

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 326 of 2024

IN THE MATTER OF:

JOGINDRAKUMAR

...APPLICANT

Versus

UNION OF INDIA & ORS.

...RESPONDENT

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NEW DELHI
DATED: 14.08.2025



(PRADEEP MISRA & DALEEP DHYANI)

Counsel for U.P. Pollution Control Board

138, New Lawyers Chamber,

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New Delhi-110001

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 326 of 2024

IN THE MATTER OF:
JOGINDRAKUMAR

...APPLICANT

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REPORT ON BEHALF OF THE RESPONDENT NO.-2,
UTTAR PRADESH POLLUTION CONTROL BOARD, IN
COMPLIANCE OF THE ORDER DATED 16.04.2025.

I, Geetesh Chandra aged about 47 years S/o Shri Radhe Shyam Chandra presently posted as the Regional Officer, Uttar Pradesh Pollution Control Board (hereinafter referred to as UPPCB), Muzaffarnagar do hereby solemnly affirm and state on oath as under:

1. That in the official capacity mentioned above, I am acquainted with the facts and circumstances of the case and as such I am competent and authorized to swear this affidavit.

A. BACKGROUND OF THE MATTER:

2. That in the present matter, the plea of the Applicant is that the Respondent No. 4 is a sugar unit located at Village Khatauli,

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Geetesh

District Muzaffar Nagar, Uttar Pradesh and the allegation is that Respondent No. 4 is generating fly ash in the boilers of the factory and dumping it illegally on both sides of the road in complete violation of the environmental norms, consent conditions and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. Further allegation of the Applicant is that several persons have suffered accidental burn injuries by stepping into heap of dumped fly ash and few such incidents have been disclosed in the OA.

NOTARY

3. That the above noted matter came up for hearing on 22.05.2024 when this Hon'ble Tribunal in order to ascertain the correct and factual position, constituted a joint committee comprising the representative of Member Secretary of CPCB, RO, MoEF&CC Lucknow, UP and District Magistrate Muzaffarnagar. The Joint committee has visited the site and undertaken the inspection. After the inspection the said Committee has submitted factual report before this Hon'ble Tribunal on 16.12.2024.

NOTARY

4. That thereafter this Hon'ble Tribunal vide its order dated 16.04.2025 has directed the Respondent no.4 and Uttar Pradesh Pollution Control Board to disclose as to how respondent no.4 is

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[Handwritten Signature]



operating without obtaining environmental clearance. This Hon'ble Tribunal has also directed the UPPCB to give full details in this regard in its next report.

5. That in compliance of the direction passed by this Hon'ble Tribunal on 16.04.2025, the comprehensive report is as follows:

B. BACKGROUND OF THE INDUSTRY

1.	Name of Industry	M/s Triveni Engineering & Industries Ltd., Sugar Unit-Khatauli, Muzaffarnagar
2.	Location	Village Sheikhpura, Tehsil Khatauli, District Muzaffarnagar
3.	Year of Establishment	1933
4.	Nature of Industry	Sugar Manufacturing Unit
5.	Capacity at Inception	500 TCD
6.	Year of Last Expansion	2005
7.	Post-Expansion Capacity	16000 TCD

C. Review of Environmental Clearance Requirements

i) EIA NOTIFICATION, 1994

- The EIA Notification, 1994 was issued on 27th January, 1994 by the Ministry of Environment and Forests (MoEF), requiring Environmental Clearance (EC) for

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certain categories of projects listed in its Schedule.

A true copy of the EIA Notification dated 27th January, 1994 is being annexed herewith as Annexure-R2/1.

- Sugar manufacturing plants were not included in the Schedule of the Notification dated 27th January, 1994.
- Consequently, the sugar manufacturing plant in question, including its expansion in 2005, was not required to obtain EC under the Notification dated 27th January, 1994.
- The Notification dated 27th January, 1994 is applied to industries such as mining, cement, thermal power plants, etc., but did not cover sugar mills.

ii) EIA NOTIFICATION, 2006

- A revised EIA Notification was issued on 14th September, 2006, which expanded the scope of industries requiring EC.

A true copy of the EIA Notification dated 14th September, 2006 is being annexed herewith as Annexure-R2/2.

- Under the 2006 Notification, the sugar industry was



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explicitly included under Schedule item 5(j).

- The sugar industries projects with a capacity of ≥ 5000 tones crushed per day (TCD) are classified as Category B, which require prior EC from the State Environmental Impact Assessment Authority (SEIAA).
- However, the expansion of the sugar plant in 2005 was completed prior to the enforcement of the 2006 Notification, hence the EC requirements of this Notification did not apply to this project.
- At the time of the plant's expansion in 2005, the EIA Notification 1994 was the governing regulation, and sugar industry units were not required to obtain EC.
- The EIA Notification, 2006, came into effect after the expansion and does not apply to the present project.



iii) OBSERVATIONS

- **Industry Establishment:** The industry was established in 1933, and no EC was required for its original establishment under the 1994 EIA Notification.
- **Last Expansion in 2005:** The last expansion of the plant's crushing capacity in 2005 was completed under

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the prevailing regulations, which did not mandate EC for sugar mills. An acknowledgement of Commencement of commercial production issued by Ministry of Commerce and Industry, Govt. of India vide letter dated 30.12.2005 is being annexed herewith as **Annexure-R2/3**.

