

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI
MEMORANDUM OF APPLICATION
(UNDER SECTION 18 and 19 of the National Green Tribunal Act,
2010)
ORIGINAL APPLICATION NO.298 OF 2020**

Vineet Nagar ...Applicant
Versus
 Central Ground Water Authority and Ors. ...Respondents

INDEX

NDOH : 17.11.2021

S.NO.	PARTICULARS	PAGES
1.	Reply on behalf of Respondent No.31 – M/S JRS Industries to the application filed by the applicant	1-9
2.	<u>ANNEXURE R-31/1</u> A true copy of consent to establish of answering respondent dated 14.09.2018	10-16
3.	<u>ANNEXURE R-31/2</u> A true copy of draft notification dated December, 2018 issued by Ministry of Environment, Forest and Climate Change, Government of India	17-112
4.	<u>ANNEXURE R-31/3</u> A true copy of show cause notice dated 12.06.2019 issued by Haryana State Pollution Control Board to the answering respondent under section 15 of Environment Protection Act, 1986	113-114
5.	<u>ANNEXURE R-31/4</u> A true copy of show cause notice dated 12.06.2019 issued by Haryana State Pollution Control Board to the answering respondent under Water Act, 1974 and Air Act, 1981	115-116

6.	<u>ANNEXURER-31/5</u> A true copy of order dated 25.10.2019 passed by Appellate Authority (Haryana)	117-118
7.	<u>ANNEXURER-31/6</u> A true copy of online payment receipt No.838440053 with regard to application of consent to operate	119
8.	<u>ANNEXURER-31/7</u> A true copy of order dated 11.12.2019 issued by HSPCB for refusing of consent to operate	120-121
9.	<u>ANNEXURER-31/8</u> A true copy of draft notification dated 23.3.2020 issued by MOEF & CC	122-156
10.	<u>ANNEXURER-31/9</u> A true copy of order dated 13.8.2020 issued by HSPCB which was endorsed on 27.08.2020	157-159
11.	<u>ANNEXURER-31/10</u> A true copy of acknowledge slip for TOR and online case status	160
12.	<u>ANNEXURER-31/11</u> A true copy of office order dated 10.11.2020 issued by Haryana Government which was endorsed on 11.11.2020	161
13.	<u>ANNEXURER-31/12</u> A true copy of letter dated 13.11.2020 issued by HSPCB	162-164
14.	<u>ANNEXURER-31/13</u> A true copy of application No.8454515 dated 15.12.2020 seeking consent to operate	165-171
15.	<u>ANNEXURER-31/14</u> A true copy of order dated 19.01.2021 of HSPCB	171
16.	<u>ANNEXURER-31/15</u> A true copy of order dated 03.06.2021 passed by this Hon'ble Tribunal in O.A. No.298 of 2020	173-175
17.	<u>ANNEXURER-31/16</u> A true copy of Civil Appeal No.5125 of 2021 filed before Hon'ble Supreme Court	176-194

18.	<u>ANNEXURE-31/17</u> A true copy of order dated 13.09.2021 passed by Hon'ble Supreme Court in Civil Appeal No.5154 of 2021	195-199
-----	--	---------

19. VAKALATNAMA

200

PLACE: NEW DELHI

DATED: 15/11/21



FILED BY



RACHIT MITTAL AND RITIKA DAWALIA
ADVOCATES FOR RESPONDENT NO.31

RM Law Chambers,
MZ-24 & 25, Ansal Fortune Arcade,
Sector -18, Noida, U.P.

Email: office@rmlawchambers.in

Contact No.:0120-4998794

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

MEMORANDUM OF APPLICATION

(UNDER SECTION 18 and 19 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO.298 OF 2020

Vineet Nagar ...Applicant

Versus

Central Ground Water Authority and Ors. ...Respondents

**REPLY ON BEHALF OF RESPONDENT NO.31 – M/S JRS
INDUSTRIES TO THE APPLICATION FILED BY THE
APPLICANT**

1. The applicant has preferred present application seeking following reliefs:-
 - a. *This Hon'ble Tribunal may kindly decide the fate of each and every industry and pass uniform directions in respect of all similarly situated industries dealing with the same production / product (formaldehyde) situated in the State of Haryana, Punjab, Rajasthan, Uttar Pradesh etc., facing the same allegation of running the industries without prior EC under the Environment (Protection) Act, 1986 and its notification dated 14.09.2006;*
 - b. *This Hon'ble Tribunal may kindly appoint / seek the opinion of an expert body to verify the averments made in the present O.A. instead of believing the same and without getting replies from the state govt. and state govt. bodies and other respondents or not before passing any adverse orders of closing down the industry or passing any penalty or adverse order against them;*
 - c. *Any other appropriate order or direction may also be passed."*

2. It is not necessary to file a parawise reply, however nothing stated in the O.A. should be deemed to be admitted by M/s JRS Industries (hereinafter referred to as answering respondent) unless expressly admitted hereinafter.

For JRS INDUSTRIES

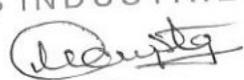
(Signature)

Partner

3. Answering respondent is carrying on the business of manufacturing & trading in basic organic chemicals viz. Formaldehyde. The unit of the answering respondent is totally “non polluting” unit having “Zero Trade discharge”.
4. The answering respondent on 23.08.2018 applied for consent to establish with Haryana State Pollution Control Board. The said Board after completing all due diligence and after having been satisfied, with regard to the parameters, granted consent to establish to the answering respondent on 14.09.2018. At the said time the HSPCB itself was not aware of the requirement of obtaining prior environment clearance in respect of industry in question. Hence the answering respondent was also under the impression that the requirement of obtaining prior environment clearance was not there. The said consent was granted for the period commencing from 14.09.2018 to 13.09.2023. A true copy of consent to establish of answering respondent dated 14.09.2018 is annexed and marked as ANNEXURE R-31/1.
5. Based on the said consent to establish, the answering respondent established its unit by spending huge amount in purchasing plant and machinery and by completing all formalities as permissible under law.
6. MoEF issued a draft notification in December 2018 for exempting such category of industries in which the answering respondent's unit falls from obtaining prior EC if they are MSME. The said notification was circulated among the states on 15.4.2019 for their comments. Answering respondent duly fall in the definition of MSME and hence fulfill the said conditions. A true copy of draft notification dated December, 2018 issued by Ministry of Environment, Forest and

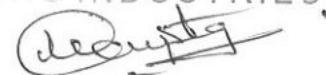
Climate Change, Government of India is annexed and marked as ANNEXURE R-31/2.

7. The Haryana State Pollution Control Board issued two show cause notices to the answering respondent. The first one was a show cause notice for revocation of consent to establish issued under Water Act, 1974 and Air Act, 1981. The second one was show cause notice for prosecution under section 15 of Environment Protection Act, 1986. A true copy of show cause notice dated 12.06.2019 issued by Haryana State Pollution Control Board to the answering respondent under section 15 of Environment Protection Act, 1986 is annexed and marked as ANNEXURE R-31/3. A true copy of show cause notice dated 12.06.2019 issued by Haryana State Pollution Control Board to the answering respondent under Water Act, 1974 and Air Act, 1981 is annexed and marked as ANNEXURE R-31/4.
8. The said order dated 12.06.2019 for show cause of revocation was challenged before the Appellate Authority (Haryana) vide Appeal No.176 of 2019 and the interim order was granted to the answering respondent vide order dated 25.10.2019. A true copy of order dated 25.10.2019 passed by Appellate Authority (Haryana) is annexed and marked as ANNEXURE R-31/5.
9. The answering respondent applied for consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. A true copy of online payment receipt No.838440053 with regard to application of consent to operate is annexed and marked as ANNEXURE R-31/6.

For JRS INDUSTRIES

Partner

10. The HSPCB on 11.12.2019 refused the grant of consent to operate on the ground that the unit has not obtained prior environmental clearance from MOEF and CC before establishment of unit and other grounds. A true copy of order dated 11.12.2019 issued by HSPCB for refusing of consent to operate is annexed and marked as ANNEXURE R-31/7.
11. On 23.03.2020, MOEF&CC issued another draft notification which prescribed procedure for grant of EC to those units who were functioning without prior EC. A true copy of draft notification dated 23.3.2020 issued by MOEF & CC is annexed and marked as ANNEXURE R-31/8.
12. The HSPCB vide order dated 13.08.2020 revoked the consent to establish granted by it for the vital fact that the unit has been established without obtaining environmental clearance. The endorsement of the said order was done on 27.08.2020. A true copy of order dated 13.8.2020 issued by HSPCB which was endorsed on 27.08.2020 is annexed and marked as ANNEXURE R-31/9.
13. On 07.10.2020, the answering respondent applied for grant of EC vide proposal No.IA/HR/IND2/177821/2020. On checking the status online, it was found that the status of the application was showing 'As per the information and documents provided, the project is in operation in violation of the EIA notification, 2006. As such there is no window available to consider such proposals'. A true copy of acknowledge slip for TOR and online case status is annexed and marked as ANNEXURE R-31/10.

For JPS INDUSTRIES,



Partner

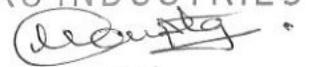
14. The State of Haryana after considering the fact that the non obtaining of prior EC by the units was on account of misinterpretation of requirement of EC by the pollution board itself, took a policy decision vide letter dated 10.11.2020 to allow the units who did not have prior EC to operate for six months with a condition that they would apply for EC within sixty days. A true copy of office order dated 10.11.2020 issued by Haryana Government which was endorsed on 11.11.2020 is annexed and marked as ANNEXURE R-31/11.
15. The HSPCB issued a letter dated 13.11.2020 to the answering respondent allowing the operation of the unit in terms of the order dated 10.11.2020. A true copy of letter dated 13.11.2020 issued by HSPCB is annexed and marked as ANNEXURE R-31/12.
16. The answering respondent applied for consent to operate vide application No.8454515 dated 15.12.2020. A true copy of application No.8454515 dated 15.12.2020 seeking consent to operate is annexed and marked as ANNEXURE R-31/13.
17. The HSPCB vide letter dated 19.01.2021 refused to grant consent to operate under Water Act, 1974 and Air Act, 1981. It is pertinent to mention here that the said order has come to the knowledge of the answering respondent recently. A true copy of order dated 19.01.2021 is annexed and marked as ANNEXURE R-31/14.
18. That on 3.6.2021, this Hon'ble Tribunal was pleased to dispose of the above captioned O.A. with directions to Government Bodies. A true copy of order dated 03.06.2021 passed by this Hon'ble Tribunal in O.A. No.298 of 2020 is annexed and marked as ANNEXURE R-31/15.

19. Pursuant to the said order, the answering respondent filed Civil Appeal No.5125 of 2021 before the Hon'ble Supreme Court. A true copy of Civil Appeal No.5125 of 2021 is annexed and marked as ANNEXURE R-31/16.
20. The said Civil Appeal was listed before Hon'ble Supreme Court along with one other civil appeal being Civil Appeal No.5154 of 2021 titled as Suchem Organics Pvt. Ltd. Vs. Central Ground Water Authority & Ors. The Hon'ble Supreme Court vide order dated 13.09.2021 was pleased to remand back the matter to this Hon'ble Tribunal for deciding the same in accordance with law after affording an opportunity of hearing to the answering respondent and the appellants in Civil Appeal No.5154 of 2021. A true copy of order dated 13.09.2021 passed by Hon'ble Supreme Court is annexed and marked as ANNEXURE R-31/17.

SUBMISSIONS ON BEHALF OF ANSWERING RESPONDENT

1. The answering respondent established its unit after obtaining consent to establish issued by HSPCB. It is submitted that the said consent to establish was granted to the answering respondent on 14.09.2018 which was valid for a period of 5 years. Based on the consent to establish, the answering respondent had setup the unit and expended huge amounts in purchasing plant and machinery.
2. The unit was established two years ago and since then the unit is lying closed, resulting in huge monetary losses and further leading to deterioration of the finances of the answering respondent. Further the answering respondent is unnecessarily being burden with hefty

For JRS INDUSTRIES

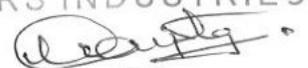


Partner

amount of EMIs which are being paid to the financial institution from whom the loan has been availed.

3. The draft notification issued by MOEF & CC dated December, 2018 regarding exemption from obtaining EC, to the industries covered under the MSME Act needs to be taken into consideration while deciding the present application on merits. It is needless to mention here that the unit of the answering respondent is an MSME under the MSME Act.
4. The answering respondent cannot be penalized for not obtaining prior EC, in view of the fact that the concerned authority was itself not aware of obtaining prior EC before issuing the consent to establish.
5. The alleged violation of not obtaining prior EC is neither intentional nor willful, but had occasioned wholly because of error / ignorance / mistake of the part of concerned authorities, since at the time of grant of consent to establish, the Pollution Control Board itself was not aware of obtaining prior EC in respect to the industry in question. Immediately on coming to know about the said requirement, the answering respondent applied for grant of EC.
6. The unit of answering respondent is totally non polluting unit having zero trade discharge. Therefore keeping in view of the fact that the activities / operations of the answering respondent is bonafide, thus deserves to be allowed to operate its unit.
7. The unit of the answering respondent falls in the category of Micro Small and Medium Enterprises as defined under MSME Act, 2006. It falls in category B-2 as per the MOEF notification and is located in a

For JRS INDUSTRIES



Partner

notified industrial estate. Hence covered under the draft notification of December, 2018.

8. The answering respondent has applied for grant of EC twice. It is pertinent to mention here that no concrete order has been passed by the MOEF & CC on the applications made for grant of EC.

In view of the aforesaid the present O.A. deserve dismissal qua answering respondent and further the answering respondent may be permitted to operate its unit.

For JRS INDUSTRIES



Partner

RESPONDENT NO.31

PLACE: New Delhi

THROUGH

Dated: 15/11/21




RACHIT MITTAL AND RITIKA DAWALIA
ADVOCATES FOR RESPONDENT NO.31

RM Law Chambers,
MZ-24 & 25, Ansal Fortune Arcade,
Sector -18, Noida, U.P.
Email: office@rmlawchambers.in
Contact No.:0120-4998794

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI

MEMORANDUM OF APPLICATION

(UNDER SECTION 18 and 19 of the National Green Tribunal Act,
2010)

ORIGINAL APPLICATION NO.298 OF 2020



Vineet Nagar

...Applicant

Versus

Central Ground Water Authority and Ors.

...Respondents

AFFIDAVIT

I, Mitul Gupta S/o Shri Raj Kumar Gupta, aged about 44 years, having office at Alipur Khalsa Road, Village Kohand, Tehsil Gharaunda, District Karnal, Haryana - 132114, presently at Noida do hereby solemnly affirm and declare on oath as under:

1. That I am the Partner of respondent no.31 and to swear the present affidavit on their behalf. As such being familiar with the facts and circumstances of the case, I am competent to swear this affidavit.
2. That I have gone through the contents of the accompanying reply, I state that the facts stated therein are true to my knowledge.

That the annexure is true copy of its respective originals.



For JRS INDUSTRIES

Mitul Gupta

DEPONENT Partner

VERIFICATION

Verified at Noida on this 13th day of November, 2021 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

ATTESTED

Mitul Gupta
YOGENDRA SINGH
NOTARY NOIDA
G.B. Nagar (U.P.) INDIA

13 NOV 2021

For JRS INDUSTRIES

Mitul Gupta

DEPONENT Partner

HARYANA STATE POLLUTION CONTROL BOARD

10

SCO-131 Sector-17, HUDA

Jagadhari Ph.01732-200137

No.HSPCB/Conset/:313096618KARCTE5628233

Dated:14/09/2018

TO,

M/s JRS Industries
Alipur, Khalsa Road, Kohand, Karnal
KARNAL

Subject: Grant of consent to Establish to M/s JRS Industries

Please refer to your application No.5628233 received on dated 2018-08-23 in regional office – Yamuna Nagar.

With reference to your above application for consent to establish, M/s JRS Industries is hereby granted consent as per following specification/Terms and conditions:

Consent Under	AIR/WATER
Period of consent	14/09/2018 – 13/09/2023
Industry Type	Organic Chemical manufacturing
Category	RED
Investment (In Lakh)	325-130005
Total Land Area (Sq. meter)	4376.0
Total built up area (sq. meter)	2277.00
Quantity of effluent	
1. Trade	0.0 KL/Day
2. Domestic	1.5 KL/Day
Number of outlets	1.0

K.D.

Mode of discharge	
1. Domestic	septic tank
2. Trade	
Permissible Domestic Effluent Parameters	
1. BOD	30 mg/L
Permissible Trade Effluent Parameters	
1. BOD	0 mg/L
Number of stacks	
Height of stack	
1. STACK	5M
Permissible Emission parameters	
1. SPM	150 mg/m ³
Capacity of boiler	
1. BOILER	0.6 Ton/hr
Type of Furnance	
1.0	0.0
Type of Fuel	
1. Diesel	0.012 KL/day

Rajinder Sharma

Regional Officer,

Yamuna Nagar

Haryana State Pollution Control Board

Terms and conditions

1. The industry has declared that the quantity of effluent shall be 1.5 KL/Day i.e. 0KL/Day for Trade Effluent, 0 KL/Day for cooling, 1.5 KL/Day for Domestic and the same should not exceed.
2. The above 'Consent to Establish' is valid for 60 months from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its

R.D.

trial production whichever is earlier. The unit will have to set up the plant and obtain consent during this period.

3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable.
4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date even before starting trial production.
6. The above consent to establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in respects before

R.D.

commissioning of the operation and during its actual working strictly.

7. No in-process or post-process objectionable omission or the effluent will be allowed, if the scheme furnished by the unit turns out to be defective in any actual experience.
8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.
9. Unit will raise the stack height of DC Set/Boofer as per Board's norms.
10. Unit will maintain proper logbook of Water meter/sub meter before /after commissioning.
11. That in the case of an industry or any other process the activity is located in an area approved and that in case the activity is sited in an residential or institutional or commercial or agricultural area, the necessary permission for sitting such industry and process in an residential or institutional or commercial or agricultural area or controlled area under Town and Country Manning Laws CLU or Municipal laws has to be obtained from the competent Authority in law permitting this deviation and be submitted in original with the request for consent to operate.

R.D.

12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.
13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Law and Rules. Notifications, orders and policies of Central Pollution Control Board and Haryana State Pollution Control Board.
14. That if the unit is discharging its sewage or trade effluent into the public sewer meant to receive trade effluent from industries etc. then the permission of the Competent Authority owning and operating such public sewer giving permission letter to his unit shall be submitted at time of consent to operate.
15. That if at any time, there is adverse report from any adjoining neighbour or any other aggrieved party or Municipal Committee or Zila Parishad or any other public body against the unit's pollution, the consent to Establish so granted shall be revoked.
16. That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this consent to establish.

R.P.

17. In case of change of name from previous Consent to Establish granted, fresh consent to establish fee shall be levied.
18. Industry should adopt water conservation measures to ensure minimum consumption of water in their process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resource.
19. That the unit will take all other clearances from concerned agencies, whenever required.
20. That the unit will not change its process without the prior permission of the Board.
21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area.
22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous Waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.
23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above consent to establish within 30 days failing which consent to establish will be revoked.

R.D.

- 24. That unit obtain in EIA from MOEF, if required at any stage.
- 25. In case of unit does not comply with the above conditions within the stipulated period, Consent to Establish will be revoked.
- 26. That unit will obtain consent to operate from the board before the start of product activity.

Specific Conditions

Other Conditions:

- 1. UNIT WILL FOLLOW THE RULES AND REGULATIONS OF BOARD AND WILL APPLY FOR CTO AFTER ESTABLISHING.
- 2. UNIT WILL NOT CHANGE THE PROCESS WITHOUT OBTAINING PRIOR PERMISSION OF BOARD.
- 3. UNIT WILL COMPLY THE RULES AND REGULATIONS / DIRECTIONS/GUIDELINES OF BOARD REG. NORMS / PARAMETERS.

Rajinder Sharma
 Regional Officer,
 Yamuna Nagar

Haryana State Pollution Control Board

//TRUE COPY//

(To be published in the Gazette of India, Extraordinary,

Part-II, Section 3, Subsection (ii))

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE

CHANGE

New Delhi, the December, 2018

NOTIFICATION

S.O. Whereas, the following notification which the Central Government proposes to issue, 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) for imposing certain restrictions and prohibition on the undertaking some projects or activities or, expansion or modernization of such existing projects or activities entailing capacity addition, in any part of India, in supersession of the Environment Impact Assessment notification vide S.O. 1533 dated the 14th September, 2006 and its subsequent amendments, is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby

R.P.

given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposal contained in the draft notification may forward the same in writing for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi- 110003, or send it to the e-mail address afv.vidyvathi@gov.in and sharath.kr@gov.in.

Draft Notification

Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests vide number S.O. 1533 (E) dated the 14th September, 2006 (hereinafter referred to as the said notification), the Central Government imposed certain restrictions and prohibitions on the undertaking of some projects or

R.D.

activities or expansion or modernization of such existing projects or activities entailing capacity addition, in any part of India, listed in Schedule to the said notification unless prior Environmental Clearance (EC) has been accorded by the Central Government or the State level Environmental Impact Assessment Authority or District level Environmental Impact Assessment Authority, as the case may be, in accordance with the procedure specified in the said notification;

And whereas, the said notification has succeeded in realizing necessary environmental safeguards by assessing the environmental impacts due to the proposed projects or activities that require prior environmental clearance at the planning stage itself through a transparent process involving consultations with public and relevant experts;

And whereas, the Central Government has reviewed through the Expert Committee constituted for the purpose the existing restrictions imposed on undertaking projects or activities and the procedures and practices of environmental clearance to include

R.D.

20

only projects and activities with significant environmental impacts, and also to identify problems, constraints and measures required to be addressed for making the Environmental Impact Assessment (EIA) and prior environmental clearance processes more transparent, efficient, effective, and decentralized;

And whereas, as a result of the review a revised list of projects and activities which would require prior Environmental Clearance and a revised Environmental Clearance process has been formulated by the Central Government;

And whereas, the Central Government considers, it is necessary in the public interest to impose certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities, as indicated in the Schedule to this notification, being undertaken in any part of India, unless prior environmental clearance has been accorded in accordance with the procedure specified in this notification, by the Central Government or the State or Union Territory level Environment

R.D

Impact Assessment Authority (SEIAA) or District level Environmental Impact Assessment Authority, as the case may be, for the purpose of this notification;

Now, therefore, the following draft notification which the Central Government proposes to issue 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) or rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 1533 (E) dated the 14th September, 2006 read with subsequent amendments, except in respect of things done or omitted to be done before such supersession, the Central Government hereby publishes this, draft notification as required under sub rule (3) of rule 5 of the Environment (Protection) Rules, 1986, which shall on and-from the date of its final publication require new projects or capacity addition listed in the Schedule to this notification to be undertaken in any part of India only after the same has been accorded prior environment clearance by the

R.P.

Central Government of the State Level Examination Impact Assessment Authority concerned or District level Environmental Impact Assessment Authority concerned, as the case may be, in accordance with the requirements and procedure specified hereinafter in this notification.

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 be referred to be as the Central Government in the Ministry of Environment, Forest and Climate Change 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 'BI' and Category' "B2" in the said Schedule and at District Level, the District Environment Impact Assessment Authority (DELAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule, before any construction work, or preparation of land by the project management

R.D

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 or modernization or any change in product mix or any change in process of existing projects or activities listed in the Schedule to this notification resulting in capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule.

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

R.D

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 Chairman shall be an expert in terms of eligibility criteria given in APPENDIX XTV in one of the specified fields, with sufficient experience in environmental policy or management.
- (4) The other member shall be an expert fulfilling the eligibility criteria given in APPENDIX-XIV in one of the specified fields.
- (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 before 30 days of expiry of the tenure of existing SEIAA and the Central

R.D

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) In case the State Government or Union Territory Administration fails to forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government before 30 days of expiry of the tenure of the existing SEIAA, the Central Government shall constitute the SEIAA as an authority for the purposes of this notification.
- (7) 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).
- (8) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous;

Provided that, in case a decision is taken by

R.D

majority, the details of views, for and against it, shall be clearly recorded in the minutes and a copy thereof sent to Ministry of Environment, Forest and Climate Change.

3A. District Level Environment Impact Assessment Authority

- (i) A District Level Environment Impact Assessment Authority (hereinafter referred to as the DEIAA) shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
- (ii) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
- (iii) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
- (iv) The other two members of the DEIAA shall be the

R.D.

senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in APPENDIX-XV to this notification.

- (V) The members of the DEIAA who are serving officers of the concerned State Government or the Union Territory Administration shall be ex-officio members except the expert member.
- (vi) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
- (vii) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union Territory Administration shall be the Chairperson of the DEAC.
- (viii) The Assistant Director or Deputy Director of the

R.D

Department of Mines and Geology or District Mines Officer or Geologist of the district shall, be the Member-Secretary of the DEAC in that order.

(ix) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zia Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest as the case may be shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.

(x) The members of the DEAC who are serving officers of the concerned State Government of the Union

R.D

Territory Administration shall be ex-officio members except the expert members.

- (xi) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEIAA and shall provide all financial and logistic support for their statutory functions.
- (xii) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said modification, as amended from time to time.
- (xiii) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail.

4. Categorization of projects and activities: -

All projects and activities are broadly categorized in to three categories - Category A and Category' B1 and Category B2, based on the spatial extent of potential impacts and potential

R.P.

impacts on human health and natural and man-made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including Expansion or modernization or any change in product mix or any change in process of existing projects or activities, shall require prior environmental clearance from the Central Government in the Ministry of Environment, Forest and Climate Change (MoEFCC) 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 'B1' and Category 'B2' in the Schedule, including Expansion or modernization or any change in product mix or any change in process of existing projects or activities of existing projects or activities as specified in

R.D

sub paragraph of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, shall 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) constituted. In the absence of a duly constituted SEIAA or SEAC, a Category "BT and Category "B2'project shall be considered at the Central Level as a Category 'B1' and Category 'B2' project;

- (iv) The 'B2' Category projects pertaining to mining of minor mineral shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, constituted for the purpose. In the absence of a duly constituted DEIAA or DEAC, a Category 'B2'

R.D

project pertaining to mining of minor minerals shall be considered at the State Level as a Category 'B2; project;

(v) The category :BF projects shall require an Environmental Impact Assessment report and category 'B2' shall not require an Environment Impact Assessment report.

