

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN BENCH, PUNE
APPEAL NO.27 OF 2022(WZ)

IN THE MATTER OF:

Thakorbhai Vallabhbhai KhalasiAppellant

Vs

Ministry of Environment, Forest and Climate Change and Ors
....Respondents

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Place: Pune

Date: 04.03.2025

Filed By



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**SUBMISSIONS ON BEHALF OF THE APPELLANT PURSUANT
TO THE ORDER DATED 03.02.2025**

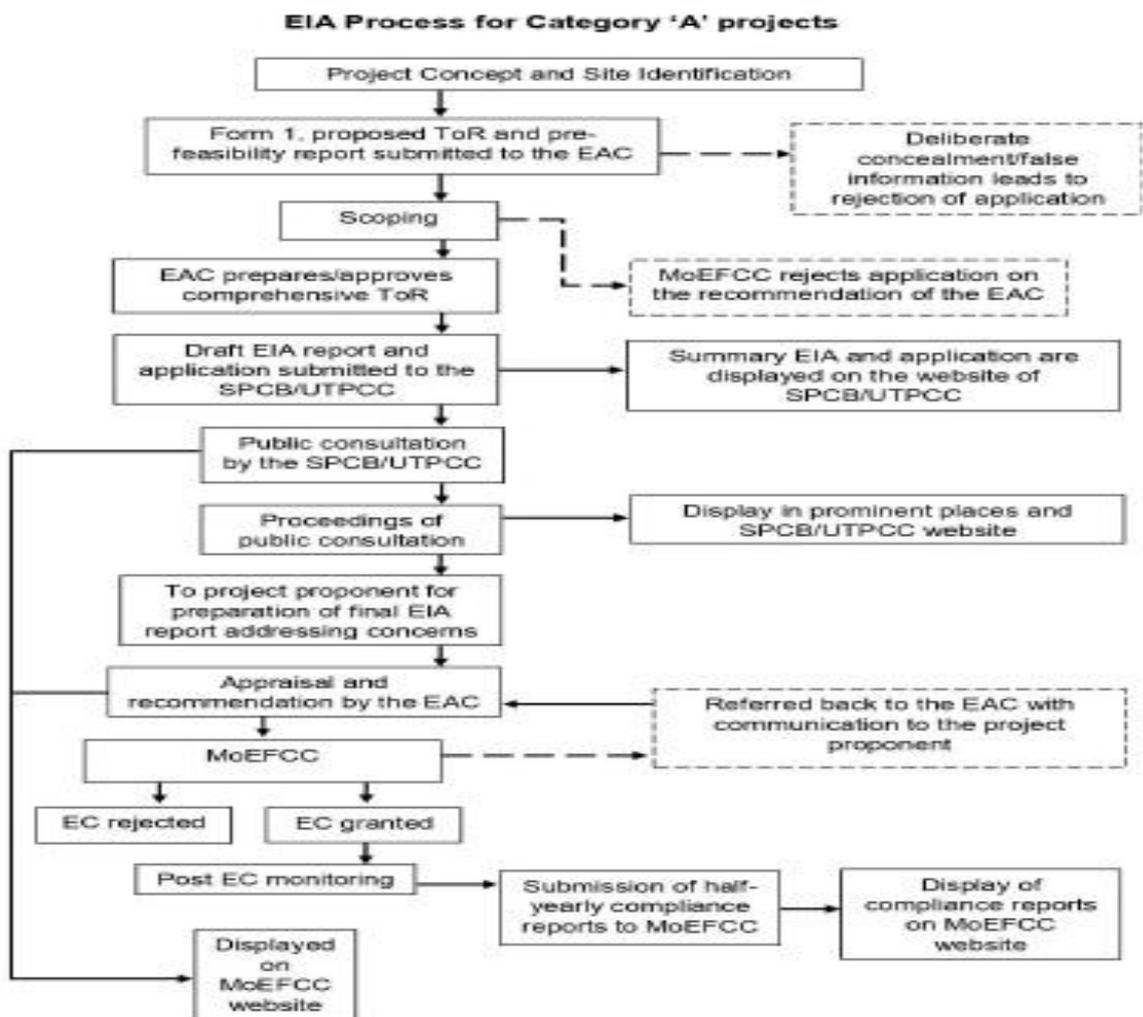
1. The present submissions are being filed on behalf of the appellant pursuant to the order dated 03.02.2025 and in response to the submissions of the respondent no.5/Arcelor Mittal on the limited point raised by them as regards to limited issue that the non-compliances/violations committed by the previous owners of the Industry/Company i.e., Essar Steel India Limited ("ESIL"), cannot be thrust upon the subsequent owner i.e., AMNS and that the new owner of the Company would begin with clean slate in terms of the scheme of the Insolvency and Bankruptcy Code ("Code"/ "IBC").
2. In order to examine the issue raised, it is important to understand the interplay of IBC and Environment Impact Assessment Notification, 2006 ("EIA, 2006) under Environment Protection Act, 2006 ("EPA"). The present appeal under Section 16 (h) National Green Tribunal Act, 2010 challenges the Environment Clearance ('EC') **(Page 67-78)** Dated 02.03.2022 granted by MoEF&CC to Arcelor Mittal Nippon Steel India Ltd ("ANMS") under EIA, 2006 for " *Proposed Modification in Existing Plant by installing Auxiliary Facilities without increasing Plant*

Capacity". The appeal challenges the environmental appraisal process adopted by respondent no.1 as the impact assessment agency under EIA, 2006.

3. The Environmental Impact Assessment (EIA) Notification, 2006, issued under the Environment (Protection) Act, 1986, aims to ensure sustainable development by assessing and mitigating the potential environmental impacts of new projects or expansion/modernization of existing projects before granting approval. The primary objectives of the EIA Notification, 2006, include:
 - i. Environmental Protection – To prevent and minimize adverse environmental impacts of projects through scientific evaluation.
 - ii. Sustainable Development – To balance economic growth with ecological conservation by ensuring that projects adopt sustainable practices.
 - iii. Precautionary Principle – To identify risks and uncertainties in advance and take preventive measures to mitigate environmental damage.
 - iv. Polluter Pays Principle – To ensure that project proponents bear the cost of environmental management and restoration.
 - v. Public Participation – To incorporate community concerns through public consultations before granting environmental clearance.
 - vi. Legal Compliance – To enforce environmental laws and regulations, ensuring that projects comply with national and international environmental standards.
 - vii. Post-Clearance Monitoring – To ensure continuous monitoring of projects for compliance with environmental conditions.

By integrating environmental concerns into project planning and decision-making, EIA 2006 serves as a key regulatory tool for ensuring environmentally responsible industrialization and infrastructure development.

4. The process stipulated under the 2006 notification is illustrated by the following flow-chart:



5. The MoEFCC in the Central Government and the SEIAA at

the state level constitute the regulatory authorities for the purposes of the notification. Category 'A' projects require prior environmental clearance from the MoEFCC, based on the recommendation of the EAC constituted by the Central Government for this purpose.

6. The process to obtain environmental clearance as stipulated by the EIA, 2006 for projects comprises a maximum of four stages, all of which may not apply depending on the specific case(Category A or B) stipulated under the notification:
 - i. Screening: This step is restricted only to Category 'B' projects. This stage entails an examination of whether the proposed project or activity requires further environmental studies for the preparation of an EIA for its appraisal prior to the grant of an EC.
 - ii. Scoping: At this stage, the EAC formulates detailed and comprehensive Terms of Reference which address all relevant environmental concerns for the preparation of the EIA. This is the basis for preparation of the EIA report. A Summary EIA is prepared in the format given in Appendix IIIA on the basis of the ToR furnished to the applicant.
 - iii. Public Consultation: A public hearing is conducted at the site or in its close proximity - district-wise to be carried out in the manner prescribed in Appendix IV and through

procurement of written responses from concerned persons having a plausible stake in the environmental aspects surrounding the project to discuss the draft EIA report prepared. SPCB conducts the Public hearing

- iv. Appraisal: After the public consultation process, the project proponent is duty bound to address all the material environmental concerns expressed during the process and make appropriate changes to the Draft EIA and EMP. This stage involves detailed scrutiny by the EAC of all the documents submitted by the project proponent for the grant of EC.
7. The appraisal process involves a systematic review by the Expert Appraisal Committee (EAC)

Step 1: Submission of Final EIA Report

The project proponent submits the final EIA Report incorporating public concerns and modifications. The report includes:

- Project description and objectives
- Baseline environmental conditions
- Impact prediction and mitigation measures
- Environmental Management Plan (EMP)
- Risk assessment and disaster management plans
- Details of compliance with environmental laws

- Minutes of public hearings and responses

The report is submitted to the MoEF&CC (for Category A projects).

Step 2: Review by Expert Appraisal Committee (EAC)

The Expert Appraisal Committee (EAC) at the Central level undertakes a detailed review of the project proposal. The EAC consists of independent experts from various fields, including environmental science, forestry, hydrology, air quality, and public health.

