

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE**

EXECUTION APPLICATION NO. 2 OF 2025 (WZ)

IN

APPEAL NO. 58 OF 2015 (WZ)

(DISPOSED OF ON 25.09.2024)

IN THE MATTER OF:-

Ajay Shivajirao Bonsle

...Applicant

VERSUS

The Ministry of Environment and Forest &
Climate Change & Ors.

...Respondents

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Filed by

S. Shankar

**MR SHIVSHANKAR SWAMINATHAN
Advocate for the Respondent No. 4**

Date:- 22.07.2025

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**SHORT AFFIDAVIT-IN-REPLY ON BEHALF OF THE
RESPONDENT NO. 4**

MOST RESPECTFULLY SHOWETH:

1. That the Applicant has filed the present Execution application under S. 25(1) read with S. 26 of the National Green Tribunal, 2010 seeking compliance of the Para 44(iii) order dated 25.09.2024 in Appeal No. 58 of 2015(WZ) passed by this Ld. Tribunal.
2. At the outset, it may be stated that the allegations, averments, statements and contentions raised by the Applicant in the present application are false, frivolous, bogus, vexatious and are in any event denied. It is further submitted that none of the allegations contained in the present application should be deemed to have been admitted by reasons of non-traverse, unless specifically admitted herein.

3. That the answering Respondent craves leave to file the present Short Affidavit on preliminary objections and submissions and reserves its right to file a detailed paragraph wise reply to the present execution application. However, it may be pertinent to mention herein that though seemingly the execution application is filed seeking compliance of Para 44(iii) of the order dated 25.9.2024 passed by this Ld. Tribunal in Appeal No. 58 of 2015, on a bare perusal of various averments made therein, it is clear that the Applicant is seeking to expand the scope of the Appeal which stands disposed of by order dated 25.9.2024. The law on the subject is clear and needs no reiteration that in execution proceedings, scope of the original petition cannot be expanded.

4. It may also be relevant to mention at the outset that the facts pleaded in the present execution petition, save as otherwise are a matter of record, are denied. Pertinently, any fact stated contrary to the facts as mentioned in Civil Appeal No. 244 of 2025, annexed as *Annexure A-6* to the present execution application, are wrong and denied. Further, any factual allegation made in the present application or finding of this Ld. Tribunal is sub-judice before the Hon'ble Supreme Court.

PRELIMINARY OBJECTIONS:

5. That the Answering Respondent herein has preferred a Civil Appeal No. 244 of 2025 before the Hon'ble Supreme Court of India against the order dated 25.09.2024, which matter is pending consideration before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide

its order dated 20.01.2025 was pleased to issue notice in the aforesaid Civil Appeal and grant ad-interim stay of the directions of this Ld. Tribunal pertaining to deposit of environmental damage compensation of Rs. 5 crores with Maharashtra Pollution Control Board. The said order is annexed by the Applicant as *Annexure A-7* to the present execution application. A bare perusal thereof would clarify that the notice issued by the Hon'ble Supreme Court is not a limited notice. As such, the Hon'ble Supreme Court is in seisin of the entire matter and in the interest of judicial propriety, it is the humble submission of the Answering Respondent herein that this Ld. Tribunal may kindly be pleased to defer proceedings in the present execution application, till the decision of the Hon'ble Supreme Court in the aforesaid Civil Appeal No., 244 of 2025.

6. It may also be pertinent to mention herein that the answering respondent has preferred an interim application being I.A. No. 164656 of 2025 in the aforesaid Civil Appeal No. 244 of 2025 seeking a stay of the direction of this Ld. Tribunal pertaining to surrender of EC as well as a stay on further proceedings in the present execution petition. The said application was mentioned before the Hon'ble Supreme Court on 21.7.2025 and the Hon'ble Court, keeping in view that the Civil Appeal was likely to be listed on 6.8.2025, was of the opinion that the aforesaid application also be heard on the said date and accordingly, directed that the case not be deleted from the causelist. In other words, the Civil Appeal no. 244 of 2025 along with I.A. No. 164656 of 2025 will be listed before the Hon'ble Supreme Court on 6.8.2025 for adjudication. That for the convenience of this Ld. Tribunal, prayers as made in the aforesaid application are reproduced hereinbelow: -

- a) *Allow the present application and grant a stay of the direction issued by the NGT vide paragraph 44(iii) of the impugned judgment and final order dated 25.9.2024 till the present Civil Appeal is finally heard and decided; and,*
- b) *Allow the present application and grant stay of further proceedings in Execution Petition No. 2 of 2025 pending before NGT (WZ); and*
- c) *Pass any such other of further orders as this Hon'ble Court may deem fit in the facts and circumstances of the present case.*

It may also be pertinent to mention here that the Counsels for the Applicant before this Ld. Tribunal were present before the Hon'ble Supreme Court during the mentioning when the Hon'ble Supreme Court was informed that the next date of hearing of the present execution application was 23.7.2025. The Hon'ble Supreme Court orally observed that this Ld. Tribunal may be informed of listing of matter on 6.8.2025 and an adjournment may be sought before this Ld. Tribunal. True copy of the order dated 21.7.2025 passed by the Hon'ble Supreme Court is annexed herewith and marked as **Annexure R-1**.

7. That the direction qua which the present execution application is filed by the Applicant requires the Respondent herein to surrender its EC dated 31.12.2008. It is submitted that the Answering Respondent is faced with a peculiar situation in as much as the said direction requires the Respondent herein to do the impossible or in other words, act contrary to law. It is submitted at the outset that this Ld. Tribunal had vide Para 42 of its order dated 25.09.2024, directed the Answering Respondent to surrender its EC dated 31.12.2008 in

accordance with the procedure laid down in the Office Memorandum dated 29.03.2022 issued by MoEF [hereinafter referred to as ‘**the OM dated 29.3.2022**’]. The said OM dated 29.3.2022, however, does not apply to the EC dated 31.12.2008 which was granted for a mining project and which project has already come to an end.

PRELIMINARY SUBMISSIONS:

8. That at the outset it may be stated that under Clause 9 of the Environment Impact Assessment [EIA] notification dated 14.9.2006, as amended from time to time, an EC for a mining project is valid only for the life of the project or 30 years, whichever is earlier. For ready reference, Clause 9 of the EIA notification dated 14.9.2006 is reproduced hereinbelow for ready reference:-

“(iv) The prior Environmental Clearance granted for mining projects shall be valid for the project life as laid down in the mining plan approved and renewed by competent authority, from time to time, subject to a maximum of thirty years, whichever is earlier:

Provided that the period of validity of Environmental Clearance with respect to projects or activities included in this sub-paragraph may be extended by another twenty years, beyond thirty years, subject to the condition that the adequacy of the existing environmental safeguards laid down in the existing Environmental Clearance shall be examined by concerned Expert Appraisal Committee every five years beyond thirty years, on receipt of such application in the laid down proforma from the Project Proponent within

the maximum validity period of Environmental Clearance of thirty years, and subsequently on receipt of such application in the laid down proforma from the Project Proponent within the validity period of the extended Environment Clearance, every five years for incorporating such additional environment safeguards in the Environmental Management Plan , as may be deemed necessary, till the validity of the mining lease or end of life of mine or fifty years, whichever is earlier.”

