

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, PUNE

IN

ORIGINAL APPLICATION NO. 98 OF 2025 (WZ)

**IN THE MATTER OF:**

**SHAMBHAVEE SHASHIKANT KADAM**

**...APPLICANT**

**VERSUS**

**STATE OF MAHARASHTRA & ORS**

**...RESPONDENTS**

**Response Affidavit on Behalf of the Respondent No. 7, Ministry of Environment, Forest And Climate Change, New Delhi, in compliance to the direction issued by the Hon'ble Tribunal vide Order dated 03.09.2025.**

1. I, Dr. Surender Gugloth, S/o Shri Shankar, aged about 40 years, presently working as Scientist 'E' at the Ministry of Environment, Forest & Climate Change (MoEF&CC), Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001, do hereby solemnly affirm and declare on oath as under:



2. That I am authorized to swear the present affidavit on behalf of the Ministry of Environment, Forest & Climate Change (MoEF&CC) on the basis of the official records maintained therein.

**STATEMENT OF FACTS:**

3. It is submitted that, the instant Original Application has been filed seeking urgent intervention against the illegal construction of a redevelopment project at Bimbisar Nagar, Goregaon (East) Mumbai, prohibiting further construction and development of the impugned redevelopment project and obtaining sanction of the Sanjay Gandhi National Park (SGNP) ESZ Monitoring Committee prior to the commencement of the said redevelopment project.
4. That, the Hon'ble Tribunal vide Order dated 03.09.2025 directed the Ministry of Environment, Forest and Climate Change (MoEF&CC) "...6. We deem it appropriate to enquire from the MoEF&CC as to whether the Notification, which was issued by them on 05.12.2016, requiring the commercial redevelopment, reconstruction, repairs of existing structures, etc., which is provided therein, would cover the residential buildings or not? But we find that the MoEF&CC has not been impleaded in the present Original Application. Therefore, we direct the applicant to



implead the MoEF&CC as Respondent No.7 in the present Original Application.”

5. That, the MoEF&CC vide Notification No. S.O. 3645(E) dated 05.12.2016 issued Eco Sensitive Zone final notification for Sanjay Gandhi National Park (SGNP).
6. It is submitted that, for declaration of Eco-sensitive Zones (ESZs) around Protected Areas i.e., National Parks and Wildlife Sanctuaries, the State Governments and Union Territory administrations are required to submit proposal, in consonance with the ‘Guidelines for declaration of Eco-Sensitive Zones around National Parks and Sanctuaries’ issued by the Ministry on 09.02.2011. That the declaration of Eco-Sensitive Zones around National Parks and Sanctuaries follows a well-defined procedure, which is as follows:
  - (a) Proposal for declaration of ESZs are received and reviewed by MoEF&CC, which involve technical evaluation by the Wildlife Institute of India (WII).
  - (b) These proposals for ESZ notifications are required to be submitted by the State Governments / UT administrations taking stakeholders views into account, as contained in the ‘Guidelines for declaration of Eco-



sensitive Zones around National Parks and Wildlife Sanctuaries' issued by the Ministry on 09.02.2011.

- (c) The draft ESZ notification is thereafter published after scrutiny by MoEF&CC and is placed in public domain for seeking comments from all concerned stakeholders within a period 60 days the publication is made available to general public, in accordance with the Environment (Protection) Rules, 1986.
- (d) The comments/suggestions received on the draft notification from the concerned stakeholders are to be sent to the State Government/UT for addressing the same.
- (e) The draft ESZ notification is to be deliberated in the Expert Committee (ESZ), comprising of multi sectoral experts and representatives of National Resource institutions, wherein, the Committee makes appropriate recommendation for its finalization.
- (f) The final version of the ESZ notification thereafter undergoes the process of legal vetting by the Ministry of Law and Justice before the final publication of the ESZ Notification by the Government of India Press.



7. It is submitted that, the ESZ notifications around Protected Areas and other natural sites are notified by the Central Government based on the proposals received from the respective State Governments and Union territory administrations and in line with the 'Guidelines for declaration of Eco-sensitive Zones around National Parks and Wildlife Sanctuaries' published by this respondent Ministry and issued on 09.02.2011.
8. It is submitted that, a monitoring committee has been constituted for the effective monitoring and compliance of the Eco Sensitive Zone Notification of Sanjay Gandhi National Park. The committee shall perform, inter alia, the following functions:
- i. The activities that are covered in the Schedule to the notification issued *vide* S.O. 1533(E), dated the 14.09.2006 (hereinafter 'EIA Notification, 2006'), and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinized by the Monitoring Committee based on the actual site-specific conditions and referred to the Ministry for prior environmental clearances under the provisions of the said notification.
  - ii. The activities that are not covered in the Schedule to the notification, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4



thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned regulatory authorities.

9. It is further submitted that, the EIA Notification, 2006 as amended, regulates developmental projects in respect of construction of new projects/activities/expansion or modernization of existing projects in different parts of the country for grant of prior Environmental Clearance under sub section (3) of section 3 of the said Act, in accordance with the procedure specified in the notification.
10. That, the EIA Notification, 2006 as amended, covers 39 projects/activities in its Schedule which inter-alia includes different types of infrastructure projects viz. Airports, Ports, Highways, and Building & Construction Projects etc. as specified and classified in the schedule of the said notification. All such projects/activities shall require prior Environmental Clearance from the concerned regulatory authority, e.g., MoEF&CC in the Central Government for matters falling under Category 'A' in the Schedule and the State Environment Impact Assessment Authority (SEIAA) at State level for matters falling under Category 'B' in the said Schedule, before starting any construction work. Broadly,



following categories projects/activities are covered under the ambit of EIA Notification, 2006 as amended:

- a. All new projects or activities listed in the Schedule to this notification;
  - b. Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
  - c. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.
11. That, under the provisions of the EIA Notification, 2006 as amended, Environment Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & 8(b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006 provides as follows;

“8(a): Building and Construction projects:  $\geq 20000$  sq. m and  $<150000$  sq. m of built-up area require EC.





iii. Provision of temporary electricity and water supply for site officer/guards only.

