter dated 03.05.2019 and also you have submitted an affidavit stating that no construction was carried out during the period. Therefore, SEAC decided after deliberation that the project be recommended to SEIAA for extension in validity of Environment Clearance issued vide letter no. SEIAA/HR/1053 dated 25.03.2010 as per the existing MoEF & CC notification/OM/Circular/Guidelines.

The recommendation of SEAC was considered in the 126th meeting of SEIAA held on 11.12.2020; after detailed deliberations the Authority decided to grant Extension in validity of EC for further three years.

Member Secretary,
SEIAA, Haryana

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No.78/2021

Ramesh Malik & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 25.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Ramesh Malik (in person)

ORDER

1. Grievance in this application is against extension of Environment Clearance (EC) granted by State Environment Impact Assessment Authority (SEIAA), Haryana on 05.01.2021 in favour of M/s. Amarnath Aggarwal Investments (P) Limited, under entry 8 (b) of EIA Notification, 2006 for the construction project. It is stated that SEIAA is not competent for grant of such EC as there are 2 sanctuaries namely Bir Shikargah Wildlife Sanctuary and Khol-Hai-Raitan Wildlife Sanctuary at a distance of 3.90 km and 1.6 km, as mentioned in the letter dated 04.11.2009, by the Divisional Forest Officer, Morni, Pinjore. The earlier EC expired on 24.03.2017. Fresh EC has been granted subject to clearance under the Wildlife (Protection) Act, 1972. The project proponent applied for EC on 03.11.2020 which was forwarded to SEAC which accepted the same on 05.11.2020. On that basis, SEIAA granted

EC on 05.01.2021. DG, Town and Country Planning given approval for the projects, as revised building plans.

2. In view of the above averments, it will be appropriate that the matter is examined by a joint Committee of the SEIAA, Haryana and the Chief Wildlife Warden, Haryana within one month and such further action may be taken as may be found necessary, following due process of law.

The Application is disposed of.

A copy of this order be forwarded to the SEIAA, Haryana and the Chief Wildlife Warden, Haryana by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 25, 2021
Original Application No. 78/2021
AVT

**State Environment Impact Assessment Authority, Haryana,
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.**

Telephone No. 0172-2565232

E-mail ID: seiaa-21.env@hry.gov.in

Personal Hearing

Date: 28.01.2022

Time: 11:00 AM

**Venue : State Environment Impact Assessment Authority, Haryana,
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula**

Memo No: SEIAA/HR/2022/178

Dated: 18/01/2022

To

M/s Amarnath Aggarwal Investment (P) Ltd.
Colonizers & Land Developers
S.C.O. 10, Sector-2, Panchkula

Sub: Notice for withdrawal of Environment Clearance for Expansion of Amravati Enclave NH-22, Shopping Mall + 1080 No. of Flats +Plots at Village Bhagwanpur, Islampur and Chandimandir, Ambala- Kalka National Highway near Panchkula.

Whereas, you had applied for Environment Clearance for Expansion of Amravati Enclave NH-22, Shopping Mall + 1080 No. of Flats +Plots at Village Bhagwanpur, Islampur and Chandi mandir, Ambala- Kalka National Highway near Panchkula on 21.04.2009;

Whereas, the case was taken up in 20th and 26th meetings of SEAC held on 07.08.2009 and 16.12.2009 respectively and recommended to SEIAA for grant of Environment Clearance;

Whereas, the recommendation of SEAC was considered by SEIAA in its 23rd meeting held on 13.03.2010 wherein it was decided to agree with the recommendation of SEAC to grant Environment Clearance and accordingly the EC was issued vide letter No SEIAA/HR/10/53 dated 25.03.2010 wherein you were advised to obtain all other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and wildlife (Protection) Act, 1972, PLPA, 1900, Forest Act, 1927 etc. shall be obtained, as applicable by project proponents from the respective authorities prior to construction of the project;

Whereas, the validity of Environment Clearance expired on 24.03.2017 and you had applied for grant of extension on 17.11.2017 for which observations were raised on 06.12.2017 and you had not responded;

Whereas you had resubmitted your proposal on 03.11.2020 which was taken up by SEAC in its 205th meeting held on 10.11.2020 and recommended to SEIAA;

Whereas, the recommendation of SEAC was considered by SEIAA in its 126th meeting held on 11.12.2020 and decided to agree with the recommendation of SEAC to grant extension of validity of EC for further 03 years;



-2-

Whereas, the Environmental Clearance was extended vide memo no. SEIAA/HR/2021/31 dated 05.01.2021;

Whereas, Mr. Ramesh Malik and Anr filed Original Application No. 78 of 2021 and Execution Application No. 09 of 2021 wherein Hon'ble Tribunal directed SEIAA and Chief Wildlife Warden, Haryana to examine the matter and;

Whereas, the Joint Committee visited the site and submitted its report to the Authority which was filed before Hon'ble Tribunal by SEIAA;

Accordingly, Hon'ble NGT was pleased to make certain observations. Relevant portion is reproduced as under:

.....From the above, it is clear that the project is prima facie within 10 km from the wildlife sanctuaries in question and grant of EC by SEIAA, Haryana is prima facie illegal.

Accordingly, we direct issuance of notice to the project proponent, M/s. Amarnath Aggarwal Investments (P) Limited, which may be served by the applicant with a copy of the paper book and an affidavit of service filed within one week. SEIAA, Haryana may file further affidavit in response to the above observations and also file a copy of the relevant Notification of ESZ and other documents....."

Keeping in view the observations of Hon'ble NGT, siting parameters & conditions/stipulations as notified by the State & Central Government from time to time, it is understood that you have failed to comply with condition no. iv Part B of General conditions of Environmental Clearance granted on 25.03.2010 and thus rendered yourself liable for action under provisions of Environment (Protection) Act, 1986.

Accordingly, a notice is hereby given to you to explain as why Environmental Clearance granted vide SEIAA/HR/10/53 dated 25.03.2010 and subsequent extension granted for the same vide memo no. SEIAA/HR/2021/31 dated 05.01.2021 **may not be withdrawn.**

However, before proceeding further, **you are afforded an opportunity to appear before the Authority on 28.01.2022 at 11.00 AM** alongwith relevant documents related to this matter. In case of failure, it will be presumed that you have nothing to present/submit in the said case and further action as deem appropriate will be taken within the ambit of relevant Act/Rules.

Further, you are directed to ensure to stop all the development activities/expansion till the said case is finally decided.

[Signature]
Chairman
SEIAA, Haryana



MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd December, 2014

S.O. 3252(E).—Whereas, a draft notification further to amend the notification number S.O 1555(E), dated the 14th September, 2006 (hereinafter referred to as the principal notification), was published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 in the Gazette of India ,Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 2319, (E) dated the 11th September, 2014 (hereinafter referred to as the said notification), inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 11th September, 2014;

And whereas, no objections or suggestions have been received in response to the said notification within the specified period of sixty days;

Now, therefore, in exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the said Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:—

in the principal notification, in the Schedule, under Column (1), for item 8 relating to Building/Construction Projects/Area Development Projects and Townships and sub-items 8 (a) and 8 (b) and the entries relating thereto, specified there under, the following item, sub-items and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
“8				Building or Construction projects or Area Development projects and Townships
8 (a)	Building and Construction projects		>20000 sq.mtrs and < 1,50,000 sq. mtrs. of built up area	<p>The term “built up area” for the purpose of this notification the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects.</p> <p>Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks.</p> <p>Note 2.- “General Conditions” shall not apply.</p>
8	Townships and Area Development Projects		Covering an area of > 50 ha and or built up area > 1,50,000 sq. mtrs	<p>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project.</p> <p>Note.- “General Conditions” shall not apply.</p>

[F. No. 19-2/2013-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* Notification Number S.O. 1533(E), dated the 14th September, 2006 and was subsequently amended as follows:—

1. S.O. 1737 (E), dated the 11th October, 2007;
2. S.O. 3067 (E), dated the 1st December, 2009;
3. S.O. 695 (E), dated the 4th April, 2011;
4. S.O. 2896 (E), dated the 13th December, 2012;
5. S.O.674(E), dated the 13th March, 2013;
6. S.O. 2559 (E), dated the 22nd August, 2013 ;
7. S. O. 2731 (E), dated the 9th September, 2013;
8. S. O. 562(E), dated the 26th February 2014; and
9. S. O. 1599(E), dated the 25th June, 2014.

Annexure R-22 colly



Government of India
Ministry of Environment and Forests
(Wildlife Division)

Parvatan Bhawan,
CGO Complex, Lodi Road,
New Delhi-110003.

F. No. 1-9/2007 WL-I(pt)
Dated: 9th February, 2011

To
The Chief Wildlife Warden
All States/Union Territories

Sub: Guidelines for Declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries.

Sir

In pursuance to the decision taken by the National Board for Wildlife, all the States/Union Territory, Governments were requested for forwarding site specific proposals for declaration of Eco Sensitive Zones around National Parks and Wildlife Sanctuaries. Several reminders in this connection were also sent. Hon'ble Supreme Court had also take note of this decision had directed States/ Union Territory, Governments to forward proposals this Ministry. However, only very few States have forwarded proposals in this regard.