(vi) MoEFCC shall review the list of projects falling under Category' 'A' Category' and Category B2 from time to time through standing expert committee to be constituted for this purpose. The authorised members of this committee may inspect any site connected with any" project or activity for this purpose with prior notice of at least seven days to the project proponent by Central Government, who shall provide necessary facilities for the inspection.

5. Expert Appraisal Committees:-

(i) The EACs at Central Government level in the

R.D

MoEFCC, SEACs at the State or Union Territory level and DEAC at the district level shall carry out scoping and appraisal of projects or activity in category 'A', CB1 and B2' and 'B2' projects for mining of minor minerals respectively. EACs, SEACs and DEACs shall meet at least once every month.

- (iii) The composition of the EAC shall be as given in Appendix-XIV. 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. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3A.
- (iii) The Central Government may with the prior concurrence of the concerned State Governments or the Union Territory Administration constitute one SEAC for more

R.D

than one State or Union Territory or more than one SEAC for one State or Union Territory' for reasons of administrative convenience, cost and expeditious disposal of the proposals.

- (iv) The EAC and SEAC shall be reconstituted after every three years.
- (v) In case the State Government or Union Territory Administration fails to forward the names of the Members and the Chairman to the Central Government before 30 days of expiry of the tenure of the existing SEAC, the Central Government may constitute SEAC(s) without prior concurrence of the concerned State Governments or the Union Territory Administration.
- (vi) The authorised members of the EACs, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental

R.D

6

clearance is sought for the purpose of scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

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

6. Stages in the Prior Environmental Clearance (EC) Process for projects or activities of new or expansion or modernization or any change in product mix or any change in process: -

- 6(i) The environmental clearance process for projects or activities of new or expansion or modernization or any change in product mix or any change in process will comprise of a maximum of four stages, all of which may not apply to particular cases as

R.D

set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Scoping
- Stage (2) Preparation of Environmental Impact Assessment Report and
- Environmental- Management Plan. (EIA/EMP)
- Stage (4) Appraisal

1. Stage (1) - Scoping:

(i) "Scoping" refers to the process to determine detailed and comprehensive Terms of Reference (ToR) addressing all relevant environmental concerns for the preparation of an Environmental Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought.

(ii) Sector specific Standard ToR (s) shall be developed by the MoEFCC and displayed on the website of the Ministry.

(iii) The member-secretary of the Expert Appraisal Committee (EAC) or State Expert

R.D

Appraisal Committee (SEAC) as the case may be, shall refer the case to the Expert Appraisal Committee (EAC) or State Expert Appraisal Committee (SEAC) respectively within thirty days of the acceptance of application, the EAC or SEAC, as the case may be who shall finalize the Terms of Reference.

(iv) If the case is not referred to the Expert Appraisal Committee (EAC) or State Expert Appraisal Committee (SEAC), within thirty days of the acceptance of application, the sector specific Standard ToR (s) developed by the MoEFCC shall be deemed as approved ToR for the projects or activities and same shall be issued by the Ministry or SE1AA, as the case may be, online, on 30th day after acceptance of application.

(v) Provided that, the Expert Appraisal Committee (EAC) or State Expert Appraisal Committee (SEAC), as the case may be, may stipulate additional Terms of Reference, if found

R.P.

necessary, within another period of thirty days of issue of standard ToR(s).

(vi) Provided further that all projects and activities listed under Category "B2" shall not require Scoping-

(vii) Provided also that the following projects or activities shall be issued the Standard ToR developed by the Ministry, on online, on acceptance of application, without referring to EAC/SEAC by the Ministry or SEJAA, as the case may be:

(a) all Highway projects in border States covered under entry (1) of column (3) and entry (i) of column (4) against item 7(f) of the Schedule.

(b) all Highway expansion projects covered under entry (ii) of column (3) and entry of column (4) against item 7(f) of the Schedule.

R.D

- (c) all new and expansion projects or activities proposed to be located in industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (d) all expansion proposals of existing projects having earlier environmental clearance and no additional land acquisition are involved.

Provided also that -

- (A) the project and activities referred to in clause (vi) (a) shall be appraised on the basis of Form I or Form IA and the conceptual plan;
 - (B) the projects referred to in clause (vi) (a) to (d) shall prepare EI A and EMP report on the basis of standard ToR specified by the Ministry of Environment, Forest and Climate Change;
- (ix) The Terms of Reference for the projects or activities

R.D

except for River valley and Hydro-electric projects, issued by the regulatory authority concerned shall have the validity of three years from the date of issue. In case of the River valley and Hydro-electric projects the validity will be for 4 years.

(x) The validity period specified above may be extended by the concerned regulatory authority for a maximum period of one year without referring to the EAC or SEAC, as the case may be, provided an application is made by the applicant before expiry of the validity period, together with an updated Form I and proper justification.

(xi) Applications for Terms of Reference may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned. 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.

II. Stage (2) Preparation of Environmental Impact

R.D

Assessment Report and Environmental
Management Plan

The Environmental Impact Assessment and Environmental Management Plan (EIA/EMP) shall be prepared in accordance with the Terms of Reference prescribed by the regulatory authority as per the Generic structure given at Appendix-XIII, by the project proponent through the Environmental consultant organisations which are accredited for a particular sector and the category of project for that sector with the National Accreditation Board for Education and Training (NABET) of Quality Council of India (QCI) or any other agency as may be notified by the Ministry of Environment, Forest and Climate Change from time to time.

The baseline data used for preparation of EIA/EMP report may be collected at any stage, irrespective of the request for ToR to the regulatory authority or issue thereof. However, such a

R.D

38 42

baseline data shall not be older than three years, at the time of submission of Final EIA/EMP, for grant of Environmental Clearance, as per the ToRs prescribed.

The baseline data shall be collected during non-monsoon season based on the protocol prescribed by the Central Pollution Control Board from time to time. However, the baseline data of monsoon season shall also be required to be collected in case of the such requirement is prescribed by the EAC/SEAC, as the case may be, while granting the ToR.

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 are ascertained with a view to taking into account all

R.D

the material concerns in the project or activity design as appropriate.

(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 XI for sanctioning concerns of local affected persons;

(b) Invite 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) days of a request to the effect from the applicant.

R.D.

- (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

R.D.

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 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 IT1A 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

R.D

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

R-D

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.

(viii) All Category 'A' and Category B1 projects or activities of new / expansion / modernization proposals shall undertake Public Consultation;

(ix) Provided, the public consultation is exempted for 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 except projects or activities covered under Item 1(d) [Thermal Power Plants]; Item 1(e) [Nuclear Power Projects and processing nuclear fuel]; Item 2(a) [Coal

R.D

Washeries]; Item 2(b) [Mineral Beneficiation];
Item 2(c) [Pellet plants or Briquetting plants
or agglomeration units]; Item 3(a)
[Metallurgical industries (ferrous & non-
ferrous)]; Item 3(b) [Cement plants]; Item 3(C)
[Lead acid battery manufacturing (excluding
assembling and charging of lead acid
battery)]; Item 4(a) [Petroleum refining
industry]; Item 4(b) [Coke oven plants or
calcinations plants or Coaltar processing
units]; Item 4(c) [Asbestos milling and
asbestos based products]; Item 4(f)
[Skin/hide processing including tanning
industry]; Item 5(c) [Petro-chemical
complexes (industries based on processing of
petroleum fractions & natural gas and/or
reforming to aromatics ()); Item 5(g)
[Distilleries, molasses based industries and
bio-fuels]; Item 5(i) [Pulp & Paper industry];
Item 5(j) [sugar Industries].

all expansion projects or activities for

R.D

capacity expansion up to 50% of the existing production capacity and proposed within the existing premises (without additional land acquisition) having prior environmental clearance granted based on public consultation, subject to compliance of earlier environmental clearance except project's or activities covered under Item i(d) [Thermal Power Plants]; Item 1(e) [Nuclear Power Projects and processing nuclear fuel]; Item 2(a) [Coal Washeries]; Item 2(b) [Mineral Beneficiation]; Item 2(c) [Pellet plants or Briquetting plants or agglomeration units]; Item 3(a) [Metallurgical industries (ferrous & non-ferrous)]; Item 3(b) [Cement plants]; Item 3(C) [Lead acid battery manufacturing (excluding assembling and charging of lead acid battery)]; Item 4(a) [Petroleum refining industry]; Item 4(b) [Coke oven plants or calcinations plants or Coaltar processing units]; Item 4(c) [Asbestos milling and

R.D

asbestos based products]; Item 4(f) [Skin/hide processing including tanning industry]; Item 5(c) [Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics (c)]; Item 5(g) [Distilleries, molasses based industries and bio-fuels]; Item 5(i) [Pulp & Paper industry]; Item 5(j) [sugar Industries].

d. modernisation of an existing unit proposed through change in process and or technology or involving a change in the product -mix. without or with increase in production capacity up to 50% of the existing production capacity and proposed within the existing premises having prior environmental clearance granted based on public consultation, subject to compliance of earlier environmental clearance

e. One-time capacity expansion of coal

R.P.

mining projects up to 40% without increase in the mining lease area having prior environmental clearance granted based on public consultation subject to compliance of another environmental clearance and transportation of coal by belt conveyor or rail mode.

- f. All expansion proposals of underground mining projects without increase in the mining lease area, having prior environmental clearance granted based on public consultation, subject to compliance of earlier environmental clearance and transportation of coal/mineral either by belt conveyor or rail mode
- g. expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- h. maintenance dredging provided the dredged material shall be disposed within port limits

R.P.

and part of original proposal for which EC was obtained.

- i. all Area Development projects (which do not contain any category 'A' or category 'B1' projects and activities) and Townships under 8(b) in the Schedule to the notification.
- j. all Category 'B2' projects and activities.
- k. all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
- l. all linear projects such as Highways or Expressways or elevated roads- Pipelines, etc., in border States.
- m. all standalone pelletization plants, which were in existence and in operation on or before the 27th day of May, 2014 and have valid consent to establish and consent to operate from the concerned State Pollution

R-1

Control Board or the Union Territory
Pollution Control Committee.

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

R.D

concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

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

R.D

regulatory authority through online application in Form-II as given in Appendix-IV along with following documents where public consultations are mandatory: -

- Final Environmental Impact Assessment Report
 - A copy of the video tape or CD of the public hearing proceedings
 - A copy of final layout plan
 - A copy of the project feasibility report
- (iv) The Form-II along with Final EIA Report and the other relevant documents submitted by the applicant through online shall be scrutinized in office within from the date of its receipt by the concerned Regulatory Authority strictly with reference to the ToR and the inadequacies noted shall be communicated online.
- (v) Where a public consultation is not mandatory, the appraisal shall be made on the basis of prescribed application in Form-1 and environmental impact assessment report, in the case of all projects and

R.D

activities (other than Item 8 of the Schedule), except in case where the said project and activity falls under category 'B2', and in the case of items 8(a) and 8(b) of the Schedule, considering their unique project cycle, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall appraise projects or activities on the basis of Form-1, Form 1 A, conceptual plan and the environment impact assessment report [required only for projects listed 8(b)] and make recommendations on the project regarding grant of Environmental Clearance or otherwise and also stipulate the conditions for environmental clearance.

- (iv) Every application shall be placed before the EAC /SEAC and its appraisal shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form I A, where public

R.D

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 .

- (vii) 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.
- (viii) 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.
- (ix) The Environmental consultant organisations which are accredited for a particular sector and

R.D

the category of project for that sector with the National Accreditation Board for Education and Training (NABET) of Quality Council of India (QCI) or any other agency as may be notified by the Ministry of Environment, Forest and Climate Change from time to time shall be allowed to appear before the concerned Expert Appraisal Committee (EAC) or the State Expert Appraisal Committee (SEAC) or district Level Expert Appraisal Committee as the case may be.

6(ii). Prior Environmental Clearance (EC) process for modernization or any change in product mix or any change in process:

- (a) All applications seeking prior environmental clearance for modernization or any change in product mix or any change in process of an existing unit without or with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification or the limit specified in the

R.D

existing environmental clearance through change in process and or technology or involving a change in the product-mix shall be made in Form II 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 the requirement for the necessity of the preparation of Environment Impact Assessment Report in case of capacity expansion not more than 50% and the application shall be appraised accordingly for grant of environmental clearance.

- (b) Any change in configuration of the plant from the environmental clearance conditions during execution of the project after detailed engineering shall be exempt from the requirement of environmental clearance, if there is no change in production and pollution load. The project proponent shall

R.D

inform the Ministry of Environment, Forest and Climate Change / State Level Environment Impact Assessment Authority and the concerned State Pollution Control Board.

- (c) Any change in product-mix, change in quantities within products or number of products in the same category for which environmental clearance has been granted shall be exempt from the requirement of prior environmental clearance provided that there is no change in the total capacity sanctioned in prior environmental clearance granted earlier under this notification and there is no increase in pollution load. The project proponent shall follow the procedure for obtaining No Increase in Pollution Load certificate from the concerned State Pollution Control Board as per the provisions given in Appendix -XXV

R.D

ii

6 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining-of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix XVII.

(b) The prescribed procedure for environmental clearance for mining of minerals categorized as B2 including cluster situation is given in Appendix XVIII.

7. Application for environmental clearance, amendment / extension of validity / transfer of the Terms of Reference or prior environmental clearance

(i) An application seeking Terms of Reference or prior environmental clearance shall be made by the project proponent, online, in the prescribed form(s) as specified in the column (3) of the table below

R.D.

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, or mining at the site by the project proponent

- (ii) An application seeking amendment / extension of validity / transfer of the Terms of Reference or prior environmental clearance shall be made by the project proponent, online, in the prescribed form(s) as specified in the column (3) of the table below.
- (iii) The project proponent shall furnish along with the application for the above, a copy of the report as specified in the column (4), in addition to prescribed form as specified in the column (3).

Purpose	Project /activity	Form	Supplement ed with
Terms of Reference	All the projects/Activity except for	Form-1 as given in appendix-I	1. Pre-feasibility report

R. D.

	the projects where scoping is exempted.		
Environmental Clearance	Construction projects or activities (item 8 of the Schedule)	Form-1 as given in appendix-I and Form IA as given in Appendix-I I	EIA/EMP, conceptual plan
Environmental Clearance	Mining of minerals under Category- 'B2'	Form-IM as given in Appendix-I II	Approved mining plant District Survey report.
Environmental Clearance	All the projects/activities except for mining of	Form-2 as given in Appendix-I V	1. Final EIA/EMPO A soft copy of video of

R.D

	minor minerals under Category "B2" and construction projects or activities (item 8 of the Schedule)		Public Hearing Proceedings , Project Feasibility Report, Final Layout Plan; Certificate of compliance of earlier environmen tal clearance in case of expansion proposals; in case of Mining
--	--	--	---

R-D

			project copy of approved mining plan instead of Project Feasibility Report.
Amendment Terms and Reference granted	All projects/ Activities	Form-3 as given in Appendix-V	Revised Form-1 Revised pre-feasibility report Copy of ToR granted.
Amendment in Environmental Clearance granted	All projects/ Activities	Form-4 as given in Appendix-VI	Revised Form-1 Revised Pre-feasibility report; Copy of ToR granted.

R.D

Amendment in Environmental Clearance granted	All projects/ Activities	Form-4 as given in Appendix-VI	Revised Form-II, Feasibility report, Copy of EC granted in case of Mining project copy of approved mining plan instead of Project Feasibility Report.
Validity extension of Terms of Reference	All projects/ Activities	Form-5 as given in Appendix-VII	Copy of ToR granted.
Validity of extension of	All Projects or	Form-6 as given in	Copy of EC granted;

R.D

Environmental Clearance	Activities except mining of Minerals	Appendix-VIII	Schedule of completion of the balance activity/ Project.
Transfer of Environmental Clearance	All projects/Activities	From-8 as given in Appendix-X	A copy of legal notice deed from the concerned regulatory authority.
Multi-faceted Environmental Clearance	All projects/Activities	From-8 as given in Appendix-XI	Copy of Environmental Clearance, a copy of legal transfer deed from

R.D

			the concerned regulatory authority.
Amalgamati on of Environmental Clearance	All projects/ Activities	Form-10 as given in Appendix- XII	Copy of Environmental Clearance. A copy of legal transfer deed from the concerned regulatory authority.

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

- (i) The regulatory authority shall consider the recommendations of the EAC or SEAC or DEAC

R.D

12

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 or District 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 or District Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee concerned, the regulatory authority

R.D

1. ←

shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee or District 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 or District 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 or District 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 or District Level Expert Appraisal Committee concerned shall be final and conveyed

R.D

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 or District 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 or District Level Expert Appraisal Committee concerned shall be public documents.

R.D

(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 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

R.D.

justice.

9. Validity of Environmental Clearance (EC):

- (i) 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 8 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.
- (ii) The prior environmental clearance granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 8 above for a project or activity shall be valid for a period as provided below:

R.D

Project/ Activity	Validity	Extension of validity	Grant of Extension
All the projects/ activities except Major Irrigation and river valley projects: Nuclear Power plants; and Mining Projects	7 years	3 years	The period of validity may be extended by the regulatory authority concerned by a maximum period as specified in column (3) if an application is made to the regulatory authority

R.D

			by the applicant within the validity period is Form-6 along with requisite documents.
Major Irrigation and river valley projects	10 years	5 years	
Nuclear Power Plants	10 years	5 years	
Mining Projects	Project life as estimated by Expert		

R.D.

	Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee subject to a maximum of thirty years.		
--	---	--	--

- (iii) In case the project or activity except mining projects is implemented partially with reference to the granted EC within the validity period as prescribed above, the environmental clearance granted shall be

R.D.

confined to the completed project/activity only and will remain valid till the life of the project/activity.

- (iv) The environmental clearance is treated as perpetual in case the production operations by the project or activity started, or completed all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers within the validity period as prescribed above. Thereafter the prior environmental clearance shall become environmental clearance except for mining projects.
- (v) 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.
- (vi) Provided further that the regulatory authority may also consult the Expert Appraisal

R.D.

Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(vii) Where the application for extension under sub-paragraph (ii) has been filed-

a. within one month after the validity period of environmental clearance, such cases shall be referred to concerned Expert Appraisal Committee (EAC) or State Level Expert Appraisal Committee (SEAC) or District Level Expert Appraisal Committee and based on their recommendations, the delay shall be condoned at the level of the Joint Secretary in the Ministry of Environment Forest and Climate Change or Member Secretary. SE1AA, as the case may be;

b. more than one month after the validity period of environmental clearance, but less than three months after such validity

R.D

~~FS~~

period, then, based on the recommendations of the EAC or the SEAC or the DEAC the delay shall be condoned with the approval of the Minister in charge of Environment, Forest and Climate Change or Chairman of SE1AA. as the case may be;

c. Provided that no condonation for delay shall be granted for any application for extension filed 90 days after the validity period of environmental clearance.

10. Post Environmental Clearance Monitoring:

(i) The project proponent shall prominently advertise, at his own cost, at least in two local newspapers indicating that the project has been accorded environment clearance and the details of website of MoEFCC/SE1AA/DE1AA where the copy of environmental clearance is displayed; and also display the copy of the environmental clearance letter on the website of the

R.D

company, permanently;

34
80

- (ii) The Ministry of Environment, Forest and Climate Change and the State / Union Territory Level Environmental Impact Assessment Authorities (SEIAAs)/ the District Level Environment Impact Assessment Authority (DEIAA), as the case may be, shall also place the environmental clearance in the public domain on Government portal.
- (v) The copies of the environmental clearance shall be submitted by the project proponents to the (a) District Magistrate / District Collector / Deputy Commissioner/s; (b) Zila Pari shad or Municipal Corporation or Panchayats Union; (c) District Industries Office; (d) Urban Local Bodies (ULBs) /Institutions concerned Development authorities (e) Concerned Regional Office of the Ministry of Environment, Forest and

R.D.

Climate Change (f) Concerned Regional office of Pollution Control Boards of State / UT and who in turn has to display the same for 30 days from the date of receipt.

- (vi) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance conditions pertaining to periods from 1st April to 30th September, on or before 1st December and for 1st October to 31st March, on or before 1st June, every year from the date of grant of environmental clearance, in soft copies to the regulatory authority concerned.
- (vii) All such compliance reports submitted by the project management shall be available on the website of the regulatory authority concerned.
- (viii) The latest such compliance report shall also be displayed on the web site of the concerned

R.D

regulatory authority.

~~36~~
82

- (ix) The monitoring procedure for sand mining or river bed mining is given in Appendix-XIX.
- (x) Notwithstanding the above provisions, the ministry will empanel government institutions of national repute for carrying out compliance- monitoring of Environment Clearance conditions of projects and activities in a random manner. The compliance monitoring will be done inter-alia against the baseline information available in the Environmental Impact Assessment report, Environmental Management -Plan as appraised by EAC/SEAC/DEAC as the case may be, terms and conditions of the Environmental Clearance as well as other provisions as may be specified by the ministry from time to time.

11. Transferability of Environmental Clearance / Multi-furcation / Amalgamation of (EC):

- (1) A environmental clearance granted for a specific

R.D

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 in Form-7, 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 or District Level Expert Appraisal Committee concerned is necessary in such cases.

- (2) A environmental clearance granted for a specific project or activity may be multi- furcated and transferred during its validity to another legal person(s) entitled to undertake the project(s) or activities on application by the transferor in Form-8, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on

R.D

recommendation of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Appraisal Committee who shall prescribe the conditions (3) A environmental clearance granted for the projects of "activities may be amalgamated and transferred during its validity to another legal person entitled to undertake the projects or activities on application by the transferor in Form-8, or by the transferee with a written "no objection" by the transferor, to, and by the regulator/ authority concerned, on recommendation of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee who shall prescribe the conditions.

- (4) Where an allocation of coal block or mining lease for coal and other minerals is cancelled in any legal proceeding, or by the Government in accordance with law, the environmental clearance granted in respect of such project may be transferred, subject

R.D

to the same validity period as was initially granted, to any other person legally entitled to whom such project is subsequently allocated, and in such case, obtaining of "no objection" from either the holder of environment clearance or from the regulatory authority concerned shall not be necessary. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee concerned is necessary in such cases.

12. Delegation of Power to Local Bodies for the projects/activities pertaining to Building or construction:

Local bodies such as Municipalities, Development Authorities and District Panchayats, shall stipulate environmental conditions while granting building permission, for the Building or Construction projects with built-up area >20,000 sq. mtrs and <50,000 sq. mtrs and industrial sheds, educational institutions, hospitals and hostels for educational institutions from built-up

R-D →

area 20,000 sqm to <1,50,000 sq.m as specified in Notification S.O (E) 5733, dated the 14th November, 2018.

13. Operation of EIA Notification, 2006, till disposal of pending cases:

From the date of final publication of this notification the Environmental Impact Assessment (EIA) notification number S.O. 1533 (E), dated the 14th September, 2006 and subsequent amendments are hereby superseded, except for the things done or omitted to be done before such supersession to the extent in case of all 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, or continue operation of some or all provisions of the 2006 notification, for a period not exceeding twenty four months from the date of issue of this notification.

R.D

SCHEDULE
 (See paragraph 2 and 7)
LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Item	Activity	Category with threshold limit			Conditions if any
(1)	(2)	(3)	(4)	(5)	(6)
1 (a) (i)	Mining of Minerals	>100 hs. of mining lease area in respect of major and minor minerals except coal. >150 ha of mining lease area in respect of coal Absestos mining irrespective mining area.	< 100 ha of mining lease area in respect of major minerals except coal. < 25 ha and < 100 he of mining lease area in respect of minor minerals <150 ha of mining lease area in respect of	<25 ha of mining lease area including cluster situation in respect of minor minerals	General Conditions shall apply except: (i) For project of activity of mining of minor minerals of category 'B2' (upto 25 ha of mining lease area) (ii) for project or activity of mining of minor minerals of

R.D

			coal mine lease	<p>Category 'B1' in case of cluster of mining lease area; and</p> <p>(iii) River bed mining projects on account of inter-state boundary</p> <p>Note: (1) Mineral prospecting is exempted. (2) The prescribed procedure for environment clearance for mining of minor minerals including</p>
--	--	--	--------------------	---

R-D

					cluster situation is given in appendix -XI.
1(a) (ii)	Slurry pipelines (coal, lignite and other ores) passing through national parks/sanctuaries /coral reefs, ecologically sensitive areas	All the projects	---	----	---
1 (b)	Offshore and Onshore Oil & Gas Development and Production (includes infrastru	All the projects	---	----	---

R.D.

	cture facilities e.g. Gas Collecting/Gathering Station, Early production, systems, pipelines etc.)				
1 (c) (i)	Rever Valley Power projects	> 75 MW hydroelectric power generation	<75 MW> 25 MW hydroelectric power generation	--	General Condition shall apply Note: Category 'B1' river valley projects falling in more their one state shall be appraised at the Central Government Level.
1 (e) (ii)	Irrigation projects	> 50,000 ha. Of	>10,000 ha. And	> 2000 ha and <	General Condition

R.D

		culturable command area	<50,000 ha. Of culturable command area	10,000 ha. Of culturable command area	shall apply Note: 1. Change in irrigation technology having environmental benefits (e.g. from flood irrigation to Drip irrigation etc.) by an existing project, leading to increase. In Culturable Command Area but without increase in dam height and submergence, will not require
--	--	-------------------------------	--	---	--

R.D

					<p>amendme nt /revision of environme ntal clearance. 2. Minor irrigation system (<2000 Ha of culturable command area) are exempted from requireme nt of enviornme ntal clearance. 3. The proposal pertaining to medium irrigation system (>2000 and <10,000 ha. Of</p>
--	--	--	--	--	---

R.D

					culturable command area) required to prepare EMP.
1 (d)	Thermal Power plants	> 500 MW (coal /lignite/ naphtha & gas based)	> 5 MW and < 500 MW (coal /lignite/ naphtha & gas based) > 5MW and < 100 MW (all other fuels except biomass and municipal solid non-hazardous waste) >15 MW and <100 MW (using municipa	----	General Condition shall apply- <u>Note</u> (i)Thermal Power Plants up to 15 MW based on biomass or non-hazardous municipal solid waste using auxilliary fuel are exemoted from requireme nt of prior environme ntal clearance.

RSD

			1 slid non-haza rdous waste /biomass as fule)		
1 (e)	Nuclear Power Projects and processin g of nuclear of	All projects	---	--	
2 (a)	Coal washerie s	> 1 million ton/ann um throughp ut of coal			General Condition shall apply Note: 1) If coal washery is located within mining lease area, the proposal shall be apprise together with the mining proposal.