[Emphasis supplied]

True copy of the Environment Impact Assessment Notification dated 14.9.2006, as amended from time to time is annexed herewith and marked as **Annexure R-2**.

9. As is evident from the aforesaid Clause, the validity of an EC has to be seen from the EC itself wherein life of the project would be provided. In the present case, the EC dated 31.12.2008, which is annexed to the execution application as **Annexure A-3**, specifically provides as under:-

“Life of mine at the proposed rate of production will be 15 years.”

10. Further, the mining lease for which EC dated 31.12.2008 was granted, itself has come to an end in the year 2022. Accordingly, as of date there is no mining lease in terms of the Mines and Minerals (Development and Regulation) Act, 1957. Further, in terms of the

details provided vide Affidavits dated 18.7.2022 and 14.11.2022 filed by the answering respondent in Appeal No. 58 of 2015, the mining lease already stands rehabilitated in accordance with law and in terms of the Final Mine Closure Plan, as approved by the Indian Bureau of Mines on 26.3.2021.

11. That in Para 44(iii), this Ld. Tribunal has directed that the “EC dated 31.12.2008 shall be surrendered by the PP herein within a period of one month in **accordance with law**, stated herein above”. It is most respectfully submitted that there is no provision or procedure in law under which the Respondent herein can surrender an EC and more specifically, an expired EC. The EIA notification dated 14.9.2006 by itself prescribes no procedure for surrendering of an environmental clearance and the aspect of surrender of an EC is governed only by the OM dated 29.3.2022.

12. That vide OM dated 29.3.2022, the Central Government has provided a procedure for surrender of environmental clearances only for certain categories of activities specifically stated therein. In this regard, the relevant paragraph of OM dated 29.3.2022, annexed as **Annexure A-2** to the present execution application, is being reproduced hereinunder for ready reference: -

“3. The matter has been considered in the Ministry and it has been decided that whenever any project proponent relating to schedule 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.”

13. A bare perusal of the OM dated 29.3.2022 will also make it clear that the same is not applicable to a mining project, which is a Category 1(a) project/activity as per the Schedule of the EIA Notification dated 14.9.2006. As per Paragraph 3 of the OM dated 29.3.2022, whenever a project proponent of activity relating to schedule 3 [*Materials production*], 4 [*Materials processing*], 5 [*Manufacturing/Fabrication*], 6 [*Service sectors*], 7(d) [*Common hazardous waste treatment, storage and disposal facilities*] 7(da) [*Bio-medical waste treatment facilities*], 7(h) [*Common effluent treatment plants*], 7(i) [*Common municipal solid waste management facility*] and 8(a) [*Building and construction projects*] abandons the project for which prior EC was granted, the said project proponent has to make an application to the Competent authority for surrendering the respective EC. It may also be pertinent to mention here that the aforesaid OM is applicable only when the project is abandoned. Admittedly, in the present case the project was not abandoned by the answering respondent, rather it was completed in accordance with law. The answering respondent, as stated above, has already rehabilitated the mining lease area in accordance with the Final Mine Closure Plan approved by statutory authorities. The answering respondent carves leave to place on record the relevant document, if deemed so necessary by this Ld. Tribunal.

14. Further, the Applicant is repeatedly suggesting that the Respondent herein has breached its undertaking pertaining to surrender of EC without considering the fact that the answering respondent has challenged the said finding returned by this Ld. Tribunal before the

Hon'ble Supreme Court on the ground that the said concession was not an unconditional concession and was subject to:-

- a. The condition that the Applicant herein withdraws the Appeal No. 58 of 2015; and,
- b. There being a procedure being available in law for surrendering of the EC.

It is most respectfully submitted that the aforesaid finding is a subject matter of challenge before the Hon'ble Supreme Court and has not attained finality. Any reliance placed by the Applicant on the said concession is nothing but an attempt to preempt the decision of the Hon'ble Supreme Court on the issue.

15. It is submitted that there is neither any legal procedure nor any legal mandate for the answering respondent to surrender its expired EC before the Competent Authority. It is submitted that the concept of surrender is only meant for a subsisting EC and will not be applicable to an EC which does not subsist. This Ld. Tribunal while passing the direction was conscious that such surrender, if possible, should be in accordance with law. As demonstrated hereinabove on a reading of the OM, that it is not possible to perform under law the direction of which the execution is being sought for in the present application under reply.

16. That it is most respectfully submitted that the order of this Ld. Tribunal of which execution is being sought is sub matter of challenge before the Hon'ble Supreme Court and, therefore, it is prayed that any decision on the present application should be deferred. It is submitted that no prejudice is going to be caused to the Applicant herein as it is not a case of an ongoing project. Admittedly,

the mining lease and mining operations, both have come to an end after exhaustion of minerals in accordance with law. The mining lease has already been reclaimed and rehabilitated. There are no further mining operations being undertaken. It is therefore, most respectfully submitted that in the interest of justice the present application be deferred till the decision of the Hon'ble Supreme Court on the issues raised in the Civil Appeal. It is respectfully submitted that the present application by the Applicant, in fact, is an abuse of process as the Applicant herein is a Respondent before the Hon'ble Supreme Court and is seeking to defeat the proceedings before the Hon'ble Supreme Court and the challenge thereof after notice was issued in the Civil Appeal in their presence and despite their opposition.

It is therefore, submitted that the Applicant is not entitled to the grant of any of its prayer sought in the prayer clause of the present execution application. It is, however, prayed that in light of the facts and circumstances mentioned hereinabove, present application deserves to be dismissed with cost.

Through:-

Date:- 22.07.2025



(MR SHIVSHANKAR SWAMINATHAN)
15& 22, P.J.Chambers, Off Mumbai-Pune Road
Pimpri, Pune-411018
Mobile No.-7875874915
Shankar@chambers.net.in

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(WESTERN BENCH), PUNE

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AFFIDAVIT

I, Madhav Arvind Gogte, aged about 46 years, s/o late Arvind Gogte, Resident of Madhugandh Girnar Hills, Vadgao Road, Hindwadi, Tilakwadi, Belgaum and having office at 146, Tilakwadi, Belgaum, Karnataka do hereby solemnly affirm and declare as under:-

1. That I am the Partner of Respondent no. 4 in the abovementioned application and as such am conversant with the facts and circumstances of the case and am competent to depose this affidavit.
2. That I have read the contents of the accompanying Reply which has been drafted by the counsel for Respondent no. 4 under my instructions, the contents whereof have been understood by me and the same are true and correct to my knowledge and the legal submission made therein are believed to be true on legal advice.

MA Gogte

3. The annexures filed along with the reply are true copies of their respective originals.

MAGhm, 2

DEPONENT

VERIFICATION

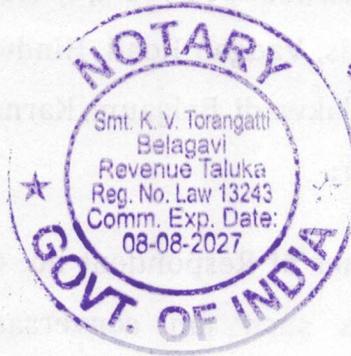
22 JUL 2025

Verified at _____ on this _____ of July, 2025 and that the contents of the above affidavit are true and correct to the best of my knowledge and belief based on the records maintained by the Company. Nothing material has been concealed therefrom.