This Ministry after careful consideration, has therefore, decided to frame guidelines to facilitate the States/Union Territory, Governments for declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries. Kindly find enclosed a copy of the said Guidelines. It is requested to kindly take necessary action in this regard at the earliest

Yours faithfully,

(Prakriti Srivastava)

Deputy Inspector General (WL)

Telefax: 01-24360704

E-mail: digwl-mef@nic.in

Encl: As above

Copy to:

1. Principal Secretary (Forests), all States/Union Territories.
2. Principal Chief Conservator of Forests, all States/ Union Territories.
3. NIC Cell- with a request to upload the enclosed guidelines on the official website of MoEF.

85

GUIDELINES FOR
DECLARATION OF ECO-
SENSITIVE ZONES AROUND
NATIONAL PARKS AND WILDLIFE
SANCTUARIES



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS

INDEX

Sl.No.	Agenda item	Page No.
1	Background	3
2	Statutory Provisions	4
3	Purpose for declaring Eco-Sensitive Zones	5
4	Extent of Eco-Sensitive Zones	5
5	Need for guidelines	5
6	The procedure to be adopted	6

88

**GUIDELINES FOR DECLARATION OF ECO-SENSITIVE ZONES AROUND
NATIONAL PARKS AND WILDLIFE SANCTUARIES**

1. Background:

1.1. IBWL Decision:

1.1.1 During the XXI meeting of the Indian Board for Wildlife held on 21st January 2002, a 'Wildlife Conservation Strategy-2002' was adopted wherein point no.9 envisaged that "lands falling within 10 Kms of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under section 3 (v) of the Environment (Protection) Act and Rule 5 Sub rule (viii) & (x) of the Environment (Protection) Rules."

1.1.2 The Additional Director General of Forests (WL), vide letter dated 6th February 2002, had requested all the Chief Wildlife Wardens for listing out such areas within 10 Kms of the boundaries of National Parks and Sanctuaries and furnish detailed proposals for their notification as eco-sensitive areas under the Environment (Protection) Act, 1986.

1.1.3 In response, some of the State Governments had raised concern over applicability of the 10 Kms range from the Protected Area boundary and informed that most of the human habitation and other areas including important cities in these States would come under the purview of eco-sensitive zone and will adversely affect the development.

1.2. National Wildlife Action Plan (2002-2016)

1.2.1 The National Wildlife Action Plan (NWAP) 2002-2016 indicates that "Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity which will not survive in the long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere."

1.2.2 The Action Plan also indicates that "All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986."

1.3. Decision of National Board for Wildlife:

1.3.1 Considering the constraints communicated by the states, the proposal was re-examined by the National Board for Wildlife in its 2nd meeting held on 17th March 2005 and it was decided that the 'delineation of eco-sensitive

zones would have to be site specific and relate to regulation, rather than prohibition, of specific activities'. The decision was communicated to all the State Governments for compliance vide letter dated 27th May 2005. Thereafter, it was further communicated with subsequent reminders.

1.4. Hon'ble Supreme Court's decision:

1.4.1 A Public Interest Litigation was also filed by the Goa Foundation vide their Writ Petition No. 460/2004 before the Hon'ble Supreme Court regarding the issue of declaration of eco-sensitive zones.

1.4.2 Vide their order dated 4th December 2006, Hon'ble Supreme Court had directed the Ministry of Environment & Forests to give a final opportunity to all States/Union territories to respond to the letter dated 27.5.2005 and that the State Governments send their proposals within four weeks, to the Ministry. It was also directed that all cases where environmental clearances were granted where activities are within 10 Kms zone, be referred to Standing Committee of NBWL.

2. Statutory Provisions

2.1 Section 5 C(f) of the Wildlife (Protection) Act, 1972 states that it shall be the duty of the National Board for Wildlife to promote the conservation and development of Wildlife and forests by such measures as it thinks fit.

2.2 Section 3 of the Environment (Protection) Act 1986 (EPA) gives power to the Central Government i.e. the Union Ministry of Environment and Forests to take all measures that it feels are necessary for protecting and improving the quality of the environment and to prevent and control environmental pollution. To meet this objective, the Central Government can restrict 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 [Section 3(2)(v)]

2.3 Section 5(1) of the Environment (Protection) Rules, 1986 (EPR), states that the central government can prohibit or restrict the location of industries and carrying on certain operations or processes on the basis of considerations like the biological diversity of an area (clause v) maximum allowable limits of concentration of pollutants for an area (clause ii) environmentally compatible land use (clause vi) proximity to protected areas (clause viii).

27

3. Purpose for declaring Eco-Sensitive Zones:

The purpose of declaring Eco-sensitive Zones around National Parks and Sanctuaries is to create some kind of "Shock Absorber" for the Protected Areas. They would also act as a transition zone from areas of high protection to areas involving lesser protection. As has been decided by the National Board for Wildlife, the activities in the Eco-sensitive zones would be of a regulatory nature rather than prohibitive nature, unless and otherwise so required.

4. Extent of Eco-Sensitive Zones:

4.1 Many of the existing Protected Areas have already undergone tremendous development in close vicinity to their boundaries. Some of the Protected Areas actually lying in the urban setup (Eg. Guindy National Park, Tamil Nadu, Sanjay Gandhi National Park, Maharashtra, etc). Therefore, defining the extent of eco-sensitive zones around Protected Areas will have to be kept flexible and Protected Area specific. The width of the Eco-sensitive Zone and type of regulations will differ from Protected Area to Protected Area. However, as a general principle the width of the Eco-sensitive Zone could go upto 10 Kms around a Protected Area as provided in the Wildlife Conservation Strategy-2002.

4.2 In case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10 kms width, these should be included in the Eco-sensitive Zone.

4.3 Further, even in context of a particular Protected Area, the distribution of an area of Eco-sensitive Zone and the extent of regulation may not be uniform all around and it could be of variable width and extent.

5. Need for guidelines:

5.1 As has been indicated vide para 1.4 above, Hon'ble Supreme Court has vide their order dated 4th December 2006 directed all the State/Union Territory Governments to forward proposals for declaration of eco-sensitive zones around its Protected Areas. However, only States like Haryana, Gujarat, Mizoram, Meghalaya, Assam, Goa have forwarded proposals. However, several other States/Union Territories have not come forward, perhaps for want of guidelines in this regard.

5.2 In this context, it is pertinent to note here that Hon'ble Supreme Court vide their judgment dated 3rd December 2010 in the case relating to the construction of park at NOIDA near Okhla Bird Sanctuary filed by Shri Anand Arya & Anr vs. Union of India (I.A. Nos 2609-2610 of 2009) in Writ Petition (Civil) No. 202/1995, had noted that the State Government of Uttar Pradesh had not

declared Eco-sensitive zones around its Protected Areas as the Government of India had not issued any guidelines in this regard.

5.3 The Ministry of Environment & Forests had set up a committee under the Chairmanship of Shri Pronab Sen for identifying parameters for designating Ecologically Sensitive Areas in India. The said Committee had identified parameters for declaration of specific units of land/water etc as Ecologically Sensitive Zones based on parameters like richness of flora & fauna; slope; rarity & endemism of species in the area; origins of rivers etc. However, these parameters do not basically apply to the Eco-sensitive zones in the instant context, i.e around Protected Areas. In the instant case, the Eco-sensitive zones are meant to act as a "Shock absorbers"/ "transition zone" to the Protected Areas by regulating and managing the activities around such Protected Areas.

6. The procedure to be adopted :

6.1 As has been indicated in the forgoing paras, the basic aim is to regulate certain activities around National Park and Wildlife Sanctuary so as to minimize the negative impacts of such activities on the fragile ecosystem encompassing the Protected Area. As a first step towards achieving this goal, it is a pre-requisite that an inventory of the different land use patterns and the different types of activities, types and number of industries operating around each of the Protected Area (National Parks, Sanctuaries) as well as important Corridors be made. The inventory could be done by the concerned Range Officers, who can take a stock of activities within 10 km of his range.

6.2 For the above purpose, a small committee comprising the concerned Wildlife Warden, an Ecologist, an official from the Local Self Government and an official of the Revenue Department of the concerned area, could be formed. The said committee could suggest the:

- (i) Extent of eco-sensitive zones for the Protected Area being considered.
- (ii) The requirement of such a zone to act as a shock absorber
- (iii) To suggest the best methods for management of the eco-sensitive zones, so suggested.
- (iv) To suggest broad based thematic activities to be included in the Master Plan for the region.

6.3 Based on the above, the Chief Wildlife Warden could group the activities under the following categories (an indicative list of such activities is attached as ANNEXURE-1):-

- (i) Prohibited
- (ii) Restricted with safeguards.
- (iii) Permissible

6.4 Once the proposal for Eco-sensitive zones has been finalized, the same may be forwarded to the Ministry of Environment and Forests for further processing and notification. Here, it may be noted that, the State/Union Territory Forest Department could forward the proposals to the respective authority in the State Government with copy to the Ministry of Environment and Forests, as and when the proposals (even if it is for single Protected Area) are complete. An indicative list of details that need to be submitted along with the proposals is at ANNEXURE-2.

6.5 It is to mention here that in cases where the boundary of a Protected Area abuts the boundary of another State/Union Territory where it does not form part of any Protected Area, it shall be the endeavour of both the State/Union Territory Governments to have a mutual consultation and decide upon the width of the eco-sensitive zone around the Protected Area in question.

6.6 The State Government should endeavour to convey a very strong message to the public that ESZ are not meant to hamper their day to day activities, but instead, is meant to protect the precious forests/Protected Areas in their locality from any negative impact, and also to refine the environment around the Protected Areas. A copy of the notification of the Sultanpur Eco-sensitive Zone issued by the Ministry is attached herewith at ANNEXURE-3 for reference and guidance.