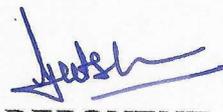
- **Consent to Operate:** The plant holds a valid Consent to Operate (CTO) issued by the UPPCB, valid until 31.12.2027. The last expansion in 2005 did not involve any associated activities (such as distilleries or chemical plants).
- The EIA Notification 1994 was the applicable regulation at the time of last plant expansion in year 2005, where sugar manufacturing units was not listed under the Environment Clearance process under the said notification.



6. That the above report on behalf of the Uttar Pradesh Pollution Control Board is being submitted before this Hon'ble Tribunal for kind perusal and consideration please.

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DEPONENT

VERIFICATION:

Verified at **Muzaffarnagar** on this the 13th day of August, 2025 that the contents of above affidavit are true and correct to my knowledge based on records and information received and believed to be true, no part of it is false and nothing material has been concealed therefrom.

[Signature]
DEPONENT



Gyatesh chandya
I was before me at.....
The deponent.....
is/are identified by Shri.....
I have satisfied myself by examining the
deponent who understands the contents
of the affidavit which has been read out and
explained by me to the deponent Fee.....
Charged Rs.....
NOTARY: DISTT. MUZAFFARNAGAR

Identified by
[Signature]

PRERNA TYAGI
NOTARY
MUZAFFARNAGAR

13 AUG 2025



INDIA

**THE ENVIRONMENTAL IMPACT
ASSESSMENT NOTIFICATION, 1994**
(As amended on 4-5-94)

Government of India
Ministry of Environment & Forests
New Delhi

MINISTRY OF ENVIRONMENT & FORESTS**NOTIFICATION****ON****Environmental Impact Assessment of Development Projects**

New Delhi, the 27th January, 1994.

(as amended on 04/05/1994)

1. S.O.60(E) Whereas a notification under clause (a) of sub- rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as S.O. No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

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 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on

and from the date of publication of this notification in the Official Gazette expansion or modernization of any activity (if pollution load is to exceed the existing one) or a new project listed in Schedule I of this notification shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification.

2. Requirements and procedure for seeking environmental clearance of projects:

- I.(a) Any person who desires to undertake any new project or the expansion or modernisation of any existing industry or project listed in Schedule I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule II of this notification and shall be accompanied by a project report which shall, inter alia, include an Environmental Impact Assessment Report/Environment Management Plan prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time.

- (b) Cases rejected due to submission of insufficient or inadequate data and plans may be reviewed as and when submitted with complete data and plans. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact Assessment Agency to reject the case summarily.

II. In case of the following site specific projects:

- (a) mining;
- (b) pit-head thermal power stations;
- (c) hydro-power, major irrigation projects and/or their combination.

including flood control;

- (d) ports and harbours (excluding minor ports);
- (e) prospecting and exploration of major minerals in areas above 500 ha.,

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

- III.(a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a Committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the IAA or such other body under the Central Government authorised by the IAA in this regard.
- (b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.
- (c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities, supplemented by data collected during visits to sites or factories, if undertaken, and interaction with affected population and

environmental groups, if necessary. Summary of the reports, the recommendation and the conditions, subject to which environmental clearance is given, shall be made available subject to the public interest to the concerned parties or environmental groups on request. Comments of the public may be solicited, if so decided by Impact Assessment Agency, within thirty days of receipt of proposal, in public hearings arranged for the purpose after giving thirty days notice of such hearings in at least two newspapers. Public shall be provided access, subject to the public interest, to the summary of the reports/ Environmental Management Plans at the Headquarters of the Impact Assessment Agency.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing, where required, and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation.

No construction work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental and/or site clearance is obtained.

- IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the Impact Assessment Agency. Subject to the public interest, the Impact Assessment Agency, shall make compliance reports publicly available.
- V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3. Nothing contained in this Notification shall apply to:

- (a) any item falling under entry nos. 3, 18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No. 102(E) dated 1st February, 1989; S.O. 114(E) dated 20th February, 1991 S.O. No. 416(E) dated 20th June, 1991 and S.O. No. 319(E) dated 7th May, 1992.
- (b) any item falling under entry Nos. 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 16, 17, 19, 21, 25 and 27 of Schedule-I if the investment is less than Rs. 50 crores.
- (c) any item reserved for Small Scale Industrial sector with investments less than Rs. 1 crore.

4. Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data would also be to be revoked. Misleading and wrong information will cover the following:

- False information.
- False data.
- Engineered reports.
- Concealing of factual data.
- False recommendations or decisions.

(No. Z-12013/4/89-IA-I)

R. RAJAMANI, Secy.

SCHEDULE -I
(See paras 1 and 2)

**LIST OF PROJECTS REQUIRING ENVIRONMENTAL
CLEARANCE
FROM THE CENTRAL GOVERNMENT**

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, rare earths.
2. River Valley projects including hydel power, major irrigation and their combination including flood control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LDPE, HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.

10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13.(a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys).

(b) Electric arc furnaces (Mini Steel Plants).
14. Chlor-alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.
16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloy.
18. All tourism projects between 200m--500 meters of High Tide Line or at locations with an elevation of more than 1000 meters with investment of more than Rs. 5 crores.
19. Thermal Power plants.
20. Mining projects (major minerals) with leases more than 5 hectares.
21. Highway Projects.
22. Tarred Roads in Himalayas and/or Forest areas.
23. Distilleries.
24. Raw Skins and Hides.