MAGhm, 2

DEPONENT

nifn
nifn
No. Of Correction



SWORN TO BEFORE ME

cut

KALPANA V. TORANGATTI
B.Sc., LL.B. (Spl)
Advocate & Notary
BELAGAVI

ITEM NO.801

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. No.164656/2025 in Civil Appeal No(s). 244/2025

M/S GOGTE MINERALS

Appellant(s)

VERSUS

AJAY SHIVAJIRAO BHONSLE & ORS.

Respondent(s)

FOR ADMISSION

Date : 21-07-2025 This matter was mentioned today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) : M/S. Mitter & Mitter Co., AOR

For Respondent(s) : Mr. T. V. S. Raghavendra Sreyas, AOR
Mr. Gurmeet Singh Makker, AOR
Ms. Anagha S. Desai, AOR
Mr. Aaditya Aniruddha Pande, AORUPON hearing the counsel the Court made the following
O R D E R

Not to be deleted from the notified date.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS(DIVYA BABBAR)
COURT MASTER (NSH)Note : The matter is likely to be listed on
06.08.2025.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION 2006 AND SUBSEQUENT AMENDMENTS****New Delhi, the 14th September, 2006**

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

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

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

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

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and

¹ includes territorial waters

Forests for matters falling under Category ‘A’ in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category ‘B’ in the said Schedule and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category ‘B2’ for mining of minor minerals in the said Schedule,² before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion, modernisation or any change in the product mix or raw material mix in existing projects or activities, listed in the Schedule to this notification, resulting in capacity beyond the threshold limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7³.

3. State Level Environment Impact Assessment Authority: -

- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union Territory Administration concerned.
- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union Territory administration familiar with environmental laws.
- (3) The Chairman shall be an expert in terms of eligibility criteria given in APPENDIX VI in one of the specified fields, with sufficient experience in environmental policy or management.⁴
- (4) The other member shall be an expert fulfilling the eligibility criteria given in APPENDIX VI in one of the specified fields.⁴
- (5) The State Government or Union Territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

⁵Provided that wherever considered necessary and expedient, the Central Government may extend the term for a further period not exceeding twelve months.

² Words inserted *vide* S.O. 141(E), dated the 15th January, 2016 (This notification has been suspended by NGT in EA No. 55/2018 in OA No. 520/2016 in the matter of Vikrant Tongad vs. UoI vide order dated 11th December, 2018 and same has been appealed before Hon’ble Supreme Court and matter is sub-judice)

³ Para substituted *vide* notification number S.O.980 (E), dated the 2nd March, 2021

⁴ Para substituted *vide* S.O. 1737(E), dated the 11th October, 2007

⁵ Provision inserted *vide* S.O. 1562(E), dated the 21st May, 2020 and subsequently amended *vide* S.O. 3752(E), dated the 20th October, 2020

- (7) ⁶All decisions of the SEIAA 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 it, shall be clearly recorded in the minutes and a copy thereof sent to MoEF.

3A. ⁷District Level Environment Impact Assessment Authority: -

- (1) 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.
- (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
- (3) 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.
- (4) The other two members of the DEIAA shall be the 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 VII to this notification.
- (5) 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.
- (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
- (7) 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.
- (8) The Assistant Director or Deputy Director of the 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.
- (9) 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 Zila 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.
- (10) The members of the DEAC who are serving officers of the concerned State Government or the Union Territory Administration shall be *ex-officio* members except the expert members.

⁶ Para substituted *vide* S.O. 3067(E), dated the 1st December, 2009

⁷ Inserted *vide* S.O.141 (E), dated the 15th January, 2016

- (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
- (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
- (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavour 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: -

(i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man-made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union Territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union Territory Level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be considered at the Central Level as a Category 'B' project⁸;

(iiia) ⁹ ¹⁰ Such Category 'B' projects, relating to the National defence or strategic or security importance or those as notified by the Central Government on account of exigencies such as pandemics, natural disasters or to promote environmentally friendly activities under National Programmes or Schemes or Missions or such projects which are inordinately delayed beyond the stipulated timeline as laid down in this notification and also meet the criteria as laid down in this regard from time to time, shall be considered at the Central level as Category 'B' projects;

(iv)¹¹ The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification.

5.¹² Screening, Scoping and Appraisal Committees: -

⁸ Words substituted *vide* S.O. 3067(E), dated the 1st December, 2009

⁹ Inserted *vide* S.O. 2339(E), dated the 16th June, 2021

¹⁰ Substituted *vide* S.O. 1886(E) dated 20th April, 2022

¹¹ Inserted *vide* S.O. 141(E), dated the 15th January, 2016

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union Territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category 'A', 'B1 and B2' and 'B2' projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union Territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union Territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union Territory Administration constitute one SEAC for more than one State or Union Territory for reasons of administrative convenience and cost.

(c) The Expert Appraisal Committee and State Level Expert Appraisal Committee shall be reconstituted after every three years:
Provided that wherever considered necessary and expedient, the Central Government may extend the term for a further period not exceeding twelve months.

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

(e) 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.

6.¹² Application for Prior Environmental Clearance (EC): -

An application seeking prior environmental clearance in all cases shall be made by the project proponent¹³ in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form 1M for mining of minor minerals up to five hectare under Category 'B2' projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.

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

¹² Para substituted *vide* S.O. 141(E), dated the 15th January, 2016 (This notification has been suspended by NGT in EA No. 55/2018 in OA No. 520/2016 in the matter of Vikrant Tongad vs. UoI *vide* order dated 11th December, 2018 and same has been appealed before Hon'ble Supreme Court and matter is sub-judice) and Para 5(c) substituted *vide* S.O. No. 1562(E), dated the 21st May, 2020 and subsequently amended *vide* S. O. 3752 (E), dated the 20th October, 2020.

¹³ Words substituted *vide* S.O. 695(E), dated the 4th April, 2011

7(i) For new projects or activities listed in the Schedule to this notification¹⁴: The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are: -

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

I. Stage (1) - Screening:

(A)¹⁵In case of Category ‘B’ projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State Level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending upon the nature and location specificity of the project. The projects requiring an Environmental Impact Assessment report shall be termed Category ‘B1’ and remaining projects shall be termed Category ‘B2’ and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

(B)¹⁵The cases as specified in Appendix IX shall be exempted from prior environmental clearance.

II. ¹⁶Stage (2)-Scoping:

(i)¹⁷ “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 and Environment Management Report in respect of the project or activity for which Prior Environmental Clearance is sought.

(ii) All projects or activities listed under Category “B2” of the schedule shall not require Scoping.

(iii) Sector specific Standard Terms of References developed by the Ministry of Environment, Forest and Climate Change, from time to time shall be displayed on its website.