R.D

2 (b)	Mineral Benefication (including chemical processing of c ores)	>1.0 million throughput	<1.0 million TPA throughput		General Condition shall apply 1) If mineral beneficiation plant located within mining lease area the proposal shall be appraised together with the mining proposal 2) Micro and Small units as defined to MSME act from time to time are exempted from requirement of prior environmental
-------	--	-------------------------	-----------------------------	--	---

R.D

					clearance.
2 (c)	Peilet plans/ Briquetti ng plants/ agglomer ation units	>1.0 million TTPA1	<10 million TPA		General condition shall apply Note Micro and Small units as defined in MSME Act from time to time are exempted from requireme nt of prior environme ntal clearance.
3 (a)	Metallurg ical industrie s (ferrous & non ferrous)	a) Primary metallurg ical industry all projects	a) Sponge iron manufact uring: <200) (TG)	All non-toxic secondary metalurgic al processing industrial units, those proejcts involving operation of	General Condition shall apply Note: (i) The recycling industrial units authorized under the HSM Rules are exempted

R.D

				<p>furnances only such as induction and electric are furnace, submerged are furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) but less than 60,000 TPA and located within industrial estate or parks (item 7 (c) of the Schedule) approved by the concerned authorities</p>	<p>from requireme nt of prior environme ntal clearance. (ii) In case of secondary metallurgi cal processing industrial units, those projects involving operating of furnacs only such as induction and electric ore finance, submerge d ore furnace, and cupola with capacity</p>
--	--	--	--	---	---

R.D

				Medium units as defined in MSME Act from time to time	less than 30,000 tonnes per annum (TPA) are exempted from requirement of prior environmental clearance. (iii) Stand alone rolling mills and forging units 500 TPD area exempted from requirement of prior environmental clearance. (iv) Micro and small units are defined in MSME Act from time
--	--	--	--	---	---

R.D

					to time are exempted from requirement of prior environmental clearance.
3 (b) (i)	Cement plants and Cement Grinding units	>1.0 million tones/Annum production capacity >1.0 MTPA stand alone grinding units	<1.0 million tones/annum production capacity >1.0 MTPA stand-alone grinding units	Stand-Alone grinding/blending units upto 1 MTPA All standalone grinding units in case of transportation of raw material and finished product proposed through rail/mode Medium units as defined in	General Condition shall apply Note: 1. Fuel for cement industry may be coal, petcoke, mixture of coal and petcoke and co-processing of waste provided it meets the emission standard. 2. Change in product mix OPC,

R.D

				MSME Act from time to time.	EPC, PSC, Masonry cement of any other type of cement within the sanctioned environmental clearance capacity is permitted. 3. Micro and Small units as defined in MSME Act from time to time are exempted from requirement of prior environmental clearance.
3 (c)	Lead acid battery manufacturing	---	All projects	---	General Condition shall apply

R.D

	(excluding assembling and charging of lead acid battery)				
4 (a)	Petroleum refining industry	All projects	--	---	---
4(b)(1)	Coke oven plants/calcination plants	22,50,000 Tonnes/annum	<2,50,000 & >25,000 Tones/annum		General conditions shall apply
4 (b)	Coaltar processing	--	All projects		General conditions shall apply
4 (c)	Asbestos milling and asbestos based products	All projects	--	--	---
4 (d)	Chir-a (kali industry)	>300 TPD production capacity if a unit	(i) > 300 TPD production capacity if a unit	(i) > 300 TPD production capacity if a unit located	General as well as specific conditions shall apply No new

R.D

		located outside industrial estates or parks (item 7 (c) of the Schedule) approved by the concerned authorities.	located within industrial estates or parks (item 7 (c) of the Schedule) approved by the concerned authorities (ii) < 300 tonnes per day (TPD) and located outside a Notified Industrial Area/Est ate.	within industrial estate or parks (item 7 c) of the Schedule) approved by the concerned authorities	mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from the Notification if provided there is no increase in the production capacity.
4 (e)	Soda ash Industry	All projects	--	--	--
4 (f)	Skin/hide processing	New projects outside	All new or expansion	All new or expansion project of	

R.D

	g including tanning industry	the industria l area or expansio n of existing units outside the industria l area	n of projects located within a notified industria l area/esta e	leather production without tanning if a unit located within industrial estates or parks (item 7 (c) of the Schedule) approved by the concerned authorities	
5 (a)	Chemical fertilizers	All projects Single Super Phosphat e (without H ₂ SO ₄ productio n)	Single Super Phosphat e (without H ₂ S ₄ productio n)	--	General condition shall apply. Note: 1. Stand alone Granulatio n of single super phosphate powder is exempted. 2. Neem coating of fertilizers

R.D

					<p>is exempted provided that the total production does not exceed the sanctioned capacity in EC plus the weight of the coating material used.</p> <p>3. Fortification of Fertilizers is exempted provided that the total production does not exceed the sanctioned capacity in EC plus the weight</p>
--	--	--	--	--	---

R.D

					of the fortification material used.
5 (b)	Festicides Industry and pesticide specific intermediate (excluding formulations)	Located outside the notified industrial area/estate	Located notified industrial area/estate	--	General conditions shall apply
5 (c)	Petrochemical complexes (industries based on processing of petroleum fractions and natural gas)	All projects	-	--	--
5 (d)	Manmad	Rayon	Others	--	General

A.D

	e fibers manufact uring				Condition shall apply
5 (e)	Petroleu m products and petroche mical based processin g such as productio n of carbon black and electrode grade graphic (processe s other than cracking & reformati on and not covered under the complexe	Located outside the notified industria l area/esta te	Located in a notified industria l area/esta te	Medium units as defined in MSWE Act from time to time	General as well as specific conditions shall apply. Note: Manufact uring of product from polymer granule is exempted from requireme nt of prior environme ntal clearances . Micro and Small units as defined in MSME Act from time to time area,

R.D

	s)				exempted from requirement of prior clearance.
5 (f)	Synthetic organic chemicals industry (dyes & dye intermediate, bulk drugs and intermediate excluding drug formulations, synthetic rubbers, basic organic chemicals other synthetic organic chemicals and	Located outside the notified industrial area/estate	Located in a notified industrial area/estate	Medium units as defined in MSME Act from time to time	General as well as specific conditions shall apply. <u>Note:</u> Micro and Small units as defined by the MSMF, from time to time are exempted from requirement of prior environmental clearances.

R.D

	chemical intermedi ate				
5 (g)	Distilleries, molasses based manufacturing units (e.g. Yeast) and bio-fuels	(i) Molasses based distilleries > 100 KLD (ii) Molasses based manufacturing units (e.g. Yeast) > 100 TPD (iii) Non-mol asses based distilleries >200 KLD	(i) Molasses based distilleries < 100 KLD (ii) Molasses based Yeast manufacturing units <100 TPD (iii) Non-mol asses based distilleries <200 KLD	Country Liquor based on Mahuwa flower units up to capacity of 5 KLD Medium units as defined in MSWE Act from time to time	General Condition shall apply Note: Molassed based Bio-fuel plants will be treated as Molasses based distilleries . Non-Molasses based Bio-Fuels will be treated as Non-Molasses based distilleries . Micro and Small units as defined in MSME Act from time

R.D

					to time are exempted from requirement of prior environmental clearance.
5 (i)	Pulp & Paper Industry	Pulp manufacturing and Pulp & Paper manufacturing industry except from waste paper/recovered paper	Pulp and Paper manufacturing from waste paper/recoverable paper	Paper manufacturing from waste paper/recovered paper/ready pulp involving doinking /bleaching /de-coloring medium units as defined in MSME Act from time to time	General Condition shall apply. Note: Paper manufacturing from water paper/ready pulp without drinking bleaching and decolorizing is exempted from requirement of prior environmental clearance.

R. D

5 (j)	Sugar Industry	--	L> 5000 tod cane crushign capacity	--	General Condition shall apply
6(a)	(i) LNG Terminal s involving possessi ng and transport ation (ii) Oil & gas transacti on pipe line (crude and refinery/ petroche mical products) passing through national parks /sanctua ries /coral reefs /ecologic	All project	--	--	

R. R

	ally sensitive areas				
7 (a)	Air Forts (terrestrial and water ports)	All projects including terrestrial airstrip, water-aerodromes which are for commercial use	--	--	Note 1: Air strips which do not involve bunkering /refueling facility and or Air Traffic Control, are exempted from requirement of prior environmental clearance.
7 (b)	All ship breaking yards including ship breaking units	All projects	-	--	--
7 (c)	Industrial estates/parks/co	If at least one industry	Industrial estates housing	--	General as well as specific conditions

R.D

<p>mplexes/ areas, export processin g Zones (EPZs), special economic zones (SEZs), Biotech Parks, Leather complexe s</p>	<p>in the proposed industria l estates falls under the category A, entire industria l area shall be treated as Category A, irrespecti ve of the area. Industria l estates with area greater</p>	<p>at least one category B industry and area <500 ha. Industria l estates of area > 500 ha and not housing any industry</p>		<p>shall apply Note: 1. Industri al Estate of area below 500 ha and not housing any industry of category 'A' or 'B' does not require clearance. 2. If the area is less</p>
--	---	---	--	--

R.D

True Copy

Regional Office, Karnal Region

Haryana State Pollution Control Board
SCO No.131, Sector -17, HUDA, Jagadhri, Yamuna Nagar
Website: www.hspcb.gov.in Email Id- hspcbroyr@gmail.com
Contact No.01732-268137, 237840

No.HSPCB/YR/2019/17553

Dated:12/06/2019

TO,

M/s JRS Industries
Village Alipur, Khalsa Road,
Kohand, Karnal

Sub: Show cause notice for Prosecution under Section 15 of
Environment Protection Act, 1986.

Whereas you have established a unit for manufacturing of
Formaldehyde and this product requires prior Environmental
Clearance as per project activity mentioned at Sr. No.5(f) of
Schedule of Environment Impact Assessment Notification 2006.

Whereas, as per record of this office, your unit for
manufacturing of formaldehyde has been established and operating
without prior Environmental Clearance as per Environment Impact
Assessment Notification, 2006.

In view of the above, you are hereby show caused for 07
days as to why Prosecution action not be initiated against your unit

R.D

as per provisions of section 15 of Environment Protection Act, 1986. 114

In case you fail to comply with the deficiencies mentioned above within stipulated period, it will be presumed that you have nothing to say in this regard and accept the status as mentioned above, which will warrant prosecution action against your unit and its Owners/Proprietor/Partners/Directors/Stack Holders, under section 15 of Environment Protection Act, 1986.

Sd/-

Regional Officer

Yamuna Nagar

Endst. No.HSPCB/YMN/2019/

Dt. /06/2019

A copy of the above is forwarded to The Chairman, HSPCB, C-11, Sector-6, Panchkula for information, please.

Sd/-

Regional Officer

Yamuna Nagar

//TRUE COPY/

R.D

Regional Office, Karnal Region

Haryana State Pollution Control Board

SCO No.131, Sector -17, HUDA, Jagadhri, Yamuna Nagar

Website: www.hspcb.gov.in Email Id- hspcbroyr@gmail.com

Contact No.01732-268137, 237840

No.HSPCB/YR/2019/17511

Dated:12/06/2019

TO,

M/s JRS Industries

Village Alipur, Khalsa Road,

Kohand, Karnal

Sub: Show cause notice for revocation of consent to Establish
issued under Water Act 1974 & Air Act 1981

Whereas you have established a unit for manufacturing of
Formaldehyde and this product requires prior Environmental
Clearance as per project activity mentioned at Sr. No.5(f) of
Schedule of Environment Impact Assessment Notification 2006.

Whereas, as per record of this office, your unit for
manufacturing of formaldehyde has been established and operating
without prior Environmental Clearance as per Environment Impact
Assessment Notification, 2006.

R.D.

116

In view of the above, you are hereby show caused for 07 days as to why consent to establish granted to you under Water Act 1974 and Air Act 1981 may not be revoked.

In case you fail to comply with the deficiencies mentioned above within stipulated period, it will be presumed that you have nothing to say in this regard and accept the status as mentioned above, which will warrant revocation of Consent to Establish issued under Water Act, 1974 and Air Act, 1981.

Sd/-
Regional Officer
Yamuna Nagar

Endst. No.HSPCB/YMN/2019/

Dt. /06/2019

A copy of the above is forwarded to The Chairman, HSPCB, C-11, Sector-6, Panchkula for information, please.

Sd/-
Regional Officer
Yamuna Nagar

//TRUE COPY//

R.D.

ANNEXURE R-31/5

BEFORE THE APPELLATE AUTHORITY (HARYANA)
UNDER THE WATER (PREVENTION & CONTROL OF
POLLUTION) ACT, 1974 AND AIR (PREVENTION &
CONTROL OF POLLUTION) ACT, 1981

Appeal No.176/2019

M/s JRS Industries

...Appellant

Versus

Haryana State Pollution Control Board & Ors. ..Respondents

Present: Mr. Jitender Dhanda, Advocate for the appellant

Taken up today, in allowance of the 'fix today' request. An advance copy of the appeal has concededly been made available to the respondents.

HEARD

Argues, inter alia, that the averments in this appeal are identical to Appeal No.161 of 2019.

NOTICE:-

NOTICE: RE STAY TOO

Mr. Ramesh Kumar Chahal, Advocate accepts notice on behalf of the respondents. The averments regarding the identical nature of this appeal is not in dispute.



List on 04.11.2019.

Interim Directions as in the case of Appeal No.161 of 2019.

Dated 25.10.2019

Sd/-

(Maj. Gen. Harish Jit Singh)

Member

Appellate Authority

Sd/-

(Dr. Sukhdeve Kundu)

Member

Appellate Authority

//TRUE COPY//

R.D

Welcome JRS industries

On-line Payment Receipt

Receipt No.	838440053
Depositor Name	Yogesh
Bank Id.	1170
Bank Name.	NA
Application No.	7036070
Name and Address of Industry	JRS industries, Alipur, Khalsa Road, Kohand, Karnal, GIDDARBAHA, KARNAL
Name of Regional Office	Yamuna Nagar
Applied For	CTO - both - new
Payment Date	Thu Nov 14 10:03:59 IST 2019
Payment Details	
CTO Air (Rs.)	156000.0
CTO Water (Rs.)	156000.0
Sample Testing AIR (Rs.)	2700.0
Sample Testing AIR (Rs.)	500.0
Total Amount Paid (Rs.)	318547.42
Transaction Status	Successfully Completed

Printed: Print

Site design & hosted by National Informatics Center

Content Owned, Updated and Maintained by Haryana State Pollution Control Board




HARYANA STATE POLLUTION CONTROL BOARD 120

SCO-131 Sector-17, HUDA

Jagadhari Ph.01732-200137

No.HSPCB/Conset/:313096619KARCTO7036070

Dated:11/12/2019

TO,

M/s JRS Industries
Alipur, Khalsa Road, Kohand, Karnal
KARNAL

Subject: Refusal of consent to operate under Water Act, 1974
and Air Act, 1981.

Please refer to your application No.7036070 dated 2019-11-14 received in the Board for consent to operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

Your above referred application has been examined by the Board and it has been established that the application submitted by you is incomplete and not conforming to the requirement of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, as per policy of the Board. Accordingly, show cause notice for refusal of consent under above said Act containing the said shortcoming/incompletion was issued by the Board on dated 2019-12-10. But you had failed to submit the satisfactory reply of the

R.D

above said show cause notice and submit compliance of the observations. You have failed to take corrective measures the shortcomings and incompleteness in your application as per given below:-

121

1. Unit has not obtained prior Environmental Clearance from MOEFF & CC before Establishment of the unit
2. Not submitted copy of the authorised signatory proof.
3. Not uploaded site plan.

In view of the above said facts, the consent under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 sought vide your above referred application, is hereby refused due to the above shortcomings/incompleteness.

In future, your unit would be discharging effluent into the atmosphere at your own risk in violation of the above said Act and rendering yourself liable for legal action under section 43/44 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 38/39 Air (Prevention & Control of Pollution) Act, 1981.

Digitally signed by Nirmal Kumar
Dated 2019:12:11 16:57:00+5:30
Nirmal Kumar
Regional Officer, Yamuna Nagar,
Haryana State Pollution Control Board.

//TRUE COPY//

R.P.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

122

NOTIFICATION

New Delhi, the 23rd March, 2020

S.O. 1199(E).—Whereas, the Central Government proposes to issue following notification 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) for imposing certain restrictions and prohibition on the undertaking some projects or expansion or modernization of such existing projects entailing capacity addition, in any part of India, in supersession of the Environment Impact Assessment notification vide S.O. 1533 dated the 14th September, 2006 and its subsequent amendments, is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposal contained in the draft notification may forward the same in writing for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110 003, or send it to the e-mail address at eia2020-moefcc@gov.in.

Draft Notification

WHEREAS by notification of the Government of India in the erstwhile Ministry of Environment and Forests vide number S.O. 1533 (E) dated the 14th September, 2006 (hereinafter referred to as 'EIA Notification, 2006'), the Central Government imposed certain conditions and thresholds on the undertaking of some projects or expansion or modernization of such existing projects entailing capacity addition, in any part of India listed in Schedule to the EIA Notification, 2006 unless Prior Environment Clearance has been accorded by the Ministry or the State Level Environment Impact Assessment Authority or District Level Environment Impact Assessment Authority, as the case may be, in accordance with the procedure specified in the EIA Notification, 2006 and subsequent amendments;

AND WHEREAS, there have been several amendments issued to the EIA Notification, 2006, from time to time, for streamlining the process, decentralization and implementation of the directions of Courts and National Green Tribunal. Though the EIA Notification, 2006 has helped in realizing necessary environmental safeguards by assessing environment impacts due to the proposed projects, that require Prior Environment Clearance at the planning stage itself, the Central Government seeks to make the process more transparent and expedient through implementation of online system, further delegations, rationalization, standardization of the process, etc.;

AND WHEREAS, the Ministry had issued the notification number S.O. 804 (E), dated the 14th March, 2017 laying down procedure for appraisal of the violation cases with a time window of six months. The said notification defined violation of projects which have started the construction work, or have undertaken expansion or modernization or change in product-mix without Prior Environment Clearance.

However, such violations being recurring in nature may come to the notice in future during the process of appraisal or monitoring or inspection by Regulatory Authorities. Therefore, the Ministry deems it necessary to lay down the procedure to bring such violation projects under the regulations in the interest of environment at the earliest point of time rather than leaving them unregulated and unchecked, which will be more damaging to the environment;

AND WHEREAS, the Hon'ble High Court of Jharkhand's order dated the 28th November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *Versus* Union of India, *inter alia*, held that the consideration for the proposal for Environment Clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

AND WHEREAS, the Hon'ble National Green Tribunal in Original Application Number 837/2018 in the matter of Original Application Number 837/2018 Sandeep Mittal Vs Ministry of Environment, Forest and Climate Change & Ors., has held that Ministry shall strengthen the monitoring mechanism for compliance of conditions of Prior Environment Clearance;

R.D

AND WHEREAS, the Central Government hereby publishes this draft notification in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 and section 23 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) or rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 1533 (E) dated the 14th September, 2006 read with subsequent amendments, notification numbers S.O. 190 (E) dated the 20th January, 2016, S.O. 4307(E) dated the 29th November, 2019, S.O. 750(E) dated the 17th February, 2020, except in respect of things done or omitted to be done before such supersession.

1. Short title and commencement: -

- i. This notification may be called the Environment Impact Assessment Notification, 2020 (hereinafter referred to as 'EIA Notification, 2020').
- ii. This notification shall come into force on the date of publication of final notification in the Official Gazette.

2. Application of the notification: - This notification is applicable to whole of India including territorial waters.

3. Definitions: - In this notification, unless the context otherwise requires, the terms are defined as follows:

- (1) **"Accredited Environment Impact Assessment Consultant Organization** (hereinafter referred to as 'ACO') is an organization that is accredited with the National Accreditation Board for Education and Training (NABET) of Quality Council of India (QCI) or any other agency, as may be notified by the Ministry from time to time;
- (2) **"Act"** means the Environment (Protection) Act, 1986 (Act number 29 of 1986);
- (3) **"Appraisal"** means detailed scrutiny of the application in prescribed form(s) and all documents including final EIA report, outcome of the public consultations by the Appraisal Committee for grant of Prior Environment Clearance;
- (4) **"Appraisal Committee"** means Central Level Expert Appraisal Committee or State Level Expert Appraisal Committee or Union Territory Level Expert Appraisal Committee or District Level Expert Appraisal Committee, as the case may be.
- (5) **"Baseline data** (hereinafter referred to as 'BLD')" means data depicting the pre-project or pre-expansion environmental scenario including data related to air, water, land, flora, fauna, socio-economic, etc., of the proposed project at the site(s) and study area;
- (6) **"Border Area"** means area falling within 100 kilometers aerial distance from the Line of Actual Control with bordering countries of India;
- (7) **"Built-up area"** means the built up or covered area on all the floors put together including its basement and other service areas, that is proposed in the buildings or construction projects;
- (8) **"Capital dredging"** means one time process involving removal of virgin material from the sea bed to create, or deepen a shipping channel in order to serve larger ships. This includes dredging activity inside and outside the ports or harbors and channels;
- (9) **Category 'A'** means projects or activities as listed in the column (3) of the Schedule to this notification;
- (10) **Category 'B1'** means projects or activities as listed in the column (4) of the Schedule to this notification;
- (11) **Category 'B2'** means projects or activities as listed in the column (5) of the Schedule to this notification;
- (12) **"Central Pollution Control Board** (hereinafter referred to as 'CPCB')" is a Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (13) **"Certificate of Green Building"** means certificate issued under the rating programmes of Green Rating for Integrated Habitat Assessment (GRIHA); Indian Green Building Council (IGBC); Leadership in Energy and Environmental Design (LEED) India, Excellence in Design for Greater Efficiencies (EDGE) or any other third-party green building rating system as issued by the Ministry, from time to time;

R.P.

- (14) “**Cluster**” means an area formed by group of mines or leases as per the criteria given in sub-paragraph (3) of paragraph 24 of this notification;
- (15) “**Cluster certificate**” is the certificate for cluster of mines or leases issued by the Director of Mines and Geology or any other Competent Authority;
- (16) “**Corporate Environment Responsibility** (hereinafter referred to as ‘CER’)” is the part of EMP wherein the project proponent is mandated to carry out certain activities for environment safeguard in the immediate surroundings of the project based on the issues raised during the public consultation and / or social need based assessment carried during the EIA studies;
- (17) “**Coastal Regulatory Zone** (hereinafter referred to as ‘CRZ’)” is the zone as notified under the Coastal Regulatory Zone Notification, 2019 and subsequent amendments, from time to time.
- (18) “**Critically Polluted Area**” means industrial cluster or area as identified by the Central Pollution Control Board, from time to time;
- (19) “**District or Divisional Level Expert Appraisal Committee** (hereinafter referred to as ‘DEAC’)” is a committee of experts constituted for the purpose of this notification, at district level or at divisional level, by the SEIAA or UTIAA in exercise of powers conferred under the section 23 of the Act, on the recommendation of the State Government or Union Territory administration, for environment appraisal of projects referred to it, and for making appropriate recommendations;
- (20) “**District Survey Report**” means a report prepared by the Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department, etc. in the district for identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area;
- (21) “**Eco-sensitive areas** (hereinafter referred to as ‘ESA’)” are the areas as notified under subsection (2) of section 3 of the Environment (Protection) Act, 1986 and subsequent amendments, from time to time;
- (22) “**Eco-sensitive zones** (hereinafter referred to as ‘ESZ’)” are the zones as notified under subsection (2) of section 3 of the Environment (Protection) Act, 1986 and subsequent amendments, from time to time;
- (23) “**Environment Impact Assessment** (hereinafter referred to as ‘EIA’) **Report**” is the document prepared by the Project Proponent through an ACO for the proposed project based on the Terms of Reference prescribed by the Regulatory Authority and as per the generic structure given in the Appendix-X of this notification;
- a. “**Draft EIA Report**” is the EIA Report prepared for the purpose of Public Consultation or in accordance with the directions of the Regulatory Authority;
- b. “**Final EIA Report**” is the EIA Report prepared, after public consultation, including mitigation measures duly addressing the concerns raised by the public, time bound action plan, budgetary provision for the commitments made therein by the project proponent, for the purpose of appraisal;
- (24) “**EIA Coordinator**” is a sectoral expert and coordinator of Functional Area Experts and is accredited by the ACO;
- (25) “**Environment Management Plan** (hereinafter referred to as ‘EMP’) **Report**” is the document prepared by the project proponent through ACO for the proposed project as per the generic structure given in the Appendix-XI of this notification;
- (26) “**Expansion**” means any increase in mine lease area or project area or Culturable Command Area or built-up area or length or number or generation capacity or production capacity or throughput or handling capacity, etc., as applicable to the project, entailing the capacity addition beyond the limits specified for the concerned project, in the schedule or prior-EC or prior-EP, as the case may

R.D.