7. These guidelines are indicative in nature and the State / Union Territory Governments may use these as basic framework to develop specific guidelines applicable in the context of their National Parks, Wildlife Sanctuaries, important corridors, etc. with a view to minimizing and preferably eliminating any negative impact on protected areas.

Annexure R-23

Sub: Delineation of Eco- Sensitive Zone around Sukhna Wildlife Sanctuary (towards Haryana side) - Draft Notification to be issued by MoEF&CC, New Delhi.

During the XXI meeting of the Indian Board for Wildlife held on 21st January 2002, a Wildlife Conservation Strategy-2002 was adopted wherein point No. 9 envisaged that " lands falling within 10 Kms of the boundaries of National Parks and Sanctuaries should be notified as Eco- fragile zones under Section 3 (v) of the Environment (Protection) Act and Rule 5 Sub rule (viii) & (x) of the Environmental (Protection) Rules."

Subsequently, public interest litigation was filed by Goa Foundation vide their Writ Petition No. 460/ 2006 before the Hon'ble Supreme Court regarding the issue of declaration of Eco Sensitive Zones. Hon'ble Supreme Court has vide their order dated 4th December, 2006 directed all the States / Union Territory Governments to forward proposals to MoEF&CC for declaring of Eco- Sensitive Zones around its Protected Areas. It was also directed that all cases where Environment Clearance granted where activities are within ten kilometers zone, be referred to Standing Committee of NBWL.

The Sukhna Wildlife Sanctuary is situated in Union Territory of Chandigarh covering an area of 26 Sq. Km i.e. 2600 hectares and it was declared as WLS in 1998. It shares the boundary with Punjab and Haryana. In fact, the sanctuary is situated in Union Territory of Chandigarh but largely surrounded by Haryana in eastern side and Punjab towards west side. Sukhna WLS falls in Shivalik Hills which are ecologically sensitive and geological unstable but rich in bio-diversity. The area of the sanctuary forms the part of Sukhna Lake.

The Chandigarh Administration vide letter dated 11th June, 2013 has submitted the proposal to MoEF&CC for declaring ESZ around Shukna WLS on Chandigarh side. In response to this proposal, MoEF & CC vide letter dated 10th December, 2013 has informed that UT Chandigarh may have mutual consultation with Government of Punjab and Haryana in accordance with para 6.5 of MoEF&CC guidelines dated 9th February, 2011.

It is mention that as per para 6.5 of the said guidelines, in cases where the boundary of a Protected Area abuts the boundary of another State/UT where it does not form the part of any Protected Areas, it shall be the endeavour of both the

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State/UT Government to have a mutual consultation and decide upon the width of Eco-sensitive Zone around the Protected Area in question.

Accordingly, inter- state meeting of UT Chandigarh, Haryana and Punjab was held on 02.04.2014 for mutual consultations to decide the extent of ESZ around Sukhna WLS. In this meeting, Sh. Santosh Kumar, Chief Wildlife Warden, Chandigarh informed that Chandigarh Administration has proposed ESZ varies from 2.0 Km. to 2.75 Km. around Sukhna WLS towards Chandigarh side. The Chief Wildlife Warden, Punjab stated that Punjab Govt. has already got approved the ESZ of 100 meters in the area falling within Punjab part around Sukhna WLS.

Further, a stakeholder meeting was convened on 18.04.2014 at Van Bhavan, Panchkula under the Chairmanship of the then PCCF, Haryana for deciding ESZ upto one kilometer around Sukhna WLS on Haryana side. All stakeholders were of considered view that ESZ should not be delineated in a mechanical manner by prescribing one kilometer uniform distance from the boundary of WLS. The comments of the concerned departments were sought but extent of ESZ could not finalized. The Station Commander, Chandi Mandir Military Station was also present in the meeting. In response to the above proposal Station Headquarter, Chandi Mandir vide letter No. 4007/ R/Q dated 01.05.2014 requested to accord dispensation to carry out construction in area which falls in the proposed ESZ within Chandimandir Military Station.

The Ministry of Environment, Forests and Climate Change has issued draft notification dated 2nd September, 2015 for declaring ESZ around the Sukhna WLS on Union Territory of Chandigarh side. The extent of proposed Eco- Sensitive Zone varies from 2.0 Km. to 2.75 Km. from the boundary of the Sukhna WLS in Union Territory Chandigarh. The area of ESZ is 1050.00 hectares on Chandigarh side. The villages whose area or parts thereof falling within the Eco- Sensitive Zone are Khuda Alisher, Kishangarh and Kaimbwala. The final Notification has also been issued vide MoEF&CC Notification No. S.O. 185(E) dated 18-01-2017

Again a stakeholder meeting including concerned departments like Town & Country Planning, Mines & Geology, Environment, PWD, Public Health, Irrigation, Tourism, Industries etc, was convened on 28-01-2016 under the Chairmanship of Principal Secretary to Govt. of Haryana, Forest Department. In this meeting, a proposal for delineation of Eco-sensitive Zone around Sukhna Wildlife Sanctuary towards Haryana side was discussed. In this proposal an Eco-sensitive Zone varies

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from 1.5 Km. towards Haryana side was proposed. The map showing boundaries and extent of proposed ESZ is placed.

Accordingly, the proposal was submitted to State Government for approval. The majority of the area proposed under ESZ belongs to Soil and Water Conservation Research Institute, Chandimandir Military Station and notified forest area owned by State Government.

As regards the finalization of the proposal for delineation of Eco Sensitive Zone of Sukhna Wildlife Sanctuary, a presentation was made by Forest Department, Haryana on 25-07-2016; before the committee chaired by worthy Chief Secretary, proposing the Eco Sensitive area around Sukhna Wildlife Sanctuary of Union Territory of Chandigarh (Haryana side). The Punjab Forest Department approved ESZ of 100 meter in the area falling within Punjab part and U.T. Chandigarh approved ESZ that varies from 2.00 km. to 2.75 km. in the area falling within U.T. Forest Department. All Stakeholders agreed to the proposed limit of 1500 meters from boundary of Sukhna Wildlife Sanctuary (Haryana side). It was also decided in the meeting dated 25-07-2016 that all stakeholders may submit their suggestion or objection if any within 7 days. No suggestion/objection have been received from any Department/ Agencies till 07-09-2016. In the event of the non receipt of the comments by any Agency/Department, the proposal for Eco Sensitive zone of 1500 meters from the boundary of Sukhna Wildlife Sanctuary (Haryana side) was approved. The map showing proposed ESZ is enclosed.

The activities which are proposed to be permitted activities, regulated activities and prohibited activities are given as below:-

A. Permitted Activities:

1. Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming and fisheries.
2. Construction activities for bona fide local residents.
3. Collection of boulders, gravels and sand from river bed for domestic needs of bona fide local residents.
4. Extraction of ground water for bona fide agriculture and domestic use.
5. Rain water harvesting.
6. Use of renewable energy sources.
7. Adoption of green technology for all activities.
8. Organic farming.
9. Cottage industries including village artisans, etc.

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10. Small scale industries not causing pollution: non polluting, non hazardous, small scale and services, agriculture, horticulture, agro-based.
11. All Existing Hotels and Resorts.

B. Regulated Activates

1. Felling of Trees.
2. Drastic change of Agriculture.
3. Commercial water resources including water harvesting.
4. Widening and strengthening of existing roads and construction of new roads.
5. Small Scale Industries not causing pollution.
6. Discharge of treated effluents in natural water bodies of land area.
7. Erection of Mobile Towers.
8. Laying of transmission and distribution system above 33 KV.

C. Prohibited Activities

1. Commercial Mining, stone quarrying and crushing units.
2. Setting up of saw mills.
3. Setting up of industries causing water or air or soil or noise pollution.
4. Commercial Establishment of hotels and resorts.
5. Major Hydro- electric Projects.
6. Commercial use of firewood.
7. Uses of plastic carry bags.
8. Discharge of untreated effluents and solid waste in natural water bodies or land area.
9. Use or Production of any Hazardous substances.
10. Setting up Brick Kilns.

The extent of area alongwith the coordinates of proposed ESZ around Sukhna Wildlife Sanctuary (Haryana side) are given as under:-

ID	Longitude	Latitude	Distance from ESZ (Kms.)
1.	76 50' 18.386" E	30 45' 03.915" N	0.3
2.	76 51' 14.675" E	30 44' 3.724" N	0.7
3.	76 52' 35.848" E	30 44' 23.429" N	1.1
4.	76 53' 6.730" E	30 44' 58.202" N	0
5.	76 53' 22.647" E	30 45' 1.231" N	0
6.	76 53' 30.898" E	30 45' 36.984" N	1
7.	76 54' 1.932" E	30 45' 40.443" N	1.5
8.	76 53' 19.722" E	30 46' 23.455" N	0.8
9.	76 53' 7.826" E	30 47' 11.893" N	0.9
10.	76 52' 40.521" E	30 48' 24.035" N	0.7
11.	76 52' 18.883" E	30 49' 17.179" N	1.4
12.	76 51' 39.055" E	30 48' 49.707" N	0.8
13.	76 50' 44.175" E	30 48' 25.055" N	0.4
Total Area		4445 Acres	1800 hectare

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सिवालय सरकार



As the draft Notification in respect of delineation of ESZ around Sukhna Wildlife Sanctuary (Haryana side) requires to be issued by MoEF&CC, New Delhi, the draft Notification in confirmation with the proceedings dated 07-09-2016 duly approved by Govt. of Haryana is submitted for perusal and requested that the same may please be approved so that it may be forwarded to MoEF&CC, New Delhi for issuance of draft Notification in respect of delineation of ESZ around Sukhna Wildlife Sanctuary (Haryana side).