25. Pulp, paper and newsprint.
26. Dyes.
27. Cement.
28. Foundries (individual).
29. Electroplating.

SCHEDULE -II

(See Sub-para I(a) of Para 2)

APPLICATION FORM

1. (a) Name and Address of the project proposed:
 - (b) Location of the project:
Name of the place:
District, Tehsil:
Latitude/Longitude:
Nearest Airport/Railway Station:
 - (c) Alternate sites examined and the reasons for selecting the proposed site:
 - (d) Does the site conform to stipulated land use as per local land use plan:
2. Objectives of the project:
3. (a) Land Requirement:
Agriculture Land:
Forest land and Density of vegetation:
Other (specify):
 - (b) (i) Land use in the Catchment/within 10 kms. radius of the proposed site:
 - (ii) Topography of the area indicating gradient, aspects and altitude:
 - (iii) Erodability classification of the proposed land;
- (c) Pollution sources existing in 10 km. radius and their impact on quality of air, water & land:
- (d) Distance of the nearest National Park/Sanctuary Biosphere

Reserve/Monuments/heritage site/Reserve Forest:

- (e) Rehabilitation plan for quarries/borrow areas:
- (f) Green belt plan:
- (g) Compensatory afforestation plan:

4. Climate and Air Quality:

- (a) Windrose at site;
- (b) Max./Min./Mean annual temperature
- (c) Frequency of inversion:
- (d) Frequency of cyclones/tornadoes/cloud burst:
- (e) Ambient air quality data:
- (f) Nature & concentration of emission of SPM, Gas (CO, CO₂, NO_x, CH_n etc.) from the project.

5. Water balance:

- (a) Water balance at site:
- (b) Lean season water availability:
- (c) Source to be tapped with competing users (River, Lake, Ground, Public supply):
- (d) Water quality:
- (e) Changes observed in quality and quantity of ground water in the last 15 years and present charging and extraction details:
- (f) (i) Quantum of waste water to be released with treatment details:
 - (ii) Quantum of quality of water in the receiving body before and after disposal of solid waste:
 - (iii) Quantum of waste water to be released on land and type of land:

(g) (I) Details of reservoir water quality with necessary Catchment Treatment Plan;

(II) Command Area Development Plan;

6. Solid wastes :
 - (a) Nature and quantity of solid wastes generated.
 - (b) Solid waste disposal method:
7. Noise and Vibrations:
 - (a) Sources of noise and vibrations;
 - (b) Ambient noise level;
 - (c) Noise and Vibration control measures proposed;
 - (d) Subsidence problem if any with control measures:
8. Power requirement indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:
9. Peak labour force to be deployed giving details of:
 - Endemic health problems in the area due to waste water/air/soil borne diseases:
 - Health care system existing and proposed:
10. (a) Number of village and population to be displaced:
(b) Rehabilitation Master Plan:
11. Risk Assessment Report and Disaster Management Plan:
12. (a) Environmental Impact Assessment } Report prepared as per
(b) Environment Management Plan: } guidelines of MOEF
(c) Detailed Feasibility Report: } issued from time to time
(d) Duly filled in questionnaire }

13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are true to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant
with name and full address

Date:
Place:

Given under the seal of
organisation on behalf of
whom the applicant is signing

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

SCHEDULE III

(See sub-para III(a) of Para 2)

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

- I. The Committees will consist of experts in the following disciplines:
 - (I) Eco-System Management
 - (II) Air/Water Pollution Control
 - (III) Water Resource Management
 - (IV) Flora/Fauna Conservation and Management
 - (V) Land Use Planning
 - (VI) Social Sciences/Rehabilitation
 - (VII) Project Appraisal
 - (VIII) Ecology
 - (IX) Environmental Health
 - (X) Subject Area Specialists.
 - (XI) Representatives of NGOs/Persons Concerned With Environmental Issues.
2. The Chairman will be an outstanding and experienced ecologist or environmentalist or technical professional with wide

managerial experience.

3. The representative of IAA will act as Member - Secretary.
4. Chairman and members will serve in their individual capacities except those specifically nominated as representatives.
5. The membership of a Committee shall not exceed 15.

**EXPLANATORY NOTE REGARDING THE IMPACT
ASSESSMENT NOTIFICATION
DATED 27TH JANUARY, 1994**

1. Expansion and modernisation of existing projects

A project proponent is required to seek environmental clearance for a proposed expansion/modernisation activity if the resultant pollution load is to exceed the existing levels. The words "pollution Load" will in this context cover emissions, liquid effluents and solid or semi-solid wastes generated. A project proponent may approach the concerned State Pollution Control Board (SPCB) for certifying whether the proposed modernisation/expansion activity as listed in Schedule-I to the notification is likely to exceed the existing pollution load or not. If it is certified that no increase is likely to occur in the existing pollution load due to the proposed expansion or modernisation, the project proponent will not be required to seek environmental clearance, but a copy of such certificate issued by the SPCB will have to be submitted to the Impact Assessment Agency (IAA) for information. The IAA will however, reserve the right to review such cases in the public interest if material facts justifying the need for such review come to light.

2. Availability of Summary Feasibility Report, EIA/EMP Report etc. to concerned parties or groups

The project proponent will have to submit an executive summary incorporating in brief the essence of project details and findings of environmental impact assessment study which could be made available to concerned parties or environmental groups on request.

3. Clarification about concerned parties or environmental groups

The concerned parties or environmental groups will be the bonafide residents located at or around the project site or

site of displacement or site of alleged adverse environmental impact.