The committee evaluates:

1. Scientific adequacy of the EIA Report – Examining the methodology used for impact prediction and mitigation.
2. Compliance with Terms of Reference (ToR) – Ensuring that the EIA study has covered all aspects mandated in the ToR issued during the scoping stage.
3. Cumulative Environmental Impact – Assessing direct, indirect, and cumulative impacts of the project, including biodiversity, water resources, and air pollution.
4. Effectiveness of Environmental Management Plan (EMP) – Reviewing the proposed mitigation measures and their feasibility.
5. Assessment of Public Concerns – Examining whether issues raised during the public consultation process have been addressed in the revised EIA Report.

6. Legal and Regulatory Compliance – Checking compliance with Environment Protection Act, 1986, Forest Conservation Act, 1980, Air and Water Acts, Biodiversity Act, 2002, and other relevant laws.

Step 3: Deliberation and Recommendations

After a detailed review, the EAC deliberates on the project and makes one of the following recommendations:

- Approval with conditions – If the project is found environmentally viable, it is granted clearance with specific conditions, such as:
 - Installation of pollution control technologies
 - Afforestation or biodiversity conservation commitments
 - Water and energy conservation measures
 - Regular environmental monitoring and reporting
- Rejection of Clearance – If the project poses significant environmental risks that cannot be mitigated, the EAC recommends denial of environmental clearance.
- Request for Additional Information (Deferral) – If clarifications or further impact assessments are needed, the proponent is asked to resubmit data or conduct additional studies.

The EAC submits its recommendations to the MoEF&CC (for Category A projects) for final decision-making.

Step 4: Final Decision by Regulatory Authority

Based on the EAC's recommendations, the MoEF&CC issues the final Environmental Clearance (EC). This EC is challenged before NGT. If rejected, the proponent has the right to appeal before the National Green Tribunal (NGT).

The Appraisal process under EIA, 2006, serves as a crucial safeguard in preventing environmentally hazardous projects from being approved without adequate assessment. The Expert Appraisal Committee (EAC) ensures that all projects undergo scientific, legal, and public scrutiny before receiving environmental clearance.

The true copy of the EIA, 2006 is annexed herewith and marked as **Annexure A/1**.

8. In case of appraisal of existing projects, MoEF&CC office memorandums (OM) provide additional guidance on appraisal criteria and compliance measures. R-1/ MoEF&CC has issued OM dealing with appraisal of existing projects for expansion/modernization. The OM dated 30.05.2012 and 07.09.2017 specify that certified report of the status of compliance of conditions of environmental clearance for ongoing projects is required to be submitted by the Regional Office of MoEF&CC. In the present case also certified compliance report of the implementation of previous EC was submitted by the

Regional Office to EAC. So, the compliance with previous EC conditions is an important criterion at the time of appraisal of the project for grants of EC and the violation of the CCA conditions is also an important criterion for assessment. The new project proponent/R-5 applied for EC on 24.10.2020, so the compliance of previous EC and CCA is an important consideration, so the theory of "clean slate" to this scenario is inapplicable as the appellant is impugning the environment appraisal process of R-1/ MoEF&CC so the previous violations are to be taken into consideration by EAC at the time of deliberations.

The true copy of the dated 30.05.2012 and 07.09.2017 issued by MoEF&CC is annexed herewith and marked as **Annexure A/2(Colly)**.

9. The "clean slate" doctrine in the Insolvency and Bankruptcy Code, 2016 (IBC) that is sought to be introduced in the present case, essentially provides that once a resolution plan is approved under IBC, the Resolution Applicant is largely freed from 'claims' against the corporate debtor/ESIL that are not part of Resolution Plan. The important aspect is in relation to "claims" under IBC that which are taken care of in the Resolution Plan which is submitted by the Resolution Applicant (RA) which is R-5/Arcelor Mittal in the present case. IBC defines "claim", "creditor", "corporate person", "corporate debtor", " financial creditor", "operational creditor" as follows:-

"3 (6) "claim" means— (a) a right to payment, whether or not such right is reduced to judgment, fixed, disputed, undisputed, legal, equitable, secured or unsecured;

(b) right to remedy for breach of contract under any law for the time being in force, if such breach gives rise to a right to payment, whether or not such right is reduced to judgment, fixed, matured, unmatured, disputed, undisputed, secured or unsecured;

(7) "corporate person" means a company as defined in clause (20) of section 2 of the Companies Act, 2013, a limited liability partnership, as defined in clause (n) of sub-section (1) of section 2 of the Limited Liability Partnership Act, 2008, or any other person incorporated with limited liability under any law for the time being in force but shall not include any financial service provider;

(8) "corporate debtor" means a corporate person who owes a debt to any person;

(10) "creditor" means any person to whom a debt is owed and includes a financial creditor, an operational creditor, a secured creditor, an unsecured creditor and a decreeholder; (11) "debt" means a liability or obligation in respect of a claim which is due from any person and includes a financial debt and operational debt;

5. In this Part, unless the context otherwise requires,—

(7) "financial creditor" means any person to whom a financial debt is owed and includes a person to whom such debt has been legally assigned or transferred to;

(20) "operational creditor" means a person to whom an operational debt is owed and includes any person to whom such debt has been legally assigned or transferred;

(21) "operational debt" means a claim in respect of the provision of goods or services including employment or a debt in respect of the repayment of dues arising under any law for the time being in force and payable to the Central Government, any State Government or any local authority;"

The true copy of the relevant extract of IBC is annexed herewith and marked as **Annexure A/3**.

The EAC as seen above plays a key role in granting Environmental Clearances (EC) for projects under the EIA Notification 2006. Even after a company undergoes insolvency resolution and new management takes over, the EAC does consider past environmental non-compliance of the project while appraising clearance applications. Environmental regulation follows the "polluter pays" principle and requires that violations be addressed, regardless of changes in ownership. If the corporate debtor/ESIL had commenced projects or operations in violation of environmental norms or without proper clearances, those violations do not evaporate upon insolvency. The project is typically treated as a "violation case" during EC appraisal –

meaning the EAC may require the project proponent (Resolution Applicant) to acknowledge past breaches and propose remedial measures before granting fresh clearance. The MoEF&CC notification of 2017 allow ex-post facto environmental approvals, with stringent conditions for remediation. The Supreme Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati* (2020) disapproved of post-facto clearances, calling them contrary to environmental law and the precautionary principle. In this light, the EAC is expected to scrutinize the history of compliance. Even if a resolution applicant claims a “clean slate” financially, the EAC has to address legacy environmental issues as a pre-condition to new approvals. For example, if a factory had been polluting or operating without an EC under the previous management, the EAC may recommend clearance to the new management only after penal action (under EPA) is taken or a time-bound remediation plan is committed. The fact that a company underwent insolvency does not grant it immunity from environmental restoration obligations in the eyes of Regulatory Authority. Thus, past violations remain relevant in the clearance process – the new management/R-5 might not be personally culpable for the offences (S.32A), but the company/R-5 (as a continuing entity) must rectify its environmental record to obtain fresh clearances. In the present case, assessment of past violations is not a ‘claim’ as understood in IBC as the appellant is not seeking imposition of environmental compensation for the past violations but the past violations are an important input in the environment appraisal process under EIA, 2006.

10. The reliance on the non-obstante (overriding) clause under section 238 IBC is of no consequence as, both the IBC and EPA contain non-obstante (overriding) clauses. Section 238 of the IBC states that the Code has effect "*notwithstanding anything inconsistent*" in any other law. On the other hand, Section 24 of the Environment (Protection) Act, 1986 provides that the EPA and its rules "*shall have effect notwithstanding anything inconsistent therewith contained in any other enactment*". The EPA, 1986 is an "umbrella" environmental law aimed at protecting public health and ecology, considering environmental protection a matter of public interest a facet of the constitutional right to life and will override in case of conflict between the two laws. The National Green Tribunal Act, 2010 also mandates NGT to apply the polluter pays principle and sustainable development in every case indicating environmental obligations are fundamental policy. In the present case, there is no conflict between the two laws so the operation of non-obstante clause is unwarranted. It is submitted that environmental duties under environmental statutes are non-negotiable and in rem (owed to the environment/public at large, not just a creditor). Compliance with pollution norms or environmental clearance conditions cannot be viewed as a "claim" but as an ongoing regulatory obligation, which the company/ R-5 must continue to fulfil. Such obligations (e.g. installing pollution control equipment, stopping an ongoing polluting activity, or paying for environmental restoration) might be enforced despite IBC proceedings as they

are not debt recovery actions. It is submitted that environmental enforcement is a sovereign function and not equivalent to a money claim by a creditor, and thus outside the ambit of IBC. In *K.K. Muhammed Iqbal v. Kerala SPCB (2020)* the Ld. NGT imposed environmental compensation on errant industry that had closed down thereby underlining that the company remains liable for environment violations and that liability for environmental damage attaches to the company as a whole. It is submitted that even if management changes, the entity benefitting from past operations can be held to account for remediation in case it is imposed. The R-5 has relied upon judgments which are not applicable to the present case, as prayer in the present appeal is neither for "claims" nor imposition of "penalties" for past violations. In such a scenario, the "clean slate" theory is not applicable to the present appeal.