Encl.: As above.

U.O. No. 78
Dated: 17-2-17

Dr. P.P. Bhojvaid

Dr. P.P. Bhojvaid, IFS
PCCF (WL) cum CWLW
Haryana, Panchkula

O/o ACS Forests Deptt
Dairy No. 229
Date 22-2-17

Addl. Chief Secretary, Govt. of Hry. Forest & Wildlife Deptt.

PCCF (WL) Deptt

22-2-17

CP (WL) P.K.L.

*plu and details to
concerned the - MoEF, CC
S&S
V&E*

Sh. Ravinder Singh

*7568
11/5/17*

(Signature)

Annexure-III

Forest Department, Govt. of Haryana
 O/o PCCF Cum Chief Wildlife Warden, Haryana, Panchkula
 C-18, Van Bhawan, Sector-6, Panchkula, Phone No. 0172-2583682, E-mail : apccfwl@gmail.com

No 75618

Dated 7-3-17

To

Deputy Director & Member Secretary of ESZ Expert Committee,
 Government of India, Ministry of Environment, Forests & Climate Change,
 Indira Paryavaran Bhawan, Level-II, Agni Wing, Jor Bagh Road,
 Ali Ganj, New Delhi - 110003

Subject: Delineation of Eco-Sensitive Zone around Sukhna Wildlife Sanctuary
 (towards Haryana side) - Draft Notification to be issued by MoEF&CC, New
 Delhi.

With respect to the subject cited above, it is to inform you that the Chandigarh Administration vide letter dated 11th June, 2013 has submitted the proposal to MoEF&CC for declaring ESZ around Shukna WLS on Chandigarh side. In response to this proposal, MoEF & CC vide letter dated 10th December, 2013 has informed that UT Chandigarh may have mutual consultation with Government of Punjab and Haryana in accordance with para 6.5 of MoEF&CC guidelines dated 9th February, 2011.

The Ministry of Environment, Forests and Climate Change has issued draft notification dated 2nd September, 2015 for declaring ESZ around the Sukhna WLS on Union Territory of Chandigarh side. The extent of proposed Eco- Sensitive Zone varies from 2.0 Km. to 2.75 Km. from the boundary of the Sukhna WLS in Union Territory Chandigarh. The area of ESZ is 1050.00 hectares on Chandigarh side. The villages whose area or parts thereof falling within the Eco- Sensitive Zone are Khuda Alisher, Kishangarh and Kaimbwala. The final Notification has also been issued vide MoEF&CC Notification No. S.O 185(E) dated 18-01-2017.

As regards the finalization of the proposal for delineation of Eco Sensitive Zone of Sukhna Wildlife Sanctuary, a presentation was made by Forest Department, Haryana on 25-07-2016; before the committee chaired by worthy Chief Secretary, proposing the Eco Sensitive area around Sukhna Wildlife Sanctuary of Union Territory of Chandigarh (Haryana side). The Punjab Forest Department approved ESZ of 100 meter in the area falling within Punjab part and U.T. Chandigarh approved ESZ that varies from 2.00 km. to 2.75 km. in the area falling within U.T. Forest Department. All Stakeholders agreed to the proposed limit of 1500 meters from boundary of Sukhna Wildlife Sanctuary (Haryana side) Accordingly, the proposal for Eco Sensitive zone of 1500 meters from the boundary

of Sukhna Wildlife Sanctuary (Haryana side) was approved. The map showing proposed ESZ is enclosed.

The activities which are proposed to be permitted activities, regulated activities and prohibited activities are given as below:-

A. Permitted Activities:

1. Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming and fisheries.
2. Construction activities for bona fide local residents. ✓
3. Collection of boulders, gravels and sand from river bed for domestic needs of bona fide local residents. ✓
4. Extraction of ground water for bona fide agriculture and domestic use.
5. Rain water harvesting.
6. Use of renewable energy sources. ✓
7. Adoption of green technology for all activities. ✓
8. Organic farming.
9. Cottage industries including village artisans, etc. ✓
10. Small scale industries not causing pollution: non polluting, non hazardous, small scale and services, agriculture, horticulture, agro-based.
11. All Existing Hotels and Resorts. ✓

B. Regulated Activities

1. Felling of Trees.
2. Drastic change of Agriculture.
3. Commercial water resources including water harvesting.
4. Widening and strengthening of existing roads and construction of new roads.
5. Small Scale Industries not causing pollution.
6. Discharge of treated effluents in natural water bodies of land area.
7. Erection of Mobile Towers.
8. Laying of transmission and distribution system above 33 KV.

C. Prohibited Activities

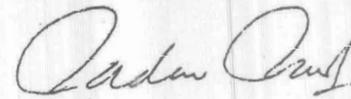
1. Commercial Mining, stone quarrying and crushing units.
2. Setting up of saw mills.
3. Setting up of industries causing water or air or soil or noise pollution.
4. Commercial Establishment of hotels and resorts. ✓
5. Major Hydro- electric Projects.
6. Commercial use of firewood.
7. Uses of plastic carry bags.
8. Discharge of untreated effluents and solid waste in natural water bodies or land area.
9. Use or Production of any Hazardous substances.
10. Setting up Brick Kilns.

The extent of area alongwith the coordinates of proposed ESZ around Sukhna Wildlife Sanctuary (Haryana side) are given as under:-

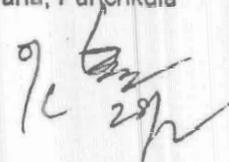
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1.	76 50' 18.386" E	30 45' 03.915" N	0.3
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4.	76 53' 6.730" E	30 44' 58.202" N	0
5.	76 53' 22.647" E	30 45' 1.231" N	0
6.	76 53' 30.898" E	30 45' 36.984" N	1
7.	76 54' 1.932" E	30 45' 40.443" N	1.5
8.	76 53' 19.722" E	30 46' 23.455" N	0.8
9.	76 53' 7.826" E	30 47' 11.893" N	0.9
10.	76 52' 40.521" E	30 48' 24.035" N	0.7
11.	76 52' 18.883" E	30 49' 17.179" N	1.4
12.	76 51' 39.055" E	30 48' 49.707" N	0.8
13.	76 50' 44.175" E	30 48' 25.055" N	0.4
	Total Area	4445 Acres	1800 hectare

It is, therefore, requested that draft Notification for delineation of Eco-Sensitive Zone around Sukhna Wildlife Sanctuary (towards Haryana side) be issued in conformation with the approval of Govt. of Haryana. A copy of proceedings in respect of delineation of Eco-Sensitive Zone around Sukhna Wildlife Sanctuary (towards Haryana side) duly approved by Govt. of Haryana is enclosed for perusal and further necessary action at your end.

Encl. As Above.



PCCF -cum- CWLW,
Haryana, Panchkula



Annexure - VI

From

Deputy Commissioner,
Panchkula.

To

1. Commissioner, MC, Panchkula.
2. Station Commander, Chandimandir.
3. Deputy Chief Wildlife Warden, Panchkula.
4. SDO (C), Kalka, Panchkula.
5. DRO, Panchkula.
6. DFO, Morni.
7. SE, MC, Panchkula.
8. DTP (E), Panchkula.
9. DTP (P), Panchkula.
10. Tehsildar, Kalka, Raipur, Panchkula.
11. Naib Tehsildar, Barwala, Morni.
12. XEN, HSP, Panchkula
13. GIS Analyst/ Programmer.

Subject:- Memo No. 1596-1616/SK Dated 1-7-2020
A meeting on the declaration of Eco-Sensitive Zone around Sukhna Wildlife Sanctuary, Chandigarh (towards Haryana side) regarding CWP No. 18253 of 2009 order passed on 02.03.2020.

Please find enclosed herewith minutes of the meeting regarding delineation of proposed ESZ around Sukhna Wildlife Sanctuary (towards Haryana side) held on 19.06.2020. It is required that appropriate and necessary action decided in the meeting and pertains to your department be taken without any delay under intimation to Forest Department/ Chief Wildlife Warden and this office.

h.
for Deputy Commissioner,
Panchkula

Endst. No. 1617 /SK dated 1-7-2020

A copy of the above is forwarded to Principal Chief Conservator of Forest for kind information and necessary action please.

h.
for Deputy Commissioner,
Panchkula

Endst. No. 1618 /SK dated 1-7-2020

A copy of the above is forwarded to Chief Wildlife Warden, Haryana for kind information and necessary action.

h.
for Deputy Commissioner,
Panchkula

h. 3/17
PCCF WL

CCA FCA

Minutes of meeting regarding delineation of proposed ESZ around Sukhna Wildlife Sanctuary (towards Haryana side) held on 19-06-2020.