- be, obtained. In case of mining projects or activity any increase in mine lease area and or production capacity shall be considered as expansion;
- (27) “**Expert Appraisal Committee** (hereinafter referred to as ‘EAC’)” is a committee of experts constituted at central level by the Ministry for appraisal of projects referred to it and for making appropriate recommendations;
- (28) “**Form**” means form(s) appended to this notification;
- (29) “**Functional Area Expert** (hereinafter referred to as ‘FAE’)” is an expert accredited by ACO, and working or empaneled with the ACO;
- (30) “**General Condition** (hereinafter referred to as ‘GC’)” means that any project or activity specified in Category ‘B1’ shall be appraised at the Central Level without change in the Category, if located in whole or in part, in areas mentioned in (a) or (b) below:-
- a. within 10 km in respect of items numbers 3, 5, 32, 33 of the schedule and within 5 km in respect of other items, from the boundary of-
- (i) Protected Areas; or
- (ii) Critically Polluted Area; or
- (iii) Eco-sensitive area; or
- (iv) Inter State or Union Territory.
- b. within the boundary of-
- (i) Severely Polluted Area; or
- (ii) Eco-sensitive Zone.
- (31) “**Island Coastal Regulatory Zone** (hereinafter referred to as ‘ICRZ’)” is the zone as notified under the Island Coastal Regulatory Zone Notification, 2019 and subsequent amendments, from time to time.
- (32) “**Maintenance dredging**” means the periodic removal of shoals or sediments from existing navigational channels, berths, swinging moorings etc. in order to maintain an appropriate safe depth of water for navigation, construction or operational purposes;
- (33) “**Micro, Small and Medium Enterprises**” means the project as defined under Micro, Small and Medium Enterprises Development Act, 2006 (Act number 27 of 2006) and its subsequent amendments;
- (34) “**Mineral Beneficiation**” means a process by which valuable constituents of ore are concentrated by means of physical or Physico-chemical separation process;
- (35) “**Ministry**” means Ministry of Environment, Forest and Climate Change in the Government of India;
- (36) “**Modernization**” is any change in the process or technology or change in the raw material mix or product mix or de-bottlenecking or increase in the number of working days or increase in the capacity utilization of plant and machinery in the project including increase in the rate of excavation in the existing mine lease area, etc., for which prior-EC or prior-EP, as the case may be, granted by the Regulatory Authority;
- (37) “**Non-compliance**” means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance or Prior Environment Permission to the project.
- (38) “**Notified Industrial Estate**” means the Industrial Estate including parks; complexes; areas; Export Processing Zones (EPZs); Special Economic Zones (SEZs); Biotech Parks; Leather Complexes; Coastal Economic Zones (CEZs); Special Investment Region (SIR); National Investment and Manufacturing Zones (NIMZs); Industrial Cluster; Petroleum, Chemicals and Petrochemicals Investment Regions (PCPIRs), that are notified by the Central Government or State Government or Union Territory administration prior to the 14th September, 2006 or that have obtained the Prior Environment Clearance as mandated under the EIA Notification, 2006 or under this notification;

R.D

- (39) “**Protected Areas**” means areas as notified under the Wild Life (Protection) Act, 1972 (53 of 1972) and its subsequent amendments, from time to time;
- (40) “**Prior Environment Clearance** (hereinafter referred to as ‘**prior-EC**’)” means the clearance or consent of Regulatory Authority, on the recommendation of the Appraisal Committee for the Category ‘A’; Category ‘B1’ and Category ‘B2’ projects that are required to be placed before Appraisal Committee as specified in the Schedule;
- (41) “**Prior Environment Permission** (hereinafter referred to as ‘**prior-EP**’)” means the permission or consent of Regulatory Authority for carrying out the proposed project listed in the Schedule in respect of Category ‘B2’ that are not required to be placed before Appraisal Committee as specified in the Schedule;
- (42) “**Prior Environment Clearance Conditions**” means conditions prescribed by the Regulatory Authority, for the project, for which Prior Environment Clearance or Prior Environment Permission has been sought;
- a. “**Specific Conditions**” means project specific or location specific conditions, on case to case basis, if any, prescribed by the Appraisal Committee; and
- b. “**Standard Conditions**” means conditions prescribed by the Ministry from time to time, for stipulating while granting prior-EC or prior-EP, as the case may be. However, such conditions may be modified, on due diligence, during the appraisal, on case to case basis, by the Appraisal Committee (in case of Prior-EC); and by the Regulatory Authority (in case of prior-EP).
- (43) “**Project**” means project or an activity;
- (44) “**Project Life**” means life of the project including phases of, (i) construction or installation or establishment or commissioning; (ii) operation; and (iii) redundancy or closure or dismantling;
- (45) “**Project Proponent**” means an individual or public or private entity or private entity, that has ultimate control over the affairs of the project and is duly authorized or appointed by the Board of Directors of the company or a competent authority of such entity or firm or trust or Limited Liability Partnership or Joint Venture or Special Purpose Vehicle or Central or State or Local Government to manage the affairs of the project and to correspond and execute documents before the Regulatory Authority for the purpose of this notification;
- (46) “**Public Consultation**” means the process by which the concerns of local affected persons and others, who have plausible stake in the environmental impact of the project, are ascertained with a view to appropriately take into account all such material concerns while designing the project;
- (47) “**Regulatory Authority**” means the Ministry or State Level Environment Impact Assessment Authority or Union Territory Level Environment Impact Assessment Authority;
- (48) “**Schedule**” means Schedule appended to this notification;
- (49) “**Scoping**” means the process of determining the Terms of Reference by the Regulatory Authority for the preparation of EIA Report, for the project, seeking prior-EC;
- (50) “**Secondary metallurgical processes**” means the production processes that starts with the output of the ore reduction process, scrap, salvage and ingots as input to the industry and its products are semi-finished products or finished products;
- (51) “**Severely Polluted Area**” means the industrial cluster or area as identified by the Central Pollution Control Board as Severely Polluted Area, from time to time;
- (52) “**State Level Expert Appraisal Committee** (hereinafter referred to as ‘**SEAC**’)” means a committee of experts constituted for the purpose of this notification, at state level, by the Ministry for environment appraisal of projects referred to it and for making appropriate recommendations;
- (53) “**State Pollution Control Board** (hereinafter referred to as ‘**SPCB**’)” is a board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (54) “**State Level Environment Impact Assessment Authority** (hereinafter referred to as ‘**SEIAA**’)” means an authority constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986;

R.D

- 127
- (55) **“Study area”** means the immediate surrounding area within an aerial distance of, 10 km around the boundary of the project falling under Category ‘A’ or 5 km around the boundary of the project falling under Category ‘B’, as the case may be;
- (56) **“Terms of Reference** (hereinafter referred to as ‘ToR’)” means detailed scope prescribed by the Regulatory Authority, for the project, for the purpose of preparation of EIA Report;
- a. **“Specific Terms of Reference”** means project specific or location specific Terms of Reference, prescribed by the Appraisal Committee, deemed necessary for the preparation of an EIA Report; and
- b. **“Standard Terms of Reference”** means standard Terms of Reference issued by the Ministry from time to time, for the preparation of EIA Report, in respect of the projects listed in the Schedule.
- (57) **“Union Territory Level Expert Appraisal Committee** (hereinafter referred to as ‘UTEAC’)” means a committee of experts constituted for the purpose of this notification at Union Territory Level by the Ministry for environmental appraisal of projects referred to it and for making appropriate recommendation;
- (58) **“Union Territory Level Environment Impact Assessment Authority** (hereinafter referred to as ‘UTEIAA’)” means an authority constituted by the Ministry under sub-section (3) of section 3 of the Environment (Protection) Act, 1986;
- (59) **“Union Territory Pollution Control Committee** (hereinafter referred to as ‘UTPCC’)” is a Committee constituted under the Water (Prevention and Control of Pollution) Act, 1974 (Act number 6 of 1974); and
- (60) **“Violation”** means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or expanded the production and / or project area beyond the limit specified in the prior-EC without obtaining prior-EC or prior-EP, as the case may be.

4. Requirement of Prior Environment Clearance or Prior Environment Permission:-

- (1) New projects or activities including expansion or modernization of project or activities listed in the schedule under Category ‘A’; Category ‘B1’; and Category ‘B2’ that are required to be placed before Appraisal Committee as specified in the Schedule, shall require Prior Environment Clearance from the concerned Regulatory Authority before start of any construction work or installation or establishment or excavation or modernization, whichever is earlier, on site or before expanding the production and / or project area beyond the limit specified in the prior-EC or prior-EP, as the case may be, granted earlier.
- (2) New projects or activities including expansion or modernization of project or activities listed in the schedule under Category ‘B2’ that are not required to be placed before Appraisal Committee as specified in the Schedule, shall require Prior Environment Permission from the concerned Regulatory Authority before start of any construction work or installation or establishment or excavation or modernization, whichever is earlier, on site or before expanding the production and / or project area beyond the limit specified in the prior-EC or prior-EP, as the case may be, granted earlier.
- (3) It is, however, clarified that ‘construction work’ for the purpose of this notification shall not include securing the land by fencing or compound wall; temporary shed for security guard(s); leveling of the land without any tree felling; geo-technical investigations if any required for the project.

5. Categorization of projects and activities: -

- (1) All the projects, listed in the schedule, are divided into three categories namely, Category ‘A’, Category ‘B1’, and Category ‘B2’ based on the potential social and environmental impacts and spatial extent of these impacts.
- (2) All projects under Category ‘A’ in the Schedule including expansion and modernization of existing projects shall require prior-EC from the Ministry.
- R.D

- (3) All projects under Category 'B1' in the Schedule, including expansion and modernization of existing projects, but excluding those which fulfill the General Conditions defined under sub-clause (30) of clause 3 of this notification, shall require prior-EC from the SEIAA or UTEIAA, as the case may be.
- (4) All projects under Category 'B1' in the Schedule including expansion and modernization of existing projects, and those which fulfill the General Conditions defined under sub-clause (30) of clause 3 of this notification, shall require prior-EC from the Ministry without any change in the category of the project.
- (5) All projects under Category 'B2' that are required to be placed before Appraisal Committee as specified in the Schedule, shall require prior-EC from the SEIAA or UTEIAA, as the case may be.
- (6) All other projects under Category 'B2' (other than those projects specified under sub-clause (5) above), shall require prior-EP from the SEIAA or UTEIAA, as the case may be. These projects shall not be placed before Appraisal Committee.
- (7) All projects concerning national defence and security or involving other strategic considerations, as determined by the Central Government, shall require prior-EC or prior-EP, as the case may be, from the Ministry without any change in the category of the project. Further, no information relating to such projects shall be placed in public domain.

6. Expert Appraisal Committee (EAC):-

- (1) The EAC shall consist of only experts fulfilling the following eligibility criteria:-
 - (a) **Qualification:** The person should have at least Post Graduate Degree in Science or Commerce or Arts or Law or Business Administration or Agriculture or Horticulture or Economics; or Graduate Degree in Technology or Engineering or Architecture from any recognized University or professional certification (C.A, C.S., and CMA).
 - (b) **Age:** Below 70 years as on date of nomination for the Appraisal Committee.
 - (c) **Experience:** 15 years of experience in the relevant fields given below:
 - (i) **Environment Quality:** Experts in measurement, monitoring, analysis and interpretation of data with relation to environment quality;
 - (ii) **Sectoral Project Management:** Experts in project management or management of process or operations or facilities in the sectors namely mining, extraction of natural resources, irrigation, power generation, nuclear energy, primary processing, materials production, materials processing, manufacturing, fabrication, physical infrastructure including environment services;
 - (iii) **Environment Impact Assessment Process:** Experts in conducting and carrying out EIA and preparation of EMP and other management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process;
 - (iv) Risk Assessment or Occupational health;
 - (v) Life Science (Floral and Faunal Management) or Forestry or Wildlife or Marine Science;
 - (vi) Environment Economics with experience in project appraisal;
 - (vii) Pollution prevention and mitigation or environmental sciences;
 - (viii) Public administration or management covering various developmental sectors and environment issues;
 - (ix) Environment laws; and
 - (x) Social impact assessment or Rehabilitation and Resettlement.
- (2) The tenure of the EAC shall not be more than three years.
- (3) The strength of the EAC shall not exceed fifteen regular members including Chairman or Chairperson and Secretary. However, the Chairman or Chairperson may co-opt expert(s) as the member(s) in a relevant field for a particular meeting of the Committee.

R.D.

- 129
- (4) The Chairman or Chairperson shall be an eminent person having experience in environment policy related issues, in management or in public administration dealing with various developmental sectors.
 - (5) The Chairman or Chairperson shall nominate one of the members as the Vice-Chairman or Chairperson who shall preside over the EAC, in the absence of the Chairman or Chairperson.
 - (6) The maximum tenure of a member, including Chairman or Chairperson, shall be for two terms of three years each or part thereof either in any of the Appraisal Committee or Authority. Chairman or Chairperson and member shall not serve simultaneously in more than one Authority or Committee constituted under this notification.
 - (7) The tenure of Chairman or Chairperson and members may not be curtailed arbitrarily prior to expiry of the tenure, without cause and proper enquiry conducted by the Ministry.
 - (8) More than one Expert Appraisal Committees can be constituted, as deemed necessary, by the Ministry.
 - (9) The authorised members of the EAC concerned may inspect any site connected with the project in respect of which the Prior Environment Clearance is sought for the purpose of scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary cooperation for the inspection.
 - (10) The EAC shall function on the principle of collective responsibility. The Chairman or Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail. Provided that in case a decision is taken by majority the details of views, for and against, shall be recorded in the minutes.
 - (11) A representative of the Ministry not below the rank of Director or Scientist 'E' or equivalent shall function as Member-Secretary of the Committee.
 - (12) EAC shall meet at least once every month.
 - (13) Ministry shall issue the procedure to be followed for constitution of the EAC, from time to time.

7. State Level Environment Impact Assessment Authority or Union Territory Level Environment Impact Assessment Authority: -

- (1) The SEIAA or UTEIAA shall comprise of three Members including a Chairman or Chairperson and a Member-Secretary. The Member-Secretary shall be a serving officer of the concerned State Government or Union Territory administration, not below the rank of Director or equivalent in the State Government or Union Territory. The Member-Secretary is expected to be, familiar with environment laws.
- (2) The tenure of the SEIAA or UTEIAA shall be three years. However and wherever considered necessary and expedient, Ministry may extend the tenure of existing authority for a period of not more than three months.
- (3) The Chairman or Chairperson shall be an eminent person having experience in environment policy related issues or in management or in public administration dealing with various developmental sectors. The qualification, age and experience shall be as per the criteria given in sub-clause (1) of clause 6 of this notification.
- (4) The maximum tenure of the non-official member including Chairman or Chairperson, shall be for two terms of three years each or part thereof either in any of Appraisal Committee or Authority. Chairman or Chairperson and member shall not serve simultaneously in more than one authority or committee constituted under this notification.
- (5) The tenure of Chairman or Chairperson and members may not be curtailed arbitrarily prior to expiry of the tenure, without cause and proper enquiry conducted by the concerned State or Union Territory.
- (6) The State Government or Union Territory administration shall forward the names of the Members and the Chairman to the Ministry, at least, forty-five days before expiry of the tenure of existing authority, and the Ministry shall constitute the SEIAA or UTEIAA, as an authority for the purposes of this notification, before expiry of the tenure of existing authority.
- (7) In case the State Government or Union Territory administration fails to forward the names of the Members and the Chairman to the Ministry forty-five days before expiry of the tenure of the existing

R.P.

authority, the Ministry shall constitute the SEIAA or UTEIAA, as an authority, for the purposes of this notification, without referring to State Government or Union Territory Administration.

- (8) All decisions of the SEIAA or UTEIAA shall be taken in a meeting and shall ordinarily be unanimous. Provided that, in case a decision is taken by majority, the details of views, for and against shall be clearly recorded in the minutes and a copy thereof sent to Ministry.
- (9) SEIAA or UTEIAA shall meet at least once in every month.

8. State or Union Territory or District Level Expert Appraisal Committee:-

- (1) The qualification, age and experience of chairman or chairperson or members of the SEAC or UTEAC or DEAC shall as per the criteria given in sub-clause (1) of clause 6 of this notification.
- (2) The other criteria and functions of the SEAC or UTEAC or DEAC shall as per the criteria given in sub-clause (2) to sub-clause (10) of clause 6 of this notification.
- (3) A representative of the State Government or Union Territory administration, not below the rank of Director or equivalent in the State Government or Union Territory shall function as Secretary of the Committee, in case of the SEAC or UTEAC.
- (4) An officer of the State Pollution Control Board or Union Territory Pollution Control Committee shall function as Secretary of the DEAC.
- (5) The DEAC shall be reconstituted after every three years by the SEIAA or UTEIAA based on the names forwarded by the District Administration or State Government or Union Territory Administration.
- (6) The SEAC or UTEAC shall be reconstituted after every three years through a gazette notification by the Central Government. Wherever considered necessary and expedient, Ministry may extend the tenure of existing committee for a period, not more than 3 months.
- (7) The State Government or Union Territory Administration shall forward the names of the Members and the Chairman to the Ministry, at least, 45 days before expiry of the tenure of existing SEAC or UTEAC and the Ministry shall constitute the SEAC or UTEAC for the purposes of this notification before expiry of the tenure of existing committee.
- (8) In case the State Government or Union Territory Administration fails to forward the names of the Members and the Chairman to the Ministry, before 45 days of expiry of the tenure of the existing SEAC or UTEAC, the Ministry shall constitute the SEAC or UTEAC as an Appraisal Committee for the purposes of this notification, without referring to State Government or Union Territory Administration.
- (9) In case the District Administration or State Government or Union Territory Administration fails to forward the names of the Members and the Chairman of DEAC to the SEIAA or UTEIAA, as the case may be, before 45 days of expiry of the tenure of the existing DEAC, the SEIAA or UTEIAA, as the case may be, shall constitute the DEAC as an Appraisal Committee for the purposes of this notification, without referring to District Administration or State Government or Union Territory Administration.
- (10) Further, in case the respective SEIAA or UTEIAA, as the case may be, fails to constitute DEAC within the time period notified by the ministry from time to time, the Ministry shall constitute the relevant DEAC, comprising of members as deemed appropriate, for such period (not less than 6 months) till the time the respective SEIAA or UTEIAA, as the case may be, does not constitute the respective SEAC.
- (11) The Ministry may constitute more than one SEAC or UTEAC for the State or Union Territory for reasons of administrative convenience and expeditious disposal of the proposals.
- (12) SEAC or UTEAC or DEAC shall meet at least once in every month.

9. Technical Expert Committee: -

- (1) A Technical Expert Committee shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising maximum of 10 members including chairman/chairperson and member-secretary.

R.P.

- (2) The Technical Expert Committee shall undertake categorization or re-categorization of projects on scientific principles including any streamlining of procedures, other tasks assigned to the committee for the purpose this notification, by the Ministry from time to time.
- (3) The tenure of the committee shall be five years.
- (4) The authorized members of Technical Expert Committee may visit any site connected with any project or activity for the purpose of assessing the environment impact involved in the project, with prior notice of at least seven days to the project proponent by the Ministry.

10. Stages in the Prior Environment Clearance or Prior Environment Permission Process:-

- (1) The Prior Environment Clearance process for Category 'A' or Category 'B1' will comprise of a maximum of six stages. However, the applicability of such stages for particular case or class of cases is set forth in this notification. The six stages, in sequential order, are:

Stage (1): Scoping;

Stage (2): Preparation of Draft EIA Report;

Stage (3): Public Consultation;

Stage (4): Preparation of Final EIA;

Stage (5): Appraisal; and

Stage (6): Grant or Rejection of Prior Environment Clearance.

- (2) The Prior Environment Clearance process for Category 'B2' that are required to be placed before Appraisal Committee as specified in the Schedule, will comprise of a maximum of three stages. The three stages, in sequential order, are:

Stage (1): Preparation of EMP Report;

Stage (2): Appraisal;

Stage (3): Grant or Rejection of Prior Environment Clearance.

- (3) The Prior Environment Permission process for Category 'B2' that are not required to be placed before Appraisal Committee as specified in the Schedule, will comprise of a maximum of two stages. The two stages, in sequential order, are:

Stage (1): Preparation of EMP Report;

Stage (2): Verification of completeness of the application by the Regulatory Authority; and

Stage (3): Grant or Rejection of Prior Environment Permission.

Provided that the ACO preparing the EMP and the Project Proponent, shall be responsible for the adequacy of the EMP.

Provided further that the EMP Report is kept on record and the Regulatory Authority reserves the right to prescribe additional measures for the project.

11. Process of application for Prior Environment Clearance or Prior Environment Permission, as the case may be: -

- (1) The project proponent seeking prior-EC or prior-EP, as the case may be, for the project listed in the schedule, shall make an application, through notified online portal, in the respective form(s), mentioned against each stage. No off-line application shall be entertained.

Stage/ Purpose	Forms	Supplemented with	Applicability	Regulatory Authority
Scoping	Form-1	Prefeasibility report	All projects under Category 'A' and Category 'B1'.	Ministry: For the projects under Category 'A' and Category 'B1' (those which attracts the General Conditions); and SEIAA or UTEIAA, as the case may be: For the projects

R.D

				under Category 'B1' (those which do not attract the General Conditions) and Category 'B2'.
Public consultation	Simple letter addressed	(i) At least 10 hard copies and a soft (electronic) copy of the Draft EIA Report prepared in English; and (ii) At least 10 hard copies of summary of EIA Report in English and in the official language of the State or Union Territory or Regional language.	All projects as given in sub-clause (1) of clause 14 of this notification	Member Secretary of SPCB / UTPCC concerned.
Appraisal	Form-1	(i) Form-1A; and (ii) Conceptual plan	All projects mentioned at column (5) under item 42 and 43 of the schedule.	SEIAA or UTEIAA, as the case may be
	Form-1	(i) Form-1B2; (ii) EMP; (iii) Final Layout plan; (iv) Feasibility Report or Mining plan in case of mining projects; (v) District Survey Report in case of mining of minor minerals; and (vi) Cluster certificate in case of cluster situation.	All projects falling under Category 'B2'.	SEIAA or UTEIAA, as the case may be.
	Form-2	(i) Final EIA Report; (ii) Copy of Feasibility Report or Approved Mining Plan in case of mining projects; (iii) Copy of final layout plan; (iv) Public consultation proceedings; (v) District Survey Report in case of mining of minor minerals; and (vi) Cluster certificate in case of cluster situation; and (vii) Certificate of compliance of	All projects falling under Category 'A' or Category 'B1'.	Ministry: For the projects under Category 'A' and Category 'B1' (those which attracts the General Conditions); SEIAA or UTEIAA, as the case may be: For the projects under Category 'B1' (those which do not attract the General Conditions) and Category 'B2'

R.D

		<p>conditions earlier prior-EC or prior-EP, as the case may be, issued by the Component Authority in case of expansion or modernization proposals; and</p> <p>(vii) Other pre-requisites as specified at sub-paragraph (5) of paragraph 17 of this notification.</p>		
--	--	--	--	--

- (2) The schematic representation of process in respect of prior-EC or Prior-EP, as the case may be, is given at Appendix-XIV

12. Scoping:-

- (1) All projects listed under Category "B2" of the Schedule shall not require Scoping.
- (2) To facilitate due diligence by the Project Proponent including collection of primary or secondary data, as the case may be, even before filing of application for grant of ToR or prior-EC or prior-EP, sector wise Standard ToR developed by the Ministry, from time to time, shall be displayed on the website of the Ministry.
- (3) The Standard ToR shall be issued to the following projects through online mode, on acceptance of application within 7 working days, without referring to Appraisal Committee by the Regulatory Authority:
 - (a) All Highway projects in Border Areas covered under entry (i) and (ii) of columns (3) and (4) against item 38 of the Schedule;
 - (b) All projects, proposed to be located in notified industrial estates and which are not disallowed in such notification;
 - (c) All expansion proposals of existing projects having earlier Prior Environment Clearance;
 - (d) All Building construction and Area development projects covered under entries of column (4) against item 42 and 43 of the Schedule.

Provided that Appraisal Committee shall be informed regarding issuance of standard ToR for a project. The Appraisal Committee may recommend specific ToR in addition to the Standard ToR, if found necessary for that project, within 30 days from the issue of Standard ToR.

- (4) All new projects other than specified in sub-paragraph (3) above, shall be referred to the Appraisal Committee by the Regulatory Authority within 30 days from the date of application, for recommending the specific ToR in addition to the Standard ToR, if deemed necessary. In case, the Regulatory Authority does not refer the matter to the Appraisal Committee within 30 days of date of application in Form-I, sector specific Standard ToR shall be issued, online, on 30th day, by the Regulatory Authority.
- (5) Applications for ToR may be rejected by the Regulatory Authority concerned on the recommendation of the Appraisal Committee. In case of such rejection, the decision together with reasons for such rejection, shall be communicated to the Project Proponent in writing after due personal hearing within sixty days of the receipt of the application.
- (6) The project proponent shall prepare the EIA report based on the sector specific Standard ToR as well as specific ToR, if any, stipulated by the Appraisal Committee.
- (7) The Terms of Reference for the projects except for River valley projects, issued by the regulatory authority concerned, shall have the validity of four years from the date of issue. In case of the River valley projects, the validity will be for five years.
- (8) In case of any change in the scope of the project, for which the ToR was prescribed by the Regulatory Authority, an application shall be made by the project proponent, online, in Form-3, for amendment

R.D.

in ToR within the validity of the ToR and before public consultation. All such proposals may be referred to the Appraisal Committee, if required, within 30 days from the date of application. However, the validity of the amended ToR will be counted from the date of issue of earlier ToR.

- (9) In case, more than one proposal is received for the same land or having land overlapping with the other project(s), in part or full for which, ToR or prior-EC or prior-EP, have already been granted to some other project, all such cases will be kept on hold. The Regulatory Authority will make written communication to the Chief Secretary of the Concerned State or Union Territory and the decision will be taken based on the advice of the State Government or Union Territory Administration.

13. Preparation of Environment Impact Assessment Report:-

- (1) Baseline data shall be collected as per the protocols specified in the sector specific EIA Guidance manuals issued by the Ministry or prescribed by CPCB from time to time.
- (2) Baseline data shall be collected for one season other than monsoon for EIA Report in respect of all projects other than River Valley projects. However, the baseline data of monsoon season shall also be required to be collected, in case of such requirement being prescribed by the Appraisal Committee while granting the ToR.
- (3) Baseline data shall be collected for one year including monsoon for EIA Report in respect of River Valley projects.
- (4) The collection and analysis of baseline data shall be carried through an environment laboratory duly notified under Environment (Protection) Act, 1986.
- (5) The secondary data available shall also be considered as baseline for the projects proposed beyond 12 Nautical Miles.
- (6) Baseline data, referred in sub-clause (1) to (5) above, can be collected at any stage, irrespective of the application for the scoping. However, such baseline data shall not be older than three years at the time of submission of draft EIA Report to the SPCB or UTPCC for Public Consultation.
- (7) The post-project monitoring data collected through an environment laboratory duly notified under Environment (Protection) Act, 1986 shall also considered for expansion or modernization of the projects.
- (8) The EIA Report shall be prepared as per the generic structure given at Appendix-X, by the project proponent through an ACO, which are accredited for a particular sector and the category of project for that sector.
- (9) Draft EIA report shall be prepared for the purpose of public consultation and Final EIA Report for the purpose of appraisal.
- (10) Disclosure of the accredited EIA Consultant Organization along with the EIA Coordinator and Functional Area Expert(s) involved in the environment impact assessment shall be included in the EIA Report in the format specified at Appendix-XIII and they are accountable for the contents or data provided therein in addition to the project proponent.
- (11) No EIA Report shall be required for the projects listed under Category 'B2'. However, EMP Report as per the generic structure given at Appendix-XI shall be prepared through ACO and submitted along with the application.

14. Public Consultation:

- (1) The public consultation shall ordinarily have two components comprising of:
 - a. A public hearing at the site or in its close proximity, district wise in case of the project area located in more than one district, to be carried out in the manner prescribed in the notification, for ascertaining concerns of local affected persons;
 - b. Inviting responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project;
 - c. In addition, if required, based on the nature of project, public consultation through any other appropriate mode may be recommended by the Appraisal Committee, or the Regulatory Authority, on case to case basis;

R.P.