Place: Pune

Date: 04.03.2025

Filed By



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A hand is shown holding a single water droplet between the thumb and index finger. The droplet is suspended in mid-air, forming a thin, elongated shape. Below the droplet, a small, vibrant green seedling with three leaves is growing out of a mound of dark, rich soil. The background is a soft, out-of-focus green, suggesting a natural, outdoor setting. The overall image conveys a sense of care, growth, and environmental stewardship.

**EIA NOTIFICATION
2006 INCLUDING ALL
AMENDMENTS**

till 30th August, 2023

(Disclaimer: This document has incorporated subsequent amendments of the principal notification issued up to August 2023 and status before Courts / Tribunal. However, various Office Memoranda have also been issued, the provisions of which have not been incorporated in this document. In case there is a discrepancy, then the principal notification read along with the amendment issued in the gazette of India shall prevail)

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

¹ includes territorial waters

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 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.

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

- (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.

- (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

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

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

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.
- (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

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

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: -

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

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

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

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: -

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.

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

(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:

(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

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.

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 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.

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

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

- (ii) The Public Consultation shall ordinarily have two components comprising of:-
- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
- (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
- (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45 (forty-five) 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

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

concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

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

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 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).

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

(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) 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

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

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

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.

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.

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

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

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9.³¹³² 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.

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

(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.”;

“(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

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

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 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

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

(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 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

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.

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

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

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 ≥ 200 TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ 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	$\geq 2,50,000$ tonnes/annum	<2,50,000 & $\geq 25,000$ 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

APPENDIX I
(See paragraph – 6)
FORM 1

(I) Basic Information⁹⁴

Serial Number	Item	Details
1	Name of the Project/s	
2	S. No. in the Schedule	
3	Proposed capacity/ area / length/ tonnage to be handled/ command area/ lease area/ number of wells to be drilled	
4	New/ Expansion/ Modernization	
5	Existing Capacity/ Area etc.	
6	Category of Project i.e. 'A' or 'B'	
7	Does it attract the general condition? If yes, please specify.	
8	Does it attract the specific condition? If yes, please specify.	
9	Location Plot / Survey / Khasra No. Village Tehsil District State	
10	Nearest railway station / airport along with distance in kms.	
11	Nearest Town, city, District Headquarters along with distance in kms.	
12	Village Panchayats, Zila Parishad, Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given)	
13	Name of the applicant	
14	Registered Address	
15	Address for correspondence:	
	Name	
	Designation (Owner/ Partner/ CEO)	
	Address	
	Pin code	
	E-mail	
	Telephone No.	
	Fax No.	
16	Details of alternative sites examined, if any. Location of these sites should be shown on a topo sheet	Village-District-State 1. 2.

⁹⁴ Entries related to Basic Information substituted vide S.O.3067 (E) dated 1st December, 2009

		3.
17	Interlinked Projects	
18	Whether separate application of interlinked projects has been submitted?	
19	If Yes, date of submission	
20	If No, reason	
21	Whether the proposal involves approval/ clearance under: if yes, details of the same and their status to be given. (a)The Forest (Conservation) Act, 1980? (b)The Wildlife (Protection)Act, 1972? (c)The C.R.Z. Notification 1991?	
22	Whether there is any Government Order / Policy relevant / relating to the site?	
23	Forest land involved (hectares)	
24	Whether there is any litigation pending against the Project and / or land in which the project is proposed to be set up? (a)Name of the Court (b) Case No. (c) Orders / directions of the Court, if any and its relevance with the proposed project.	

(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S.No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		

1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water form ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		

1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, sand / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		
5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long-term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing		

environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		
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9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting, lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other 		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		

3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)		

(IV). Proposed Terms of Reference for EIA studies

⁹⁵I hereby given an undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost.

Date:

Place:

Signature of the applicant
With name and Full address
(Project Proponent / Authorized Signatory)

NOTE:

1. The project involving clearances under Coastal Regulation Zone Notification, 1991 shall submit with the application a CRZ map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z (at the stage of ToR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain

⁹⁵ Inserted vide S.O.3067(E) dated 1st December, 2009

the requisite clearance under the provisions of the C.R.Z. Notification, 1991 for the activities to be located in the CRZ.

2. The project to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendation or comments of the Chief Wildlife Warden thereon (at the stage of EC).

3. All correspondence with the Ministry of Environment & Forests including submission of application for TOR / Environmental Clearance, subsequent clarification, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being an authorized signatory for the specific project.

APPENDIX II
(See paragraph 6)

FORM-1 A
(Only for construction projects listed under item 8 of the Schedule)

CHECK LIST OF ENVIRONMENTAL IMPACTS

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. LAND ENVIRONMENT

(Attach panoramic view of the project site and the vicinity)

- 1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii)the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.
- 1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.
- 1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).
- 1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).
- 1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)
- 1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)
- 1.7. Give details regarding water supply, waste handling etc during the construction period.
- 1.8. Will the low-lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)
- 1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

- 2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.
- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long-term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed? (State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)

2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with its unique features, if any)

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

7.2. Give details of the existing social infrastructure around the proposed project.

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

9.2. What type of, and capacity of, power back-up to you plan to provide?

9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.

9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX III
(See paragraph 7)
GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout) • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure
3.	Description of the Environment	<ul style="list-style-type: none"> • Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance)

		<ul style="list-style-type: none"> • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits
9.	Environmental Cost Benefit Analysis	<ul style="list-style-type: none"> • If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> • Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11.	Summary & Conclusion (This will constitute the summary of the EIA Report)	<ul style="list-style-type: none"> • Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> • The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A
(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

APPENDIX IV⁹⁶
(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District - wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is covering more than one District, State or Union Territory in which the project is located and the applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the official language of the state / local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate / District Collector / Deputy Commissioner / s

⁹⁶ Substituted vide S.O.3067(E) dated 1st December, 2009

- (b) Zila Parishad or Municipal Corporation or Panchayats Union
- (c) District Industries Office
- (d) Urban Local Bodies (ULBs) / PRIs concerned / Development authorities
- (e) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the Regional Office MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or any other suitable locations etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices as given in para 2.2.

3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily / Official State Language. A minimum notice period of 30 (thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing. In places where the newspapers do not reach, the Competent Authority should arrange to inform the local public about the public hearing by other means such as by way of beating of drums as well as advertisement / announcement on radio / television.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and then only on the recommendation of the concerned District Magistrate / District Collector / Deputy Commissioner, the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

“3.3 (a) In the event of any such postponement referred to in sub-paragraph 3.3, the time duration for convening the rescheduled public hearing should not be less than forty-five days from the date of first advertisement already published in accordance to para 3.1 for initial date of public hearing and it shall be ensured that a minimum notice period of fifteen days shall be provided to the public before the re-scheduled date of the public hearing, for furnishing the responses in writing: Provided that SPCB or UTPCC along with concerned authorities, as mentioned at para 2.2, shall ensure that all requisite documents are available to public in accordance with sub-paragraphs 2.3 and 2.4 from

the date of first advertisement published for the initial date of public hearing till convening of the rescheduled public hearing.”⁹⁷

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate / District Collector / Deputy Commissioner and notified afresh as per procedure under 3.1 above.

4.0 Supervision and Presiding over the Hearing:

The District Magistrate / District Collector / Deputy Commissioner or his or her representative not below the rank of an Additional District Magistrate or any other District Level Officer authorised by him or her in this behalf⁹¹ assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

“Provided that in case the project or activity is confined to the territorial jurisdiction of one sub-division, the District Magistrate/District Collector/Deputy Commissioner, as the case may be, may alternatively authorise any officer not below the rank of Sub-Divisional Magistrate to supervise and preside over the entire public hearing process assisted by a representative of SPCB or UTPCC, as the case may be.”⁹¹

5.0 Videography

The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the local / vernacular language and the agreed minutes shall be signed by the District Magistrate / District Collector / Deputy Commissioner or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the applicant shall also be prepared in the local language or the Official State Language, as the case may be, and in English and annexed to the proceedings.

⁹⁷ Inserted & substituted vide S.O. 2163(E) dated 9th May,2022

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate / District Collector / Deputy Commissioner, and the SPCB or UTPCC . The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8 (eight) days of the completion of the public hearing. Simultaneously, a copy will also be provided to the project proponent. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item wise, to address these concerns.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45 (forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this Notification.

APPENDIX –V
(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -
 - Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]
 - A copy of the video tape or CD of the public hearing proceedings
 - A copy of final layout plan (20 copies)
 - A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form-1or Form-1A and scheduled date of the EAC /SEAC meeting for considering the proposal.