A meeting was convened on 19 June 2020 at 04:30 PM in Chairpersonship of Deputy Commissioner Panchkula at Conference Hall Mini Secretariat Panchkula. The list of participants who attended the meeting is as under:-

1. Commissioner MC Panchkula,
2. Lt. Col. MS Gill representative of Station Commander Chandimandir,
3. Deputy Chief Wildlife Warden Panchkula,
4. SDM-Kalka,
5. SDM Panchkula,
6. DRO, Panchkula,
7. DTP (E), Panchkula,
8. Ms. Sonia representative of DTP (P), Panchkula,
9. Tehsildar, Kalka,
10. Naib Tehsildar, Panchkula,
11. Sh. V.K. Goyal SE MC Panchkula,
12. Sh. N.K. Payal-Ex. En. HSVP Panchkula,
13. DFO Morni,
14. Sh. Prem Parshant GIS Analyst/ Programmer,
15. Sh. R.S. Deswal SK Panchkula,
16. Sh. R.S. Dalal MC Panchkula,
17. Sh. Sanjay Kumar Building Inspector MC Panchkula,

After brief welcome and introduction the proposal for delineation of Eco-Sensitive Zone was considered. The Deputy Chief Wildlife Warden Panchkula mentioned that, the Sukhna Wildlife Sanctuary having area of 25.98 km² has been declared Eco Sensitive Zone by Union Territory of Chandigarh. The UT of Chandigarh had already declared the area of 1050 ha to an extent varying from 2.0 km to 2.75 km from the Boundary of Sukhna Wildlife Sanctuary on the side of Chandigarh as Eco-Sensitive Zone of Sukhna Wildlife Sanctuary, (vide notification of MoEF & CC dated 18-01-2017). The Sukhna WLS has its boundary with the States of Punjab and Haryana. The Punjab Forest Department approved ESZ of 100m in the area falling within Punjab part.

A proposal for delineation of Eco-sensitive Zone around Sukhna Wildlife Sanctuary (towards Haryana Side) was submitted to MoEF & CC, Govt. of India, New Delhi, vide letter No. 7548 dated 01-03-2017 by PCCF & CWLW Haryana, mentioning therein the ESZ distance ranging from 0 kilometer (minimum) upto 1.5 kilometer as the maximum distance, covering there in 1800 ha. of area as proposed Eco-Sensitive Zone area. This proposal also contained the provisions of permitted activities, regulated activities and prohibited activities in terms of guidelines of MoEF & CC, Govt. of India, dated 09.02.2011. The proposal was submitted after detailed deliberations and presentation of this proposal before a committee chaired by the Chief Secretary, Govt. of Haryana, Sh. D.S. Dhosi, IAS, involving all stake holders. Consequent to the pending proposal with MoEF & CC, Govt. of India, regular reminder were issued to MoEF & CC, Govt. of India, vide this office letter No. 168 dated 08.08.2018, letter No. 195 dated 04.09.2018, letter No. 439 dated 25.01.2019. Pending the proposal for consideration with MoEF & CC (Wildlife Division), Govt. of India vide their letter dated 20.12.2019 requiring some additional information with regard to the above proposal.

Incidentally in the meantime, for protection of catchment of Sukhna Lake as well as delineation of *de novo* Eco-Sensitive Zone of Sukhna Wildlife Sanctuary, a CWP No. 18253 of 2009 and other connected petitions were filed in the Hon'ble Punjab and Haryana High Court, Chandigarh. The Hon'ble Court vide their Judgment dated 02.03.2020 in its operative part made the observations at Sr.No. H of this order that MoEF & CC, Govt. of India is directed to notify at least 1.0 km area from the boundary of Sukhna Wildlife Sanctuary as Eco-Sensitive Zone falling in the areas of Punjab and Haryana within period of three months.

As a procedure lay under the guidelines for declaration of Eco Sensitive Zones around National Park and Wildlife Sanctuaries (point 6.2), a committee has to be formed. Hence PCCF & Chief Wildlife Warden Haryana directed the Deputy Commissioner Panchkula vide their letter no. 156 dated 06.05.2020 regarding the matter, in compliance of which Deputy Commissioner constituted a committee of the following officers to carry out ground truthing with regard to the area falling within 1 km zone around Sukhna towards Haryana side.

- | | |
|---|----------|
| 1. Divisional Wildlife Officer, Panchkula | Chairman |
| 2. DFO, Morni Pinjore | Member |
| 3. DRQ, Panchkula | Member |
| 4. DTP (E), Panchkula | Member |
| 5. DTP (F), Panchkula | Member |
| 6. Tehsildar, Panchkula | Member |
| 7. Tehsildar, Kalka | Member |

Ue

- | | |
|---|--------|
| 8. Executive Officer, Municipal Corporation,
Panchkula. | Member |
| 9. Sh. Prem Parshant GIS Analyst/ Programmer
o/o PCCF, Haryana, Panchkula. | Member |

The above committee appraised that the area of HSVP and Chandimandir also falls in the proposed Eco Sensitive Zone of 1.0 km to 1.5 km from boundary of Sukhna Wildlife Sanctuary towards Haryana side. Keeping in view of the new situation, stake, interest and requirement of these departments/ organizations, following members were also included in the committee by Deputy Commissioner Panchkula vide their letter no. 1373-75/SK dated 03-06-2020

1. Station Commander, Chandimandir or his representative.
2. E.O. HSVP Panchkula.
3. Dr. Harminder Pal Singh, Prof. Department of Environmental Studies
P.U. University Chandigarh.

So all the committee members in chairpersonship of Deputy Commissioner Panchkula after having discussion on the issue of Delineation of proposed (1.0 km to 1.5 km) ESZ of Sukhna Wildlife Sanctuary towards Haryana side, keeping in mind the judgement dated 02-03-2020 of Hon'ble Punjab and Haryana High Court in CWP No. 18253 of 2009 and having in mind the ecological importance of area and to maintain the ecological integrity and conservation of biodiversity of this ecologically rich zone, unanimously decided to declare an area in the range 1.0 km to 1.5 km from the boundary of Sukhna Wildlife Sanctuary towards Haryana side as Eco Sensitive Zone. The proposed ESZ will not only act as vegetated buffer zone to protect the Sukhna Catchment region but also act as a shock absorber to the protected area. The following issues were raised during the meeting by the members:-

1. That a total of eight villages fall within the proposed ESZ. The total area of proposed Eco Sensitive Zone is 5713 acres.
 - (i) Dhamala,
 - (ii) Lohgarh
 - (iii) Mankpur Nanakchand
 - (iv) Manakpur Thakardas
 - (v) Surajpur
 - (vi) Prempura
 - (vii) Chandimandir
 - (viii) Saketari/Mahadecopur

Out of these inhabitation of villages Saketari/Mahadecopur, Prempura, Chandimandir/ Chandikotla and part of Surajpur falls under the proposed ESZ while

Wk

revenue land of remaining villages falls under proposed ESZ. In addition to above HSVP areas such as Sector 1, part of sector 2 & 3 including Gymbkhana club, some tube well chamber Para Gliding parks Sector-1 MDC and some army area of Chandimandir cantonment (area including small arms firing range of military station Chandimandir), Central Soil & Water Conservation Research Farm (Panchkula) including some MC Panchkula areas also fall under the proposed ESZ. During discussion it was pointed out that the Houses of village Saketari are constructed along the boundary of Sukhna WLS at 0 meter distance, while another village named Prempara is also in close vicinity to Sukhna WLS i.e. from 300 meter to 700 meter. So all the members unanimously decided that bonafide construction activities within the vicinity of these villages should be regulatory in nature rather than prohibited, however no new construction activities shall be allowed within 300 meter from boundary of Sukhna Wildlife Sanctuary other than bonafide construction activities. However in case of village Prempara bonafide construction activities within periphery shall be regulated.

2. The committee decided that following activities shall remain prohibited in the proposed ESZ area viz. Commercial Mining (however regulation will not prohibit the digging of earth for construction and repair of houses for personal bonafide use) setting up of Saw Mills, Commercial use of firewood (for hotels and other business related establishment), setting up of Heavy Industries causing pollution (water, air, soil, noise etc.), Establishment of Major Hydro-electric projects, use of Polythene bags by shopkeepers, use/production of any hazardous substances, discharge of effluents/solid waste in natural water bodies or terrestrial areas, fencing of premises of hotels and lodges, undertaking activities relating to tourism like oversflying the sanctuary area by an aircraft, hot air balloons.
3. Organic farming shall be promoted within the ESZ.
4. Lt. Col. MS. Gill representative of Station Commander Chandimandir mentioned that some area under northern army command falls under the proposed Eco Sensitive Zone which is having much strategic importance and army is utilizing the area since the past 50 years as the baffled firing range which is surrounded by concrete wall and earth work to reduce the fire sound. Moreover a lot of arboriculture activities are being carried out in the military station in order to ensure ecological balance and environmental protection. He further mentioned that the above said firing range is the only training infrastructure in entire Chandimandir military station where the training to the soldiers on small arms is imparted and requested for exemption from the preview of the proposed ESZ, as they are contained in a specific location there by not causing any harm to the Eco-Sensitive Forest cover. The Deputy Commissioner Panchkula directed him to send their case with full justification to PCCF & Chief Wildlife Warden Haryana and MoEF & CC Govt. of India as well.
5. Regarding area falling between 300 to 800 meter from the boundary of Sukhna WLS, it has been decided that construction shall be strictly regulated as per master plan and existing building code parameters approved by Govt. of India duly adopted by Govt. of Haryana notified as "Haryana building code Act" in the ESZ.