However, the Regulatory Authority may decide on the feasibility and requirement of Public Hearing and/or consultation in the case of defence projects being considered under sub-clause (7) of clause 5 of this notification.

- (2) All Category 'A' and Category "B1" projects of new or expansion proposals or modernization with capacity increase more than 50 percent shall undertake Public Consultation.

Provided, the public consultation is exempted for the following:-

- a. modernization of irrigation projects falling under the item 4 of the Schedule;
- b. all projects falling under items 10(f), 16, 17, 19, 20, 21, 23, 24, 25, 27, 36, 40 of the schedule located within Notified Industrial Estates;
- c. all projects falling under item 42 and 43 of the Schedule;
- d. all Category 'B2' projects and activities;
- e. all projects concerning national defence and security or involving other strategic considerations as determined by the Central Government;
- f. all linear projects under item 31 and 38, in Border Areas.
- g. All the off-shore projects located beyond the 12 Nautical Miles

Provided further, that in all the projects under item 31 of the schedule, the public consultation shall be limited to the district (s), where the National Park or Sanctuary or Coral Reef or Ecological Sensitive Area is located.

- (3) Where a public consultation through public hearing is required, the project proponent shall submit a request letter in the specified format as given at Appendix-I to the concerned Member Secretary of SPCB or UTPCC, as the case may be, in whose jurisdiction the project is located, along with at least 10 hard copies and a soft (electronic) copy of the Draft EIA Report prepared in English; and at least 10 hard copies of summary of EIA Report in English and in the official language of the State or Union Territory or Regional Language.
- (4) In case the project site is covering more than one District or State or Union Territory, the project proponent shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per the procedure.
- (5) The public consultation shall be undertake, specific to the project, as per the procedure given at Appendix-I.
- (6) The public hearing including submission of proceedings of public hearing to the concerned Regulatory Authority, shall be completed by the SPCB or UTPCC concerned within a period of forty working days from date of receipt of the request letter from the project proponent.
- (7) In case the SPCB or UTPCC concerned does not undertake and complete the public hearing within the specified period, 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 working days, as per procedure laid down in this Notification.
- (8) If the public agency or authority nominated under the sub-clause (7) 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.
- (9) For obtaining responses in writing from other concerned persons having a plausible stake in the environment aspects of the project, the concerned SPCB or UTPCC shall invite responses from such concerned persons by placing the Summary EIA report prepared by the applicant along with a copy of the application in the prescribed form, on their website, within ten 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. The Regulatory Authority

R.D

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 project proponent through the quickest available means.

- (10) After completion of the public consultation, a copy of proceedings of public hearing will also be provided to the project proponent. The project proponent shall address all the material environment concerns expressed during this process, and make appropriate changes including mitigation plan in the draft EIA Report and the EMP. The final EIA report, so prepared, shall be submitted by the project proponent to the concerned Regulatory Authority for appraisal.

15. Appraisal: -

- (1) The application, submitted by the project proponent, shall be scrutinized within fifteen working days from the date of its receipt, strictly with reference to the ToR prescribed for the project by the concerned Regulatory Authority. The inadequacies in the application shall be communicated online, or completed application shall be accepted online.
- (2) Every application, except for the matters falling under Category 'B2' unless specifically mentioned against the item in the schedule, accepted by the Regulatory Authority, shall be placed before the Appraisal Committee and its appraisal shall be completed within forty-five working days of the acceptance of the application. The recommendations of the Appraisal Committee, through the minutes of meeting, shall be displayed on the website of the concerned Regulatory Authority.
- (3) Every application for the matters falling under Category 'B2' unless specifically mentioned against the item in the schedule, on acceptance of application by the Regulatory Authority, shall be issued prior-EP through online system appending standard conditions applicable to those projects within fifteen working days from the date of application. In case of rejection of the application shall inform reasons for the same.
- (4) The appraisal in respect of cases, as per the sub-clause (2) of clause 15 of this notification, shall be made by Appraisal Committee in a transparent manner in a proceeding to which the project proponent shall be invited for furnishing necessary clarifications in person or through an authorized representative (not below the level of officer in Board of Directors) or through video conference. The project proponent may take assistance of the EIA Coordinator and Functional Area Expert(s) involved in the preparation of EIA report during appraisal, before the committee. On conclusion of this proceeding, the Appraisal Committee shall make categorical recommendations to the Regulatory Authority concerned either for grant of prior-EC on stipulated terms and conditions, or rejection of the application for prior-EC, together with reasons for the same.
- (5) In case the project is recommended for grant of prior-EC, then the minutes shall clearly list out the specific environment safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.
- (6) The project proponent shall be informed at least ten days prior to the scheduled date of meeting of the Appraisal Committee, through online system regarding consideration of the proposal and agenda of the meeting.
- (7) No fresh studies shall be sought by the Appraisal Committee at the time of appraisal, unless new facts come to the notice of the Appraisal Committee and it becomes inevitable to seek additional studies from the project proponent and same shall be clearly reflected in the minutes of the meeting.
- (8) In case of the projects under column (4) of Item 42 of the Schedule having provisional certificate of Green Building, the proposals shall be considered on priority.
- (9) Ministry shall issue guidelines for the Corporate Environment Responsibility from time to time, envisaging slabs for new projects; expansion projects; modernization projects, proposed to be located in Critically Polluted Areas, Severely Polluted Areas, Other Areas, etc.
- (10) The proposal shall be placed before the Competent Authority within fifteen working days from the date of display of minute of the meeting of the Appraisal Committee for final decision.
- (11) The Competent Authority within another fifteen working days shall take final decision.

R.D

16. Procedure for grant of Prior Environment Clearance for modernization: -

- (1) All applications seeking prior-EC for modernization within the existing premises or mine lease area, as the case may be, in respect of projects listed in the schedule, shall be subjected to the requirements as per matrix given hereunder:-

Slabs	Intended increase in production capacity through modernization	Application in form through online portal	Requirement of Scoping	Requirement of revised EIA report	Requirement of revised EMP	Whether refer to Appraisal Committee	Requirement of Public Consultation
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
I	Modernization without increase in the production capacity	Form-2	No	No	No	No	No
II	Up to 10 percent	Form-2	No	No	Yes	No	No
III	More than 10 and up to 25 percent	Form-2	No	No	Yes	Yes	No
IV	More than 25 and up to 50 percent	Form-2	No	Yes	Yes	Yes	No
V	More than 50 percent	Form-I	Yes	Yes	Yes	Yes	Yes (as per clause 14)

- (2) The requirement, as per the matrix, shall apply to cumulative increase in production capacity taking reference to the latest prior-EC (including prior-EC under 'expansion' category) issued to the project without involving relaxation under this clause

E.g. if prior-EC has been issued for a production capacity of 'X' units, an application for grant of prior-EC for modernization can be considered under different slabs as per the following:-

Prior-EC (say, granted on 1/1/2016)

Production capacity : X

Sl	Cumulative production	Date	Applicable Slab	Stage	Reason
1	X		I	--	Modernization without increase in the production capacity
2	Up to 1.1 X	1/12/2020	II	1 st Modernization	New production is 1.1X (X: Production level for which Prior-EC has been granted)
3	Up to 1.2X	1/06/2021	III	2 nd Modernization	New production is 1.2 times the production for which Prior-EC was granted (X). This is notwithstanding the fact that the proposed production is less than 10% of 1.1X (which was approved previously at 1 st modernization stage)
4	Up to 1.4X	1/06/2022	IV	3 rd Modernization	New production is 1.4 times the production for which Prior-EC was granted (X). This is notwithstanding the fact that the proposed production is less than 25% of 1.2X (which was approved previously at 2 nd modernization stage)

- (3) However, the prior-EC issued in terms of Slab (V), shall be deemed to be granted under the 'expansion' category

R.D

- (4) Provisions of sub-clause (2) above, shall not be applicable for the projects -
- (a) falling under Category 'B2' and converting to Category 'B1' or Category 'A' by virtue of modernization; and
 - (b) public hearing was not conducted during life time of the project for which public hearing was applicable as per the EIA Notification(s);
- (5) All applications for prior-EC, for the proposals intended for modernization without increase in the production capacity or increase in production capacity up to 10 percent with respect to prior-EC granted earlier shall be issued online, on acceptance of application by the Regulatory Authority.
- (6) All applications for prior-EC, for the proposals intended for increase in production capacity from 10 percent to 50 percent with respect to prior-EC granted earlier shall be considered by the Appraisal Committee within forty-five working days from the date of application and appraised accordingly for grant of prior-EC.
- (7) 'No increase in pollution load' certificate issued by the SPCB or UTPCC on recommendation of Technical Committee constituted under Air (Prevention and Control of Pollution) Act, 1981 or Water (Prevention and Control of Pollution) Act, 1974, shall also be considered in place of EIA and EMP required under column (5) and column (6) of the table given at sub-clause (1) above.

17. Grant or Rejection of Prior Environment Clearance: -

- (1) The Regulatory Authority shall consider the recommendations of the Appraisal Committee and convey its decision to the project proponent within thirty working days of the minutes of meeting of the Appraisal Committee or within ninety working days of the receipt of the complete application with requisite documents, except as provided below.
- (2) The Regulatory Authority shall normally accept the recommendations of the Appraisal Committee. In cases where it disagrees with the recommendations of the Appraisal Committee, the Regulatory Authority shall request reconsideration by the Appraisal Committee within forty-five working days of the minutes of meeting of Appraisal Committee while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant through online mode. The Appraisal Committee in turn, shall consider the observations of the Regulatory Authority and furnish its views on the same within a further period of forty-five working days. The decision of the Regulatory Authority after considering the views of the Appraisal Committee shall be final. The decision shall be conveyed to the project proponent by the Regulatory Authority concerned within the next thirty working days.
- (3) In the event that the decision of the Regulatory Authority is not communicated to the applicant within the period specified in sub-clause (2) above, the applicant may proceed as if the prior-EC sought for has been granted or denied by the Regulatory Authority in terms of the final recommendations of the Appraisal Committee.
- (4) On expiry of the period specified for decision by the Regulatory Authority under sub-clause (2) above, the decision of the Regulatory Authority, and the final recommendations of the Appraisal Committee shall be public documents.
- (5) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior-EC or prior-EP, as the case may be, or scoping, or appraisal, or decision by the Regulatory Authority Concerned, except:-
 - (a) Approval of mining plan from the Competent Authority, in case of mining projects;
 - (b) In-principle approval for diversion of Forestland under Forest (Conservation) Act, 1980 (Act number 6 of 1980) involved in the project;
 - (c) Recommendations of State or Union Territory Coastal Management Authority, in case of the project located in the CRZ or ICRZ area; and
 - (d) While full acquisition of land may not be pre-requisite for the consideration of proposal for prior-EC, in case of land with respect to project site(s) proposed to be acquired through Government intervention, a copy of preliminary notification issued by the concerned state government or union territory administration regarding acquisition of the land as per the

provisions of Land Acquisition, Rehabilitation and Resettlement, Act, 2013 (Act number 30 of 2013) as amended from time to time shall be required. In case of land is being acquired through private negotiations with the land owners, credible document showing the intent of the land owner to sell the land for the proposed project shall be required. In case of mining projects, 'Letter of Intent' shall be considered as a credible document.

- (6) Concealment and/or submission of false or incorrect or misleading information or data by the project proponent or ACO or EIA Coordinator or Functional Area Expert involved in the preparation of EIA Report, which is material to scoping or appraisal or decision on the application including EIA or EMP Report, shall make the application liable for rejection, and cancellation of prior-EC or prior-EP, as the case may be, granted on that basis. Rejection of an application or cancellation of a prior-EC or prior-EP, as the case may be, already granted, on such ground, shall be decided by the Regulatory Authority, after giving a personal hearing to the project proponent, and following the principles of natural justice.
- (7) Cognizance of the false or incorrect or misleading information or data by the project proponent or ACO or EIA Coordinator or Functional Area Expert involved in the preparation of EIA Report, Ministry shall take appropriate action including black listing of organization or individual responsible.
- (8) Where any lease or license or right or permission or authorization granted by the Government in respect of a project or activity is cancelled either in any legal proceedings or by Government in accordance with law and the said lease or license or right or permission or authorization in respect of that project is granted to any other person or successful bidder then, in case of:-
 - (a) Specific enactment on the aforesaid subject under any law for the time being in force: The provisions of such law shall be applicable; and
 - (b) No specific enactment on the aforesaid subject under any law for the time being in force: Legal person entitled to undertake the project or successful bidder selected by the Government in accordance with law shall make an application in Form - 6 as given in Appendix-VI of this notification, for grant of prior-EC. All such applications shall be considered by the Appraisal Committee considering the existing EIA Report and the prior-EC granted earlier. The Appraisal Committee may recommend for grant of prior-EC subject to the same validity period, terms and conditions, as was initially granted. However, the Appraisal Committee may stipulate case specific additional conditions to such projects as deemed necessary.

18. Amendment in prior-EC or prior-EP: -

- (1) The project proponent shall make an online application in Form-4 to the Regulatory Authority concerned on the designated portal regarding any change in the terms and conditions of prior-EC or prior-EP, as the case may be.
- (2) All the applications for amendment in prior-EC shall be considered by the Appraisal Committee within forty-five working days from the date of application and appraised for recommendation of amendment in prior-EC.
- (3) All the applications for amendment in prior-EP shall be considered by the Regulatory Authority within twenty working days from the date of application and approved amendment in prior-EP shall be issued accordingly.
- (4) Any shift in the project site location after conduct of public consultation or grant of prior-EC will be deemed to be a new proposal and will be appraised *de-novo*, as per the procedure prescribed, unless the Appraisal Committee is satisfied that the shift is so minor as to have no change in the EIA Report. On recommendation of the Appraisal Committee, the Regulatory Authority shall issue an amendment in prior-EC.
- (5) As long as the peak production capacity, mining lease area, mine closure conditions remain unchanged and have been put in place by the project proponent, nature and extent of mitigation measures, as committed in the prior-EC granted, are in place corresponding to the quantum of excavation being made at that point in time the project proponent can produce up to a maximum of peak production capacity permitted in the prior-EC and change in the sequence of operations of mining is also allowed. However, the project proponent shall report such change in the Scheduled

R-D

production and or/ sequence of operations along with corresponding mitigation measures in the periodic compliance report. Further, failures on part of mitigation measure corresponding to the quantum of production or as required in view of change in sequence of operation, shall be considered as 'non-compliance' on part of the project proponent, who shall be liable for requisite action.

- (6) In case of other projects, no amendment in the prior-EC or prior-EP, as the case may be, is required for change in configuration of the units or equipment or machinery, without change in overall sanctioned capacity for which prior-EC or prior-EP, as the case may be, has been granted.
- (7) Change in irrigation technology that result in environmental benefits (e.g. flood irrigation to drip irrigation etc.), leading to increase in Culturable Command Area, but without increase in dam height and submergence, shall not require amendment in the prior-EC or prior-EP, as the case may be.

19. Validity of Prior Environment Clearance or Prior Environment Permission: -

- (1) The validity of period of the prior-EC or prior-EP, as the case may be, involves three phases of the project:
 - (a) Construction or Installation Phase;
 - (b) Operational Phase; and
 - (c) Redundancy or Closure or Dismantling Phase

I. **Construction or Installation Phase:** The construction or installation phase means period from the date of grant of prior-EC or prior-EP, as the case may be, by the Regulatory Authority to:-

- (a) Completion of all construction activities, in case of construction projects (item 42 and 43 of the Schedule), to which the application for prior-EC or prior-EP, as the case may be, refers; and / or
- (b) Completion of installation of plant and machinery including commencement of production operations in all other cases (other than item 1, 42 and 43 of the Schedule), to which the application for prior-EC or prior-EP, as the case may be, refers;
- (c) Project life as estimated by the Appraisal Committee subject to a maximum of fifty years or up to the period of validity of mining lease; whichever is earlier.

The period of validity of the prior-EC for construction and / or installation phase shall be:

- (d) **Mining projects:** Project life as estimated by the Appraisal Committee subject to a maximum of fifty years; or up to the period of validity of mining lease; whichever is earlier, subject to commencement of mining activities within ten years from the date of grant of prior-EC or prior-EP, as the case may be;
- (e) **River valley projects (item 3 of the Schedule) or Irrigation projects (item 4 of the Schedule) or Nuclear Power Projects and processing of nuclear fuel (item 6 of the Schedule):** Fifteen years;
- (f) **All other projects:** Ten years.

Provided that the period of insolvency resolution process of companies before the National Company Law Tribunal or period of prohibition or restriction on the construction and/or installation of the project, by any other tribunal or court or moratorium imposed under any authority shall be excluded for calculating the period of validity of the prior-EC or prior-EP, as the case may be, specified above, subject to maximum of three years

II. **Operational Phase:-** The validity of the operational phase shall lapse if the construction and / or installation, as the case may be, is not completed within the corresponding validity period as per the sub-clause (2) and (3) of clause (19) of this notification. Subject to the provisions of sub-clause (2) of clause (19) of this notification, validity of the prior-EC or prior-EP, as the case may be, for the operational phase of projects, except mining, shall be:

- (a) Perpetual for the remaining life of the project;
- (b) Confined to the completed project, it is clarified that and only completed part of the project shall be considered as perpetual for the remaining life of the project where the project is implemented partially, within the period specified above.

R.D.

- (2) Validity of the prior-EC, or prior-EP, as the case may be, in the case of Area Development projects, shall be limited only to such activities as may be the responsibility of the project proponent as a developer.
- (3) In case of the mining projects that have operated below the capacity granted in the prior-EC or prior-EP, as the case may be, and reserves are not exhausted within the project life as estimated by the Appraisal Committee, the validity period of the prior-EC may be extended, on recommendation of the Appraisal Committee for the same production capacity and mining lease area for which prior-EC or prior-EP, as the case may be, was granted. However, the validity of the prior-EC or prior-EP, as the case may be, shall not be more than the period of mining lease.

20. Monitoring of post project prior-EC or prior-EP: -

- (1) The project proponent shall prominently advertise, at his own cost in at least two local newspapers, the fact that the project has been accorded prior-EC or prior-EP, as the case may be, along with the details of website of Regulatory Authority, where the copy of prior-EC or prior-EP, as the case may be, shall be displayed. Copy of the prior-EC or prior-EP, as the case may be, shall also be displayed permanently on the website of the company and relevant project.
- (2) The Regulatory Authority shall place the prior-EC or prior-EP, as the case may be, in the public domain on its designated portal.
- (3) The copies of the prior-EC shall be submitted by the project proponents to the following authorities within thirty days of grant of clearance, who in turn have to display the same for thirty days from the date of receipt:
 - (a) District Magistrate / District Collector / Deputy Commissioner/s;
 - (b) Zila Parishad or Municipal Corporation or Panchayats Union;
 - (c) District Industries Office;
 - (d) Urban Local Bodies (ULBs) / Panchayati Raj Institutions concerned / Development Authorities;
 - (e) Concerned Regional Office of the Ministry; and
 - (f) Concerned Regional office of SPCB or UTPCC.
- (4) It shall be mandatory for the project proponent to submit compliance reports in respect of conditions stipulated in prior-EC or prior-EP, as the case may be, pertaining to previous financial year by 30th June, online through the designated portal. The yearly compliance report shall be submitted, each year, from the date of grant of prior-EC, till the project life, to the Regulatory Authority concerned. However, Regulatory Authority can seek such compliance reports at more frequent intervals, if deemed necessary.
- (5) In case of failure to submit yearly compliance reports in respect of the conditions stipulated in prior-EC or prior-EP, as the case may be, pertaining to previous financial year by 30th June, of the relevant financial year, a late fee of Rs. 500/- per day in case of Category 'B2' projects; Rs. 1000/- per day in case of Category 'B1' projects; and Rs. 2,500/- per day in case of Category 'A' projects shall be levied. If such non-submission of the compliance reports in respect of the stipulated conditions in prior-EC or prior-EP, as the case may be, conditions continue for a period of consecutive three years, the prior-EC or prior-EP, as the case may be, shall be deemed to have been revoked without any notice in this regard.
- (6) All the compliance reports submitted by the project proponent shall be available on the website of the concerned Regulatory Authority.
- (7) The latest compliance report shall also be displayed on the web site of the project proponent.
- (8) The compliance monitoring of conditions prescribed in respect of prior-EC, for Category 'A' projects shall be carried out by the Regional office of the Ministry or Regional Directorate of CPCB. The monitoring report shall be uploaded on the designated web portal within fifteen days from the date of inspection.

R.D

- (9) The compliance monitoring of conditions prescribed in respect of prior-EC, for Category 'B1' and prior-EP for Category 'B2' projects, shall be carried out by the SPCB or UTPCC. The monitoring report shall be uploaded on the designated web portal within fifteen days from the date of inspection.
- (10) Notwithstanding above provisions, to supplement the efforts of the Ministry for monitoring through Regional office of the Ministry, Regional Directorate of CPCB, SPCB or UTPCC, the Ministry may empanel government institutions of national repute for carrying out compliance monitoring of conditions of prior-EC or prior-EP, as the case may be, of projects in a random manner.
- (11) The compliance monitoring shall be done *inter-alia* against the baseline information available in the EIA Report as appraised by Appraisal Committee, terms and conditions of the prior-EC or prior-EP, as well as other provisions, as may be specified by the Ministry, from time to time.

21. Transferability of Prior-EC or Prior-EP: -

- (1) A prior-EC or prior-EP, as the case may be, granted for a specific project to a project proponent may be transferred during its validity to another legal person entitled to undertake the project on application by the transferor or by the transferee in Form-5 within one year of the date of transfer, with a written "no objection" by the transferor, to be filed before the Regulatory Authority. The Regulatory Authority shall transfer the prior-EC, or prior-EP, as the case may be, on the same terms and conditions, under which the prior-EC or prior-EP, as the case may be, was initially granted and for the same validity period. No reference to the Appraisal Committee shall be made in such cases.
- (2) A prior-EC granted for a specific project may be split among two or more legal persons, entitled to undertake the project and transferred during its validity to another legal person(s) on application by the transferor in Form-5 to be filed before the Regulatory Authority within one year of the date of transfer. The regulatory authority shall transfer the prior-EC, on recommendation of the Appraisal Committee, who shall prescribe the conditions for all the projects split among the two or more legal person(s).
- (3) The prior-EC, granted to two or more legal persons entitled to undertake the projects, and these projects being located in the contiguous land, may be amalgamated and transferred during their validity to another legal person entitled to undertake the projects. The application shall be filed by the transferee in Form-5 with a written "no objection" by the transferor, to be filed before the Regulatory Authority applicable for the amalgamated activity, within one year of the date of transfer. The Concerned Regulatory Authority shall transfer the prior-EC, on recommendation of the Appraisal Committee, who shall prescribe the conditions for the amalgamated prior-EC.

22. Dealing of Violation cases:

- (1) The cognizance of the violation shall be made on the:-
 - (a) *suo moto* application of the project proponent; or
 - (b) reporting by any Government Authority; or
 - (c) found during the appraisal by Appraisal Committee; or
 - (d) found during the processing of application, if any, by the Regulatory Authority.
- (2) The cases of violation will be appraised by Appraisal Committee with a view to assess that the project has been constructed or carried at a site, which under prevailing laws is permissible or expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; In case, finding of the Appraisal Committee is negative, closure of the project shall be recommended along with other actions under the law including directions for remediation. Also refer Appendix-XV of this notification
- (3) In case, where the findings of the Appraisal Committee are positive, the project under this category will be prescribed with appropriate specific Terms of Reference on assessment of ecological damage, remediation plan and natural and community resource augmentation plan in addition to the standard ToR applicable to the project.
- (4) The CPCB shall issue guidelines for assessment of ecological damage from time to time.
- (5) The project proponent shall prepare the report of assessment of ecological damage as per the guidelines issued by the CPCB in this regard from time to time, along with remediation plan and

R.P.

natural and community resource augmentation plan as an independent chapter in the EIA Report through an ACO.

- (6) The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environment laboratory duly notified under Environment (Protection) Act, 1986, or an environment laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.
- (7) The Appraisal Committee shall stipulate the implementation of EMP, comprising remediation plan and natural and community resource augmentation plan corresponding to the 1.5 times the ecological damage assessed and economic benefit derived due to violation in case of the *suo moto* applications or two times the ecological damage assessed and economic benefit derived due to violation in cases reported by any Government Authority or found during the appraisal of Appraisal Committee or during the processing of application if any by the Regulatory Authority, as a condition of Environment Clearance:

Provided that the Ministry may prescribe suitable guidelines or mechanism through which the project proponent shall discharge the above obligation.

- (8) On cognizance of violation through *suo moto* application, a late fee of Rs. 1,000/- per day in case of Category 'B2' projects; Rs. 2,000/- per day in case of Category 'B1' projects; and Rs. 5,000/- per day in case of Category 'A' projects shall be paid by the Project Proponent, at the time of application, calculated for a period of date of violation to date of application.
- (9) On cognizance of violation reporting by any Government Authority or found during the appraisal by Appraisal Committee or processing of application, if any, by the Regulatory Authority, a late fee of Rs. 2,000/- per day in case of Category 'B2' projects; Rs. 4,000/- per day in case of Category 'B1' projects; and Rs. 10,000/- per day in case of Category 'A' projects shall be paid by the Project Proponent, at the time of application, calculated for a period of date of violation to date of application.

For the purpose of the sub-clause (8) and (9) above, the date of violation shall be deemed to be 14th April, 2018 (date of closure of the time window provided for violation cases vide notification number S.O. 804(E) dated the 14th March, 2017 and subsequent orders of Hon'ble High Court of judicature at Madras vide order dated 14th March, 2018 in WMP No. 3361 and 3362 of 2018 and WMP No. 3721 in WP No. 11189 of 2017) or 1st April of the year falling in which the violation occurred.