- 3.⁹⁸ Where a public consultation is not mandatory, the appraisal shall be made on the basis of prescribed application in Form-1 and environment impact assessment report, in the case of all projects and activities (other than Item 8 of the Schedule), except in case where the said project and activity falls under category ‘B2’, and in the case of items 8(a) and 8(b) of the Schedule, considering their unique project cycle, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall appraise projects or activities on the basis of Form-1, Form 1A, conceptual plan and the environment impact assessment report [required only for projects listed 8(b)] and make recommendations on the project regarding grant of Environmental Clearance or otherwise and also stipulate the conditions for environmental clearance.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

⁹⁸ Para substituted vide S.O.3067(E) dated 1st December, 2009, S.O. 695(E) dated 4th April, 2011, and S.O. 156(E) dated 25th January, 2012

APPENDIX VI
(See paragraph 5)

COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT `

1. The Expert Appraisal Committees (EACs) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2.⁹⁹ The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields or /disciplines. In the event that persons fulfilling the criteria of “Experts” are not available, Professionals in the same field with sufficient experience may be considered:

- Environment Quality: Experts in measurement, monitoring, analysis and interpretation of data in relation to environmental quality
- Sectoral Project Management: Experts in Project Management or Management of Process or Operations or Facilities in the relevant sectors.
- Environmental Impact Assessment Process: Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- Risk Assessment
- Life Science (Floral and Faunal Management)
- Forestry and Wildlife
- Environmental Economics with experience in project appraisal

⁹⁹ Para substituted vide S.O. 1737 (E) dated 11th October, 2007; word in Para-2 amended & point-4 inserted vide S.O. 2600(E) 9th October, 2014 and amended vide S.O. 3752 dated 20.10.2020

- ⁹⁹Public Administration or Management covering various developmental sectors and environmental issues.
3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However, the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.
 - 4.¹⁰⁰ The Chairperson shall be an eminent person having experience in environmental policy related issues, in management or in public administration dealing with various developmental sectors.
 5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.
 6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.
 7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.
Provided that wherever considered necessary and expedient, the Central Government may extend the term of such member for a further period not exceeding twelve months.¹⁰¹
 8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

¹⁰⁰ Omitted vide S.O. 1737 dated 11th October, 2007; and inserted vide S.O. 2600(E) dated 9th October, 2014

¹⁰¹ Entry inserted vide notification number S.O 1562 (E) dated 21st May 2020; Substituted word vide S.O 3752 (E) dated 20th Oct, 2020

APPENDIX VII¹⁰²
(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

1. **Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
2. **Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
3. **Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
4. **Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Division Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.
5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

¹⁰² Inserted vide S.O. 141(E) dated 15th January, 2016

APPENDIX VIII¹⁰³**(See paragraph 6)****FORM 1 M****APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR
LESS THAN AND EQUAL TO FIVE HECTARE****(II) Basic Information**

- (i) Name of the Mining Lease site:
- (ii) Location / site (GPS Co-ordinates):
- (iii) Size of the Mining Lease (Hectare):
- (iv) Capacity of Mining Lease (TPA):
- (v) Period of Mining Lease:
- (vi) Expected cost of the Project:
- (vii) Contact Information:

Environmental Sensitivity

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	

¹⁰³ Inserted vide S.O. 141(E) dated 15th January, 2016

8.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	
14.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	
15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely: - (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given.	
17.	Forest land involved (hectares)	
18.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders or directions of the Court, if any, and its relevance with the proposed project.	

**(Signature of Project Proponent
Along with name and address)**

APPENDIX – IX¹⁰⁴
[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely: -

1. Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. *Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc. shall be subject to the compliance of standard operating procedures and environmental safeguards issued in this regard from time to time.*
7. *Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management shall be subject to the compliance of environmental safeguards issued in this regard from time to time.*¹⁰⁵
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
10. Digging of wells for irrigation or drinking water purpose.
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
13. Activities declared by the State Government under legislations or rules as non-mining activity.

¹⁰⁴ Inserted vide S.O. 141(E) dated 15th January, 2016 and substituted vide S.O. 1224 (E) dated 28th March, 2020

¹⁰⁵ Para substituted vide S.O. 3840(E) dated 30th August, 2023

APPENDIX - X¹⁰⁶

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT FOR SAND MINING OR RIVER BED MINING

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
- 3 The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.
9. Physiography of the District
10. Rainfall: month-wise
11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.
- (b) District wise availability of sand or gravel or aggregate resources.
- (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District
(1)			
(2)			

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin
(1)				
(2)				

¹⁰⁶ Inserted vide S.O. 141(E) dated 15th January, 2016; amended vide S.O 3611 (E) dated 25th July 2016

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of (i) Sub-Divisional Magistrate, (ii) Officers from (a) Irrigation department, (b) State Pollution Control Board or Committee, (c) Forest department, (d) Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For Example, in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared in the district and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on the district's website for twenty-one

days. The comments received shall be considered and if found correct, shall be incorporated in the final Report to be finalised within six months by the District Environment Impact Assessment Authority.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

II. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT OF MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty-one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report for minor minerals other than sand mining or River bed mining shall be as per structure mentioned below: -

FORMAT FOR PREPARATION OF DISTRICT SURVEY REPORT FOR MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

- (1) Introduction;
- (2) Overview of Mining Activity in the District;
- (3) General Profile of the District;
- (4) Geology of the District;
- (5) Drainage of Irrigation pattern;
- (6) Land Utilisation Pattern in the District: Forest, Agricultural, Horticultural, Mining etc.;
- (7) Surface Water and Ground Water scenario of the district;
- (8) Rainfall of the district and climatic condition;
- (9) Details of the mining leases in the District as per the following format: -

SI No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Lessee	Mining lease Grant Order No. & Date	Area of Mining lease (ha)	Period of Mining Lease (Initial)		Period of Mining Lease (1 st /2 nd renewal)	
						From	To	From	To
1	2	3	4	5	6	7	8	9	10

Date of Commencement of Mining Operation	Status (Working/Non-working/Temp. Working for dispatch, etc.)	Captive/ Non-Captive	Obtained Environmental Clearance (yes/No), if Yes Letter No. with date of grant of EC	Location of the Mining Lease (Latitude & Longitude)	Method of Mining (opencast/underground)

11	12	13	14	15	16
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- (10) details of Royalty or Revenue received in last three years;
 (11) details of Production of Minor Mineral in last three years;
 (12) mineral Map of the District;
 (13) list of Letter of Intent (LOI) Holders in the District along with its validity as per the following format:-
 (14) total Mineral Reserve available in the District;

SI No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Letter of Intent Holder	Letter of Intent Grant Order No. & Date	Area of Mining lease to be allotted	Validity of LoI	Use (Captive/ Non-Captive)	Location of Mining lease (Latitude & Longitude)
1	2	3	4	5	6	7	8	9

- (15) quality /Grade of Mineral available in the District;
 (16) use of Mineral;
 (17) demand and Supply of the Mineral in the last three years;
 (18) mining leases marked on the map of the district;
 (19) details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude);
 (20) details of Eco-Sensitive Area, if any, in the District;
 (21) impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity;
 (22) remedial Measures to mitigate the impact of mining on the Environment;
 (23) reclamation of Mined out area (best practice already implemented in the district, requirement as per rules and regulation, proposed reclamation plan);
 (24) risk Assessment & Disaster Management Plan;
 (25) details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted);
 (26) plantation and Green Belt development in respect of leases already granted in the District;
 (27) any other information.

The District Environment Impact Assessment Authority (DEIAA) based on the nature and type of minor mineral in the District may include the additional parameters in the District Survey Report in consultation with the Department of Mines and Geology of the concerned State Government.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

APPENDIX - XI¹⁰⁷
[See paragraph 7 (iii) (b)]
PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR
MINERALS INCLUDING
CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation: -

- (1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So, the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment Division Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.
- (6). ¹⁰⁸A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area which shall be applicable to the mine leases or quarry licenses granted on and after 9th September, 2013.
- (7). Form 1M, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals
including cluster situation¹⁰⁹

¹⁰⁷ Inserted vide S.O. 141(E) dated 15th January, 2016

¹⁰⁸ Para substituted vide S.O. 2269(E) dated 1st July, 2016

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP/DSR	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease								
0 – 5ha	'B2'	Form –1M, PFR, DSR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
> 5 ha and < 25 ha	'B2'	Form –I, PFR, DSR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	
≥ 25ha and ≤ 100ha	'B1'	Form –I, PFR, DSR and Approved Mine Plan EIA and EMP	Yes	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	
>100 ha	'A'	Form –I, PFR, DSR and Approved Mine Plan EIA and EMP	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation								
Cluster area of mine leases up to 5 ha	'B2'	Form –1M, PFR, DSR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form –I, PFR, DSR and approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster area of Mine leases > 5 ha and < 25 ha with any individual lease > 5 ha	'B2'	Form –I, PFR, DSR and approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of	'B1'	Form –I,	Yes	Yes	State, State	Project	SEAC/	

¹⁰⁹ Substituted vide S.O. 3977(E) dated 14th August, 2018

mine leases of area \geq 25 hectares with individual lease size \leq 100ha		PFR, DSR and approved Mine Plan and one EIA/EMP for all leases in the Cluster			Agency, Group of Project Proponents, Project Proponent	Proponent	SEIAA	
Cluster of any size with any of the individual lease > 100ha	'A'	Form -I, PFR, DSR and approved Mine Plan and one EIA/EMP for all leases in the Cluster	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	

¹¹⁰**Note-** (1) In the State of Rajasthan, for mining of minor minerals, in situation of a large number of leases or quarry licenses of very small size (up to one hectare each) in contiguous area, the Mines and Geology Department of the State Government shall, -

(A) define the size of cluster as per local situation for effective formulation and implementation of mine plan and Environment Management Plan;

(B) prepare mine plan and an Environment Management Plan for the cluster;

(C) prepare a Regional Mine Plan and Regional Environment Management Plan including all the clusters in that contiguity.