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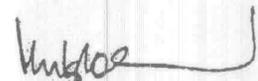
6. It has also been decided that from 899.1000 m from the boundary Sukhna WLS, non eco friendly industry/establishment could be established.
7. Agriculture/Horticulture/Aquaculture practices shall be promoted in the ESZ area for maintaining the livelihood of local labourers/villagers for their day to day needs. Rain water harvesting shall also be actively promoted.
8. No new establishment related to Hotel/resorts shall be permitted within 1000 meter from the boundary of Sukhna WLS in ESZ area. It shall be regulated as per approved master plan/ zonal master plan of ESZ which takes care of habitats allowing no restriction on movement of wild animals.
9. The widening and construction of new roads within ESZ shall be regulated with proper environment impact assessment.
10. Indian Forest Act of 1927 shall be fully applicable in the forest areas (4067.91 acres) falling under the ESZ of Sukhna WLS; whereas other areas are to be governed under the PLPA 1900.
11. Protection of hill slopes and river banks shall be regulated as per master plan.

The ecologist and member of committee Dr. Harminder Pal Singh and Prof. Department of Environment Studies, PU Chandigarh, apologized by sending his consent through e-mail dated 19.06.2020 for not attending the meeting due to his ill-health and send his opinion as under:-

"I fully endorse the proposal to declare an area in the range of 1.0 to 1.5 km around Sukhna Wildlife Sanctuary, Chandigarh, as Eco-Sensitive Zone. It is an excellent step to maintain the ecological integrity and conservation of biodiversity (flora and fauna) of this ecologically rich zone. The proposed ESZ will not only act as a vegetated buffer zone to protect the Sukhna Catchment region but also act as a shock absorber for the protected area. The decision to form ESZ will benefit in regulating activities around the lake and minimize the negative impact on its ecosystem. Creation of ESZ is also good for safeguarding flora and fauna (endemic, rare, and threatened species present) and will help immensely in providing habitat/refuge for the flora, fauna, and even the diverse ecologically rich habitat of the region. As there are numerous health hazards associated with consumption of contaminated water and fish, thus the formation of ESZ will help to resolve this issue over time. To sum up, the creation of SEZ of 1-1.5 km is good enough from an ecological/environmental perspective to protect the fragile ecosystem and its components of the region."

Attached proposed Eco Sensitive Zone Map

The meeting ended with the vote of thanks to the chair.



Deputy Commissioner
Panchkula

Handover for the meeting Reg. Deterioration of E.S. Wildlife Sanctuary (Towards H.S. Side) on dt 19-6-2024
 at DC Conference hall P.K.L. Td. No. 213...
 Sr. No. Name & Rank

1. LATA HOODA (DIP (E) P.K.L. Jm
2. Virender Chhill Tehsildar ~~PKL~~
3. Jashwan Singh N. Tehsildar P.K.L. - JS
4. SONIA (DTP (P) P.K.L. Sandy
5. VK Goyal SE MCP.K.L. dho 2-3
19/6/2024
6. Lt Col M S Gill Om g
7. R. S. Dhalal SDR MCP.K.L. R
H
8. Sanjay K. Building Inspector MCP.K.L.
9. Ramkumar DFO Morri Soo
10. Shyam Sunder Dy. W.L.W. L. Manu
11. N. K. PATEL, XETU, H.S.P.
12. R. S. DESWAL SADAR (KAWUNGO Panchkula) 8901457
13. Ram Bhat, GIS Analyst/Boyo Gurpreet
14. DRO, Panchkula. h
15. SDM, P.h.s
16. SDM, Kalha.
17. Comm MCP.P.K.L.

COORDINATES OF SUKHANA WILD LIFE SANCTUARY	
WLS POINTS	COORDINATES
1	30 45 09.1N, 76 50 33.9E
2	30 44 59.8N, 76 50 35.5E
3	30 45 00.5N, 76 50 45.4E
4	30 44 31.8N, 76 51 11.4E
5	30 45 01.2N, 76 52 31.2E
6	30 45 42.6N, 76 52 36.1E
7	30 46 17.8N, 76 52 43.5E
8	30 46 30.3N, 76 52 23.6E
9	30 46 20.4N, 76 51 45.2E
10	30 46 58.9N, 76 52 09.7E
11	30 47 44.6N, 76 52 36.8E
12	30 47 5.6N, 76 51 38.1E
13	30 47 12.3N, 76 51 23.9E
14	30 47 29.8N, 76 51 04.6E
15	30 48 19.8N, 76 51 59.3E
16	30 48 33.1N, 76 52 10.9E
17	30 48 11.9N, 76 51 11.6E
18	30 48 12.5N, 76 50 31.0E
19	30 47 54.4N, 76 50 09.4E
20	30 47 05.7N, 76 49 38.5E
21	30 46 50.4N, 76 49 16.5E
22	30 46 29.0N, 76 48 48.6E
23	30 46 06.5N, 76 49 10.2E
24	30 46 00.6N, 76 49 25.3E
25	30 45 50.3N, 76 49 36.6E
26	30 45 16.1N, 76 50 15.7E

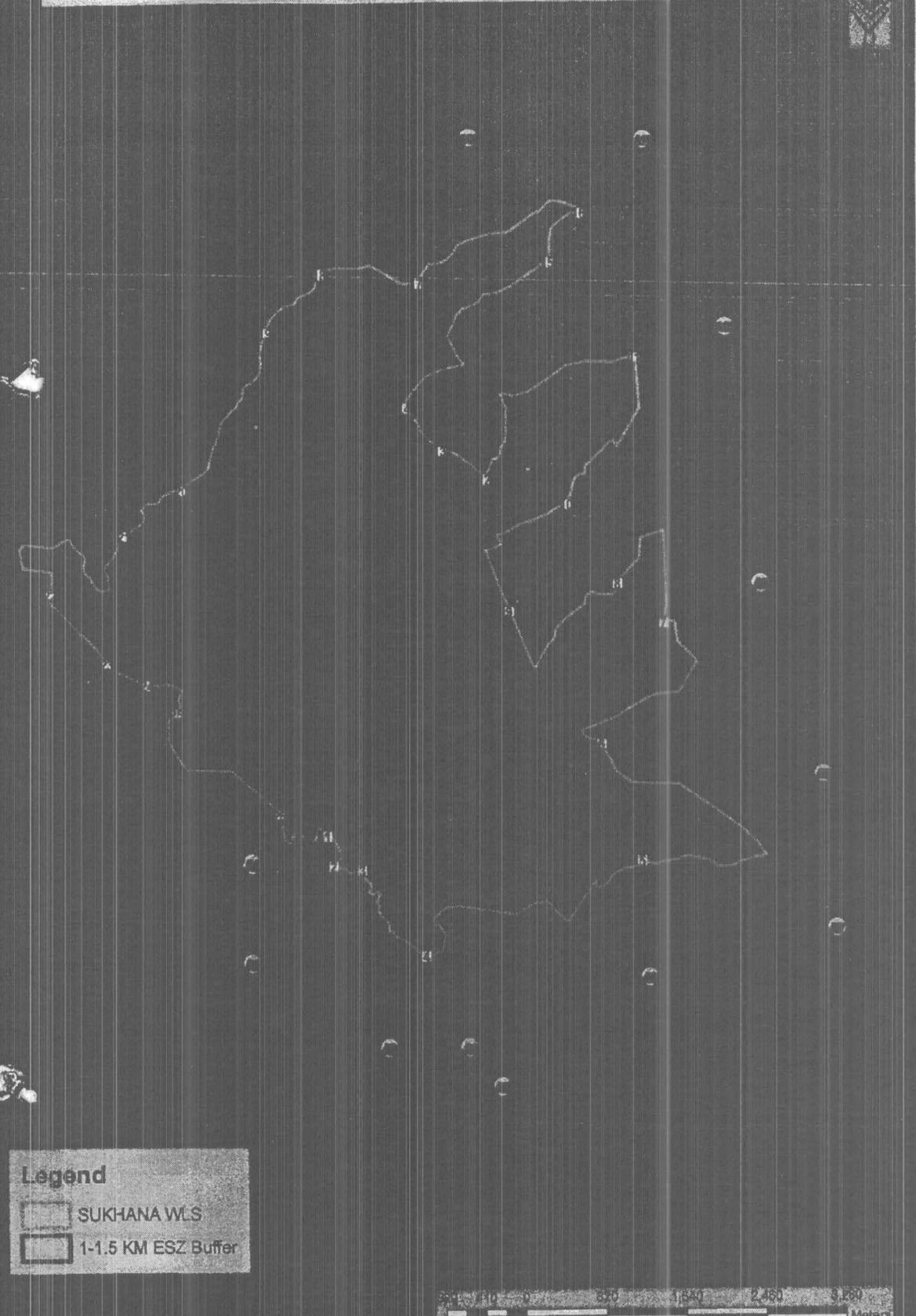
COORDINATES OF PROPOSED ECO-SENSITIVE ZONE	
ESZ Points	ESZ Coordinates
A1	30 45'0.74"N, 76 50'5.41"E
A2	30 44'29.71"N, 76 50'4.84"E
A3	30 44'1.00"N, 76 50'57.21"E
A4	30 44'0.65"N, 76 51'28.56"E
A5	30 43'48.44"N, 76 51'40.74"E
A6	30 44'23.17"N, 76 52'38.62"E
A7	30 44'38.02"N, 76 53'50.73"E
A8	30 45'27.44"N, 76 53'47.03"E
A9	30 46'30.07"N, 76 53'24.79"E
A10	30 47'54.75"N, 76 53'12.72"E
A11	30 48'55.12"N, 76 52'42.54"E
A12	30 48'56.32"N, 76 51'35.03"E