- (10) The project proponent will be required to submit a bank guarantee valid for five years equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan and with the SPCB or UTPCC, as the case may be, and the quantification will be recommended by Appraisal Committee and finalized by Regulatory Authority, with a condition to implement the same within a period of three years.
- (11) The project proponent shall prepare the EIA Report as per the provisions given in clause 13 of this notification and public consultation shall be carried as per the provisions given in clause 14 of this notification.
- (12) The appraisal of the proposals shall be carried as per the provisions given in clause 15 of this notification.
- (13) The bank guarantee shall be deposited prior to the grant of Environment Clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by Regional Office of the Ministry in case of category "A" project or activities or SPCB or UTPCC, as the case may be, and approval of the Regulatory Authority.
- (14) Further, the action will be taken against the project proponent by the respective State Government or Union Territory Administration or SPCB or UTPCC, as the case may be, under the provisions of section 19 of the Environment (Protection) Act, 1986.
- (15) Further, no consent to operate or occupancy certificate for the violation component of the project will be issued till the project is granted the Environmental Clearance. If the project has been issued Consent to Operate or Occupancy Certificate without prior-EC or prior-EP, as the case may be, the

R-D

same shall be considered as provisional and shall expire within six months of reporting the violation for the projects do not required to undergo public consultation as per the sub-clause (2) of the clause 14 of this notification; and one year for the projects required to undergo public consultation, unless application for prior-EC has been filed along with the EIA Report or EMP, as the case may be, within such period.

23. Dealing of Non-compliances:-

- (1) The cognizance of the non-compliance of conditions of prior-EC or prior-EP, as the case may be, shall be made based on the *suo moto* reporting by the project proponent or reporting by any Government Authority or found during the appraisal of Appraisal Committee or during the processing of application if any by the Regulatory Authority.
- (2) The non-compliances of conditions of prior-EC in respect of Category "A" projects shall be referred to the Expert Committee constituted for the purpose by the Ministry, at central level.
- (3) The reported non-compliances of conditions of prior-EC in respect of Category "B" projects shall be referred to the Expert Committee constituted for the purpose by the Ministry, at state level.
- (4) In the absence of duly constituted Expert Committee, the respective Appraisal Committee shall function as Expert Committee.
- (5) The expert committee shall deliberate on the non-compliances reported in a transparent manner in a proceeding to which the project proponent shall be invited for furnishing necessary clarifications in person or through an authorized representative or through video conference, to be decided by the Regulatory Authority.
- (6) On conclusion of the proceeding, the Expert Committee shall make categorical recommendations to the project proponent for time bound action plan for compliance of the conditions of prior-EC conditions and the amount of the bank guarantee deposited as an assurance for the purpose of compliance with the SPCB or UTPCC, as the case may be.
- (7) The bank guarantee will be released after successful implementation of the action plan and on the recommendations of the Regional office of the Ministry or Regional Directorate of CPCB in case of Category "A" projects; SPCB or UTPCC in case of the Category "B" projects.

24. Preparation of District Survey Report and monitoring procedure for Sand Mining or River Bed Mining and Mining of other Minor Minerals, Cluster formation: -

- (1) Ministry of Environment, Forest and Climate Change shall issue prescribed procedure for preparation of District Survey Report for mining of 'minor minerals' from time to time.
- (2) Ministry of Environment, Forest and Climate Change shall issue the procedure for enforcement, monitoring of mining of 'minor minerals' including environmental audit, from time to time.
- (3) The procedure in respect of cluster situation shall be as follows:-
 - (a) A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area which shall be applicable to the mine leases or quarry licenses granted on and after 9th September, 2013. Provided that in contiguous area, the Mines and Geology Department of the State Government shall, -
 - (i) Define the size of cluster as per local situation for effective formulation and implementation of mine plan and EIA or EMP, as the case may be;
 - (ii) Prepare mine plan and an EIA or EMP, as the case may be, for the cluster;
 - (iii) Prepare a Regional Mine Plan and Regional EIA or EMP, as the case may be, including all the clusters in that contiguity; and
 - (iv) Provide for mobilisation of funds from the Project Proponents in predetermined proportion for implementation of cluster and Regional EIA or EMP, as the case may be:

Provided further that the leases not operative for three years or more and leases which have got environmental clearance as on 15th January, 2016, shall not be counted for calculating the area of cluster, but shall be included in the EIA or EMP, as the case may be.

R.D.

- (b) The District Mineral Fund can also be used to augment the fund for implementation of EIA or EMP, as the case may be;
- (c) The 'Cluster EIA' or 'Cluster EMP', as the case may be is required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The 'Cluster EIA' or 'Cluster EMP', as the case may be, shall be prepared by the State or State nominated agency or group of project proponents in the cluster or the project proponent in the cluster, as the case may be;
- (d) There shall be one public consultation for entire cluster after which the final 'Cluster EIA' or 'Cluster EMP', as the case may be, for the cluster shall be prepared;
- (e) Prior-EC or Prior-EP, as the case may be, shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same 'Cluster EIA' or 'Cluster EMP', as the case may be, for purpose of application for Prior Environmental Clearance. The 'Cluster EIA' or 'Cluster EMP', as the case may be, shall be updated keeping in view any significant change at the filed level;
- (f) The details of 'Cluster EIA' or 'Cluster EMP', as the case may be, shall be reflected in each Prior Environment Clearance in that cluster. The Appraisal Committee shall ensure that mitigative measures, emanating from the 'Cluster EIA' or 'Cluster EMP', as the case may be, study are fully reflected as conditions of prior-EC or prior-EP, as the case may be, to the individual project proponents in that cluster.

25. Appeal against the Prior Environment Clearance or Prior Environment Permission granted by the Regulatory Authority.

- (1) Any appeal against the prior-EC or prior-EP, as the case may be, granted by the Regulatory Authority, shall lie with the National Green Tribunal, if preferred, within a period of thirty days as prescribed under Section 16 of the National Green Tribunal Act, 2010 :

Provided that the National Green Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within said period, allow it to be filed under Section 16 of the National Green Tribunal Act, 2010, within a further period not exceeding sixty days.

26. Exception of projects

The following cases shall not require prior-EC or prior-EP, namely:-

- (1) Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs;
- (2) Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles;
- (3) Removal of sand deposits on agricultural field after flood by farmers;
- (4) Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village;
- (5) Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts;
- (6) Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
- (7) Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management;
- (8) Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat;
- (9) Manual extraction of Lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community;
- (10) Digging of well for irrigation or drinking water purpose;

R.D

- (11) Digging of foundation for buildings, not requiring prior-EC or prior-EP, as the case may be;
- (12) Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate or any other Competent Authority;
- (13) Activities declared by State Government under legislations or rules as non-mining activity;
- (14) Solar Photo Voltaic (PV) Power projects, Solar Thermal Power Plants and development of Solar Parks, etc.;
- (15) Research and Development activities for the projects listed in the schedule subject to laboratory scale operations where and no commercial production is involved;
- (16) The projects which are not covered in the schedule, proposed to carry out or establish in the premises of the projects for which prior-EC or prior-EP, as the case may be, was already granted;
- (17) Individual industries including proposed industrial housing within such notified Industrial Estate with homogeneous type of industries such as Items 16, 18, 24, 25 or those Industrial Estates with pre-defined set of activities (not necessarily homogeneous), so long as the Terms and Conditions for the industrial estate 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 conditions of prior-EC and who may be held responsible for violation of such terms and conditions throughout the life of the Industrial Estate);
- (18) Industrial Estate with project area below 500 hectares and not housing any industry of category 'A' or 'B1' or 'B2' project listed in the Schedule;
- (19) Coal and non-coal mineral prospecting;
- (20) Seismic surveys which are part of exploration surveys for offshore and onshore oil and gas including coal bed methane and shale gas, provided the concession areas have got previous conditions of prior-EC or prior-EP for physical survey;
- (21) Minor Irrigation projects involving culturable command area up to 2000 hectare;
- (22) Thermal Power plants using Waste Heat Recovery Boilers (WHRB) without any auxiliary fuel;
- (23) Crushing and screening (sizing of ore) without up gradation process of ore;
- (24) Secondary metallurgical foundry units,-
 - (a) non-toxic, involving furnaces such as Induction Furnace or Electric Arc Furnace or Submerged Arc Furnace or other gas-based furnaces, with capacity up to 1,00,000 ton per annum;
 - (b) non-toxic, involving furnaces such as cupola and other furnaces using coal or briquettes with capacity up to 60,000 ton per annum;
 - (c) re-cycling units registered under Hazardous and Other Waste Rules, 2016.
- (25) Stand-alone re-rolling mills,-
 - (a) involving pickling operation with a capacity up to 1, 00, 000 ton per annum;
 - (b) not involving pickling operation with a capacity up to 2, 00, 000 ton per annum;
 - (c) not involving pickling and no requirement of fuel for re-heating;
- (26) Change in product mix for Ordinary Portland Cement (OPC), Portland Pozzolana Cement (PPC), Portland Slag Cement (PSC), Masonary cement or any other type of cement within the sanctioned capacity of conditions of prior-EC.
- (27) Stand-alone projects for melting of 'coal tar pitch';
- (28) Stand-alone Granulation of single super phosphate powder;
- (29) Neem coating of fertilizers or fortification of fertilizers, provided that the total production does not exceed the sanctioned capacity of prior-EC plus the weight of the coating or fortification material used;
- (30) Processing of paraffin wax;

R.D.

- (31) Extraction of Alkaloid from Opium;
- (32) Manufacturing of products from polymer granules or manmade fibers from granules or flakes or chips;
- (33) Manufacturing of Linear Alkyl Benzene Sulphonic Acid (LABSA) from LAB;
- (34) Country Liquor (e.g. based on Mahuwa flower, Cashew, etc.) units up to capacity of 10 kilo liter per day;
- (35) Paper or paper board manufacturing from waste paper or ready pulp without deinking or bleaching or decolorizing;
- (36) Manufacturing unit under the Ministry of Defence or strategic units for explosives, detonators, fuses including management and handling units or depots under the Ministry of Defence;
- (37) Air strips that do not involve bunkering or refueling facility and / or Air Traffic Control including non-commercial airstrips;
- (38) Common Effluent Treatment Plant (CETP) proposed for projects which by themselves do not require prior-EC. If any of the existing or proposed member units of the said CETP produces or proposes to produce any product requiring conditions of prior-EC, then the CETP shall need prior-EC;
- (39) Maintenance dredging;
- (40) Micro enterprises in respect of project against item numbers 8(a), 8(b), 9, 10(f), 11(a), 11(b), 20, 24, 25(d) and 27 and small enterprises in respect of project against item numbers 10(f), 24 and 27.

27. Operation of EIA Notification, 2006, till disposal of pending cases: -

- (1) From the date of final publication of this notification the EIA Notification, 2006 and subsequent amendments are hereby superseded, except for the things done or omitted to be done before such supersession to the extent in case of all applications made for prior-EC and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification, or continue operation of some or all provisions of the 2006 notification, for a period not exceeding twenty four months from the date of issue of this notification.
- (2) It is hereby clarified that all prior-EC issued after the final publication of this notification shall be considered to be issued under this notification even in respect of application received and processed or partially processed under any of earlier EIA Notifications.
- (3) Regulatory Authority may, based on the information available or environmental issues brought out subsequent to the issuance of prior-EC, impose additional conditions, as deemed fit.

[F. No. 22-50/2018-IA-III]

GEETA MENON, Jt. Secy.

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS REQUIRING PRIOR ENVIRONMENT CLEARANCE OR PRIOR ENVIRONMENT PERMISSION, AS THE CASE MAY BE

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
1	(a) Mining of Minor Minerals	>100 hectare of mining lease area	> 5 hectares and ≤ 100 hectares of mining lease area	≤5 hectares of mining lease area	Note: (1) Mining of minor mineral projects with mine lease area more than 2 hectare and up to 5 Ha shall be referred to Distract Level Expert Appraisal
	(b) Mining of Major Minerals including Coal	>100 hectare of mining lease area	≤ 100 hectares of mining lease area	Dump mining (excavation or handling of dump or overburden or	

R.D

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
				waste material)	Committee (2) Mining lease area includes cluster situation
2	Offshore and Onshore Oil & Gas including CBM and Shale Gas				
	a) Exploration	--	--	All projects	
	b) Development and Production (including infrastructure facilities e.g. Gas Collecting or Gathering Station, Early production Systems, pipelines, etc.).	All projects	--	--	
3	River Valley	> 75 megawatts hydroelectric power generation;	≤ 75 megawatts > 25 megawatts hydroelectric power generation;	Up to 25 megawatts hydroelectric power generation	Note: Category 'B1' river valley projects falling in more than one State or Union Territory shall be appraised at the Central Government Level.
4	Irrigation	≥ 50,000 hectares of culturable command area	≥ 10,000 hectares and < 50,000 hectares of culturable command area.	> 2000 hectare and < 10,000 hectares of culturable command area.	
5	Thermal Power	≥ 500 megawatts (coal/lignite/naphtha & gas based); ≥ 100 megawatts (all other fuels).	≥ 5 megawatts and < 500 megawatts (coal / lignite / naphtha & gas based); ≥ 5 megawatts and < 100 megawatts (all other fuels except biomass and municipal solid non-hazardous waste); > 15 megawatts and < 100 megawatts (using municipal solid non-hazardous waste / biomass as fuel).	≥ 5 megawatts and ≤ 15 megawatts, based on biomass or non-hazardous municipal solid waste using auxiliary fuel such as coal, lignite / petroleum products up to 15%.	

R.D

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
6	Nuclear Power or processing of nuclear fuel	All projects	--	--	
7	Coal washeries	≥ 1 million ton per annum throughput of coal	<1million ton per annum throughput of coal	--	Note: If Coal washery is located within mining lease area, the proposal shall be appraised together with the mining proposal.
8	(a) Mineral Beneficiation involving physical process and physico-chemical processes	--	All projects	Small and Medium enterprises	Note: If Mineral Beneficiation plant located within mining lease area the proposal shall be appraised together with the mining proposal.
	(b) Chemical processing of ores/concentrate	≥1.0 million ton per annum throughput	<1.0 million ton per annum throughput		
9	Pellet plants or agglomeration plants	--	All Projects	Small and Medium enterprises	
10	Metallurgical industries (ferrous & non ferrous)				
	(a) Integrated Steel Plants	> 1 million ton per annum of crude steel	≤ 1 million ton per annum of crude steel	--	
	(b) Sponge Iron Plants	>0.5million ton per annum	≤0.5million ton per annum	--	
	(c) Non-ferrous smelting and refining	All projects	--	--	
	(d) Ferro Alloy Plants	>1.5 Lakh ton per annum	≤1.5 Lakh ton per annum	--	
	(e) Secondary metallurgical industry (Toxic metals)	≥20,000 ton per annum	<20,000 ton per annum	--	
	(f) Secondary metallurgical industry (Non-toxic metals)	--	(i) Foundries involving furnaces such as Induction Furnace or Electric Arc Furnace or submerged arc furnace or other gas-based furnaces with capacity more than 1,50,000 ton per annum	(i) Foundries involving furnaces such as Induction Furnace or Electric Arc Furnace or Submerged arc furnace or other gas-based furnaces, with capacity more than 1,00,000 ton per annum to 1,50,000 ton per annum	

R.D.

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
			(ii) Foundries involving furnaces such as cupola and other furnaces with capacity more than 1,00,000 ton per annum	(ii) Foundries involving furnaces such as cupola or other furnaces using coal with capacity more than 60,000 ton per annum to 1,00,000 ton per annum. (iii) Standalone re-rolling mills involving pickling with a capacity more than 1,00,000 ton per annum. (iv) Standalone re-rolling mills not involving pickling with a capacity more than 2,00,000 ton per annum. (v) Medium enterprises	
11	(a) Cement Plants	≥ 1.0 million ton per annum production capacity except plants with vertical shaft kiln.	(i) <1.0 million ton per annum production capacity. (ii) All cement plants with vertical shaft kiln.	Small and Medium enterprises.	Note: Fuel for cement industry may be coal, petcoke, mixture of coal and petcoke and co-processing of waste provided it meets the emission standards.
	(b) Standalone clinker grinding units	--	≥ 1.0 million ton per annum production capacity	(i) Stand-alone grinding units up to 1 million ton per annum. (ii) All standalone grinding units in case of transportation of clinker and finished product proposed through rail / sea mode. (iii) Small and Medium enterprises.	
12	Lead acid battery manufacturing (excluding assembling and charging of lead acid battery)	--	All projects	--	

R.D.

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
13	Petroleum refining industry	All projects	--	--	
14	(a) Coke oven plants	≥ 0.8 million ton per annum	< 0.8 million ton per annum	--	
	(b) Coal Tar processing units or Calcination plants	--	All projects	--	
15	Asbestos milling and asbestos based products	All projects	--	--	
16	Chlor-alkali industry or Production of Halogens	≥300 ton per day production capacity if a unit located outside the notified industrial estates.	(i) ≥300 ton per day production capacity if a unit located within the notified industrial estates. (ii) <300 ton per day and located outside the notified industrial estates.	<300 ton per day production capacity if a unit located within the notified industrial estates.	Note: No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from the Notification if provided there is no increase in the production capacity.
17	Soda ash Industry	All projects	--	--	--
18	Skin/hide processing including tanning industry	All projects located outside the notified industrial estates.	All projects located within notified industrial estates.	All projects of leather production without tanning and located within the notified industrial estates.	
19	Chemical fertilizers and standalone ammonia plants.	(i) All projects except Single Super Phosphate including Sulphuric acid. (ii) Standalone ammonia plants	Single Super Phosphate including sulphuric acid production.	--	
20	Manufacturing of Acids	Stand-alone phosphoric acid or ammonia.	Stand-alone sulphuric acid	All other acids	
21	Pesticides including insecticides; herbicides; weedicides; pestcontrol; etc., and their specific intermediates (excluding formulations)	All projects located outside the notified industrial estates.	All projects located within the notified industrial estates.	--	
22	Petro-chemical complexes (industries based on processing of	All projects	--	--	

R.D

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
	petroleum fractions, natural gas, production of carbon black)				
23	Manmade fibers manufacturing	Viscose Staple Fiber (VSF); Viscose Filament Yarn (VFY); and Rayon.	Nylon and Others	--	
24	Petroleum products and petrochemical based processing including production of carbon black and electrode grade graphite (processes other than cracking & reformation and not covered under the complexes)	All projects located outside the notified industrial estates.	All projects located within the notified industrial estates.	Medium enterprises	
25	Synthetic Organic Chemicals				
	a) Dyes & dye intermediates	--	All projects except column (5)	(i) Projects proposed with zero liquid discharge and located within the notified industrial estates. (ii) All micro, small and medium enterprises.	
	b) Bulk drugs and intermediates excluding drug formulations	--	All projects except column (5)	(i) Projects proposed with zero liquid discharge and located within the notified industrial estates. (ii) All micro, small and medium enterprises.	
	c) Synthetic rubbers	All projects located outside the notified industrial estates.	All projects located within the notified industrial estates.	All micro, small and medium enterprises.	
	d) Basic organic chemicals, other synthetic organic chemicals, chemical intermediates, synthetic resins and	All projects located outside the notified industrial estates.	All projects located within the notified industrial estates.	(i) All small and medium enterprises. (ii) Manufacturing of synthetic resins /	

R.D

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
	synthetic adhesives			adhesives up to 1000 ton per annum.	
26	Distilleries and molasses-based manufacturing units (e.g. Yeast)	(i) Molasses based distilleries \geq 100 kilo liter per day; (ii) Molasses based manufacturing units (e.g. Yeast) \geq 100 ton per day; (iii) Non-molasses based distilleries \geq 200 kilo liter per day.	(i) Molasses based distilleries <100 kilo liter per day. (ii) Molasses based Yeast manufacturing units <100 ton per day (iii) Non-molasses based distilleries < 200 kilo liter per day	(i) Country Liquor (e.g. based on Mahuwa flower, Cashew, etc.) units more than capacity of 10 kilo liter per day. (ii) Expansion of distilleries within the premises, having earlier Prior Environment Clearance and for production of ethanol to be used as fuel for blending only.	
27	Manufacturing of paints, varnishes, pigments, intermediates (excluding blending / mixing)	All projects located outside the notified industrial estates.	All projects located within the notified industrial estates.	Medium enterprises	
28	Pulp & Paper Industry	Pulp manufacturing and Pulp & Paper manufacturing industry except from waste paper	--	Paper manufacturing from waste paper or ready pulp involving deinking or bleaching or de-coloring.	
29	Sugar Industry	--	\geq 5000 ton of cane per day crushing capacity	--	
30	Manufacturing of explosives, detonators, fuses including management and handling activities		All projects		
31	Pipelines				
	(a) Oil & gas transportation pipe line (crude and refinery or petrochemical products), passing through national	All Projects	--	--	

R.D

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
	parks or sanctuaries or coral reefs or Ecologically Sensitive Areas.				
	(b) Slurry pipelines (coal, lignite and other ores) passing through national parks or sanctuaries or coral reefs, Ecologically Sensitive Areas.	All the projects	--	--	--
32	Air Ports and Heliports including terrestrial and water ports	All projects including terrestrial airstrips, which are for commercial use.	--	(i) Water - aerodromes which are for commercial use. (ii) Heliports which are for commercial use.	
33	All ship breaking yards including ship breaking units	All projects	--	--	
34	Industrial Estate including parks; complexes; areas; export processing Zones (EPZs); Special Economic Zones (SEZs); Biotech Parks; Leather Complexes; Coastal Economic Zones (CEZs); Special Investment Region (SIR); National Investment and Manufacturing Zones (NIMZs); Industrial Cluster; Petroleum, Chemicals and Petrochemicals Investment Regions (PCPIRs)	(i) If the area of proposed project is more than 500 hectares and houses at least one Category 'A' or Category 'B1' project listed in the Schedule. (ii) If area of the proposed project is less than 500 hectares and houses at least one category 'A' project listed in the Schedule.	If the area of the project is less than 500 hectares and houses at least one category 'B1' project listed in the Schedule.	(i) If the area of the proposed project is more than 500 hectares and does not house category 'A' or 'B1' project listed in the Schedule. (ii) Irrespective of the area of the proposed project and houses at least one Category 'B2' project listed in the Schedule	
35	Common hazardous waste, Treatment, Storage and Disposal Facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone.	All facilities having land fill only.	--	
36	Common Bio-Medical Waste Treatment Facilities	--	All projects		

R.D

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
37	Ports, harbors, breakwaters and capital dredging (inside and outside the ports or harbors and channels)	≥ 5 million ton per annum of cargo handling capacity (excluding fishing harbors).	(i) < 5 million ton per annum of cargo handling capacity (excluding fishing harbors). (ii) ≥ 30000 ton per annum of fish handling capacity.	All projects in respect of Inland water ways	
38	Highways or Expressways or Multi-modal corridors or Ring Roads	i) New National Highways or Expressways or Multi-modal corridors or Ring Roads ii) Expansion or widening of existing National Highways or Expressways or Multi-modal corridors or Ring Roads by length more than 100 km involving widening or right of way more than 70 m on existing alignments or re-alignments or by-passes.	(i) All new State Highway projects (ii) State Highway expansion projects in hilly terrain (above 1,000 meter above mean sea level).	(i) Expansion or widening of existing National Highways or Expressways or Multi-modal corridors or Ring Roads by length between 25 km and 100 km involving widening or right of way more than 70 m on existing alignments or re-alignments or by-passes. (ii) Expansion or widening of existing State Highways (500 m to 1000 m above mean sea level)	Note: Width at toll plaza and junction improvement at intersection of other roads excluded from right of way.
39	Aerial ropeways	--	--	All projects located in notified ecologically sensitive areas.	--
40	Common Effluent Treatment Plants (CETP)	--	All projects	--	
41	Common Municipal Solid Waste Management Facility (CMSWMF) involving land filling and / or incineration	--	All projects	--	
42	Building Construction and Area Development projects	--	>1,50,000 sq. mtrs. of built-up area and or total land area of ≥ 50 hectare	(i) ≥20,000 sq. mtrs. and ≤50,000 sq. mtrs. of built-up area (ii) > 50,000 sq. mtrs. and ≤ 1, 50,000 sq. mtrs. of built-up area projects having provisional	Note 1. Projects under (i) and (ii) of Column (5) shall not be referred to Appraisal Committee. 2. Any change in the intended use, prior-permission from the Regulatory Authority for amendment in the prior-

R.D

Item	Project	Category with threshold limit			Conditions if any
		A	B1	B2	
(1)	(2)	(3)	(4)	(5)	(6)
				'certificate of green building' or relating to industrial sheds, educational institutions, hospitals and hostels for educational institutions	EP shall be obtained. All such cases shall be referred to Appraisal Committee.
				> 50,000 sq. mtrs. and ≤ 1, 50,000 sq. mtrs. of built-up area	Note: Projects under Column (5) shall be referred to Appraisal Committee
43	Elevated roads or standalone flyovers or bridges	--	--	>1,50,000 sq. mtrs. of built-up area	

Note:

- General Conditions shall not apply for:-
 - Items 9, 10(f), 11(b), 25, 38, 40, 41, 42, and 43
 - River bed mining projects on account of inter-state boundary; and
 - All Category 'B2' projects.
- Category 'B2' projects shall not be placed before Appraisal Committee except for those projects mentioned against the item

APPENDIX-I

(Refer clause 14)

Procedure of Public Consultation**(1) Public Hearing:**

1.1 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) Process

2.1 The project proponent shall arrange to forward copies, one hard and one soft, of the draft EIA Report along with the Summary EIA, simultaneously with application for conduct of public hearing, to the following authorities or offices, within whose jurisdiction the project will be located:

- District Magistrate / District Collector / Deputy Commissioner/s;
- Zila Parishad or Municipal Corporation or Panchayats Union;
- District Industries Office;
- Urban Local Bodies (ULBs) / PRIs concerned / Development authorities;
- Concerned Regional Office of the Ministry;
- Concerned Regional office of SPCB or UTPCC.

True Copy

R.D

HARYANA STATE POLLUTION CONTROL BOARD

157

C-11 Sector – 6, Panchkula

Ph-0172-577870-73, Fax No.2581201

Email- hspcbho@gmail.com

Website: hspcb.gov.in

ORDER

Whereas, Regional Officer, Karnal of the Board has informed vide his letter No.HSPCB/KAR/2020/2862 dated 30.07.2020 that Consent to Establish (CTE) was granted vide letter no.HSPCB/Consent/313096618KARCTE5628233 dated 14.09.2018 to unit M/s JRS Industries, Alipur Khalsa Road, Kohand, District Karnal with one of the condition that you will obtain the Environment Clearance as per EIA Notification 2006, if required at any stage;

Whereas, when it came to the notice that the above said unit is covered under EIA Notification 2006, show cause notice for revocation / cancellation of CTE granted by the Board was issued to the above said unit by Regional Officer, Karnal Region of the Board vide letter No.HSPCB/YR/2019/17511 dated 12.06.2019 as per the unit has been established and operating without obtaining prior Environmental Clearance as per EIA Notification 2006;

R.D

Whereas, the above said unit had filed the appeal before the Ld. Appellate Authority of the Board (Appeal No.176 of 2019) against the show cause notice issued for revocation of CTE, wherein the Ld. Appellate Authority has issued the orders (dated 27.08.2019) that interim directions as in the case of Appeal No.176 of 2019 as “in meantime no adverse action in pursuance of the impugned show cause notice may be taken against the appellant till the next date of hearing.”