(D) provide for mobilisation of funds from the Project Proponents in predetermined proportion for implementation of cluster and Regional Environment Management Plan.

(2) The District Mineral Fund can also be used to augment the fund for implementation of Environment Management Plans.

(3) The Environment Management Plan shall be prepared and presented within ninety days from the date of publication of this notification in the Official Gazette for environment clearance granted on or after 15th January, 2016 to any lease in that cluster. The recommendation of the State Expert Appraisal Committee and approval of the State Environment Impact Assessment Authority shall be granted within sixty days of presentation of the Environment Management Plan.

(4) The implementation of the Environment Management Plan shall begin within six months from the date of publication of this notification in the Official Gazette. The Environment Management Plan shall be monitored at the interval of six months by the concerned State Environment Impact Assessment Authority.

(5) The leases not operative for three years or more and leases which have got environmental clearance as on 15th January, 2016 shall not be counted for calculating the area of cluster, but shall be included in the Environment Management Plan and the Regional Environmental Management Plan.¹⁰⁹

¹¹⁰ Inserted vide S.O. 2269(E) dated 1st July, 2016

APPENDIX - XII¹¹¹**[See paragraph 10 (iv)]****PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING**

1. The security feature of Transport Permit shall be as under:
 - (a) Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
 - (b) Unique Barcode.
 - (c) Unique Quick Response (QR) code.
 - (d) Fugitive Ink Background.
 - (e) Invisible Ink Mark.
 - (f) Void Pantograph.
 - (g) Watermark.

2. Requirement at Mine Lease Site:
 - (a) Small Size Plot (Up to 5 hectare): Android Based Smart Phone.
 - (b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
 - (c) Access control of mine lease site.
 - (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.

3. Scanning of Transport Permit or Receipt and Uploading on Server:
 - (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
 - (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;
 - (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued. When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

5. Checking on Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.

¹¹¹ Inserted vide S.O. 141(E) dated 15th January, 2016

6. Breakdown of Vehicle:

In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.

7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose.

Appendix –XIII¹¹²
Verification of No Increase in Pollution Load

The instant amendment in EIA Notification exempts the requirement of Prior Environmental Clearance for 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) 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 specified in the environmental clearance of the project. This facility is available to those units which have obtained prior environmental clearance under EIA Notification, 1994 and EIA Notification, 2006. To claim exemption from obtaining Prior Environment Clearance in respect of such cases, the project proponent shall follow the following process:-

1. The project proponent is required to obtain a certificate of ‘no increase in the pollution load’ from the environmental auditors or reputed institutions, to be empanelled by the State Pollution Control Board or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change (hereinafter referred to as the Ministry).
2. A copy of ‘no increase in pollution load’ certificate and intimation, as provided by the Ministry from time to time on PARIVESH portal, shall be uploaded by the unit for which system generated acknowledgement shall be issued online;
3. The unit shall inform the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, in specified format along with-
 - i. ‘no increase in pollution load’ certificate from the Environmental Auditor or reputed institutions empanelled by the State Pollution Control Board or Pollution Control Committee or Central Pollution Control Board or Ministry;
 - ii. last Consent to Operate certificate for the project or activity; and
 - iii. online system generated acknowledgement of uploading of intimation and ‘no increase in pollution load’ certificate on PARIVESH Portal;
4. The information so received shall be examined by the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, who shall take decision on such information, received from the project proponent.
5. If on verification the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, holds that the change or expansion or modernisation will result or has resulted 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 liable to obtain Prior Environmental Clearance before under taking such changes or increase, as per the clause (a) of sub-paragraph (ii) of paragraph 7 of this notification and the provisions of Environment (Protection) Act, 1986 shall apply accordingly.

Note: For removal of doubts, it is clarified that it shall be the responsibility of the project proponent to satisfy itself about ‘no increase in pollution load’ as a result of changes, expansion or modernisation, as the case may be, before under taking such changes or increase, and the project

¹¹² Inserted *vide* notification number S.O. 3518(E), dated the 23rd November, 2016 and subsequently substituted *vide* notification number S.O.980(E), dated the 2nd March, 2021

proponent shall be liable for action under the provisions of the Environment (Protection) Act, 1986 if on verification of facts or claim it is found that such change or expansion or modernisation involves increase in pollution load

***Note:** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended *vide* the following numbers: -

1. S.O. 1939 (E) dated the 13th November, 2006;
2. S.O. 1737 (E) dated the 11th October, 2007;
3. S.O. 3067 (E) dated the 1st December, 2009;
4. S.O. 695 (E) dated the 4th April, 2011;
5. S.O. 156 (E) dated the 25th January, 2012;
6. S.O. 2896 (E) dated the 13th December, 2012;
7. S.O. 674 (E) dated the 13th March, 2013;
8. S.O. 2204 (E) dated the 19th July 2013;
9. S.O. 2555 (E) dated the 21st August, 2013;
10. S.O. 2559 (E) dated the 22nd August, 2013;
11. S.O. 2731 (E) dated the 9th September, 2013;
12. S.O. 562 (E) dated the 26th February, 2014;
13. S.O. 637 (E) dated the 28th February, 2014;
14. S.O. 1599 (E) dated the 25th June, 2014;
15. S.O. 2601 (E) dated the 7th October, 2014;
16. S.O. 2600 (E) dated the 9th October, 2014
17. S.O. 3252 (E) dated the 22nd December, 2014;
18. S.O. 382 (E) dated the 3rd. February, 2015;
19. S.O. 811 (E) dated the 23rd. March, 2015;
20. S.O. 996 (E) dated the 10th April, 2015;
21. S.O. 1142 (E) dated the 17th April, 2015;
22. S.O. 1141 (E) dated the 29th April, 2015;
23. S.O. 1834 (E) dated the 6th July, 2015;
24. S.O. 2571 (E) dated the 31st August, 2015;
25. S.O. 2572 (E) dated the 14th September, 2015;
26. S.O. 141 (E) dated the 15th January, 2016;
27. S.O. 190 (E) dated the 20th January, 2016;
28. S.O. 648 (E) dated the 3rd March, 2016;
29. S.O. 2269(E) dated the 1st July, 2016;
30. S.O. 3518 (E) dated 23rd November 2016;
31. S.O. 3999 (E) dated the 9th December, 2016;
32. S.O. 4241(E) dated the 30th December, 2016;
33. S.O. 3611(E) dated the 25th July, 2018;
34. S.O. 3977 (E) dated the 14th August, 2018;
35. S.O. 5733 (E) dated the 14th November, 2018;
36. S.O. 5736 (E) dated the 15th November, 2018;
37. S.O. 5845(E) dated the 26th November, 2018;
38. S.O. 6250(E), dated the 19th December, 2018
39. S.O. 345(E) dated the 17th January, 2019;

40. S.O. 1960(E) dated the 13th June, 2019;
41. S.O. 236(E) dated the 16th January, 2020; and
42. S.O. 751(E) dated the 17th February, 2020
43. S.O. 1223(E), dated the 27th March, 2020
44. S.O. 1224(E), dated the 28th March, 2020
45. S.O. 1562(E), dated the 21st May, 2020
46. S.O. 3636(E), dated the 15th October, 2020
47. S.O. 3752(E), dated the 20th October, 2020
48. S.O. 4254(E), dated the 27th November, 2020
49. S.O. 221(E), dated the 18th January, 2021
50. S.O. 908 (E), dated the 2nd March, 2021
51. S.O. 1247(E), dated the 18th March, 2021
52. S.O. 2339(E), dated the 16th June, 2021
53. S.O. 2817(E), dated the 13th July, 2021
54. S.O. 2859(E), dated the 16th July, 2021
55. S.O. 861(E), dated the 25th February, 2022
56. S.O.1807(E), dated the 12th April, 2022
57. S.O.1886(E), dated the 20th April, 2022
58. S.O.1953(E), dated the 27th April, 2022
59. S.O.2163(E), dated the 9th May, 2022
60. S.O.3194(E), dated the 14th July, 2022
61. S.O.1832(E), date the 21st April, 2023
62. S.O. 2226(E), dated the 18th May, 2023
63. S.O.3840(E) dated 30th August, 2023

Disclaimer: In case of any discrepancy found or noted same may be reported to the Ministry.