Annexure-VI

COORDINATES OF SUKHANA WILD LIFE SANCTUARY	
WLS POINTS	COORDINATES
1	30 45 09.1N, 76 50 33.9E
2	30 44 59.8N, 76 50 35.5E
3	30 45 00.5N, 76 50 45.4E
4	30 44 31.8N, 76 51 11.4E
5	30 45 01.2N, 76 52 31.2E
6	30 45 42.6N, 76 52 36.1E
7	30 46 17.8N, 76 52 43.5E
8	30 46 30.3N, 76 52 23.6E
9	30 46 20.4N, 76 51 45.2E
10	30 46 58.9N, 76 52 09.7E
11	30 47 44.6N, 76 52 36.8E
12	30 47 5.6N, 76 51 38.1E
13	30 47 12.3N, 76 51 23.9E
14	30 47 29.8N, 76 51 04.6E
15	30 48 19.8N, 76 51 59.3E
16	30 48 33.1N, 76 52 10.9E
17	30 48 11.9N, 76 51 11.6E
18	30 48 12.5N, 76 50 31.0E
19	30 47 54.4N, 76 50 09.4E
20	30 47 05.7N, 76 49 38.5E
21	30 46 50.4N, 76 49 16.5E
22	30 46 29.0N, 76 48 48.6E
23	30 46 06.5N, 76 49 10.2E
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A11	30 48'55.12"N, 76 52'42.54"E
A12	30 48'56.32"N, 76 51'35.03"E

PROPOSED ECO-SENSITIVE ZONE MAP AROUND SUKHANA WLDLIFE SANCTUARY (HARYANA SIDE)



Legend

-  SUKHANA WLS
-  1-1.5 KM ESZ Buffer



76°48'45"E 76°49'30"E 76°50'15"E 76°51'0"E 76°51'45"E 76°52'30"E 76°53'15"E 76°54'0"E

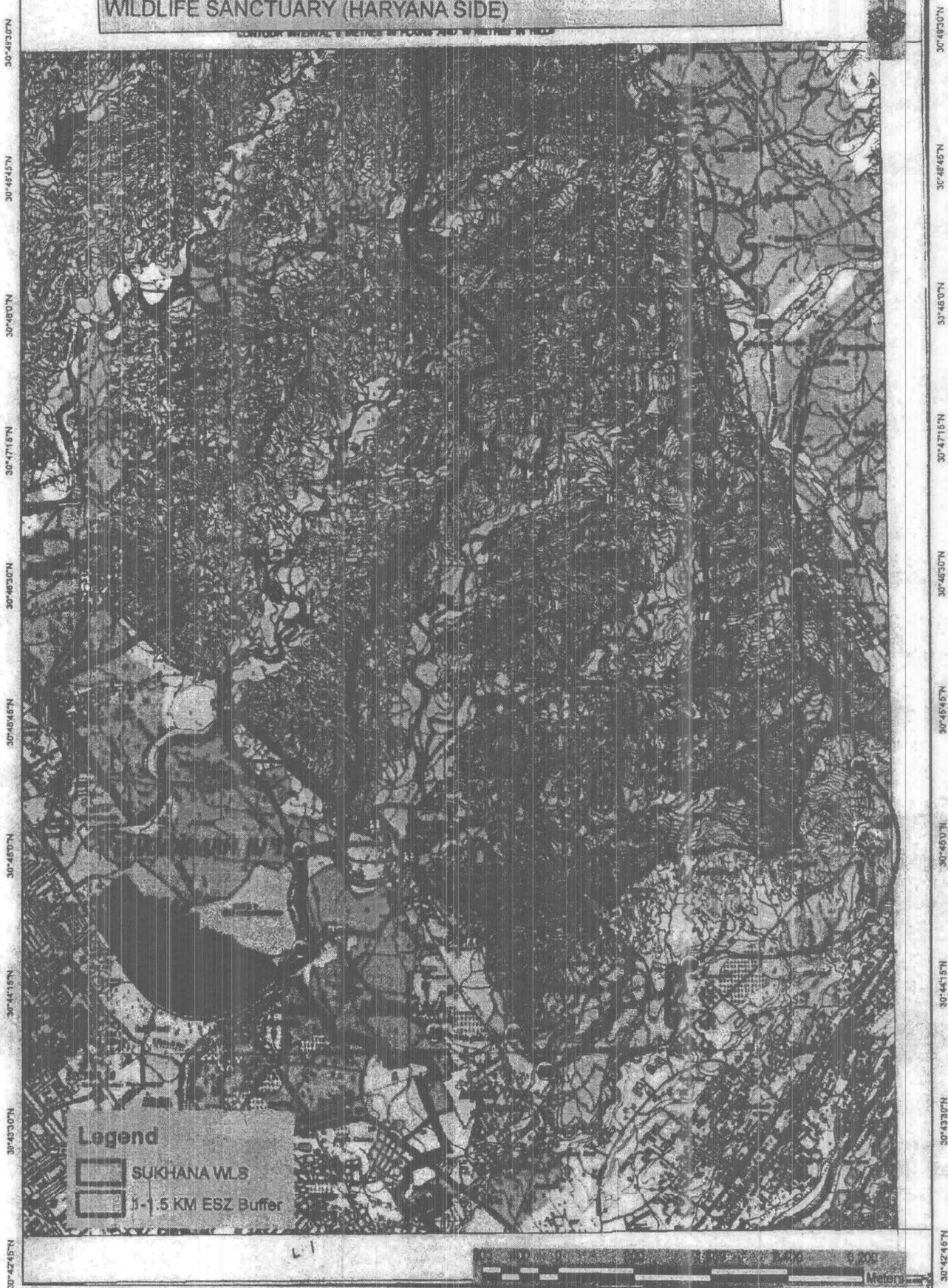
30°42'45"N 30°43'30"N 30°44'15"N 30°45'0"N 30°45'45"N 30°46'30"N 30°47'15"N 30°48'0"N 30°48'45"N 30°49'30"N

76°48'45"E 76°49'30"E 76°50'15"E 76°51'0"E 76°51'45"E 76°52'30"E 76°53'15"E 76°54'0"E

76°48'45"E 76°49'30"E 76°50'15"E 76°51'0"E 76°51'45"E 76°52'30"E 76°53'15"E 76°54'0"E

PROPOSED ECO-SENSITIVE ZONE MAP AROUND SUKHANA WILDLIFE SANCTUARY (HARYANA SIDE)

CATCHMENT AREA OF SUKHANA WLS
CONTOUR INTERVAL: 5 METRES IN PLAINS AND 10 METRES IN HILLS



Legend

-  SUKHANA WLS
-  1-1.5 KM ESZ Buffer



76°48'45"E 76°49'30"E 76°50'15"E 76°51'0"E 76°51'45"E 76°52'30"E 76°53'15"E 76°54'0"E

Forests & Wildlife Department, Govt. of Haryana
O/o PCCF & Chief Wildlife Warden, Haryana, Panchkula

Plot No. C-18, Van Bhawan, Sector-6, Panchkula. Phone No. 0172-2561224, 2583682 E-mail : pccf.cww-hfd@hry.gov.in

No. 151

Dated: 04/08/2020

To

Additional Chief Secretary to Govt. of Haryana,
 Forest and Wildlife Department,
 Chandigarh.

Sub:

Delineation of Eco-Sensitive Zone around Sukhna Wildlife Sanctuary (towards Haryana Side) draft Notification in terms of Hon'ble Punjab and Haryana High Court order dated 02-03-2020-reg.

MoEF & CC, Govt. of India vide letter No. F. No. 1-9/2007WL-I(pt) dated 09-02-2011 (**Annexure-I**) has issued guidelines for declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries. A proposal was submitted by Chandigarh Administration vide its letter dated 11th June, 2013, to MoEF & CC, GOI, for declaring ESZ around Shukna WLS on the Chandigarh side. In response to this proposal, MoEF & CC vide its letter dated 10th December, 2013 has informed that UT Chandigarh may have mutual consultation with Government of Punjab and Govt of Haryana, in accordance with para 6.5 of MoEF & CC, GOI guidelines dated 9th February, 2011.

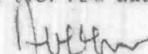
The Ministry of Environment, Forests and Climate Change has issued draft notification dated 2nd September, 2015 for declaring ESZ around the Sukhna WLS on Chandigarh (UT) side. The final Notification has also been issued vide MoEF & CC Notification No. S.O. 185(F) dated 18-01-2017.

A proposal for declaring the Eco-Sensitive Zone around Sukhna Wildlife Sanctuary (towards Haryana Side) was submitted to the Government for approval vide this office U.O. Note 78 dated 17-02-2017 and the same was approved by the Government vide its note dated 22-02-2017 (**Annexure-II**). Consequent to the approval of the draft proposal by Government of Haryana, it was submitted to MoEF & CC, Govt. of India, New Delhi vide this office letter No. 7548 dated 01-03-2017 (**Annexure-III**).

In the mean while a CWP No. 18253 of 2009 and other connected petitions were filed in Hon'ble Punjab and Haryana High Court at Chandigarh for taking precautionary measure to save the catchment area of Sukhna lake. The Hon'ble Court vide its decision dated 02-03-2020 has directed the States of Punjab & Haryana to notify at least 1.0 kilometer area from the boundary of Sukhna lake Wildlife Sanctuary as Eco-Sensitive Zone, falling in the areas States of Punjab & Haryana.