A true copy of the OM dated 29.03.2022 issued by the Ministry is annexed hereto and marked as "ANNEXURE-R7/1".

14. In view of the above submissions, it is stated that the requirement of obtaining prior Environmental Clearance under the EIA Notification, 2006 arises only where a building and construction project meets the thresholds prescribed under entries 8(a) or 8(b) of the Schedule.

15. In light of the foregoing submissions, it is respectfully prayed that this Honorable Tribunal be pleased to issue such orders, directives, or relief as it may deem appropriate and just under the circumstances of the present

case.

**DEPONENT**

(डॉ. सुरेन्द्र गुगलोट)  
(Dr. SURENDER GUGLOTH)

वैज्ञानिक 'ई' / Scientist 'E'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Environment, Forest and Climate Change  
भ.कॉ., नागपूर - R.O., Nagpur



**VERIFICATION**

Verified at Nagpur on this 23<sup>rd</sup> day of December, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge based on records and no part of it is false and nothing material has been concealed therefrom.

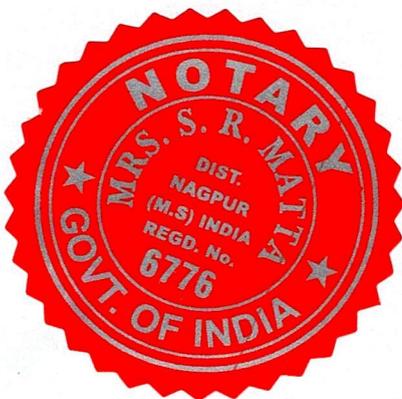
**DEPONENT**

(डॉ. सुरेन्द्र गुगलोट)  
(Dr. SURENDER GUGLOTH)  
वैज्ञानिक 'ई' / Scientist 'E'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
क्षे.का., नागपूर - R.O., Nagpur

I SWORN BEFORE ME ON THIS 23<sup>rd</sup> DAY OF Dec. 20, 25 AT NAGPUR BY Dr. Surender Gugloth SHRI / SMT/ KUNIA / ADVOCATE, NAGPUR WHO HAS BEEN IDENTIFIED BY SHRI / SMT. .... ADVOCATE, NAGPUR.

**Mrs. S. R. MATTA**  
ADVOCATE & NOTARY  
8-B, Clarke Town, Nagpur

**NOTARIAL REGD**  
REGISTRY No. 3634  
DATE 23/12/2025



**F. No. IA3-22/10/2022-IA.III [E 177258]**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

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

Dated: 29<sup>th</sup> March, 2022

**OFFICE MEMORANDUM**

**Subject: Procedure to be followed by the project proponent while surrendering the prior Environment Clearances accorded by MoEF&CC/SEIAA for developmental projects - reg.**

As per the provisions contained in the Environment Impact Assessment (EIA) Notification 2006, the Ministry of Environment, Forest and Climate Change (MoEF&CC) and State Environment Impact Assessment Authorities(SEIAAs) accord prior Environmental Clearances (EC) to the various developmental projects (or) activities [New/Expansion/Modernization/change of product-mix (or) raw material mix) listed in the schedule to the said notification.

2. Instances have been brought to the notice of this Ministry that several Project Proponents, after obtaining EC from the concerned Competent Authority, abandon the project or surrender the EC after part implementation of the project or without implementing of the project due to various reasons such as land acquisition & R&R issues, court matters, and financial constraints etc. After abandoning the project for one or the other reason, the Project Proponents many a times do not inform the concerned Authorities and surrender the EC and leave the project. Such practices, adopted by the Project Proponents, not only defeat the purpose of the EIA Notification, 2006 but it may also pose an acute threat to the local people living in the vicinity of the project site depending upon the hazards/risks associated with the respective developmental project or activity since the EC conditions remain non-complied.

3. The matter has been considered in the Ministry and it has been decided that whenever any Project Proponent relating to schedule 3, 4, 5, 6, 7(d), 7(da), 7(h), 7(i) and 8(a) abandons the Project or Activity for which prior EC was granted, the project proponent has to submit an application in the prescribed form along with requisite documents through PARIVESH to the concerned Competent Authority for surrendering the respective EC. The application shall be considered as per the flowchart enclosed herewith depending upon the implementation status of the project or activity.

4. The project proponent shall be accountable for adherence/compliance of the EC conditions till such time as the project is finally closed by the Ministry/SEIAA, as the case may be, based on certified closure report of IROs.

5. This issues with the approval of the Competent Authority.



(A.K. Agrawal)  
Director

To

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

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DG(FC) & SS
5. PPS to AS(TK) / AS (NPG)/ AS(RS)
6. PPS to JS (SKB)
7. Website, MoEF&CC/Guard file.

**WORK FLOW FOR THE PROPOSALS INVOLVING SURRENDER OF EC UNDER EIA, 2006**  
**(Annexure to the OM No. IA3-22/10/2022-IA.III [E 177258] dated 29.03.2022)**