F. No. J-11011/618/2010-IA-II (I)
 Government of India
 Ministry of Environment and Forests
 (I.A. Division)

Paryavaran Bhawan
 CGO Complex, Lodhi Road
 New Delhi – 110 003

Dated: 30th May, 2012

CIRCULAR

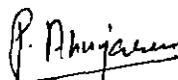
Subject: Consideration of expansion proposals for grant of Environmental Clearance under the EIA Notification, 2006.

This is in continuation to this Ministry's circular no. J-11013/41/2006-IA.II (I), dated 20.10.2009 regarding consideration of expansion proposals for grant of environmental clearance under EIA Notification, 2006.

2. It has been now decided that while submitting the application for consideration for grant of environmental clearance of all expansion projects under the EIA Notification, 2006, the project proponent shall henceforth submit a certified report of the status of compliance of the conditions stipulated in the environmental clearance for the ongoing / existing operation of the project by the Regional Offices of the Ministry of Environment and Forests.

3. The status of compliance of the conditions stipulated in the environmental clearance as highlighted in the report(s) will be subsequently discussed by the respective Expert Appraisal Committees during the appraisal of the expansion proposal and duly recorded in the minutes of the meeting. Applications for expansion project received without the compliance status as mentioned in para no.2 above shall not be accepted and placed for consideration before the Expert Appraisal Committees.

This issues with the approval of the Competent Authority.


 (Dr. P.L. Ahujarai)
 Director

- i. All the Officers of IA Division
- ii. Chairpersons / Member Secretaries of all the SEIAAs/ SEACs
- iii. Chairman, CPCB
- iv. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

- i. PS to MEF
- ii. PPS to Secretary (E&F)
- iii. PPS to SS (JMM)
- iv. JS (RG)
- v. Website, MoEF
- vi. Guard File

No. J-11013/6/2010-IA.II (Part)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: 7th September, 2017.

CIRCULAR

Subject: Environmental Clearance to the expansion projects / activities under the EIA Notification, 2006 - Certified Compliance Report regarding

This is in continuation to this Ministry's Circular No.J-11011/618/2010-IA(II)(I) dated 30/05/2012 wherein it was directed that for consideration of Environmental Clearance (EC) to all expansion projects activities Under the Environment Impact Assessment Notification, 2006, the project proponent shall submit the certified compliance report on the conditions stipulated in the ECs to the existing projects/activities, through the Regional Offices of the Ministry of Environment, Forest and Climate Change.

2. Now it has been decided that in order to get the certified compliance report on time, the Member Secretary of the sectoral Expert Appraisal Committee (EAC) shall make a request to the concerned Regional office of the Ministry at the time of issue of ToR for the said project.

3. Regional Offices of the Ministry are requested to submit certified compliance report within one month of receipt of such requests from the Member Secretary of the sectoral EAC. In case the inspection is not carried out within one month, the certified compliance report from the concerned Regional Offices of Central Pollution Control Board (CPCB) or the Member Secretaries of the respective State Pollution Control Boards shall also be accepted for deliberations by the sectoral EAC.

4. This issues with approval of the Competent Authority.


(Sharath Kumar Pallerla)
Scientist 'F'

To:

1. All the APCCFs of RO, MoEFCC
2. All the officers of IA Division
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairman of all the Expert Appraisal Committees
5. Chairman, CPCB
6. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

o/c

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble Minister of State for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(AP) / AS (AKM) / AS (AKJ)
5. PPS to JS (GB)/ JS(JT)
6. Website, MoEF&CC
7. Guard file

ANNEXURE A/3

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—16

REGISTERED NO. DL—(N)04/0007/2003—16



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 37]

नई दिल्ली, शनिवार, मई 28, 2016/ज्येष्ठ 7, 1938 (शक)

No. 37]

NEW DELHI, SATURDAY, MAY 28, 2016/JYAISTHA 7, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th May, 2016/Jyaistha 7, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 28th May, 2016, and is hereby published for general information:—

THE INSOLVENCY AND BANKRUPTCY CODE, 2016

No. 31 OF 2016

[28th May, 2016.]

An Act to consolidate and amend the laws relating to reorganisation and insolvency resolution of corporate persons, partnership firms and individuals in a time bound manner for maximisation of value of assets of such persons, to promote entrepreneurship, availability of credit and balance the interests of all the stakeholders including alteration in the order of priority of payment of Government dues and to establish an Insolvency and Bankruptcy Board of India, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Code may be called the Insolvency and Bankruptcy Code, 2016.

(2) It extends to the whole of India:

Provided that Part III of this Code shall not extend to the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Short title,
extent and
commencement.

Provided that different dates may be appointed for different provisions of this Code and any reference in any such provision to the commencement of this Code shall be construed as a reference to the commencement of that provision.

Application.

2. The provisions of this Code shall apply to—

(a) any company incorporated under the Companies Act, 2013 or under any previous company law; 18 of 2013.

(b) any other company governed by any special Act for the time being in force, except in so far as the said provisions are inconsistent with the provisions of such special Act;

(c) any Limited Liability Partnership incorporated under the Limited Liability Partnership Act, 2008; 6 of 2009.

(d) such other body incorporated under any law for the time being in force, as the Central Government may, by notification, specify in this behalf; and

(e) partnership firms and individuals,

in relation to their insolvency, liquidation, voluntary liquidation or bankruptcy, as the case may be.

Definitions.

3. In this Code, unless the context otherwise requires,—

(1) "Board" means the Insolvency and Bankruptcy Board of India established under sub-section (1) of section 188;

(2) "bench" means a bench of the Adjudicating Authority;

(3) "bye-laws" mean the bye-laws made by the insolvency professional agency under section 205;

(4) "charge" means an interest or lien created on the property or assets of any person or any of its undertakings or both, as the case may be, as security and includes a mortgage;

(5) "Chairperson" means the Chairperson of the Board;

(6) "claim" means—

(a) a right to payment, whether or not such right is reduced to judgment, fixed, disputed, undisputed, legal, equitable, secured or unsecured;

(b) right to remedy for breach of contract under any law for the time being in force, if such breach gives rise to a right to payment, whether or not such right is reduced to judgment, fixed, matured, unmatured, disputed, undisputed, secured or unsecured;

(7) "corporate person" means a company as defined in clause (20) of section 2 of the Companies Act, 2013, a limited liability partnership, as defined in clause (n) of sub-section (1) of section 2 of the Limited Liability Partnership Act, 2008, or any other person incorporated with limited liability under any law for the time being in force but shall not include any financial service provider; 18 of 2013.
6 of 2009.

(8) "corporate debtor" means a corporate person who owes a debt to any person;

(9) "core services" means services rendered by an information utility for—

(a) accepting electronic submission of financial information in such form and manner as may be specified;

(b) safe and accurate recording of financial information;

(c) authenticating and verifying the financial information submitted by a person; and

(d) providing access to information stored with the information utility to persons as may be specified;

(10) "creditor" means any person to whom a debt is owed and includes a financial creditor, an operational creditor, a secured creditor, an unsecured creditor and a decree-holder;

(11) "debt" means a liability or obligation in respect of a claim which is due from any person and includes a financial debt and operational debt;

(12) "default" means non-payment of debt when whole or any part or instalment of the amount of debt has become due and payable and is not repaid by the debtor or the corporate debtor, as the case may be;

(13) "financial information", in relation to a person, means one or more of the following categories of information, namely:—

(a) records of the debt of the person;

(b) records of liabilities when the person is solvent;

(c) records of assets of person over which security interest has been created;

(d) records, if any, of instances of default by the person against any debt;

(e) records of the balance sheet and cash-flow statements of the person; and

(f) such other information as may be specified.

(14) "financial institution" means—

(a) a scheduled bank;

(b) financial institution as defined in section 45-I of the Reserve Bank of India Act, 1934;

(c) public financial institution as defined in clause (72) of section 2 of the Companies Act, 2013; and

(d) such other institution as the Central Government may by notification specify as a financial institution;

(15) "financial product" means securities, contracts of insurance, deposits, credit arrangements including loans and advances by banks and financial institutions, retirement benefit plans, small savings instruments, foreign currency contracts other than contracts to exchange one currency (whether Indian or not) for another which are to be settled immediately, or any other instrument as may be prescribed;

(16) "financial service" includes any of the following services, namely:—

(a) accepting of deposits;

(b) safeguarding and administering assets consisting of financial products, belonging to another person, or agreeing to do so;

(c) effecting contracts of insurance;

(d) offering, managing or agreeing to manage assets consisting of financial products belonging to another person;

(e) rendering or agreeing, for consideration, to render advice on or soliciting for the purposes of—

(i) buying, selling, or subscribing to, a financial product;

(ii) availing a financial service; or

2 of 1934.

18 of 2013.