Whereas, Regional Officer, Karnal vide his letter No.HPCB/KAR/2020/2862 dated 30.07.2020 has recommended the case to revoke the CTE granted to the above said unit as unit has not obtained environment clearance as per EIA Notification, 2006 and intimated that the appeal of the unit (Appeal No.176 of 2019) has been dismissed by the Ld. Appellate Authority vide order dated 30.06.2020 and has also permitted the time of 07 days to the appellant to file the reply against the show cause notice dated 12.06.2019. Unit has to submitted reply in reference order dated 30.06.2020 till date as vital fact that unit has been established and operated without Environment Clearance as per requirement of Environment Impact Assessment Notification, 2006; and,

Whereas, the case has been examined and it has been found that the unit M/s JRS Industries, Alipur Khalsa Road, Kohand, District Karnal is operating in gross violation of conditions of CTE

R.D

granted as per provisions of Water Act, 1974 and Air Act, 1981 and provision of EIA Notification, 2006 by establishing and operating the unit without obtaining environment clearance.

Therefore, considering the recommendation of Regional Officer, Karnal and keeping in view of the above said facts, consent to establish (CTE) granted by the Board under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 to the unit M/s JRS Industries, Alipur Khalsa Road, Kohand, District Karnal for the above said project are hereby revoked / withdrawn/cancelled with immediate effect.

Dated Panchkula, the 13th August, 2020

Ashok Kheterpal
Chairman

Endst. No.HSPCB/HWM/31-306/2020/1044

Dated 27.08.2020

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

1. The Regional Officer, Karnal w.r.t his letter No.HSPCB/YR/2020/2872 dated 30.07.2020.
2. M/s JRS Industries, Alipur Khalsa Road, Kohand, District Karnal

Sd/-

Sr. Environmental Engineer (HQ)
For Chairman

Three copy.

R.D

Acknowledgement Slip for TOR

160

This is to acknowledge that the proposal has been successfully uploaded on the portal of the Ministry. The proposal shall be examined in the Ministry to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

1. Proposal No. : IA/HR/IND2/177821/2020
2. Category of the Proposal : Industrial Projects-2
3. Project/Activity applied for: 5(f) Synthetic organic
chemicals industry (dyes &
dye intermediates; bulk
4. Name of the proposal : Formaldehyde
Manufacturing Unit of JRS
Industries
5. Date of submission for TOR: 07 Oct 2020
6. Name of the project proponent along with contact details
 - a) Name of proponent : JRS INDUSTRIES
 - b) Mobile No.: : 9466890085
 - c) State : Delhi
 - d) District : West
 - e) Pincode : 110026

R.D

True copy.

Haryana Government
Environment and Climate Change Department
ORDER

ANNEXURE-R-31/11

161

Whereas, the process of manufacturing of Formaldehyde is covered under the provisions of 5 (f) of Schedule of Environment Impact Assessment Notification (EIA), 2006 of Government of India, and requires the prior Environmental Clearance (EC) from the competent authority State Environment Impact Assessment Authority (SEIAA) / Ministry of Environment, Forest and Climate Change, Government of India, before establishment and operation of such units, besides other mandatory clearances, as applicable;

Whereas, it has come to the notice of Government that around 15 such units have been permitted to establish / operate in the State of Haryana, without obtaining the necessary Prior Environmental Clearances, but with the Consent of the Haryana State Pollution Control Board (HSPCB), which misinterpreted the category of such units and on realizing the requirement of EC in these cases, has revoked its consents issued earlier to these units recently;

Whereas, some of these units approached the Government explaining their hardship due to such sudden revocation of their consents and have sought time for obtaining the necessary EC from the competent authority as the process is likely to take a minimum of 6 months to one year period, and to allow them to operate with all pollution control measures, following the pollution control norms applicable; and,

Whereas, the Government has carefully considered their request and the competent authority has decided that these units shall be allowed to continue their operations for a period of six months, without prejudice to any legal action taken against the violations committed by them, by the competent authorities, with the conditions that they will immediately apply for Environmental Clearance from the competent authority and provide the proof of such application within 60 days from the issuance of this communication to Environment and Climate Change Department and to Haryana State Pollution Control Board.

Therefore, it is ordered accordingly.

Dated: 10.11.2020
Chandigarh

Dheera Khandelwal
Additional Chief Secretary to Government of Haryana
Environment and Climate Change Department

Endst No. 16/14/2020-3Env.

Dated: 11.11.2020

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

1. Chief Secretary, Government of Haryana
2. Principal Secretary, Industries and Commerce Department, Government of Haryana
3. Director General, Environment and Climate Change Department, Government of Haryana
4. All Deputy Commissioners of State of Haryana

Chairman (Bnsy)
11/11/2020

Endst No. 16/14/2020-3Env.

— sd —
Superintendent Environment,
for Additional Chief Secretary to Govt. Haryana,
Environment and Climate Change Department.

Dated: 11.11.2020

A copy is forwarded to Chairman, Haryana State Pollution Control Board, C-11, Panchkula w.r.t their note bearing No. 52386 dated 29.10.2020 (copy enclosed) for further necessary action.

Superintendent Environment,
for Additional Chief Secretary to Govt. Haryana,
Environment and Climate Change Department.

True copy,

R.D

Regional Office, Karnal Region

Haryana State Pollution Control Board
2nd Floor, SCO-78-79 above Punjab National Bank, Namastey
Chowk, Karnal

Website: www.hspcb.gov.in Email Id- hspcbrokar@gmail.com

No.HSPCB/KAR/2020/5733

Dated:13/11/2020

TO,

1. M/s JRS Industries
Village Alipur, Khalsa Road, Kohand, Karnal
KARNAL
2. M/s NMR Phyrochem Pvt. Ltd.,
Village Pundri, Gharaunda, District Karnal

Subject: To allow to continue their operation of formaldehyde
units in the State of Haryana.

Ref: Head Office e File No.HSPCB-040001/23/2020-
MISCELINIOUS CELL HSPCB

With reference to the above subject, please find enclosed
herewith the order issued by Additional Chief Secretary to Govt. of
Haryana dated 10.11.2020 regarding allowing to continue the
operation of formaldehyde units for a period of six months with the
relevant conditions.

This is for your kind information, please.

DA:- As above

Sd/-

Regional Officer
Karnal Region

//TRUE COPY//

R.D

..7919/2020

To,

All the Regional Officers in the Field

HSPCB

Sub: To allow to continue their operation of formaldehyde units in the State of Haryana.

Kindly refer to the office order issued by office of Additional Chief Secretary to Govt. of Haryana dated 10.11.2020 on the subject cited above.

With reference to the above subject, please find enclosed herewith the order issued by Additional Chief Secretary to Govt. of Haryana dated 10.11.2020 regarding allow to continue their operation of formaldehyde units for a period of six months for your information and further necessary action please.

DA/as above

CC to

- A copy of the above is forwarded to PS to ACS, Environment for information, please.
 - A copy of the above is forwarded to the All Branch In-Charge for information and further necessary action, please.
- Further All Branch-in-Charges are requested to give

R.D

21, 164
directions your to concerned Regional Officers to strictly
compliance of above said order.

- A copy of the above is forwarded to PS to Chairman and PA to MS for information, please

Sr. Scientist (HQ)

For Member Secretary

Signed by Dr. Rajesh Garhia

Date 12-11.202 10:19:08

Reason Approved

True copy.

R.D



HARAYANA STATE POLLUTION CONTROL BOARD

C-11,SECTOR-6 PANCHKULA

Ph.2577870-73 Fax:01722581201-02



165

From: Industry ID-18KAR154520

M/s. JRS industries

Alipur, Khalsa Road, Kohand, Karnal

To

The Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Sir,

I/We hereby apply to consent/authorization for the year 15/12/2020 to 31/03/2025 Application
No. 8454515 dated 15-12-2020

1. Consent to /operate/renewal of consent under section 25 & 26 of the Water(Prevention and Control of Pollution)Act,1974 as amended
2. Consent to /operate/renewal of consent under section 21 of the Air(Prevention and Control of Pollution)Act,1981 as amended
3. Authorization/renewal of authorization under Rule 5 of the Hazardous Waste(Management and Handling Rules)1999 as amended in connection with my/our existing/proposes/altered/additional manufacturing/processing activities from the premises as per details given below:-

PART A: GENERAL

- | | | |
|---|---|--|
| 1. Name | : | Yogesh Mittal |
| Designation | : | Partner |
| Office Address | : | |
| Telephone/Fax and | : | 0180-4022388,- |
| Email Address of the applicant | : | jrsindustries18@gmail.com |
| 2. (a) Name and location of the Industrial Unit/Premises for which the application is made.(Give Revenue Survey No/Plot No.,name of the Tulaka and District,also Telephone No. and Fax No.) | : | JRS industries
Alipur, Khalsa Road, Kohand, Karnal
0180-4022388
- |
| (b) Details of Planning Permission obtained from Municipal Corporation /directories of Urban Development of Town & Country palnning/Haryana Urban Development authority,whichever applicable. | : | Karnal |
| (c) Name of Municipal Corporation/ Panchayat Samiti/Panchayat under whose jurisdiction the unit is Located and name of the license issuing Authority. | : | Karnal |

R.D

3. Name : Yogesh Mittal
 Address : #24, 2nd floor, Road no 33, Punjabi bhag
 Telephone No., Fax and Extension, Delhi
 E-mail address
 of the officer responsible for the matter
 connected with Pollution Control and
 Hazardous Waste Disposal.
4. If registered as a small-scale industrial unit, give Number and Date of registraion. : 06AAOFJ2330E1ZO, 01/01/2018
5. Gross Capital Investment of the unit without depreciation till the date of application(cost of building, land, plant and machinery)(to be supported by affidavit, annual report and certificate from Chartered Accountant. For proposed units, give estimated figure(In Lakhs)). : 325.13
6. If the site is located near river bank/other water bodies; indicate the name and distance of the water body.
- | Sr. No. | Surrounding of site | Distance(in meters) | Description |
|---------------|---------------------|---------------------|-------------|
| -----NIL----- | | | |
7. Does the location satisfy the requirements under relevant Central/State Government notifications on ecologically fragile area etc., if so give details. :
8. If the site is situated in notified industrial estate: :
- (a) Whether effluent collection, treatment and disposal system has been provided by the authority; NO
YES
- (b) will the applicant utilize the system, if provided; NA
- (c) if not provided, details of proposed arrangement for the treatment of effluent.
9. Total Plot Area, Built up Area and Area available for the use of treated sewage/trade effluent. : Total Plot Area : 4376
Built-up Area : 2277
10. Month and year of proposed commissioning of the unit. : 01/08/2020
11. Number of workers and office staff. : 9
12. (a) Do you have a residential colony within the Premises in respect of which the present application is made? : YES
0
- (b) If yes, please state population staying
- (c) indicates its location and distance with reference to plant site.
13. List of products and by-products manufactured in tones/Month, Kiloletre/Month or Numbers/Month(give figures corresponding to maximum installed production capacity).

Sr. No.	Name of the Product produced/to be produced		Quantity of Products produced/to be produced.			
			Licensed production capacity	Installed Production Capacity	Avg. Actual Production	Average Actual production for which the consent is sought
1	Formaldehyde	Metric Tonnes/Day	80	80	70	70

Sr. No.	Name of the By-Products produced/to be produced		Quantity of By-Products produced/to be produced.			
			Licensed production capacity	Installed Production Capacity	Avg. Actual Production	Average Actual production for which the consent is sought
1	0	Metric Tonnes/Day	0	0	0	0

14. List of raw-material and process of Chemicals with Annual consumption corresponding to above stated Production Figures, in tones/month or numbers/month.

S.No.	Name of the Raw-material/Chemicals used/to be used	Quantity of the Raw-material/Chemicals used/being used	Unit
1	Methanol	40	Metric Tonnes/Day

15. Description of Process of manufacture for each products showing input/output, quality and quantity of solid, liquid and gaseous wastes,if any, forms each unit process.(to be supported by flow sheet and material balance).
: MC gharaunda

PART B: WASTE WATER ASPECTS (FOR WATER OF CONSENT) IF NOT APPLICABLE, WRITE NOT APPLICABLE.

16. Water consumption for different uses (m³/day).

Sr. No.	Water Consumed For	Quantity(KLD)
1	Process and wash	50.0
2	Sanitation/Domestic/Horticulture	2.0

17. Source of water supply, Name of authority granting permission if applicable and quality permitted.

Sr. No.	Source Type	Source Name	Quantity (KLD)
1	Ground Water (within premises)	Borewell	52.0

18. Water Treatment Details

R.P

Sr. No.	Use	Effluent Generation(KLD)	Treatment Arrangement Status	Treatment Details
1	Domestic Effluent	1.5	Not Required	Septic Tank

19. Waste Water Discharge/Dosposal Details :

S.No	Type of Effluent	Maximum Generation Quantity of Effluent(KLD)	Effluent to be Recycle(KLD)	Effluent Disposal/Discharge Quantity (KLD)	Mode of disposal
1	Domestic Effluent	1.5	0.0	1.5	Public Sewer

20. Quality of untreated/treated effluents(specify pH and concentration of suspended solids, Bio chemical, Oxygen Demand and specific pollutants relevant to the industry. Total dissolved solids to be reported for disposal on the land or into stream/river).
Enclose a copy of latest report of analysis from the laboratory approved/ recognized by Haryana State Pollution Control Board/Central Government in the Ministry of Environment and Forest. For proposed unit furnish expected characteristics of untreated/treated effluents.

Sr. No.	Type of Effluent	Parameters	Conc. of Pollutant		Unit	Date of report	Report analysis no.	Name of Laboratory
			Untreated	Treated				
1	Domestic Effluent	Nickel	0	0	mg/l	15/12/2020		

PART C: AIR EMISSION ASPECTS(FOR AIR CONSENT) IF NOT APPLICABLE, WRITE NOT APPLICABLE.

21. Fuel Consumption :

Fuel Name	Daily Consumption(T/day)	Unit	Calorific value	Ash contents	Sulphur contents	Others
HSD	0.5	Kilo Liters/Day				

22. Details of Stack

R.D

Stacks Numbers :	1
Stack Attached to:	0.6 TPH BOILER ,
Fuel type:	HSD ,
Fuel Quantity:	0.5 ,
Material for construction of Stack:	Metal ,
Shape (Round/Rectangle):	Round ,
Height above ground level(in metres):	30 ,
Diameters/Size in meters	1 ,
Gas quantity Nm ³ /hr:	10500 ,
Gas Temperature 'C:	110 ,
Exit velocity of Tones/sec:	6 ,

Details of DG Set:

Sr. No.	Capacity of D.G. set in(KVA)	Quantity of Fuel used/to be used (in Lts./day)	Ht. of Stack provided/to be provided above roof level(in mts.)	Whether canopy/acoustic enclosure provided/ to be provided(please define clearly)
1	200	12	5	Yes

23. Do you have an adequate facility of collection of samples of emission in the form of portholes, platforms, ladder etc., as per Central Board Publication 'Emissions Part iii'(December 1985). YES
24. Quality of treated fuel gas emission and process emissions. Specify concentration of criteria pollutants and industry/process specific pollutants stack wise. Enclose a copy of latest report of analysis from the approved/ recognized laboratory by Haryana State Pollution Control Board/ Central Government in the Ministry of Environment and Forest. For proposed units, furnish the expected characteristics for the emission.

Fuel Gas Emission quality parameter details:

Sr. No.	Stack	Parameters	Result	Units
-----NIL-----				

Process Emission quality parameter details:

Sr. No.	Process	Parameters	Conc. of pollutants		Units
			Untreated	Treated	
1	NA	Particulate Matter (PM)	0	0	mg/Nm ³

Details of Process Emission:

R.D.

Sr. No.	Source of Generation of process Emissions	Name of the emissions(i.e SO2/NOx/Acid Mist/any other).	Details of APCD provided/to be provided to control process emissions.	Height of Stack provided/to be provided for discharge of process emissions(in mts)..		Whether emission sampling facilities provided or not
				Above Ground Level	Above Roof Level	
1	NA	NA	[Others]	0	0	Yes

PART E: ADDITIONAL INFORMATION

28. (a) Do you have any proposals to upgrade the present system for treatment and disposal of effluent/emission and hazardous waste. : YES
 (b) If yes, give details with time-schedule for the implementation and approx. expenditure to be incurred on it.
29. Capital and Recurring (Operations and Maintenance) expenditure on the various aspects of environment protection such as effluent emission HW solid waste tree plantation monitoring data acquisition etc. :
30. To which the pollution Control equipment separate meters for recording consumption of electric energy are installed? :
31. Which of the pollution Control items are connected to Diesel Generator set (captive power source) to ensure the running in the event of normal power failure. :
32. Name, quantity and method of disposal non-hazardous solid waste generated separately from the process of manufacture and waste treatment(give details of area/ capacity available in applicants land). :
33. Hazardous chemicals are defined under the Manufacture, Storage and Import of Hazardous Chemicals, Rules 1989.
 (a) List of Hazardous Chemicals stores(imported and indigenous).
 (b) Details of isolated storage.
 (c) Details of emergency preparedness plans (On-Site/ Off-Site prepared).
34. Brief details of tree plantation/ green belt development within applicant's premises. :
35. Information of schemes for waste minimization, source recovery and recycling implemented and to be implemented, separately. :
36. Any other additional information that the applicant desires to give. :
37. I/We further declares that the information furnished above is correct to the best of my/our knowledge.

R.D

38. I/We hereby submit that I am the authorised person of this unit to apply for CTO and incase of any change from what is stated in this application in respect of raw-materials, products, process of manufacture & treatment and/or disposal of emissions, hazardous waste etc. in quality & quantity; a fresh application for consent/authorization shall be made & until the grant of fresh consent/ authorization, no change shall be made.
39. I/We undertakes to furnish any other information within 1 month of its being called by the Board/Committee.
40. I/We agreed to submit to the board an application for renewal of consent/autorization 3 months in advance before the date of expiry of the consent/authorization validity period.
41. I/We deposit Rs.....(.....rupees) in favour of Haryana State Pollution Control Board as the fee for Consent/ Authorization.

Sr. No.	Fee For	Bank Name	Branch	DD No./Cheque No.	Date	Amount(in Rs.)
---------	---------	-----------	--------	-------------------	------	----------------

42. Declaration about awareness of the prescribed standards :-

a.) That I am aware of the provisions of the Water Act, 1974, Air Act, 1981 & Hazaradous Waste Management Rules,2008 and standards/norms prescribed for discharge of pollutants under EPA Rules, 1986.

b.) That we shall comply with all the provisions of Water Act, 1974, Air Act, 1981 & Hazaradous Waste Management Rules, 2008 and standards/norms prescribed for discharge of pollutants under EPA Rules, 1986 after commissioning of our unit.

c.) That the work for construction and installation of pollution control measures will be done side by side while doing the construction and installation of the main plant of the unit and will not start the production with out installing proper and adequate pollution control measure as per scheme enclosed and without obtaining prior consent to operate from the Board.

d. In Case of any of the non-compliance by the unit, the Board will be at liberty to forfeit the performance security deposited along with the security case.

DOCUMENTS ENCLOSED:

1. Any other document 2
2. Any other document 1
3. C.A. Certificate regarding capital investment cost w.r.t. land building, plant and machinery of the proposed project.
4. CompleteMachAttach

Yours faithfully,

Signature _____
Name Yogesh Mittal
Designation Partner

**** This is System Generated Form Signature not Required ****

R.D



**HARYANA STATE POLLUTION CONTROL
BOARD**

**Regional Office Karnal , 2nd floor of SCO No.78-79
above PNB bank, near namstay Chowk,
karnal,Haryana. Email:- hspcbrokar@gmail.com**



No. HSPCB/Consent/ : 313096621KARCTO8454515

Dated:19/01/2021

To

M/s :JRS industries
Alipur, Khalsa Road, Kohand, Karnal
KARNAL

Subject: Refusal of consent to operate under Water Act, 1974 and Air Act, 1981.

Please refer to your application no. 8454515 dated 2020-12-15 received in the Board for consent to operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

Your above referred application has been examined by the Board and it has been established that the application submitted by you is incomplete and not conforming to the requirement of the provisions of the Water (Prevention & Control of Pollution) Act, 1974, and Air (Prevention & Control of Pollution) Act, 1981, as per policy of the Board. Accordingly, Show Cause Notice for refusal of consent under above said Act containing the said shortcoming/ incompleteness was issued by the Board on dated **2021-01-11**. But you have failed to submit the satisfactory reply of the above said show cause notice and submit compliance of the observations. You have failed to take corrective measures the shortcomings and incompleteness in your application as per given below:-

1) Unit didn't submit its closure suspension order 2) Unit didn't submit receipt of application to obtain EC from SEIAA 3) Fee as per Board's structure isn't submitted

In view of the above stated facts, the consent under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 sought vide your above referred application, is hereby refused due to the above shortcomings / incompleteness.

In future, your unit would be discharging effluent into the atmosphere at your own risk in violation of the above said Act and rendering yourself liable for legal action under section 43/44 of the Water (Prevention & Control of Pollution) Act, 1974 and section 38/39 of Air (Prevention and Control of Pollution) Act, 1981.

Shailender Arora Digitally signed by Shailender Arora
Date: 2021.01.19 11:55:15 +05'30'

*Regional Officer, Karnal
Haryana State Pollution Control Board.*

R.D.

Item No. 08

Court No. 1

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

(By Video Conferencing)

Original Application No. 298/2020

Vineet Nagar

Applicant

Versus

Central Ground Water Authority & Ors.

Respondent(s)

Date of hearing: 03.06.2021

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

Applicant: Mr. Vineet Nagar, Applicant in person

ORDER

1. Prayer in this application is against operation of industrial units of the private respondents in the States of Haryana, Rajasthan, UP and Punjab manufacturing formaldehyde and its different resins (including melamine formaldehyde, urea formaldehyde and phenol formaldehyde without requisite EC.

2. We have dealt with matter by separate orders today in O.A. No. 840/2019, *Ayush Garg v. UOI & Ors.* and O.A. No. 287/2020, *Dastak N.G.O. v. Synochem Organics Pvt. Ltd. & Ors.* in relation to some of such units operating in Haryana after hearing the State and the industrial units in question. It has been held that in absence of Environmental Clearance under Entry 5(f) of the EIA Notification dated 14.09.2006, such Units cannot be allowed to operate. Relevant extract from order in O.A. No. 287/2020, *Dastak N.G.O. v. Synochem Organics Pvt. Ltd. & Ors.* is reproduced below:

R.D.

“7. It is clear from the stand of the State itself that prior EC is required under EIA Notification dated 14.09.2006 (Entry 5(f) of the Schedule. Once it is so there is no justification to permit function of such units in violation of mandate of law. In *Alembic Chemicals v Rohit Prajapati & Ors.*, 2020 SCC Online 347, the Hon’ble Supreme Court has made it clear that prior EC requirement cannot be dispensed with. While it is true that having regard to the fact situation therein particularly grant of EC later, the units were not closed and instead were required to pay compensation for the period the units functioned without prior EC, it does not mean that in absence of prior EC the units can be allowed to function by paying compensation. We thus hold that without prior EC the units cannot be allowed to operate. The State has no power to exempt the requirement of prior EC or to allow the units to function without EC on payment of compensation. Same view has been taken in O.A. No. 840/2019, *Ayush Garg v. UOI & Ors.* which has been dealt with by a separate order today.

8. As regards the stand of the private respondents that the State has delegated power under section 3(3) of the Environment (Protection) Act, which implies that the State could exempt EIA requirement, neither any such delegation is shown nor the State claims to have such power or to have exercised such power. A statement has been made on behalf of the private respondents as well as State that the units now stand closed. Learned Counsel for the private respondents also submitted that their units have been functioning in a bonafide manner without causing pollution. Though they did not have EC only for want of knowledge of such requirement, they had requisite consents to establish and operate which have been renewed from time to time. They wish to comply with law and have also applied for EC.

9. We are of the view that since prior EC is statutory mandate, the same must be complied. We have no doubt that the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF&CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function. For past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process.”

3. The above principle has to be followed in all other States where such units are functioning without prior EC. In the present application grievance is also against similar units functioning in the States of Rajasthan, UP and Punjab or any other State, in addition to Haryana for which above order has been passed. This needs to be checked by

R.D

concerned statutory authorities and remedial action taken, following due process of law.

4. Accordingly, we dispose of this application with a direction to MoEF&CC, CPCB and Chief Secretaries, SEIAAs, PCBs/PCCs of all States/UTs to ensure compliance of law, following due process. They may issue appropriate directions in the matter.

A copy of this order be forwarded to the MoEF&CC, CPCB and Chief Secretaries, SEIAAs and PCBs/PCCs of all States/UTs by e-mail to facilitate compliance of the above order.

Since we have not found it necessary to issue notice, having regard to the nature of the order, we give liberty to the any party to move this Tribunal in case they are aggrieved.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 03, 2021
Original Application No. 298/2020
A



True Copy

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5125 OF 2021

[Arising out of the impugned final order dated 3.6.2021 in Original Application no.298/2020 passed by the National Green Tribunal, Principal Bench, New Delhi]

IN THE MATTER OF:

J.R.S. Industries

...Appellant

Versus

Vineet Nagar & Ors.

..Respondents

POSITION OF PARTIES

IN THE MATTER OF

In the NGT

In this
Hon'ble
Court

1. JRS Industries

Respondent

Appellant

Alipur Khalsa Road, Vil No.31

Kohand, Gharaunda,

Haryana-132114,

Email: mitulqupta@yahoo.com

VERSUS

1. Vineet Nagar

Applicant

Contesting

124, Junedpur, G.B.

Nagar, Greater Noida, U.P.