4. **Public Hearing**

Public hearings could be called for in case of projects involving large displacement or having severe environmental ramifications.

5. **Requisite information required for site clearance/project clearance.**

(a) **Site Clearance:**

Site clearance will be given for site specific projects as mentioned in para-2(ii) of the notification. Project proponents will be required to furnish information according to the environmental appraisal questionnaires for site clearance, as may be prescribed by the IAA from time to time. Additional information whenever required by the IAA will be communicated immediately to the project proponents who will then be required to furnish the same within the time frame specified:

(b) **Project clearance:**

In addition to the application form as mentioned in Schedule II to the notification, project proponents are required to furnish the following information for environmental appraisal:

(i) EIA/EMP report (20 copies);

(ii) Risk Analysis report (20 copies): however, such reports if normally not required for a particular category of project, project proponents can state so accordingly, but the IAA's decision in this regard will be final;

(iii) NOC from the State Pollution Control Board;

- (iv) Commitment regarding availability of water and electricity from the competent authority;
- (v) Summary of Project report/feasibility report (one copy);
- (vi) Filled in questionnaire (as prescribed by the IAA from time to time) for environmental appraisal of the project;
- (vii) Comprehensive rehabilitation plan, if more than 1000 people are likely to be displaced, otherwise a summary plan would be adequate.

As a Comprehensive EIA report will normally take at least one year for its preparation, project proponents may furnish Rapid EIA report to the IAA based on one season data (other than monsoon), for examination of the project. Comprehensive EIA report may be submitted later, if so asked for by the IAA.

The requirement of EIA can be dispensed with by the IAA, in case of project which are unlikely to cause significant impacts on the environment. In such cases, project proponent will have to furnish full justification for such exemption, for submission of EIA. Where such exemption is granted, project proponents may be asked to furnish such additional information as may be required.

6. Submission of Insufficient or inadequate data

Regarding cases liable to be rejected due to inadequacy of data, it is clarified that the IAA will make such rejection within 30 days from the date of submission of the proposal. While rejecting a proposal due to insufficient or inadequate data after the first evaluation, the IAA may also stipulate additional requirement of information/clarification for impact assessment purposes if deemed essential due to the specific nature of location of the proposed project whose data as prescribed is

not available, the IAA can examine the project on the basis of available data.

7. **Application Form**

(i) In order to remove any hardship to the project proponent in providing any information, the project proponent may, where some information is not available or would cause inordinate delay, mention this in their application form. The IAA may consider the project proposal based on the information available.

(ii) Quality and quantity of ground water

If 15 years data on the quantity and quality variation of ground water is not available with the concerned Department or Authorities, the project proponent may mention this accordingly in the application form prescribed in Schedule-II to the notification. Further, in case of projects, where ground water is not to be used, and effluents are not to be discharged on the land, the requirement of ground water variation data for the previous 15 years will be dispensed with.

(iii) A project proponent may write the words "Not Applicable" while filling the application form as mentioned in Schedule-II to the notification in respect of items which are not relevant for the purposes of the proposed project.

8. **Exemption for projects already initiated**

For projects listed in Schedule-I to the notification in respect of which the required land has been acquired and all relevant clearances of the State Government including NOC from the respective State Pollution Control Boards have been obtained before 27th January, 1994, a project proponent will not be required to seek environmental clearance from the IAA. However those units who have not as yet commenced production will inform the IAA.

- 2 -

- 50. Air (P & CP) Amend.' Rules (U.T).
- 51. Hazardous Waste Amend. Rules.
- 52. Environment Audit Rules.