(iii) exercising any right associated with a financial product or financial service;

(f) establishing or operating an investment scheme;

(g) maintaining or transferring records of ownership of a financial product;

(h) underwriting the issuance or subscription of a financial product; or

(i) selling, providing, or issuing stored value or payment instruments or providing payment services;

(17) "financial service provider" means a person engaged in the business of providing financial services in terms of authorisation issued or registration granted by a financial sector regulator;

(18) "financial sector regulator" means an authority or body constituted under any law for the time being in force to regulate services or transactions of financial sector and includes the Reserve Bank of India, the Securities and Exchange Board of India, the Insurance Regulatory and Development Authority of India, the Pension Fund Regulatory Authority and such other regulatory authorities as may be notified by the Central Government;

(19) "insolvency professional" means a person enrolled under section 206 with an insolvency professional agency as its member and registered with the Board as an insolvency professional under section 207;

(20) "insolvency professional agency" means any person registered with the Board under section 201 as an insolvency professional agency;

(21) "information utility" means a person who is registered with the Board as an information utility under section 210;

(22) "notification" means a notification published in the Official Gazette, and the terms "notified" and "notify" shall be construed accordingly;

(23) "person" includes—

(a) an individual;

(b) a Hindu Undivided Family;

(c) a company;

(d) a trust;

(e) a partnership;

(f) a limited liability partnership; and

(g) any other entity established under a statute,

and includes a person resident outside India;

(24) "person resident in India" shall have the meaning assigned to such term in clause (v) of section 2 of the Foreign Exchange Management Act, 1999;

42 of 1999.

(25) "person resident outside India" means a person other than a person resident in India;

(26) "prescribed" means prescribed by rules made by the Central Government;

(27) "property" includes money, goods, actionable claims, land and every description of property situated in India or outside India and every description of interest including present or future or vested or contingent interest arising out of, or incidental to, property;

(28) "regulations" means the regulations made by the Board under this Code;

(29) "Schedule" means the Schedule annexed to this Code;

(30) "secured creditor" means a creditor in favour of whom security interest is created;

(31) "security interest" means right, title or interest or a claim to property, created in favour of, or provided for a secured creditor by a transaction which secures payment or performance of an obligation and includes mortgage, charge, hypothecation, assignment and encumbrance or any other agreement or arrangement securing payment or performance of any obligation of any person:

Provided that security interest shall not include a performance guarantee;

(32) "specified" means specified by regulations made by the Board under this Code and the term "specify" shall be construed accordingly;

(33) "transaction" includes a agreement or arrangement in writing for the transfer of assets, or funds, goods or services, from or to the corporate debtor;

(34) "transfer" includes sale, purchase, exchange, mortgage, pledge, gift, loan or any other form of transfer of right, title, possession or lien;

(35) "transfer of property" means transfer of any property and includes a transfer of any interest in the property and creation of any charge upon such property;

(36) "workman" shall have the same meaning as assigned to it in clause (s) of section 2 of the Industrial Disputes Act, 1947;

(37) words and expressions used but not defined in this Code but defined in the Indian Contract Act, 1872, the Indian Partnership Act, 1932, the Securities Contract (Regulation) Act, 1956, the Securities Exchange Board of India Act, 1992, the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, the Limited Liability Partnership Act, 2008 and the Companies Act, 2013, shall have the meanings respectively assigned to them in those Acts.

PART II

INSOLVENCY RESOLUTION AND LIQUIDATION FOR CORPORATE PERSONS

CHAPTER I

PRELIMINARY

4. (1) This Part shall apply to matters relating to the insolvency and liquidation of corporate debtors where the minimum amount of the default is one lakh rupees:

Application of this Part.

Provided that the Central Government may, by notification, specify the minimum amount of default of higher value which shall not be more than one crore rupees.

5. In this Part, unless the context otherwise requires,—

Definitions.

(1) "Adjudicating Authority", for the purposes of this Part, means National Company Law Tribunal constituted under section 408 of the Companies Act, 2013;

(2) "auditor" means a chartered accountant certified to practice as such by the Institute of Chartered Accountants of India under section 6 of the Chartered Accountants Act, 1949;

(3) "Chapter" means a Chapter under this Part;

(4) "constitutional document", in relation to a corporate person, includes articles of association, memorandum of association of a company and incorporation document of a Limited Liability Partnership;

14 of 1947.

9 of 1872.

9 of 1932.

42 of 1956.

15 of 1992.

51 of 1993.

6 of 2009.

18 of 2013.

18 of 2013.

XXXVIII of 1949.

- (5) "corporate applicant" means—
- (a) corporate debtor; or
 - (b) a member or partner of the corporate debtor who is authorised to make an application for the corporate insolvency resolution process under the constitutional document of the corporate debtor; or
 - (c) an individual who is in charge of managing the operations and resources of the corporate debtor; or
 - (d) a person who has the control and supervision over the financial affairs of the corporate debtor;
- (6) "dispute" includes a suit or arbitration proceedings relating to—
- (a) the existence of the amount of debt;
 - (b) the quality of goods or service; or
 - (c) the breach of a representation or warranty;
- (7) "financial creditor" means any person to whom a financial debt is owed and includes a person to whom such debt has been legally assigned or transferred to;
- (8) "financial debt" means a debt alongwith interest, if any, which is disbursed against the consideration for the time value of money and includes—
- (a) money borrowed against the payment of interest;
 - (b) any amount raised by acceptance under any acceptance credit facility or its de-materialised equivalent;
 - (c) any amount raised pursuant to any note purchase facility or the issue of bonds, notes, debentures, loan stock or any similar instrument;
 - (d) the amount of any liability in respect of any lease or hire purchase contract which is deemed as a finance or capital lease under the Indian Accounting Standards or such other accounting standards as may be prescribed;
 - (e) receivables sold or discounted other than any receivables sold on non-recourse basis;
 - (f) any amount raised under any other transaction, including any forward sale or purchase agreement, having the commercial effect of a borrowing;
 - (g) any derivative transaction entered into in connection with protection against or benefit from fluctuation in any rate or price and for calculating the value of any derivative transaction, only the market value of such transaction shall be taken into account;
 - (h) any counter-indemnity obligation in respect of a guarantee, indemnity, bond, documentary letter of credit or any other instrument issued by a bank or financial institution;
 - (i) the amount of any liability in respect of any of the guarantee or indemnity for any of the items referred to in sub-clauses (a) to (h) of this clause;
- (9) "financial position", in relation to any person, means the financial information of a person as on a certain date;
- (10) "information memorandum" means a memorandum prepared by resolution professional under sub-section (1) of section 29;
- (11) "initiation date" means the date on which a financial creditor, corporate

applicant or operational creditor, as the case may be, makes an application to the Adjudicating Authority for initiating corporate insolvency resolution process;

(12) "insolvency commencement date" means the date of admission of an application for initiating corporate insolvency resolution process by the Adjudicating Authority under sections 7, 9 or section 10, as the case may be;

(13) "insolvency resolution process costs" means—

(a) the amount of any interim finance and the costs incurred in raising such finance;

(b) the fees payable to any person acting as a resolution professional;

(c) any costs incurred by the resolution professional in running the business of the corporate debtor as a going concern;

(d) any costs incurred at the expense of the Government to facilitate the insolvency resolution process; and

(e) any other costs as may be specified by the Board;

(14) "insolvency resolution process period" means the period of one hundred and eighty days beginning from the insolvency commencement date and ending on one hundred and eightieth day;

(15) "interim finance" means any financial debt raised by the resolution professional during the insolvency resolution process period;

(16) "liquidation cost" means any cost incurred by the liquidator during the period of liquidation subject to such regulations, as may be specified by the Board;

(17) "liquidation commencement date" means the date on which proceedings for liquidation commence in accordance with section 33 or section 59, as the case may be;

(18) "liquidator" means an insolvency professional appointed as a liquidator in accordance with the provisions of Chapter III or Chapter V of this Part, as the case may be;

(19) "officer" for the purposes of Chapter VII of this Part, means an officer who is in default, as defined in clause (60) of section 2 of the Companies Act, 2013 or a designated partner as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008, as the case may be;

18 of 2013.

6 of 2009.