(iv) The Standard Terms of References shall be issued to the following projects or activities through online mode, on acceptance of application within 7 working days, without referring to EAC or SEAC by the Ministry or SEIAA, as the case may be:

¹⁴ Words inserted *vide* S.O.980(E), dated the 2nd March, 2021

¹⁵ Renumbered para and Inserted para *vide* S.O. 141(E), dated the 15th January, 2016 (This notification has been suspended by NGT in EA No. 55/2018 in OA No. 520/2016 in the matter of Vikrant Tongad vs. UoI *vide* order dated 11th December, 2018 and same has been appealed before Hon’ble Supreme Court and matter is sub-judice)

¹⁶ Substituted *vide* S.O. 751(E), dated the 17th February, 2020

¹⁷ Was amended *vide* S.O.695(E), dated the 4th April, 2011, substituted *vide* S.O. 2559 dated 22nd August, 2013, S.O. 562(E) dated 26th February, 2014; S.O. 382(E) dated 3rd February, 2015, S.O. 996(E) dated 10th April, 2015, S.O 751(E) dated 17th February, 2020

(a) All Highway projects in Border States covered under entry (i) and (ii) of column (3) and (4) against item 7(f) of the Schedule;¹⁸

(b) All 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; and

(c) All expansion proposals of existing projects having earlier Prior Environmental Clearance:

Provided that EAC or SEAC may recommend additional specific Terms of Reference in addition to the Standard ToR, if found necessary, for a project or activity, within 30 days from the date of acceptance of application.

(v) All new projects or activities other than specified in sub-paragraph (iv) above, shall be referred to the EAC or SEAC by the Regulatory Authority, as the case may be, within 30 days from the date of application, for recommending the specific ToR in addition to the Standard ToR, deemed necessary. In case, the regulatory authority does not refer the matter to the EAC or SEAC, as the case may be, 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.

(vi) 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 after due personal hearing shall be communicated to the applicant in writing within sixty days of the receipt of the application.

(vii) The project proponent shall prepare the EIA report based on the sector specific Standard ToR as well as additional specific ToR, if any, stipulated by the EAC or SEAC.

(viii) The Terms of Reference for the projects or activities except for River valley and Hydroelectric 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 and Hydro-electric projects, the validity will be for five years.

(ix). ¹⁹Notwithstanding anything contained above, the period from the 1st April, 2020 to the 31st March, 2021 shall not be considered for the purpose of calculation of the period of validity of Terms of Reference granted under the provisions of this notification in view of outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) declared for its control, however, all activities undertaken during this period in respect of the said Terms of Reference shall be treated as valid.

(x) ²⁰Notwithstanding anything contained above, the projects where construction and commissioning of proposed activities have not been completed within the validity period of the Environmental Clearance (EC) and a fresh application for EC has been submitted due to expiry of the said period of

¹⁸ Substituted vide S.O 382(E) dated 3rd February 2015, S.O 996(E) 10th April 2015, S.O 751(E) dated 17th February, 2020

¹⁹ Inserted vide S. O. 221(E), dated the 18th January, 2021.

²⁰ Inserted vide S.O. 1247(E), dated the 18th March, 2021

the EC, the concerned Expert Appraisal Committee or State Level Expert Committee, as the case may be, may exempt the requirement of public hearing subject to the condition that the project has been implemented not less than fifty percentage in its physical form or construction.

III. Stage (3) - Public Consultation:

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

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
 - (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
 - (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
 - (cc)²¹ maintenance dredging provided the dredged material shall be disposed within port limits.
 - (d)²¹ All Building or Construction projects or Area Development projects (which do not contain any category 'A' projects and activities) and Townships (item 8 (a) and 8(b) in the Schedule to the notification).
 - (e) all Category 'B2' projects and activities.
 - (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
 - (g) all linear projects such as Highways, pipelines, etc., in border States.²²
 - (h)²³ 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 Control Board or the Union Territory Pollution Control Committee.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

²¹ Inserted/Substituted *vide* S.O. 3067(E), dated the 1st December, 2009

²² Inserted *vide* S.O 382(E) dated 3rd Febuary,2015

²³ Inserted *vide* S.O. 2572(E), dated the 14th September, 2015

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45 (forty-five) days²⁴ of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union Territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form, within seven days of the receipt of a written request for arranging the public hearing. Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

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

IV. Stage (4) - Appraisal:

²⁴ Amended *vide* S.O. 1939 (E), dated the 13th November, 2006

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

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

(iii) The appraisal of an application shall be²⁵ 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 1A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

7(ii).²⁶ Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

(a) All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernisation of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of Environment Impact Assessment and public consultations and the application shall be appraised accordingly for grant of environmental clearance in respect of projects or activities other than falling in clause (b) and (c).

(b) ²⁷ **Existing projects (having Prior Environmental Clearance) with no increase in pollution load:** Any increase in production capacity in respect of processing or production or manufacturing sectors (listed against item numbers 2,3, 4 and 5 in the Schedule to this notification) with or without any change in (i) raw material-mix or (ii) product-mix or (ii) quantities within products or (ii)

²⁵ Amended *vide* S.O. 1939(E), dated the 13th November, 2006

²⁶ Substituted *vide* S.O. 3518(E), dated the 23rd November, 2016, substituted word *vide* S.O 980(E) dated 2nd March, 2021

²⁷ Para substituted *vide* notification number S.O.908 (E), dated the 2nd March, 2021

number of products including new products falling in the same category or (iv) configuration of the plant or process or operations in existing area or in areas contiguous to the existing area (for which prior environmental clearance has been granted) shall be exempt from the requirement of Prior Environmental Clearance provided that there is no increase in pollution load (derived on the basis of such Prior Environmental Clearance):

Provided that such exemption shall be applicable only consequent to -

- A. the project proponent furnishing information regarding such changes along with no increase in pollution load certificate, from the environmental auditor or reputed institutions empanelled by the State Pollution Control Board or Union Territory Pollution Control Committee or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change, as per the procedure laid down in Appendix-XIII, on PARIVESH portal as well as to the concerned State Pollution Control Board or Union Territory Pollution Control Committee.

Note: If on verification, the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, after giving the project proponent the opportunity of being heard, holds that such change or expansion or modernisation results in increase in pollution load, the exemption claimed under this clause shall not be valid and it shall be deemed that the project proponent was always liable to obtain prior environmental clearance, in respect of such change or expansion or modernisation, as per the clause (a) and the provisions of Environment (Protection) Act, 1986 shall apply accordingly;

- B. installation and implementation of Online Continuous Monitoring System (OCMS) with at least 95% uptime, connected to the servers of the Central Pollution Control Board and State Pollution Control Board or Union Territory Pollution Control Committee concerned to report the quantity and quality, of emission and discharges:

Provided further that the provisions of this clause shall not be applicable if such change or increase results in change in category of project or activity from Category-‘B2’ to either Category-‘A’ or Category ‘B1’.