In pursuance to the observations made by the Hon'ble Punjab & Haryana High Court in CWP No. 18253 of 2009 with regard to delineation of Eco-Sensitive Zone around the boundary of Sukhna Wildlife Sanctuary, this office vide letter No. 156 dated

-1-



06-05-2020 (**Annexure-IV**) requested DC Panchkula to constitute a committee of officers from all the relevant Department. This committee was required to carryout ground truthing with regard to area falling within 1.0 km. zone around Sukhna Wildlife Sanctuary (towards Haryana side).

In terms of para 6.2 of the guidelines of MoEF & CC, Govt. of India, dated 09-02-2011, a Committee was constituted by the Deputy Commissioner Panchkula for delineation of ESZ around Sukhna Wildlife Sanctuary. Deputy Commissioner, Panchkula vide his Memo No. 1596-1616/SK dated 01-07-2020 (**Annexure-V**) has submitted the minutes of the meeting held on 19-06-2020 regarding delineation of the proposed ESZ around Sukhna Wildlife Sanctuary (towards Haryana side).

On the basis of deliberations carried out by the Committee, it has been decided by the Committee that in compliance of the directives of Hon'ble Court in CWP No 18253 of 2009, as also the importance of the area in terms of ecological and biodiversity conservation, an area in the range of 1.0 km. to 1.5 km. from the boundary of Sukhna Wildlife Sanctuary (towards Haryana side) be declared as Eco-Sensitive Zone. The proposed Eco-Sensitive Zone limit will fulfill the dual purpose of acting as a buffer zone to protect the Sukhna catchment area and also act as a shock absorber to reduce the biotic pressure on the Protected Area. The following observations were recorded by the Committee:-

1. 8 villages fall within the proposed ESZ namely Dhamala, Lohgarh, Mankpur Nanakchand, Manakpur Thakardas, Surajpur, Prempura, Chandimandir, Saketari/Mahadeopur. The total area of proposed ESZ will be 5713 acres (2311.969 ha.).
2. The committee recommended the following prohibited, regulated and promoted activities with in the boundary of proposed Eco-Sensitive Zone.
 - a) **Prohibited Activities**
 - i. Commercial Mining except digging of earth for construction and repair of houses for bona-fide use
 - ii. Setting up of new Saw Mills.
 - iii. Commercial use of Firewood.
 - iv. Setting up of Heavy Industries causing Water, Air, Soil and Noise Pollution.
 - v. Establishment of Major Hydro-Electric Projects.
 - vi. Use of Polythene bags.
 - vii. Use/ or production of any Hazardous substances.
 - viii. Discharge of effluent/solid waste in natural water bodies or terrestrial areas.
 - ix. Fencing of premises of Hotels and logistic.
 - x. Undertaking activities relating to tourism like over flying the Sanctuary area by an air craft or hot air balloons etc,

b) **Regulated Activities.**

- i. Construction activities in area falling between 300 to 800 meter from boundary of Sukhna Wildlife Sanctuary as per master plan and existing building code parameter as per Haryana Building Code Act in the ESZ.
- ii. Establishment of Non Polluting Eco-friendly industry/establishments from 800 to 1000 meter from boundary of Sukhna Wildlife Sanctuary.
- iii. The widening and construction of new roads within ESZ with approval by State Environment Impact Assessment Authority.
- iv. Protection of hill slopes and river banks as per master plan of the area.
- v. Establishment of New Hotels, Resorts within 1000 meter from boundary of Sukhna Wildlife Sanctuary in ESZ area as per approved Master Plan/Zonal Master Plan of ESZ which takes care of Habitat allowing no restriction on movement on Wild Animals.

c) **Permitted Activity**

- i. Agriculture/Horticulture/Floriculture practices in the ESZ area for maintaining the livelihood of local labourers/villagers for their day to day needs.
- ii. Organic Farming
- iii. Water Harvesting Structures.

In terms of guidelines issued by MoEF & CC, Govt. of India vide their letter dated 09-02-2011, the following activities are also to be included as Regulated and Permitted activities in the proposed ESZ :-

Regulated Activities:-

- a) Felling of Trees on forest land or Govt. land within the Eco-Sensitive Zone only as per the approved Working Plan. For trees situated on Revenue or Private lands only as per the State Government Rules.
- b) Drastic change of Agriculture practices.
- c) Erection of Mobile Towers.
- d) Laying of Transmission and Distribution system above 33 K.V.
- e) Commercial use of natural water resources including ground water harvesting.
- f) Movement of vehicular traffic at night.
- g) Introduction of exotic species.
- h) Air and vehicular pollution.
- i) Erection of electric cables.
- j) Sign boards and hoardings.

Avesh

Permitted Activities

- a) Collection of boulders, gravels and sand from river bed for domestic needs of bona fide local residents.
- b) Use of renewable energy sources.
- c) Adoption of green technology for all activities.
- d) Small scale industries not causing pollution: non polluting, non hazardous, small scale and services, agriculture, horticulture, agro-based.
- e) All Existing Hotels and Resorts.

The Committee further observed that out of the 8 villages, inhabitation of villages Saketri/Mahadeopur, Prempura, Chandimandir/Chandikotla and part of Surajpur fall under the proposed ESZ while only the revenue land of the remaining village falls under the proposed ESZ. In addition to the above, HSVP area such as Sector 1, part of Sector 2 & 3 including Gymkhana club, some tube well chamber, Para Gliding parks, Sector-1 MDC, some army area of Chandimandir cantonment (area including small arms firing range of military station Chandimandir), Central Soil & Water Conservation Research Farm (Panchkula) including some MC Panchkula areas also fall under the proposed ESZ. During discussion it was pointed out that the Houses of Village Saketri are constructed along the boundary of Sukhna Wildlife Sanctuary at 0 meter distance, while another village Prempura is also in the close vicinity to Sukhna WLS i.e. from 300 meter to 700 meter. All the members of the Committee were unanimous that bona fide construction activities within the vicinity of these villages should be regulatory in nature rather than being prohibitive. **However no new construction activities shall be allowed within 300 meter from the boundary of Sukhna Wildlife Sanctuary. However in case of village Prempura bonafide construction activities within periphery shall be regulated.**

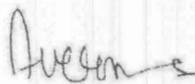
As contained in the minutes, Lt. Col. MS. Gill representative of Station Commander Chandimandir mentioned that some area under Northern Army command falls under the proposed Eco Sensitive Zone. These areas have much strategic importance and army is utilizing these area since the past 50 years as the baffled firing range and is surrounded by concrete wall and earth work to reduce the fire sound. Moreover a lot of arboriculture activities are being carried out in the military station in order to ensure ecological balance and environmental protection. He further mentioned that the above said firing range is the only training infrastructure in the entire Chandimandir military station where the training to the soldiers on small arms is imparted. The representative of the Army has requested for exemption from the preview of the proposed ESZ, as they are contained in a specific location there by not causing any harm to the Eco-Sensitive Forest cover. The Deputy Commissioner, Panchkula directed the Army Officers to send their case with full justification to PCCF & Chief Wildlife Warden, Haryana and MoEF & CC, Govt. of India as well.

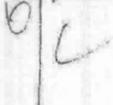
The Committee has recommended that Indian Forest Act of 1927 shall be fully applicable in the forest areas (4067.91 acres) falling under the ESZ of Sukhna WLS; whereas other areas are to be governed under the PLPA 1900.

The Committee has also submitted the coordinates of Sukhna Wildlife Sanctuary and proposed ESZ of Sukhna Wildlife Sanctuary (**Annexure-VI**) along with the map of proposed ESZ of Sukhna Wildlife Sanctuary towards Haryana Side (**Annexure-VII**)

In view of the directives issued by Hon'ble Punjab and Haryana High Court, Chandigarh vide its decision dated 02-03-2020 and the proposal submitted by Deputy Commissioner, Panchkula vide his Endst. No. 1618 dated 01-07-2020, it is requested to accord approval for the proposal of delineation of ESZ around Sukhna Wildlife Sanctuary (towards Haryana side), to the extent of 1.0 to 1.5 km. along with the prohibited, regulated and permitted activities as suggested above. The draft notification of Eco Sensitive Zone of Sukhna Wildlife Sanctuary is enclosed as **Annexure-VIII**, for perusal & approval please.

Encl. As above.


Principal Chief Conservator of Forests
& Chief Wildlife Warden,
Haryana, Panckula.





Office AnubhaChambers <anubhachambersoffice@gmail.com>

In the case of Ramesh Malik v. Union of India E.A. No. 9 of 2021 in O.A. No. 78 of 2021

1 message

Anubha Agrawal <anubha.advocate@gmail.com>

Mon, Apr 4, 2022 at 6:51 PM

To: secy-moef@nic.in, ron.z.chd-mef@nic.in, seiaa-21@hry.gov.in, rameshmalik22@gmail.com

Bcc: anubhachambersoffice@gmail.com

Dear Sir,

Please find attached herewith service of reply filed in the above stated matter.

Regards,
Anubha Agrawal **Ramesh Malik NGT Reply 02.04.2022 FINAL.pdf**

--

Anubha Agrawal
C.A., M.B.A., LL.M. (Taxation) USA
Advocate on Record, Supreme Court of India
Office: E-53 (FF), Greater Kailash - II, New Delhi - 110048
+91- 9999750725, 011-41650725 (O)

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