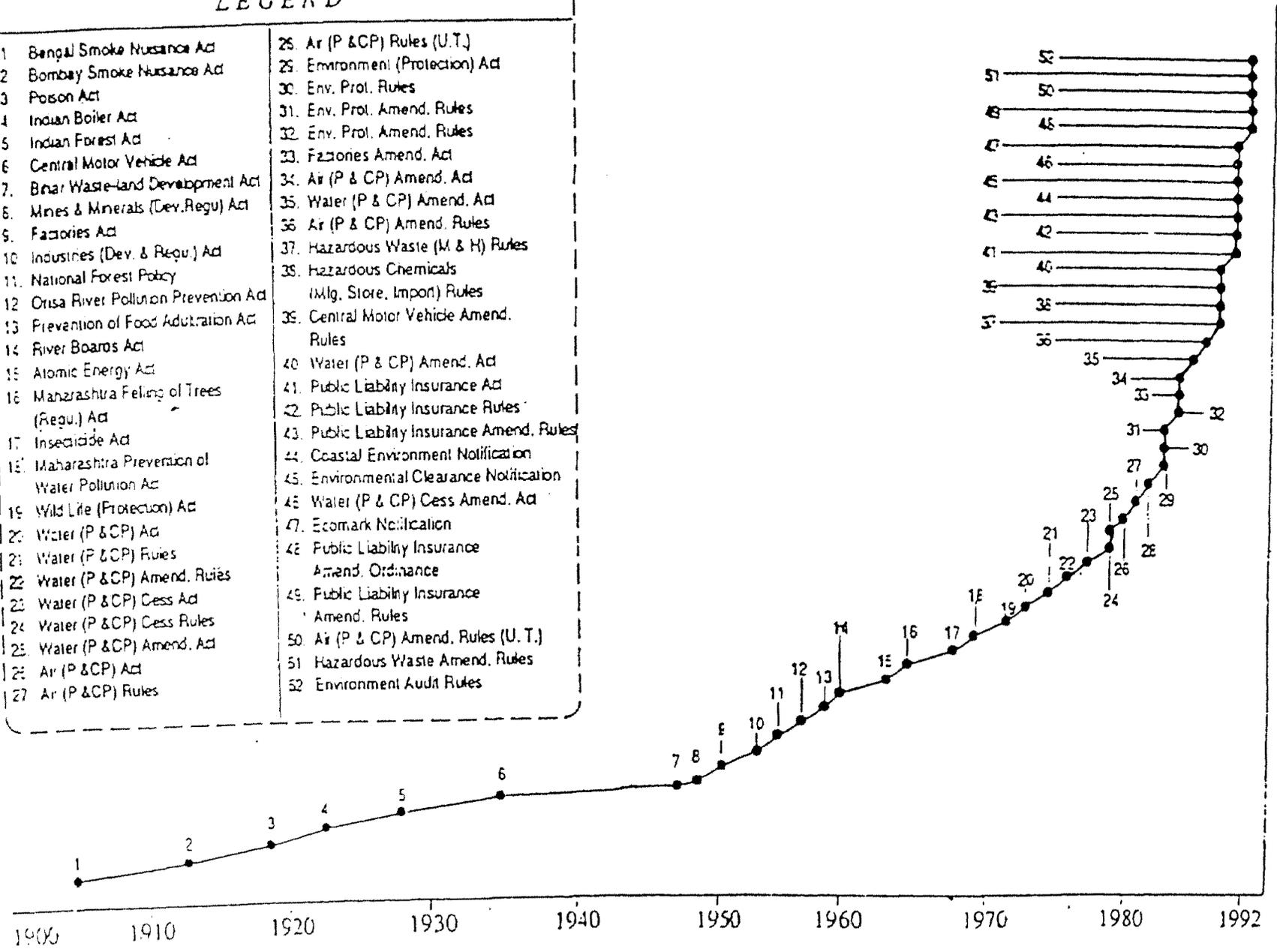
Note: 'P' and 'C.P' - 'Prevention and Control of Pollution'.

Reference: The above listing is adapted
From:

'Environmental Audit' (An overview) (page 12)
by 'Ashok Keshav Mhaskar',
M/S. 'MEDIA ENVIRO',
Pune.

LEGEND

1. Bengal Smoke Nuisance Act	25. Ar (P & CP) Rules (U.T.)
2. Bombay Smoke Nuisance Act	26. Environment (Protection) Act
3. Poison Act	30. Env. Prot. Rules
4. Indian Boiler Act	31. Env. Prot. Amend. Rules
5. Indian Forest Act	32. Env. Prot. Amend. Rules
6. Central Motor Vehicle Act	33. Factories Amend. Act
7. Bihar Waste-land Development Act	34. Air (P & CP) Amend. Act
8. Mines & Minerals (Dev. Regu.) Act	35. Water (P & CP) Amend. Act
9. Factories Act	36. Air (P & CP) Amend. Rules
10. Industries (Dev. & Regu.) Act	37. Hazardous Waste (M & H) Rules
11. National Forest Policy	38. Hazardous Chemicals (Mfg. Store, Import) Rules
12. Orisa River Pollution Prevention Act	39. Central Motor Vehicle Amend. Rules
13. Prevention of Food Adulteration Act	40. Water (P & CP) Amend. Act
14. River Boards Act	41. Public Liability Insurance Act
15. Atomic Energy Act	42. Public Liability Insurance Rules
16. Maharashtra Felling of Trees (Regu.) Act	43. Public Liability Insurance Amend. Rules
17. Insecticide Act	44. Coastal Environment Notification
18. Maharashtra Prevention of Water Pollution Act	45. Environmental Clearance Notification
19. Wild Life (Protection) Act	46. Water (P & CP) Cess Amend. Act
20. Water (P & CP) Act	47. Ecomark Notification
21. Water (P & CP) Rules	48. Public Liability Insurance Amend. Ordinance
22. Water (P & CP) Amend. Rules	49. Public Liability Insurance Amend. Rules
23. Water (P & CP) Cess Act	50. Air (P & CP) Amend. Rules (U. T.)
24. Water (P & CP) Cess Rules	51. Hazardous Waste Amend. Rules
25. Water (P & CP) Amend. Act	52. Environment Audit Rules
26. Air (P & CP) Act	
27. Air (P & CP) Rules	



(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 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 (E) 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, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

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

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

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

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

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

I. Stage (1) - Screening:

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

II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

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

Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

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

III. Stage (3) - Public Consultation:

- (i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-
- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
 - (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 I and Form IA 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 I and Form I 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 I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

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

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

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

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

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.

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

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)
1(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><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(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
1(d)	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naptha & gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>< 500 MW (coal/lignite/naptha & 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 out side 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 out side 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 5TPII 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 B1

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).

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
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	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, lities, 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) • 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 Benefit Analysis	Cost	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 sent 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 -1or 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.