(c)²⁷ Any change in configuration of the plant or activity from the environmental clearance conditions during execution of the project after detailed engineering, in respect of projects or activities, falling in any item of the Schedule to this notification, shall not require prior environmental clearance, if there is no change in production capacity and there is no increase in pollution load subject to furnishing particulars of such changes on PARIVESH portal in the format as may be provided by the Government from time to time, before implementing such changes whereupon a system generated acknowledgement will be issued by the concerned Regulatory Authority.²⁸

Explanation:- For the purpose of this sub-paragraph, “Pollution load” shall be determined on the basis of multiplication of quantity and concentration of different components and parameters (as provided or referred in the Prior Environment Clearance or the Environment Impact Assessment Report (EIA) and Environment Management Plan based on which such Prior Environment Clearance has been granted), in respect of emissions, effluents or discharge, solid, industrial hazardous waste and such other parameters notified under the Environment (Protection) Rules, 1986 as amended from time to time²⁹.

²⁸ Substituted Clause (c) of sub para (ii) of para 7 vide S.O 236(E) 16th January, 2020

²⁹ Para substituted *vide* notification number S.O.908 (E), dated the 2nd March, 2021

8.³⁰ Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the **EAC or SEAC or DEAC** 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 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 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 Expert Appraisal Committee or State Level Expert Appraisal Committee or **District Level Expert Appraisal Committee** concerned shall be public documents.

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

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that

³⁰ Words in bold in the para were substituted *vide* S.O. 141(E), dated the 15th January, 2016

basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9.³¹³² 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 (iii) of paragraph 8, to the start of production operations by the project or activity; or completion of all construction. operations in case of construction projects relating to item 8 of the Schedule, to which the application for prior environmental clearance refers:

Provided that in the case of mining projects or activities, the validity shall be counted from the date of execution of the mining lease.

(ii) The prior environmental clearance granted for an existing or new project or activity shall be valid for a period of,-

(a) thirteen years in the case of River Valley projects or activities [item 1(c) of the Schedule];

(b) fifteen years in the case of Nuclear power projects or activities and processing of nuclear fuel [item 1(e) of the Schedule];

(c) ten years in the case of all other projects and activities other than the Mining projects and River Valley Projects and Nuclear power projects referred to in clauses (a) and (b).

(iii) In the case of Area Development projects and Townships [item 8(b)], the validity period of ten years shall be limited only to such activities as may be the responsibility of the applicant as a developer:

Provided that the period of validity of Environmental Clearance with respect to the Projects and Activities listed in this sub- paragraph and sub-paragraphs (ii) may be extended in respect of valid Environmental Clearance, by the regulatory authority concerned by a maximum period of two years in the case of River Valley projects, five years in the case of Nuclear power projects and processing of nuclear fuel and one year in the case of all other projects, if an application is made in the laid down proforma to the regulatory authority by the applicant within the validity period of the existing Environment Clearance:

Provided further that the regulatory authority may also consult the concerned Expert Appraisal Committee before grant of such extension.

(iv) The prior Environmental Clearance granted for mining projects shall be valid for the project life as laid down in the mining plan approved and renewed by competent authority, from time to time, subject to a maximum of thirty years, whichever is earlier:

³¹ Substituted vide S.O. 1807(E), dated 12th April,2022

³² Re-numbered and then text in bold was amended vide S.O.1141 (E), dated the 29th April, 2015, word substituted vide S.O.2571(E) dated 31st August,2015, word substituted vide S.O.141(E) dated 1st January,2016, further substituted vide S.O. 2944 (E), the 14th September, 2016

Provided that the period of validity of Environmental Clearance with respect to projects or activities included in this sub-paragraph may be extended by another twenty years, beyond thirty years, subject to the condition that the adequacy of the existing environmental safeguards laid down in the existing Environmental Clearance shall be examined by concerned Expert Appraisal Committee every five years beyond thirty years, on receipt of such application in the laid down proforma from the Project Proponent within the maximum validity period of Environmental Clearance of thirty years, and subsequently on receipt of such application in the laid down proforma from the Project Proponent within the validity period of the extended Environment Clearance, every five years for incorporating such additional environment safeguards in the Environmental Management Plan , as may be deemed necessary, till the validity of the mining lease or end of life of mine or fifty years, whichever is earlier.”;

“(v) Where the application for extension under sub-paragraphs (ii), (iii) and (iv) has been filed in the laid down proforma”.

(a) within thirty days after the validity period of Environmental Clearance, such cases shall be referred to concerned Expert Appraisal Committee or State Level Expert Appraisal Committee 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, State Level Expert Appraisal Committee or Member Secretary, District Level Expert Appraisal Committee, as the case may be;

(b) more than thirty days after the validity period of Environmental Clearance but less than ninety days after such validity period, then, based on the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee, the delay shall be condoned with the approval of the Minister in charge of Environment, Forest and Climate Change or Chairman, as the case may be : Provided that no condonation for delay shall be granted for any application for extension filed beyond ninety days after the validity period of Environmental Clearance.

9A.³³ Notwithstanding anything contained in this notification, the period from the 1st April, 2020 to the 31st March, 2021 shall not be considered for the purpose of calculation of the period of validity of Prior Environmental Clearances granted under the provisions of this notification in view of outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) declared for its control, however, all activities undertaken during this period in respect of the Environmental Clearance granted shall be treated as valid.

10. Post Environmental Clearance Monitoring:

(i) (a)³⁴ In respect of Category ‘A’ projects, it shall be mandatory for the project proponent to make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent’s website permanently. (b) In respect of Category ‘B’ projects, irrespective of its clearance by MoEF / SEIAA/DEIAA, the project proponent shall prominently advertise in the

³³ Inserted *vide* S.O.4254(E), dated the 27th November, 2020 and substituted *vide* S.O. 221(E), dated the 18th January, 2021.

³⁴ Inserted/re-numbered *vide* S.O.3067(E), dated the 1st December, 2009

newspapers indicating that the project has been accorded environment clearance and the details of MoEF website where it is displayed. (c) The Ministry of Environment and Forests and the State / Union Territory Level Environmental Impact Assessment Authorities (SEIAAs)/ the District Level Environmental Impact Assessment Authority (DEIAA), as the case may be, shall also place the environmental clearance in the public domain on Government portal. (d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.

(ii) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in soft copies³⁵ to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

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

(iv)³⁶ The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.

11.³⁷ **Transferability of Environmental Clearance (EC):**

(1) A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee or **District Level Expert Appraisal**³⁸ Committee concerned is necessary in such cases.

“(1A) A prior-Environmental Clearance granted for a specific project, except mining projects may be split amongst two or more legal persons, entitled to undertake the project and transferred during the validity to another legal person on application made by the transferor in the format specified on PARIVESH portal to the concerned Regulatory Authority along with requisite documents. The concerned Regulatory Authority shall split and transfer the prior-Environmental Clearance, on recommendation of the concerned Expert Appraisal Committee to the other legal persons for the respective projects.”³⁹

(2) Where an allocation of coal block is cancelled in any legal proceeding, or by the Government in accordance with law, the environmental clearance granted in respect of such coal block may be transferred, subject to the same validity period as was initially granted, to any legal person to whom such block is subsequently allocated, and in such case, obtaining of “no objection” from either the

³⁵ Substituted vide S.O. 5845(E), dated the 26th November, 2018.

