

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

IN

RESPONSE AFFIDAVIT ON BEHALF OF STATE

ENVIRONMENT IMPACT ASSESSMENT

AUTHORITY

in

Original Application No. 780 /2024

Paramjeet Singh & Ors.

Applicants

Versus

Union of India & Ors.

Respondents

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Dated: 21st September 2024


Dr. Aman Rab
Advocate
(Counsel for the respondent no. 5)

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Respondents

Affidavit of Shri Amulya Ratan Sinha, aged about 68 years, S/o Dr. Brij Kishor Sinha presently posted as Chairman, SEIAA, Paryavaran Bhawan, IT Park, Dehradun.

Deponent

I, the above-named deponent does hereby solemnly affirm and state on oath as under: -

- 1) That the deponent is presently posted as the Chairman, State Environment Impact Assessment Authority Uttarakhand and is competent to sign and swear the instant affidavit. It is pertinent to bring it on record that the authority has been reconstituted by Government of India vide notification no. CG-DL-E-06102022-239372 dated 04.10.2022 and the deponent is submitting the reply on the basis of records available in the office of SEIAA.

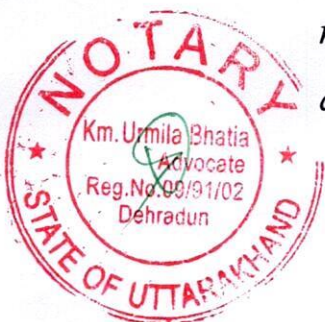


[Handwritten Signature]

PARA WISE REPLY:

- 2) That the contents of Paragraph No. 1 & 2 are matter of record.
- 3) That the contents of Paragraph No. 3 & 4 are the questions raised by the applicant relating to the environment and do not call for any reply from the answering respondent.
- 4) That the contents of Paragraph No. 5, 6, 7, 8, & 9 are matter of record.
- 5) That the contents of Paragraph No. 10 are admitted to the extent that they are matter of record and anything contrary is hereby denied. However, it is pertinent to mention that the answering respondent has issued prior environmental clearance vide letter dated 01.02.2024 under the provisions of EIA Notification, 2006 as amended, copy of which is annexed with the petition as Annexure A1/14.
- 6) That in point no. 78 of the EC, the answering respondent has specified that the EC is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority.
- 7) That vide order dated 20th September 2021 the Ministry of Environment, Forest and Climate Change of India was pleased to order as under:

"... 3) And whereas, the grant of EC and Consents are requirements under different statutes and are not inter-dependent and can be carried out as a parallel process"



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Copy of the order dated 20.09.2021 is being marked and filed as Annexure No. 1 to this affidavit.

- 8) That the contents of paragraph 11 and 12 do not call for any reply from the answering respondent.
- 9) That the deponent is a responsible Government servant having the highest regard for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.



Deponent

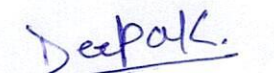
Verification: -

I, Amulya Ratan Sinha, do hereby solemnly affirm and verify on oath that the contents of the above affidavit in paragraph nos. 1(p), 3(p), 8 and 9 are true to my personal knowledge and those in paragraph nos. 1(p), 2, 3(p), 4, 5, 6 and 7 are based on the perusal of records. Nothing material has been concealed and no part of it is untrue. So help me God.



Deponent

I, Deepak Dobhal, Advocate, do hereby identify Amulya Ratan Sinha from his Aadhar Card No. 5029 0760 5399 who has produced the records of the case before me and I am satisfied that he is the same person as alleged.



Deepak Dobhal
Advocate
UK 131/2024



Solemnly affirmed before me on this 21 day of September, 2024 at Dehradun at about 4.00 AM/PM by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit.

Notary

AP Sinha



affidavit is sworn before me by
..... *Amulga Ratan Sinha*
is identified by *Deepak Dobhal*
Dehradun
21/9/2024
KM. URMILA BHATIA
Advocate & NOTARY, Dehradun

F. No. IA3-22/19/2021-IA.III [E 164361]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

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

Dated: 20th September, 2021

ORDER

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 to not grant or renew CTO unless Environment Clearance, as applicable, has been obtained – regarding.

Whereas, prior Environmental Clearance is a statutory requirement for project/activities covered in the schedule of the EIA Notification 2006, issued under section 3 of the Environment (Protection) Act, 1986.

2. And whereas, obtaining the consents under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 is mandatory for all industrial units in Red, Orange and Green categories.

3. And whereas, the grant of EC and Consents are requirements under different statutes and are not inter-dependent and can be carried out as a parallel process.

4. And whereas, many a times it has been observed that while industrial units are in possession of valid 'Consent to Establish' (CTE)/ 'Consent to Operate' (CTO) issued by State Pollution Control Boards (SPCBs)/ UT Pollution Control Committees (UTPCC), however, they have not obtained the Environmental Clearance (EC), even though it was required as per provisions of EIA Notification 2006.

5. And whereas, it has been observed that this situation is arising because majority of the SPCBs/ UTPCCs are issuing CTE/CTO to projects without ascertaining the applicability of prior EC to projects/ activities, resulting in an avoidable situation of closure for even those industries also who seek to carry out their activities following due procedure.



K. Urmila Bhatia

6. Now therefore, in exercise of powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, hereby directs that all SPCB/UTPCC shall:

- i. Ascertain the applicability of EIA Notification at the time of grant/renewal of CTE and stipulate appropriate condition for obtaining Environmental Clearance (EC), if applicable, before construction/commencement of project/activity.
- ii. Ensure that the project proponent possesses a valid Prior EC in terms of the extant EIA Notification, if applicable, at the time of grant/renewal of CTO and no CTO shall be granted or renewed unless EC, if applicable, has been obtained.

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


(A K Agrawal)
Director

To

Chairmen of all State/UT Pollution Control Boards and Pollution Control Committees

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 AS(RA)/JS(SKB)
5. Chairman of all the Expert Appraisal Committees
6. Chairperson/Member Secretaries of all the SEIAAs/SEACs
7. All the Officers of IA Division, MOEFCC
8. Website MoEF&CC/ Guard file.





Attested Photo Copy
Km. URMILA BHATIA
Advocate & NOTARY, Dehradun