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Annexure-R72

Government of India
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion
(Public Relation and Complaints Section)

No. 398/IIM/PROD/2005

New Delhi, 30/12/2005

Reference No 3451/IMO/SIA/2005

ACKNOWLEDGEMENT

The receipt of your memorandum intimating commencement of Commercial Production of the products against the following item codes :

Item Code : 2060	Date of Production : 15/10/2005	Unit : TONNES
	Installed Capacity : 90000.00	Unit : TONNES
	Existing Capacity : 198000.00	Unit : TONNES
	Total Capacity : 288000.00	Unit : TONNES
	After Expansion	
Item Name : MANUFACTURE AND REFINING OF SUGAR (VACUUM PAN SUGAR FACTORIES)		
Item Name(User Des.) : WHITE CRYSTAL SUGAR		

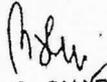
Located at :

Place/ Town	: KHATAULI
Tehsil/ Taluk	: JANSATH
District	: MUZAFFAR NAGAR
State	: UTTAR PRADESH
Pin Code	: 0

is hereby acknowledged. It is noted that the commercial production of installed capacity(s) of items mentioned above commenced on dates indicated against each item.

You are required to submit Monthly Production Return in the revised form, (enclosed) to the Ministry/Department of FOOD (SUGAR DIV.) as well as to the Joint Director(Statistics), Department of Industrial Policy & Promotion, New Delhi.

In case Factory/Product codes are not known, return may be filed without these Codes, and the Joint Director (Statistics), Department of Indl. Policy & Promotion, Udyog Bhavan, New Delhi, may be contacted for these codes.


(T.C.SHARMA)
UNDER SECRETARY TO THE GOVERNMENT OF INDIA
Tel : 3063088

To

TRIVENI ENGINEERING AND INDUSTRIES LIMITED,
8TH FLOOR, EXPRESS TRADE,
TOWERS, 15-16 SEC-16-A.,
NOIDA 201301.,
UTTAR PRADESH.,

उत्तर प्रदेश शासन
गन्ना विकास एवं चीनी उद्योग अनुभाग-3
संख्या-5ग0सु0अ0-5(5)/2005
लखनऊ :: दिनांक 8 दिसम्बर, 2005

आदेश

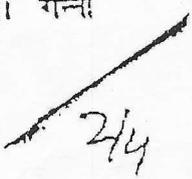
मेसर्स त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि० की खतौली इकाई जनपद मुजफ्फरनगर द्वारा गन्ना आयुक्त के आदेश दिनांक 10.11.2005 के विरुद्ध यह पुनरीक्षण याचिका उत्तर प्रदेश गन्ना (आपूर्ति एवं खरीद विनियमन) अधिनियम, 1953 की धारा-12(3) एवं उत्तर प्रदेश गन्ना (आपूर्ति एवं खरीद विनियमन) नियमावली, 1954 के नियम-23 के अंतर्गत प्रस्तुत की गयी है।

मेसर्स त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि० ने इस पुनरीक्षण याचिका को प्रस्तुत किये जाने से हुए विलम्ब की क्षमा हेतु भी एक प्रार्थना-पत्र प्रस्तुत किया है।

याची का यह कथन है कि गन्ना आयुक्त का आदेश दिनांक 10.11.2005 जिसके द्वारा उसके प्रतिवेदन दिनांक 18.7.2005, 19.7.2005 एवं 27.9.2005 को अस्वीकार किया गया है, त्रुटिपूर्ण एवं विधिसम्मत नहीं है। गन्ना आयुक्त ने उसके द्वारा अपनी पुनरीक्षित पेराई क्षमता के संबंध में प्रस्तुत किये गये अभिलेखों पर बिना ध्यान दिये हुए यह आदेश पारित किया है। उनका यह भी कथन है कि उनकी खतौली स्थित चीनी मिल वर्ष 1933 में 500 टो०सी०डी० क्षमता के आधार पर स्थापित हुई थी और समय-समय पर इसकी पेराई क्षमता में वृद्धि की जाती रही जो कि वर्तमान में विस्तारित होकर 16000 टो०सी०डी० हो गयी है। दिनांक 11.9.98 के केन्द्र सरकार के आदेश द्वारा चीनी उद्योग के लिए लाइसेंस व्यवस्था समाप्त कर दी गयी है और उनकी चीनी मिल ने अपनी उत्पादन क्षमता 11000 टो०सी०डी० से बढ़ाकर 16000 टो०सी०डी० कर दी है, जिसके लिए उन्होंने भारत सरकार को दिनांक 19.7.2005 को आई०ई०एम० भी प्रस्तुत कर दिया है। गन्ना (नियंत्रण) आदेश, 1966 के क्लॉज-6 में भारत सरकार के लिए इस संबंध में दिये गये निर्देशों का उल्लेख है। गन्ना आयुक्त को अधिनियम की धारा-15 के अंतर्गत गन्ना क्षेत्रफल सुरक्षित/अभ्यर्पित किये जाने से पूर्व उनको पुनरीक्षित पेराई क्षमता के आधार पर गन्ने की आवश्यकता का आकलन करना चाहिए था और उसके उपरांत ही गन्ना सुरक्षण/अभ्यर्पण आदेश पारित किये जाने चाहिए थे। इस अधिनियम की धारा-14 के अंतर्गत इसीलिए सर्वेक्षण का प्राविधान भी रखा गया है और ऐसा न किये जाने के फलस्वरूप ही यह पुनरीक्षण याचिका प्रस्तुत की जा रही है।