³⁶ Inserted vide S.O. 141(E), dated the 15th January, 2016 (This notification has been suspended by NGT in EA No. 55/2018 in OA No. 520/2016 in the matter of Vikrant Tongad vs. UoI vide order dated 11th December, 2018 and same has been appealed before Hon'ble Supreme Court and matter is sub-judice)

³⁷ Para 11 renumbered as sub-para 1 and inserted para 2 vide S.O. 811(E), dated the 23rd March, 2015

³⁸ Word substituted vide S.O.141(E) dated 15th January,2016

³⁹ Inserted vide S.O. 1832 (E), dated 21st April 2023

holder of environment clearance or from the regulatory authority concerned shall not be necessary and no reference shall be made to the Expert Appraisal Committee or the State Level Expert Appraisal Committee concerned.

(3) ^{40 41} The prior Environmental Clearance vested with the previous lessee shall be deemed to have been transferred during its validity period in terms of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) as amended by the Mines and Minerals (Development and Regulation) Amendment Act, 2021 (16 of 2021) to the successful bidder of the mining leases, from the date of commencement of new lease for the remaining validity period (calculated from the date from which the said Environmental Clearance was initially granted), subject to the new lessee registering online on PARIVESH portal along with an undertaking to comply with all the conditions of the transferred Environmental Clearance”

(4) ⁴²Where an allocation of iron ore block pertaining to the State of Karnataka is cancelled in any legal proceeding, or by the Government in accordance with law, the environmental clearance granted in respect of such iron block may be transferred subject to the same validity period it was initially granted, to any legal person to whom such block is subsequently allocated, and in such case, obtaining of “no objection” from either the holder of environmental clearance or from the regulatory authority concerned shall not be necessary and no reference shall be made to the Expert Appraisal Committee or the State Level Expert Appraisal Committee concerned.

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

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression⁴³ to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule⁴³, or continue operation of some or all provisions of the said notification, for a period not exceeding twenty four months⁴⁴ from the date of issue of this notification.

13. ⁴⁵ Preparation and presentation of Environment Impact Assessment (EIA) report and Environment Management Plan(EMP).- The Environmental consultant organisations which are accredited for a particular sector and the category of project for that sector with the Quality Council of India (QCI) or National Accreditation Board for Education and Training (NABET) 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 prepare the Environmental Impact Assessment report and Environmental Management Plan of a project in that sector and category and to appear before the concerned Expert Appraisal Committee (EAC) or the State Expert Appraisal Committee (SEAC). The Ministry will

⁴⁰ Para inserted *vide* S.O 4241(E) dated 30/12/2016, Para substituted *vide* S.O. 1224(E), dated the 28th March, 2020

⁴¹ Sub para 3 of Para(11) Substituted *vide* S.O 2817(E) dated 13th July,2021

⁴² Inserted para *vide* S.O. 4241(E) dated 30th December,2016

⁴³ Amended *vide* S.O. 1939(E), dated the 13th November, 2006.

⁴⁴ Words substituted *vide* S.O. 1737(E), dated the 11th October, 2007.

⁴⁵ Inserted *vide* S.O. 648(E), dated the 3rd March, 2016.

also prepare a panel of national level reputed educational and research institutions to work as Environmental Consultant Organisations.

<p>hydro-electric Projects (RVHEPs): -</p> <p>(a) RVHEPs without Pump Storage Projects;</p> <p>(b) RVHEPs with Pump Storage Projects;</p> <p>(c) standalone Pump Storage Projects.”⁵⁴</p> <p>(ii) Irrigation projects</p>	<p>power generation;</p>	<p>MW hydroelectric power generation;</p>	<p>Note:-</p> <p>(i) Category ‘B’ river valley projects falling in more than one state shall be appraised at the central Government Level.</p> <p>(ii) 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 amendment/ revision of EC.</p> <p>(iii) Irrigation projects involving Inter-State issues shall be appraised at Central level without change in category.</p> <p>(iv)” Pump Storage Projects including off-stream closed loop shall be appraised based on specific Terms of Reference issued by the Central Government for Pump Storage Projects. The Pump Storage Projects which meet all the criteria specified below shall be appraised as B2 category irrespective of power generation capacity:-</p> <p>(a) Projects which do not attract Forest Clearance and/or Wild Life Clearance,</p> <p>(b) Projects wherein no new Reservoir is created</p> <p>(c) The Projects wherein there is no increase in capacity of the existing reservoir and in submergence area of reservoir.”⁵⁵</p>	<p>(ii) > 2000 ha. of culturable command area.</p>	
				<p>Irrigation system</p>	<p>Requirement of EC</p>
				<p>(a) Minor Irrigation system (≤ 2000 Ha)</p>	<p>Exempted</p>
				<p>(b) Medium irrigation system (> 2000 and < 10,000 ha.)</p>	<p>Required to prepare EMP and to be dealt at State Level (B2 category).</p>
<p>(c) Major irrigation system (≥10,000 ha.)</p>	<p>Required to prepare EIA/EMP and to be dealt at State Level (B1 category).</p>				

⁵³ Substituted in col.3,4 &5 and inserted vide S.O. 1886(E) dated 20th April,2022

⁵⁴ Entries in serial 1 of Column 2 substituted vide S.O. 2226(E) dated 18.05.2023

⁵⁵ Entries inserted at serial 4 of Column 5 substituted vide S.O. 2226(E) dated 18.05.2023

1(d) ⁵⁶⁵⁷	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naphtha⁵⁸ & gas based);</p> <p>≥ 100 MW (all other fuels except biomass).</p> <p>>20 MW (using municipal solid non-hazardous waste, as fuel).</p>	<p>≥5 MW < 500 MW (coal/lignite/ naphtha⁵⁸ and gas based);</p> <p><100 MW ≥ 5MW (all other fuels except biomass and municipal solid non-hazardous waste);</p> <p><20 MW >15 MW (using municipal solid non-hazardous waste, as fuel).</p> <p>>15 MW plants based on biomass fuel.</p>	<p>General Condition shall apply.</p> <p>Note:</p> <p>(i)Thermal Power Plants up to 25 MW⁵⁹based on biomass or non-hazardous municipal solid waste using auxiliary fuel such as coal, lignite / petroleum products up to 15% are exempt.</p> <p>(ii)Thermal Power plants using waste heat boilers without any auxiliary fuel are exempt.</p>
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2	Primary Processing			
2(a) ⁶⁰	Coal washeries	≥ 2.5 million ton/annum throughput of coal	<2.5million ton/annum throughput of coal	<p>General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)</p> <p>Integrated coal mining projects with washeries located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for coal mining projects.</p>
2 (b) ⁶¹⁶²	Mineral beneficiation		All mineral beneficiation projects irrespective of the procedure for beneficiation	<p>General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance).</p> <p>Integrated mining projects with beneficiation plants located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for mining projects</p>
3	Materials Production			

⁵⁶ Entries in Col 3 & 4 vide S.O 1939(E) dated 13th November,2006, Entries in col.3,4 & 5 substituted vide S.O. 3067(E) dated 1st December, 2009; all entries substituted vide S.O. 1599(E) dated 25th June, 2014; col.4 amended vide S.O. (E) dated 6th July, 2015