Respondent

R.D

- No.1 177
2. Central Ground Water Authority, Through its Chairman Bhujal Bhawan, NH-IV, Faridabad-121001, Haryana. Respondent No.1
Contesting Respondent No.2
Email Id- chmn-cgwb@nic.in
 3. Rajasthan Pollution Control Board Through its Chairman 4, Jhatana Institutional Area Jhalana Doongri, Jaipur (Rajasthan)-302004 Respondent-2
Contesting Respondent No.3
Email Id- member-secretary@rpcb.nic.in
 4. Haryana State Pollution Control Board Through its Chairman 3 C-11, Sector-6, Panchkula, Haryana -134109 Respondent-3
Contesting Respondent No.4
Email Id- hspcbho@gmail.com
 5. Punjab Pollution Control Board Through its Chairman Vatavaran Bhawan, Nabha Road, Patiala Respondent No.4
Contesting Respondent No.5
Email Id- chairman.ptl.ppcb@punjab.gov.in
 6. Uttar Pradesh Pollution Control Board Through its Chairman Building.No. TC-12V, Vibhuti Khand, Gomti Nagar Lucknow-226010, Respondent No.5
Contesting Respondent No.6
Email Id- chairman@uppcb.com

R.D

- | | | |
|---|---------------------|-----------------------------------|
| 7. State of Rajasthan
Through its Chief Secretary
1st Floor, Main Building,
Government Secretariat,
Jaipur-302005, Rajasthan
Email Id- cs-rajasthan@nic.in | Respondent
No.6 | Contesting
Respondent
No.7 |
| 8. State of Haryana
Through its Chief Secretary
4 th Floor, Hayana Civil
Secretariat Sector -1,
Chandigarh,
PIN- 160001
Email: -
vijaivardhan@hry.nic.in | Respondent
No.7 | Contesting
Respondent
No.8 |
| 9. Ministry of Environment &
Forest and Climate Change
Indra Paryavaran Bhawan, Jor
Bagh Road, New Delhi-110003
through its secretary,
Email: m.yadav@gov.in | Respondent
No.8 | Contesting
Respondent
No.9 |
| 10. Central Pollution Control
Board Parivesh Bhawan, East
Arjun Nagar New Delhi-
110032, through its secretary
Email: ccb.cpcb@nic.in | Respondent
No.9 | Contesting
Respondent
No.10 |
| 11. D.C. Industries, G1-613
(R), RIICO Industrial area,
Khushkera, Rajasthan-301707,
through its manager,
Email:
dcindustries2014@yahoo.com | Respondent
No.10 | Proforma
Respondent
No11 |
| 12. Neetu Solvents, F-88,
Khushkera Industrial Estate,
Bhiwadi-307107, Alwar,
Rajasthan, through its
manager
Email: | Respondent
No.11 | Proforma
Respondent
No.12 |

R.D

neetusolvents@gmail.com

13. Topnotch Trading Corporation Pvt Ltd, F-626, RIICO Industrial Area, Khushkera, Alwar, Rajasthan-307107, through its manager
Email: tntcpl@hotmail.com

Respondent No.12

Proforma Respondent No.13

14. Dipin Chemicals Pvt Ltd, E-50A, RIICO INDUSTRIAL AREA, BHIWADI, Alwar, Rajasthan, 301019, through its manager
Email: bhd@dipinchemicals.com

Respondent No.13

Proforma Respondent No.14

15. DEE BEE ORGANICS PVT.LTD, Plot No. - F 937 to 939, Phase-3, RIICO Industrial Area, Bhiwadi, Alwar, Rajasthan, 301019, through its manager
Email: deeborganics@gmail.com

Respondent No.14

Proforma Respondent No.15

16. SUCHEM ORGANICS PVT.LTD, Plot No. - G-1/787-788, Phase-2, RIICO Industrial Area, Bhiwadi, Alwar, Rajasthan, 301019, through its manager
Email: suchemorganics@hotmail.com

Respondent No.15

Proforma Respondent No.16

17. SB POLYCHEM PVT. LTD., Plot no H-304 RIICO Industrial Area, Bhiwadi, Alwar, Rajasthan, through its manager
Email: polychemsb@gmail.com

Respondent No.16

Proforma Respondent No.17

R.D

- | | | |
|--|-----------------------------|--|
| <p>18. SHRI RAMKRIPA ORGANICS PVT. LTD., Plot No. F476, RIICO Industrial Area Chopanki, Bhiwadi, Alwar, Rajasthan, through its manager
Email: ramkripaorganics@gmail.com</p> | <p>Respondent
No.17</p> | <p>Proforma
Respondent
No.18</p> |
| <p>19. Vechem Organics Pvt Ltd, B-825A, PHASE-2, INDUSTRIAL AREA, BHIWADI, Alwar, Rajasthan, 301019, through its manager
Email: v_organics@yahoo.com</p> | <p>Respondent
No.18</p> | <p>Proforma
Respondent
No.19</p> |
| <p>20. Dechem Plastics Pvt Ltd, E-527, RIICO INDUSTRIAL AREA, BHIWADI, Alwar, Rajasthan, 301019, through its manager
Email: dechem.group@hotmail.com</p> | <p>Respondent
No.19</p> | <p>Proforma
Respondent
No.20</p> |
| <p>21. Pine Laminates Pvt Ltd, A-526A, Industrial Area, Chopanki, Bhiwadi, Alwar, through its manager
Rajasthan, 301019</p> | <p>Respondent
No.20</p> | <p>Proforma
Respondent
No.21</p> |
| <p>22. Manglam Chemical Pvt Ltd, R-3-4 PARSAKHERA INDUSTRIAL AREA BAREILLY Uttar Pradesh 24300, through its manager
Email Id- manqlam.ch04@gmail.com</p> | <p>Respondent
No.21</p> | <p>Proforma
Respondent
No.22</p> |
| <p>23. Gorakhnath Formulation Pvt. Ltd, C 8, UPSIDC Industrial Area, Khalilabad, Uttar Pradesh, 272175, through its manager
Email Id- gorakhnathformulations@gmail.com</p> | <p>Respondent
No.22</p> | <p>Proforma
Respondent
No.23</p> |

R.D

- .com
24. Subham Polychem Pvt Ltd, Respondent Proforma
Khasra no 1261, village No.23 Respondent
goyala, Deva Road, Dhawa, No.24
Uttar Pradesh 226019 ,
through its manager
Email Id- spplko@gmail.com
25. Ashoka Drugs and Respondent Proforma
Chemicals, No.24 Respondent
Village Bhagwanpur, Barwala No.25
Road, Derabassi, Mohali,
Punjab 140507, through its
manager
Email Id-
ashokadrugs@gmail.com
26. Surbhee Polymers (P) Respondent Proforma
Limited, Plot no C21, Focal No.25 Respondent
Point, Derabassi, No.26
District SAS nagar, Punjab,
through its manager Email Id-
surbheepolymers@gmail.com
27. Power Chem Plast Limited, Respondent Proforma
Plot no C25, Focal Point, No.26 Respondent
Derabassi, No.27
District SAS nagar, Punjab,
through its manager
Email Id- ptlchd@yahoo.com.in
28. Trigun Organics, Respondent Proforma
Vill: Toffanpur, No.27 Respondent
Derabassi, Mohali, Punjab- No.28
140506, through its manager.
Email Id- :
trigunorganics@gmail.com
29. M/s Gayatri Industries, Respondent Proforma
Plot No.83, Sector-1, Phase-1 No.28 Respondent
IGC, HSIIDC Saha, No.29
Ambala, Haryana.
Through its partner.
gayatriindustries2017@gmail.c

R.D.

30. Banke Bihari Overseas Pvt. Respondent Proforma
Ltd. 2Kms stone, Sampla Beri No.29 Respondent
Road, Ismaila, 11-B, Sampla, No.30
Rohtak, Haryana-124501,
Through its director.
Email: bankebiharioverseas@gmail.com
31. G.B. Overseas Pvt. Ltd., Respondent Proforma
45 Km stone, Delhi Rohtak No.30 Respondent
Road, Tek Chand Industrial No.31
Complex, Village Rohad, through
its director.
Email: gboverseas@gmail.com
32. NMR PhyrochemPvt Ltd, Respondent Proforma
Pundri-Kaimla Road, VilPundri, No.32 Respondent
Gharaunda, Haryana-132001, No.32
through its manager
Email: nmrphyrochempvtltd@gmail.com
33. Pahwa Plastic Pvt. Ltd., Respondent Proforma
Village-Kharawar, Rohtak, No.33 Respondent
Haryana-124021, through its No.33
manager
Email: chandan.pahwa@gmail.com
34. Chemwood Industries, Respondent Proforma
Village Bhagwanpur, Kharwan No.34 Respondent
road, No.34
Jagadhri-135003, Haryana,
through its manager
Email: chemwoodindustries2019@gmail.com
35. Guruji Overseas, Khajuri Respondent Proforma
Road, Village Jathlana, radaur, No.35 Respondent
Haryana-135001, through its No.35
manager
Email: gurujioverseas5@gmail.com
36. TaruVikasPvt Ltd, 2, Respondent Proforma
LADSOLI, Sonipat, No.36 Respondent
Haryana, 131039, through its No.36
manager
Email: taruvks@gmail.com
37. TestwellPlastchemPvt Ltd, Respondent Proforma *R.D*

- Plot no 56, HSIJDC, Kundli, No.37 Respondent
 Sonapat, Haryana-131001, No.37
 through its manager
 Email: formalin37@yahoo.co.in
38. Sital Organics Pvt Ltd, 2, G Respondent Proforma
 T ROAD, BEGHAN, No.38 Respondent
 Sonipat, Haryana, 131039, No.38
 through its manager
 Email: sitalorganics@rediffmail.com
39. Apcolite Polymers Pvt. Ltd., Respondent Proforma
 42, APPCOLITE, N.H. 8, No.39 Respondent
 DHARUHERA, No.39
 Rewari, Haryana, 122001,
 through its manager
 Email: sumeet@apcolitepolymers.com
40. Sandchem India Ltd, Respondent Proforma
 PLOT NO 43-44, HUDA No.40 Respondent
 INDUSTRIAL AREA, No.40
 DHARUHERA, Rewari, Haryana,
 123110, through its manager
 Email: sandchemindia@yahoo.in
41. Dipin Chemicals Pvt Ltd., Respondent Proforma
 VILLAGE-BILASPUR, PATAUDI No.41 Respondent
 ROAD, BILASPUR, Gurgaon, No.41
 Haryana, 122413,
 through its manager
 Email: ho@dipinchemicals.com
42. Globe Panel Industries Pvt Respondent Proforma
 Ltd, Industrial Area Phase-1, No.42 Respondent
 Yamunanagar, Haryana- No.42
 135001, through its manager
 Email: globepanelynr@gmail.com
43. Sanwaria Polymer Respondent Proforma
 Industries Private Limited Plot No.43 Respondent
 No. 211, HSIDC, Industrial No.43
 Estate Manakpur, Jagadhri,
 Haryana-135003,
 Email: sawariaindustries@gmail.com
 Through its managing Director



**CIVIL APPEAL UNDER SECTION 22 OF THE
NATIONAL GREEN TRIBUNAL ACT, 2010
AGAINST THE FINAL ORDER DATED 3.6.2021 IN
ORIGINAL APPLICATION NO.298/2020 PASSED
BY THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**TO,
HON'BLE THE CHIEF JUSTICE OF INDIA AND
HIS COMPANION JUDGES OF THE HON'BLE
SUPREME COURT OF INDIA**

THE HUMBLE PETITION OF THE
APPELLANT ABOVE NAMED:-

MOST RESPECTFULLY SHOWETH:

1. That the appellant is moving the present appeal under Section 22 of the National Green Tribunal Act, 2010, the Appellants above named seek to challenge the impugned final order dated 3.6.2021 in Original Application no.298/2020 passed by the National Green Tribunal, Principal Bench, New Delhi whereby the Hon'ble Tribunal while disposing of the OA, without issuing notice to any of the respondents/affected parties, has ordered the authorities to follow orders passed by it in a

R.D

separate matter, wherein directions had been issued for not allowing the units to operate.

2. **QUESTION OF LAW:**

The present Civil Appeal involves the following substantial questions of law, which require kind consideration of this Hon'ble Court, are as follows:

- A. Whether the Hon'ble Tribunal was justified in passing the impugned order without complying the principle of *audi altrem partem*?
- B. Whether in the facts and circumstances of the case the Hon'ble Tribunal was justified in passing the impugned directions without taking into consideration draft notification passed by the Ministry of Environment & Forest whereby MSME are being sought to be exempted from obtaining EC?
- C. Whether the units like the Appellant can be penalized by stopping the operation of the business on the basis of alleged violation of not obtaining prior EC, wherein the fact of the matter is that the said discrepancy was not due to fault of the appellant but of the authority is concerned?

R.D

3. **That the brief facts of the present matter are given below for kind perusal of this Hon'ble Court:**

3.1 Appellant is carrying on the businesses of manufacturing & trading in basic organic chemicals viz. Formaldehyde. The unit of the Appellant is totally "non polluting" unit having "Zero Trade discharge". The said unit operated strictly in accordance with law.

3.2 The appellant on 23.08.2018 applied for consent to establish with Haryana State Pollution Control Board. The said Board after completing all due diligence and after having been satisfied, with regard to the parameters, granted consent to establish to the appellant on 14.09.2018. At the said time the HSPCB itself was not aware of the requirement of obtaining prior environment clearance in respect of industry in question. Hence the appellant was also under the impression that the requirement of obtaining prior environment clearance was not there. The said consent was granted for the period commencing from 14.09.2018 to 13.09.2023.

3.3 Based on the said consent to establish, the appellant establish its unit by spending huge amount in purchasing plant and machinery and by completing all formalities as permissible under law.

R.D

- 3.4 MoEF issued a draft notification in December 2018 for exempting such category of industries in which the Appellant's unit falls from obtaining prior EC if they are MSME. The said notification was circulated among the states on 15.4.2019 for their comments. Appellant duly fall in the definition of MSME and hence fulfill the said conditions.
- 3.5 That on 12.06.2019 the Haryana State Pollution Control Board issued two show cause notices to the appellant. The first one was a show cause notice for revocation of consent to establish issued under Water Act, 1974 and Air Act, 1981. The second one was show cause notice for prosecution under section 15 of Environment Protection Act, 1986.
- 3.6 The said order dated 12.06.2019 for show cause of revocation was challenged before the Appellate Authority (Haryana) and the interim order dated 25.10.2019 was granted to the appellant.
- 3.7 That on 14.11.2019 the appellant applied for consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- 3.8 That on 11.12.2019 the HSPCB refused the grant of consent to operate on the ground that the unit has not obtained prior environmental

R.D

clearance from MOEF and CC before establishment of unit and other grounds.

- 3.9 MOEF issued another draft notification dated 23.03.2020 which prescribed procedure for grant of EC to those units who were functioning without prior EC.
- 3.10 The HSPCB vide order dated 13.08.2020 revoked the consent to establish granted by it for the vital fact that the unit has been established without obtaining environmental clearance. The endorsement of the said order was done on 27.08.2020.
- 3.11 The Appellant applied for grant of EC vide proposal No.IA/HR/IND2/177821/2020 dated 07.10.2020.
- 3.12 That on 10.11.2020/11.11.2020 the State of Haryana after considering the fact that the non obtaining of prior EC by the units was on account of misinterpretation of requirement of EC by the pollution board itself, took a policy decision to allow the units who did not have prior EC to operate for six months with a condition that they would apply for EC within sixty days.
- 3.13 The HSPCB issued a letter dated 13.11.2020 to the appellant allowing the operation of the unit in terms of the order dated 10.11.2020.
- 3.14 An OA was filed before the Hon'ble National Green Tribunal for taking action against

R. D.

industrial units situated in States of Haryana, Rajasthan, UP and Punjab who were engaged in the business of manufacturing "Formaldehyde" without obtaining prior environmental clearance. There were 43 respondents in the said OA including the Appellant.

3.15 By way of impugned order dated 03.06.2021, the Hon'ble Tribunal, without issuing notice to any of the respondents/affected parties, ordered the authorities to follow orders passed by it in a separate matter, wherein directions had been issued for not allowing the units to operate. Thus the impugned order has been passed in gross violation of principles of natural justice and fair play, in as much as no notice much less prior opportunity of hearing has been granted to the Appellant before passing adverse directions, resulting in closure of operations.

4. **GROUNDS:**

4.1 **BECAUSE** the Hon'ble Tribunal was not justified in passing the impugned order without complying the principle of *audi altrem partem*.

4.2 **BECAUSE** in the facts and circumstances of the case the Hon'ble Tribunal was not justified in

R.D

passing the impugned directions without taking into consideration draft notification passed by the Ministry of Environment & Forest whereby MSME are being sought to be exempted from obtaining EC.

4.3 **BECAUSE** the units like the Appellant cannot be penalized by stopping the operation of the business on the basis of alleged violation of not obtaining prior EC, wherein the fact of the matter is that the said discrepancy was not due to fault of the appellant but of the authority is concerned.

4.4 **BECAUSE** the Impugned order passed by the Hon'ble Tribunal has resulted in grave miscarriage of justice and have caused serious prejudice to the Appellant herein.

4.5 **BECAUSE** no adverse order can be passed against a party without affording an opportunity of hearing to the party against whom such order is proposed to be passed.

4.6 **BECAUSE** the alleged violation of "not obtaining prior environment clearance" is neither

R.D.

intentional nor willful but had occasioned wholly because of error/ignorance/mistake on the part of the concerned authorities, since at the time of grant of consent to establish, the Pollution Board itself was not aware of requirement of obtaining prior EC in respect of the industry in question. Immediately on coming to know about the said requirement, the Appellant applied for grant of EC. The units of the Appellant is totally "non-polluting" unit having "Zero Trade discharge". Therefore, keeping in view the fact that the activities/operations of the Appellant is bonafide and except for a technical violation which is in the process of being remedied, they have all the consents and permissions from relevant authorities, thus deserve to be allowed to operate their units.

- 4.7 **BECAUSE** the Appellant's unit falls in the category of Micro small and medium Enterprises as defined under MSME Act, 2006. They fall in category B2 as per the Ministry of Environment & Forest notifications and are situated in a

R.D

notified industrial Estate. Hence the conditions for obtaining EC for such category of industries are much simpler. Importantly MoEF has issued a draft notification in December 2018 for exempting such category of industries in which the Appellant's unit fall from obtaining prior EC if they are covered under the definition of MSME. The Appellant duly fall in the definition of MSME and hence fulfill the said conditions. Even otherwise the Appellant duly comply with all the environmental norms. Thus, the sweeping observations contained in the impugned orders regarding stopping operations of such industries without considering the aforesaid vital aspects and without hearing the affected parties, deserve to be set aside.

4.8 **BECAUSE** substantial investments have been made on setting up of the Appellant's unit. It was only pursuant to the grant of consent to establish by the Pollution Board, that the Appellant had set up the unit and expended huge amounts in purchasing plant and



machinery. The livelihood of several workers, labourers, suppliers etc. is dependent on the said unit. There has never been any complaint against the Appellant's unit for violating any environmental law. Hence the impugned orders in so far as it directs stopping of operations of the industries like the Appellant on account of them not having prior EC, is totally arbitrary, unjust, unreasonable, violative of principles of natural justice and thus deserves to be set aside.

5. The appellant state that no other Appeal has been filed by them against the impugned order in this Hon'ble Court

6. **PRAYER:**

It is, therefore, most respectfully prayed that your Lordships may graciously be pleased to:

- a) Admit and Allow the present appeals against the impugned final order dated 3.6.2021 in Original Application no.298/2020 passed by the National Green Tribunal, Principal Bench, New Delhi; and



- b) Pass such other further order or orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE APPELLANT SHALL EVER PRAY.

Drawn by:

Rachit Mittal, Advocate

Filed by

Drawn on: 31.08.2021

Filed on: 01.09.2021

SUDHIR NAAGAR

Advocate for the appellant

R.D

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5154 OF 2021

SUCHEM ORGANICS PVT. LTD

... Appellant(s)

VERSUS

CENTRAL GROUND WATER AUTHORITY & ORS.

... Respondent(s)

WITH

CIVIL APPEAL NO. 5125 OF 2021

O R D E R

These appeals are against an order dated 3rd June, 2021 passed by the learned National Green Tribunal in OA No. 298 of 2020. The grievance of the appellants is that the impugned order which has serious adverse consequences for the appellants has been passed without notice to the appellants or even the State Governments concerned. The learned Tribunal has directed that unless valid environmental clearance and other statutory clearances are obtained, the unit of the appellants may not be allowed to function. The State Pollution Control Board has also been directed to assess and recover compensation for illegal operation of the units on the 'polluter pays' principle.

Signature Not Verified

Digitally signed by
SUNIL KUMAR
Date: 2024.09.16
16:58:27 IST
Reason: 

The operative part of the impugned order is reproduced hereinbelow :-

 R.D

"2. We have dealt with matter by separate orders today in O.A. No.840/2019, Ayush Garg v. UOI & Ors. And O.a. No. 287/2020, Dastak N.G.O. v. Synochem Organics Pvt. Ltd. & Ors. In relation to some of such units operating in Haryana after hearing the State and the industrial units in question. It has been held that in absence of Environmental Clearance under Entry 5(f) of the EIA Notification dated 14.09.2006, such Units cannot be allowed to operate. Relevant extract from order in O.A. No.287/2020, Dastak N.G.O. v. Synochem Organics Pvt. Ltd. & Ors. Is reproduced below :

"7. It is clear from the stand of the State itself that prior EC is required under EIA Notification dated 14.09.2006 (Entry 5(f) of the Schedule. Once it is so there is no justification to permit function of such units in violation of mandate of law. In *Almbic Chemicals v. Rohit Prajapati & Ors.*, 2020 scc Online 347, the Hon'ble Supreme Court has made it clear that prior EC requirement cannot be dispensed with. While it is true that having regard to the fact situation therein particularly grant of EC later, the units were not closed and instead were required to pay compensation for the period the units functioned without prior EC, it does not mean that in absence of prior EC the units can be allowed to function by paying compensation. We thus hold that without prior EC the units cannot be allowed to operate. The State has no power to exempt the requirement of prior EC or to allow the units to function without EC on payment of compensation. Same view has been taken in O.A. No. 840/2019, Ayush Garg v. UOI & Ors. Which has been dealt with by a separate order today.

8. As regards the stand of the private respondents that the State has delegated power under Section 3(3) of the Environment (Protection) Act, which implies that the State could exempt EIA requirement, neither any such delegation is shown nor the State claims to have such power or to have exercised such power. A statement has been made on behalf of the private respondents

R.D

as well as State that the units now stand closed. Learned Counsel for the private respondents also submitted that their units have been functioning in a bonafide manner without causing pollution. Though they did not have EC only for want of knowledge of such requirement, they had requisite consents to establish and operate which have been renewed from time to time. They wish to comply with law and have also applied for EC.

9. We are of the view that since prior EC is statutory mandate, the same must be complied. We have no doubt that the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF & CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function. For past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process."

3. The above principle has to be followed in all other States where such units are functioning without prior EC. In the present application grievance is also against similar units functioning in the States of Rajasthan, UP and Punjab or any other State, in addition to Haryana for which above order has been passed. This needs to be checked by concerned statutory authorities and remedial action taken, following due process of law.

4. Accordingly, we dispose of this application with a direction to MoEF&CC, CPCB and Chief Secretaries, SEIAAs, PCBs/PCCs of all States/UTs to ensure compliance of law, following due process. They may issue appropriate directions in the matter.

A copy of this order be forwarded to the MoEF&CC, CPCB and Chief Secretaries, SEIAAs and PCBs/PCCs of all States/UTs by e-mail to facilitate compliance of the above order.

Since we have not found it necessary to issue notice, having regard to the nature of the order, we give liberty to the any party to move this Tribunal in case they are aggrieved."

R.D.

The learned Tribunal found that no further action was necessary except that the State Pollution Control Board might ensure that the units do not restart functioning without requisite statutory clearance meaning thereby the environmental clearance.

Mr. Nidhesh Gupta, learned senior counsel appearing on behalf of the appellants submits and, in our view, with some justification that the order ought to have been passed after giving the appellants a notice and after affording an opportunity of hearing to the appellants. Be it noted that Mr. Gupta submitted that the unit of the appellants being functional since 1994, no environmental clearance is necessary.

We need not go into the question of whether or not environmental clearance is necessary. The decision may be taken by the learned Tribunal in accordance with law after giving the appellants an opportunity of hearing. The appellants may file their submissions and documents, if any, on which they wish to rely before the learned Tribunal.

The judgment and order impugned is set aside. The matter is remitted back to the learned National Green Tribunal for deciding the same in accordance with law after affording an opportunity of hearing to the appellants. The consequential orders shall also stand set aside. It is clarified that consequential orders are those orders which have been passed consequent to the impugned order of the learned Tribunal and not any preexisting orders.

R-D

The appeals are, accordingly, disposed of.

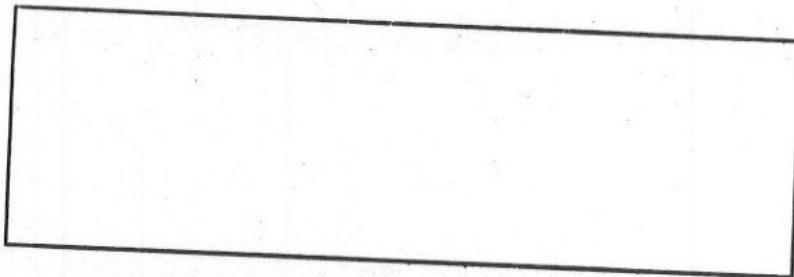
Pending applications, if any, stand disposed of accordingly.

....., J.
(Indira Banerjee)

....., J.
(J.K. Maheshwari)

New Delhi;
September 13, 2021.

RD



IN THE COURT OF National Green Tribunal, P.O., New Delhi

OA
Suit / Appeal No. 298

of 2020

Vineet Nagar

Pltf. / Applt. / Petitioner / Complainant

VERSUS

Central Ground Water Authority & Ors.

Defdt. / Resf. / Accuses/Defendent

KNOW ALL to whom these present shall come that I/We J.R.S. Industries through Partner Sh. Mitul Gupta

the above named Respondent No. 31

do hereby appoint

RACHIT MITTAL & RITIKA DAWALIA
ADVOCATES

MZ-24 & 25, Ansal Fortune Arcade, Sector 18, Noida - 201301
9873997047 Email: office@rmlawchambers.in

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorised him :-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings, appeals cross-objections or petitions or affidavits or other documents as for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of

To withdraw or compromise the said case or submit to arbitration any touching or in any manner relating to the said cause.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts things which may be necessary to be done for the progress and in the course

To appoint and instruct any other Legal Practitioner, authorising him to be conferred upon the Advocate whenever he may think it to do so and to sign to

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by the/us to intents and purposes.

And I/we undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the costs of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate who retains himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that if the case is not paid, I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 13th day of November 2020

Accepted subject to the terms of fees.
Rachit Mittal
Advocate 21/10/2020
[Signature]
21/26/19/2020

Client

For JRS INDUSTRIES
[Signature]
Client
Partner