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उनका यह भी कथन है कि वर्ष 2003 में गन्ना आयुक्त ने प्रदेश की सभी चीनी मिलों से अपनी गन्ने की आवश्यकता का आकलन पेरार्ई सत्र 2003-04 से पेरार्ई सत्र 2007-08 के लिए माँगा था और इसके उत्तर में उनकी चीनी मिल के लिए गन्ना आयुक्त के पत्र दिनांक 17.7.2003 द्वारा इन 5 पेरार्ई सत्रों के लिए गन्ने की आवश्यकता निर्धारित की गयी थी। उल्लेखनीय है कि यह गन्ने की आवश्यकता उसकी 11000 टो०सी०डी० पेरार्ई क्षमता पर आधारित थी जब कि वर्तमान में उनकी पेरार्ई क्षमता 11000 टो०सी०डी० से अधिक हो गयी है, अतः विस्तारित पेरार्ई क्षमता के आधार पर वर्तमान सत्र के लिए गन्ने की आवश्यकता का निर्धारण किया जाना चाहिए था। राज्य सरकार की चीनी उद्योग प्रोत्साहन नीति-2004, जो निजी पूँजी निवेश को प्रोत्साहित किये जाने के लिए बनायी गयी है, में भी नई चीनी मिलों की स्थापना के साथ-साथ क्षमता विस्तारीकरण किये जाने में होने वाले पूँजी निवेश को भी सम्मिलित किया गया है और इसके आलोक में ही गन्ना आयुक्त ने दिनांक 5.7.2005 को सभी चीनी मिलों से उनकी उत्पादन क्षमता के आधार पर गन्ने की आवश्यकता का आकलन पेरार्ई सत्र 2005-06 के लिए माँगा था, जो कि उसकी चीनी मिल ने दिनांक 20.7.2005 को प्रस्तुत कर दिया था। उनकी मिल द्वारा दिनांक 18.7.2005 को सचिव, गन्ना विकास एवं चीनी उद्योग को भी यह अवगत कराया गया था कि राज्य सरकार की चीनी उद्योग प्रोत्साहन नीति के अंतर्गत उसके द्वारा किये जा रहे पूँजी निवेश में खर्चाली इकाई को पेरार्ई क्षमता विस्तारित करके 16000 टो०सी०डी० की जा रही है और यह सितम्बर, 05 में चालू हालत में आ जायेगी। इसी आधार पर दिनांक 19.7.2005 को उन्होंने गन्ना आयुक्त को वर्तमान पेरार्ई सत्र 2005-06 के लिए अपने गन्ने की आवश्यकता 288 लाख कुंतल बताई थी और अपने पुनरीक्षित पेरार्ई क्षमता के संबंध में सभी आवश्यक अधिलेख भी प्रस्तुत किये थे। इस संबंध में गन्ना आयुक्त को अपने पत्र दिनांक 20.6.2005 व दिनांक 27.9.2005 द्वारा पुनः सूचित भी किया गया था। उनका यह भी कथन है कि उनकी पुनरीक्षित पेरार्ई क्षमता का मूल्यांकन राष्ट्रीय शर्करा संस्थान, कानपुर द्वारा किया गया है और उनकी अंतरिम रिपोर्ट दिनांक 28.9.2005 में यह प्रमाणित किया गया है कि उनकी चीनी मिल पेरार्ई सत्र 2005-06 में 16500 टो०सी०डी० गन्ना पेरने की क्षमता रखती है और इस संस्थान की इस रिपोर्ट को गन्ना आयुक्त को दिनांक 28/29 सितम्बर, 2005 द्वारा प्रेषित कर दिया गया था। राष्ट्रीय शर्करा संस्थान, कानपुर ने अपनी अंतिम रिपोर्ट दिनांक 6.10.2005 को दी है और इसमें भी यह प्रमाणित किया गया है कि उनकी खर्चाली चीनी मिल पेरार्ई सत्र 2005-06 में 16500 टो०सी०डी० गन्ना पेरने की क्षमता रखती है। 16000 टो०सी०डी० क्षमता के आधार पर उनकी गन्ने की आवश्यकता 288 लाख कुंतल होती है जब कि गन्ना आयुक्त ने उसकी गन्ने की आवश्यकता 211 लाख कुंतल मानी है। गन्ना

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आयुक्त के आदेश दिनांक 9.10.2005 के विरुद्ध उसने मा0 उच्च न्यायालय में रिट याचिका संख्या-6775/2005 लखनऊ खण्डपीठ के समक्ष प्रस्तुत की थी, जिसमें मा0 उच्च न्यायालय ने अपने आदेश दिनांक 26.10.2005 में गन्ना आयुक्त को यह निर्देश दिये थे कि उनके प्रतिवेदनों को 10 दिन के अंदर पुनः विचार कर निस्तारित किया जाय। मा0 उच्च न्यायालय के इस आदेश के अनुपालन में गन्ना आयुक्त द्वारा उनके प्रतिवेदन दिनांक 18.7.2005, दिनांक 19.7.2005 एवं दिनांक 27.9.2005 का निस्तारण अपने आदेश दिनांक 10.11.2005 के द्वारा किया गया है। इसीलिए अब इस आदेश के विरुद्ध पुनरीक्षण याचिका प्रस्तुत करने की आवश्यकता हुई है।