⁵⁷ Substituted in col.3 & 4 vide S.O. 1886(E) dated 20th April,2022

⁵⁸ Word Amended vide S.O. 1939 dated 13th November, 2006

⁵⁹ Amended vide notification dated 14th July, 2022

⁶⁰ Substituted and inserted in col.3,4&5 vide S.O. 1886(E) dated 20th April,2022

⁶¹ All entries substituted S.O. 1599 (E) dated 25th June, 2014

⁶²Omitted, Substituted and inserted in col.3,4 & 5 vide S.O. 1886(E) dated 20th April,2022

(1)	(2)	(3)	(4)	(5)
3(a) ⁶³	Metallurgical industries (ferrous & nonferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units ≥ 20,000 tonnes /annum -	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.) All toxic and heavy metal producing units <20,000 tonnes /annum ii.) All other non-toxic secondary metallurgical processing industries >5000 tonnes/annum	General Condition shall apply. Note: (i) The recycling industrial units registered under the HSM Rules are exempted. (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electric arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance. (iii) Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.
3(b) ⁶⁴	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Standalone grinding units	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 standards. 2. The manufacturing of composite cement by plants having environmental clearance for manufacturing Ordinary Portland Cement (OPC), Portland Pozzolana Cement (PPC) and Portland Slag Cement (PSC) shall be exempt provided the production is within sanctioned capacity.
4	Materials Processing			
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b) ^{63 65}	(i) Coke oven plants (ii) Coaltar processing units	≥ 2,50,000 tonnes/annum	<2,50,000 & ≥ 25,000 tonnes/annum All projects	General conditions shall apply ⁶³
4(c)	Asbestos milling and asbestos based products	All projects	-	-

⁶³ Entries in col.5 substituted vide S.O.3067 dated 1st December, 2009

⁶⁴ All entries Substituted vide S.O. 3518 dated 23rd November, 2016

⁶⁵ All entries substituted S.O. 1599 (E) dated 25th June, 2014

4(d) ⁶⁶	Chlor-alkali industry	≥300 TPD production capacity if a unit located outside the notified industrial area/ estate	(i)All projects irrespective of the size, if it is located in a Notified Industrial Area / Estate. <300 tonnes per day (TPD) and located outside a Notified Industrial Area / Estate.	General as well as specific conditions shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from the Notification.
4(e)	Soda ash Industry	All projects	-	-
4(f) ⁶⁷	Skin/hide processing including tanning industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/ estate	General as well as specific conditions shall apply
5	Manufacturing/Fabrication			
5(a) ⁶⁸	Chemical fertilizers	All projects including all Single Super Phosphate with H ₂ SO ₄ production except granulation of chemical fertilizers.	All Single Super Phosphate without H ₂ SO ₄ production and granulation of chemical fertilizers.	General condition shall apply. Note: 1. Granulation of single super phosphate powder is exempt. 2. Neem coating of fertilizers is exempt provided that the total production does not exceed the sanctioned capacity in EC plus the weight of the coating material used. 3. Fortification of fertilizers is exempt provided that the total production does not exceed the sanctioned capacity in EC plus the weight of the fortification material used.
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e) ⁶⁹	Petroleum products and petrochemical based processing such as production of carbon black and electrode	Located outside the notified industrial area/ estate	Located in a notified industrial area/ estate	General as well as specific conditions shall apply. Note: Manufacturing of products from

⁶⁶ Entries in col.4&5 substituted vide S.O. 3067 (E) dated 1st December, 2009, Entries in col.3 substituted vide S.O.1599 (E) dated 25th June, 2014

⁶⁷ Entries in col.5 substituted vide S.O. 3067 (E) dated 1st December, 2009, Entries in col.2 substituted vide S.O. 1599(E) dated 25th June, 2014

⁶⁸ Entries in col.3&4 substituted vide S.O. 3067 (E) dated 1st December, 2009; all entries substituted vide S.O. 1599(E) dated 25th June, 2014 and thereafter vide S.O.3518 (E) dated 23rd November, 2016

⁶⁹ Entries in col.5 substituted vide S.O. 3067 (E) dated 1st December, 2009; col.2&5 substituted vide S.O. 1599 (E) dated 25th June, 2014.

	grade graphite (processes other than cracking & reformation and not covered under the complexes).			polymer granules is exempt.
5(f) ⁷⁰	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located outside the notified industrial area/ estate except small units as defined in column (5)	(i) Located in a notified industrial area/ estate. (ii) Small units as defined in column (5)	General as well as specific conditions shall apply. Small units: with water consumption <25 m ³ /day, fuel consumption <25 TPD and not covered in the category of MAH units as per the Management, Storage and Import of Hazardous Chemical Rules, 1989. ⁷¹ “All proposals for projects or activities in respect of Active Pharmaceutical Ingredients (API), received from 16th July, 2021 to 31st December, 2021, shall be appraised, as Category ‘B2’ projects, provided that any subsequent amendment or expansion or change in product mix, after the 31st December, 2021, shall be considered as per the provisions in force at that time.”
5(g) ⁷²	Distilleries	Molasses based Distilleries > 100 KLD Non-molasses based distilleries >200 KLD	Molasses based Distilleries < 100 KLD Non-molasses based Distilleries < 200 KLD	(a) Except for the projects falling in item 5(ga) of this Schedule; (b) Expansion of sugar manufacturing units or distilleries for production of ethanol, having Prior Environment Clearance (EC) for existing unit, to be used completely for Ethanol Blended Petrol (EBP) Programme only, as per self-certification in form of an affidavit by the Project Proponent, shall be appraised as category ‘B2’ projects. Provided that subsequently if it is found that the ethanol, produced based on the EC granted as per this dispensation, is not being used completely for EBP Programme, or if ethanol is not being produced, or if the said distillery is not fulfilling the requirements based on which the project has been appraised as category B2 project, the EC shall stand cancelled”; ⁷³
5(ga)	Grain based distilleries	Projects without Zero Liquid	Projects with Zero	Note: (i) Projects under category B shall

⁷⁰ Entries in col.5 substituted; and 5(k) omitted vide S.O. 3067 (E) dated 1st December, 2009; all entries substituted vide S.O. 1599 (E) dated 25th June, 2014; in col. 5 entries at last inserted vide S.O. 1223(E) dated 27th March, 2020; dates substituted vide S.O. 3636 (E) dated 15th October, 2020.

⁷¹ Entries substituted in col.5 vide S.O. 2859(E) dated 16th July 2021.

⁷² All entries substituted vide S.O. 1599(E) dated 25th June, 2014; and thereafter vide S.O. 1960 (E) dated 13th June, 2019

⁷³ Entry inserted in col.5 vide S.O.980(E) dated 02nd March, 2021; Substituted vide S.O. 2339(E), dated the 16th June, 2021

	producing ethanol, solely to be used for Ethanol Blended Petrol Programme of the Government of India Note: Grains include wheat, rice, maize, barley, sorghum.	Discharge	Liquid Discharge	be appraised as B2 category project and in terms of para 4(iii) of this notification (ii) Applicable for projects who file application for grant of EC upto 31st March 2024 or till further notification whichever is earlier provided that any subsequent amendment or expansion or change in product mix after 31st March 2024, shall be considered as per the provisions inforce at that time. (iii) The project proponent shall file a notarised affidavit that ethanol produced from proposed project shall be used completely for EBP Programme. Provided that subsequently if it is found that the ethanol produced, based on the EC granted as per this dispensation, is not being used completely for EBP Programme, or if ethanol is not being produced, or if the said distillery is not fulfilling the requirements based on which the project has been appraised as category B2 project, the EC shall stand cancelled". ⁷⁴
5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i) ⁷⁵	Pulp & paper industry	Pulp manufacturing and Pulp & Paper manufacturing industry except from waste paper	Pulp manufacturing from waste paper and paper manufacturing from waste paper pulp and other ready pulp	General Condition shall apply. Note: Paper manufacturing from waste paper pulp and ready pulp without deinking, bleaching and colouring is exempt.
5(j)	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply
6	Service Sectors			
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects		

⁷⁴ Inserted vide S.O. 2339(E), dated the 16th June, 2021

⁷⁵ All entries substituted vide S.O.1599 (E) dated 25th June, 2014

6(b) ⁷⁶	Isolated storage & handling of hazardous chemicals (as per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 200)			
	(Omitted)			
7	Physical Infrastructure including Environmental Services			
7(a) ^{77,78}	Air ports	All New projects including airstrips, which are for commercial use	All expansions projects, including airstrips, which are for commercial use	Note: (i) Air strips which do not involve bunkering / refueling facility and or Air Traffic Control, are exempted. “(ii) Only expansion of terminal buildings and allied buildings within the existing Airport premises >20,000 shall require Environmental Clearance, and such expansion up to 1,50,000 sqm shall be appraised as per provisions of item 8(a) of the Schedule of this notification provided there is no increase in the existing area of the Airport”; ⁷⁹
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c) ⁸⁰	Industrial estates/parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	General as well as specific conditions shall apply Note: 1. Industrial 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 than 500 ha. but contains building and construction projects > 20,000 sq. mtr. and or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply
7(da) ⁸¹	Bio-Medical Waste Treatment Facilities	-	All projects	-

⁷⁶ All entries pertaining to 6(b) were omitted vide S.O. 1960(E) dated 13th June, 2019.

⁷⁷ Entries in col.3&5 substituted vide S.O. 3067 (E) dated 1st December, 2009

⁷⁸ Substituted and inserted in col. 3 & 4 vide S.O. 1886(E) dated 20th April, 2022

⁷⁹ Inserted in col.5 vide S.O. 3194 (E) dated 14th July, 2022

⁸⁰ Entries in Col.5 substituted vide S.O. 3067 (E) dated 1st December, 2009

⁸¹ Inserted vide S.O. 1142(E) dated 17th April, 2015

7(e) ⁸²	Ports, harbors, break waters, dredging	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥30,000 ⁸³ TPA of fish handling capacity	General Condition shall apply Note: 1.Capital dredging inside and outside the ports or harbors and channels are included; 2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained.
7(f) ⁸⁴⁸⁵⁸⁶	Highways	i) New National Highways; and ii) Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignment and 60 m on re-alignment or by-passes	i) All New State Highway Projects; ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas.	General Condition shall apply Note: (i) Highways include expressways. (ii) All Highway projects are exempted upto 100 km from line of control or border subject to compliance of Standard Operating Procedure notified in this regard from time to time. (iii) Width at toll plaza and junction improvement at intersection of other roads is exempted from Right of Way ⁸⁷ .
7(g) ⁸⁸⁸⁹	Aerial ropeways (Omitted)			
7(h) ⁹⁰	Common Effluent Treatment Plants (CETPs)	-	All projects	General Condition shall apply Note: Environmental clearance for CETPs setup for or within projects or activities which do not require environmental clearance are exempted, and if any of the existing or proposed member units of the said CETP produces or proposes to produce any product requiring environmental clearance, then the CETP shall need environmental clearance.
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

⁸² Entries in col.2&5 substituted vide S.O. 3067 (E) dated 1st December, 2009

⁸³ Substituted in col. 4 vide S.O. 3194(E) dated 14th July, 2022

⁸⁴ Entries under col 3&4 amended vide S.O.1737(E) dated 11th October, 2007

⁸⁵ Entries in col.4&5 substituted vide S.O. 3067 (E) dated 1st December, 2009; Entries in col. 4 substituted vide S.O 695(E) dated 11th April 2011, Entries in Col.3 substituted vide S.O 2559 (E) dated 22.08.2013

⁸⁶ Entries in col.4 were further amended vide S.O.695 (E) dated 4th April, 2011, entries in col.3 substituted vide S.O. 2259(E) dated 22nd August, 2013

⁸⁷ Inserted in Col.5 vide S.O. 3194 (E) dated 14th July 2022

⁸⁸ Entries in col.3&4 substituted vide S.O. 3067 (E) dated 1st December, 2009

⁸⁹ Omitted vide S.O. 1953(E) dated 27th April,2022

⁹⁰ All entries substituted vide S.O. 6250(E) dated 19th December, 2018

8	Building or Construction projects or Area Development projects and Townships			
8(a)⁹¹	Building and Construction projects		>20000 sq.mtrs and < 1,50,000 sq. mtrs. of built up area	The term “built up area” for the purpose of this notification the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects. Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks. Note 2.- “General Conditions” shall not apply.
8(b)	Townships and Area Development Projects		Covering an area of > 50 ha and or built up area > 1,50,000 sq. mtrs	A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project. Note. - “General Conditions” shall not apply.

⁹¹ Entries in col.5 were further amended vide S.O.695 (E) dated 4th April, 2011; all entries for ‘8’ substituted vide S.O. 3252 (E) dated 22nd December, 2014; S.O 3999 (E) dated 9th December 2016 (* not in force; quashed) vide S.O 5733(E) dated 14th November, 2018 (Not in force) and S.O. 5736(E) dated 15th November, 2018 (*not in force)

Note:-**General Condition (GC)⁹²:**

Any project or activity specified in Category 'B' will be appraised at the Central Level as Category 'A', if located in whole or in part within 5 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972 (53 of 1972); (ii) Critically Polluted areas as identified by the Central Pollution Control Board⁹³ constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from time to time; (iii) Eco-sensitive areas as notified under sub-section (2) of section 3 of the Environment (Protection) Act, 1986, and (iv) inter-State boundaries and international boundaries; provided that for River Valley Projects specified in item 1(c), Thermal Power Plants specified in item 1(d), Industrial Estates/ parks/complexes/areas, export processing zones (EPZ), Special Economic Zones (SEZs), biotech parks, leather complexes specified in item 7 (c) and common hazardous waste treatment, storage and disposal facilities (TSDFs) specified in item 7 (d), the appraisal shall be made at Central level even if located within 10 km.

Provided further that the requirement regarding distance of 5 km or 10 km, as the case may be, of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or the Union Territories sharing the common boundary in case the activity does not fall within 5 km or 10 km, as the case may be of the areas mentioned at item (i), (ii), and (iii) above.

Specific Condition (SC):

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

⁹² GC substituted vide S.O. 3067(E) dated 1st December, 2009; substituted all entries substituted vide S.O. 1599(E) dated 25th June, 2014

⁹³ Amended vide S.O. 1939 dated 13th November, 2006