दोनों पत्रावली का अवलोकन किया तथा दोनों पक्षों के अधिवक्ताओं/प्रतिनिधियों के तर्कों को सुना। सर्वप्रथम मेसर्स त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि0 के द्वारा इस पुनरीक्षण याचिका को दायर किये जाने में हए विलम्ब के लिए प्रस्तुत किये गये प्रार्थना-पत्र को न्याय हित में स्वीकार किया जाता है। याची के विद्वान अधिवक्ता का यह तर्क है कि पेरार्ई सत्र 2003-04 से 2007-08 के लिए 17 जुलाई, 2003 को उसकी चीनी मिल के लिए निर्धारित गन्ने की आवश्यकता निर्धारित की गयी थी। अब विस्तारित क्षमता के आधार पर गन्ने की आवश्यकता निर्धारित की जानी चाहिए, क्योंकि वर्तमान में उसकी पेरार्ई क्षमता 16000 टो0सी0डी0 हो गयी है। उन्होंने इसके समर्थन में भारत सरकार को प्रस्तुत किये गये आई0ई0एम0 तथा राष्ट्रीय शर्करा संस्थान, कानपुर के द्वारा दिये गये प्रमाण-पत्र का उल्लेख किया है। उनका यह कहना है कि वर्तमान पेरार्ई क्षमता के अनुसार उन्हें उनकी मिल के लिए 180 दिवस पेरार्ई मानते हुए गन्ने की आवश्यकता 288 लाख फुंतल होती है। अतः गन्ना आयुक्त ने इसके अनुसार उसे गन्ने की आवश्यकता का निर्धारण न करके त्रुटि की है। गन्ना आयुक्त के प्रतिनिधि का यह तर्क है कि वर्तमान पेरार्ई सत्र के लिए गन्ना आयुक्त द्वारा केवल नई चीनी मिलों के लिए उनकी पेरार्ई क्षमता के आधार पर गन्ने की आवश्यकता निर्धारित की है। जिन चीनी मिलों के लिए वर्ष 2003 में आगामी पाँच वर्षों के लिए गन्ने की आवश्यकता उनकी पेरार्ई क्षमता के आधार पर निर्धारित की जा चुकी थी, उसका कोई पुनरीक्षण नहीं किया गया है क्योंकि प्रदेश में नई चीनी मिलों की स्थापना के फलस्वरूप प्रत्येक मिल के लिए गन्ने की उपलब्धता कम हो गयी है।

याची द्वारा प्रस्तुत किये गये अभिलेखों के अवलोकन से विदित होता है कि वर्तमान पेरार्ई सत्र में उनकी पेरार्ई क्षमता 11000 टो0सी0डी0 से बढ़ाकर 16000 टो0सी0डी0 हो गयी है। इसकी पुष्टि में उनके द्वारा भारत सरकार को प्रस्तुत आई0ई0एम0 तथा राष्ट्रीय शर्करा संस्थान कानपुर द्वारा दिये गये प्रमाण-पत्र पर्याप्त साक्ष्य है। पुनरीक्षित पेरार्ई क्षमता के अनुसार उनकी चीनी मिल ने वर्तमान पेरार्ई

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सत्र में कार्य करना प्रारम्भ किया है और इसलिए वर्ष 2003 में 5 वर्षों के लिए निर्धारित उनकी गन्ने की आवश्यकता का पुनरीक्षण किया जाना भी आवश्यक हो गया है। 16000 टोसी0डो0 पेराई क्षमता के आधार पर 180 दिन पेराई किये जाने की स्थिति में उनकी गन्ने की आवश्यकता का आकलन 288 लाख कुंतल होता है। गन्ना आयुक्त ने अपने आदेश दिनांक 10.11.2005 में चिना याची के द्वारा प्रस्तुत अभिलेखों पर ध्यान दिये हुए 16000 टोसी0डो0 पर याची की मिल की गन्ने की आवश्यकता 288 लाख कुंतल निर्धारित करने की मांग को औचित्यपूर्ण नहीं पाया है तथा अपने आदेश दिनांक 17.7.2005 में किसी प्रकार के संशोधन की आवश्यकता अनुभव नहीं की है। मेरे विचार से गन्ना आयुक्त का आदेश दिनांक 10.11.2005 न्यायसंगत नहीं है। याची की मिल की विस्तारित क्षमता के संबंध में गन्ना आयुक्त ने अपने आदेश दिनांक 10.11.2005 में जो टिप्पणी की है वह भी स्वीकार योग्य नहीं है। वर्तमान पेराई सत्र के लिए याची की चीनी मिल ने अपनी पेराई क्षमता के विस्तारीकरण के आधार पर ही गन्ने की आवश्यकता के निर्धारण की याचना गन्ना आयुक्त से की थी, अतः उसे ध्यान में रखा जाना चाहिए। उपरोक्त विवेचना के आधार पर याची की पुनरीक्षण याचिका स्वीकार करते हुए गन्ना आयुक्त का आदेश दिनांक 10.11.2005 अपास्त किया जाता है। मेसर्स त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि0 की खतौली इकाई की पेराई क्षमता 16000 टोसी0डो0 को स्वीकार करते हुए उनकी गन्ने की आवश्यकता 180 दिवस पेराई के आधार पर गन्ने की आवश्यकता 288 लाख कुंतल आंकलित की जाती है।

(अनिल कुमार गुप्ता)
प्रमुख सचिव।

प0प0सं0-5ग0स0अ0-5(5)/2005/तद दिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-
1- अध्यासी, त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि0 देवबंद, सहारनपुर।
2- गन्ना आयुक्त, उत्तर प्रदेश लखनऊ।

आज्ञा सं,
(अनिल कुमार गुप्ता)
प्रमुख सचिव।