(20) "operational creditor" means a person to whom an operational debt is owed and includes any person to whom such debt has been legally assigned or transferred;

(21) "operational debt" means a claim in respect of the provision of goods or services including employment or a debt in respect of the repayment of dues arising under any law for the time being in force and payable to the Central Government, any State Government or any local authority;

(22) "personal guarantor" means an individual who is the surety in a contract of guarantee to a corporate debtor;

(23) "personnel" includes the directors, managers, key managerial personnel, designated partners and employees, if any, of the corporate debtor;

(24) "related party", in relation to a corporate debtor, means—

(a) a director or partner of the corporate debtor or a relative of a director or partner of the corporate debtor;

(b) a key managerial personnel of the corporate debtor or a relative of a key managerial personnel of the corporate debtor;

(c) a limited liability partnership or a partnership firm in which a director, partner, or manager of the corporate debtor or his relative is a partner;

(d) a private company in which a director, partner or manager of the corporate debtor is a director and holds along with his relatives, more than two per cent. of its share capital;

(e) a public company in which a director, partner or manager of the corporate debtor is a director and holds along with relatives, more than two per cent. of its paid-up share capital;

(f) anybody corporate whose board of directors, managing director or manager, in the ordinary course of business, acts on the advice, directions or instructions of a director, partner or manager of the corporate debtor;

(g) any limited liability partnership or a partnership firm whose partners or employees in the ordinary course of business, acts on the advice, directions or instructions of a director, partner or manager of the corporate debtor;

(h) any person on whose advice, directions or instructions, a director, partner or manager of the corporate debtor is accustomed to act;

(i) a body corporate which is a holding, subsidiary or an associate company of the corporate debtor, or a subsidiary of a holding company to which the corporate debtor is a subsidiary;

(j) any person who controls more than twenty per cent. of voting rights in the corporate debtor on account of ownership or a voting agreement;

(k) any person in whom the corporate debtor controls more than twenty per cent. of voting rights on account of ownership or a voting agreement;

(l) any person who can control the composition of the board of directors or corresponding governing body of the corporate debtor;

(m) any person who is associated with the corporate debtor on account of—

(i) participation in policy making processes of the corporate debtor; or

(ii) having more than two directors in common between the corporate debtor and such person; or

(iii) interchange of managerial personnel between the corporate debtor and such person; or

(iv) provision of essential technical information to, or from, the corporate debtor;

(25) "resolution applicant" means any person who submits a resolution plan to the resolution professional;

(26) "resolution plan" means a plan proposed by any person for insolvency resolution of the corporate debtor as a going concern in accordance with Part II;

(27) "resolution professional", for the purposes of this Part, means an insolvency professional appointed to conduct the corporate insolvency resolution process and includes an interim resolution professional; and

(28) "voting share" means the share of the voting rights of a single financial creditor in the committee of creditors which is based on the proportion of the financial debt owed to such financial creditor in relation to the financial debt owed by the corporate debtor.

CHAPTER II

CORPORATE INSOLVENCY RESOLUTION PROCESS

6. Where any corporate debtor commits a default, a financial creditor, an operational creditor or the corporate debtor itself may initiate corporate insolvency resolution process in respect of such corporate debtor in the manner as provided under this Chapter.

Persons who may initiate corporate insolvency resolution process.

7. (1) A financial creditor either by itself or jointly with other financial creditors may file an application for initiating corporate insolvency resolution process against a corporate debtor before the Adjudicating Authority when a default has occurred.

Initiation of corporate insolvency resolution process by financial creditor.

Explanation.—For the purposes of this sub-section, a default includes a default in respect of a financial debt owed not only to the applicant financial creditor but to any other financial creditor of the corporate debtor.

(2) The financial creditor shall make an application under sub-section (1) in such form and manner and accompanied with such fee as may be prescribed.

(3) The financial creditor shall, along with the application furnish—

(a) record of the default recorded with the information utility or such other record or evidence of default as may be specified;

(b) the name of the resolution professional proposed to act as an interim resolution professional; and

(c) any other information as may be specified by the Board.

(4) The Adjudicating Authority shall, within fourteen days of the receipt of the application under sub-section (2), ascertain the existence of a default from the records of an information utility or on the basis of other evidence furnished by the financial creditor under sub-section (3).

(5) Where the Adjudicating Authority is satisfied that—

(a) a default has occurred and the application under sub-section (2) is complete, and there is no disciplinary proceedings pending against the proposed resolution professional, it may, by order, admit such application; or

(b) default has not occurred or the application under sub-section (2) is incomplete or any disciplinary proceeding is pending against the proposed resolution professional, it may, by order, reject such application:

Provided that the Adjudicating Authority shall, before rejecting the application under clause (b) of sub-section (5), give a notice to the applicant to rectify the defect in his application within seven days of receipt of such notice from the Adjudicating Authority.

(6) The corporate insolvency resolution process shall commence from the date of admission of the application under sub-section (5).

(7) The Adjudicating Authority shall communicate—

(a) the order under clause (a) of sub-section (5) to the financial creditor and the corporate debtor;

(b) the order under clause (b) of sub-section (5) to the financial creditor,

within seven days of admission or rejection of such application, as the case may be.

8. (1) An operational creditor may, on the occurrence of a default, deliver a demand notice of unpaid operational debtor copy of an invoice demanding payment of the amount involved in the default to the corporate debtor in such form and manner as may be prescribed.

Insolvency resolution by operational creditor.

(2) The corporate debtor shall, within a period of ten days of the receipt of the demand notice or copy of the invoice mentioned in sub-section (1) bring to the notice of the operational creditor—

(a) existence of a dispute, if any, and record of the pendency of the suit or arbitration proceedings filed before the receipt of such notice or invoice in relation to such dispute;

(b) the repayment of unpaid operational debt—

(i) by sending an attested copy of the record of electronic transfer of the unpaid amount from the bank account of the corporate debtor; or

(ii) by sending an attested copy of record that the operational creditor has encashed a cheque issued by the corporate debtor.

Explanation.—For the purposes of this section, a "demand notice" means a notice served by an operational creditor to the corporate debtor demanding repayment of the operational debt in respect of which the default has occurred.

Application for initiation of corporate insolvency resolution process by operational creditor.

9. (1) After the expiry of the period of ten days from the date of delivery of the notice or invoice demanding payment under sub-section (1) of section 8, if the operational creditor does not receive payment from the corporate debtor or notice of the dispute under sub-section (2) of section 8, the operational creditor may file an application before the Adjudicating Authority for initiating a corporate insolvency resolution process.

(2) The application under sub-section (1) shall be filed in such form and manner and accompanied with such fee as may be prescribed.

(3) The operational creditor shall, along with the application furnish—

(a) a copy of the invoice demanding payment or demand notice delivered by the operational creditor to the corporate debtor;

(b) an affidavit to the effect that there is no notice given by the corporate debtor relating to a dispute of the unpaid operational debt;

(c) a copy of the certificate from the financial institutions maintaining accounts of the operational creditor confirming that there is no payment of an unpaid operational debt by the corporate debtor; and

(d) such other information as may be specified.

(4) An operational creditor initiating a corporate insolvency resolution process under this section, may propose a resolution professional to act as an interim resolution professional.

(5) The Adjudicating Authority shall, within fourteen days of the receipt of the application under sub-section (2), by an order—

(i) admit the application and communicate such decision to the operational creditor and the corporate debtor if,—

(a) the application made under sub-section (2) is complete;

(b) there is no repayment of the unpaid operational debt;

(c) the invoice or notice for payment to the corporate debtor has been delivered by the operational creditor;

(d) no notice of dispute has been received by the operational creditor or there is no record of dispute in the information utility; and

(e) there is no disciplinary proceeding pending against any resolution professional proposed under sub-section (4), if any.

(ii) reject the application and communicate such decision to the operational creditor and the corporate debtor, if—

- (a) the application made under sub-section (2) is incomplete;
- (b) there has been repayment of the unpaid operational debt;
- (c) the creditor has not delivered the invoice or notice for payment to the corporate debtor;
- (d) notice of dispute has been received by the operational creditor or there is a record of dispute in the information utility; or
- (e) any disciplinary proceeding is pending against any proposed resolution professional:

Provided that Adjudicating Authority, shall before rejecting an application under sub-clause (a) of clause (ii) give a notice to the applicant to rectify the defect in his application within seven days of the date of receipt of such notice from the adjudicating Authority.

(6) The corporate insolvency resolution process shall commence from the date of admission of the application under sub-section (5) of this section.

10. (1) Where a corporate debtor has committed a default, a corporate applicant thereof may file an application for initiating corporate insolvency resolution process with the Adjudicating Authority.

Initiation of corporate insolvency resolution process by corporate applicant.

(2) The application under sub-section (1) shall be filed in such form, containing such particulars and in such manner and accompanied with such fee as may be prescribed.

(3) The corporate applicant shall, along with the application furnish the information relating to—

- (a) its books of account and such other documents relating to such period as may be specified; and
- (b) the resolution professional proposed to be appointed as an interim resolution professional.

(4) The Adjudicating Authority shall, within a period of fourteen days of the receipt of the application, by an order—

- (a) admit the application, if it is complete; or
- (b) reject the application, if it is incomplete:

Provided that Adjudicating Authority shall, before rejecting an application, give a notice to the applicant to rectify the defects in his application within seven days from the date of receipt of such notice from the Adjudicating Authority.

(5) The corporate insolvency resolution process shall commence from the date of admission of the application under sub-section (4) of this section.

11. The following persons shall not be entitled to make an application to initiate corporate insolvency resolution process under this Chapter, namely:—

Persons not entitled to make application.

- (a) a corporate debtor undergoing a corporate insolvency resolution process; or
- (b) a corporate debtor having completed corporate insolvency resolution process twelve months preceding the date of making of the application; or
- (c) a corporate debtor or a financial creditor who has violated any of the terms of resolution plan which was approved twelve months before the date of making of an application under this Chapter; or
- (d) a corporate debtor in respect of whom a liquidation order has been made.

Explanation.—For the purposes of this section, a corporate debtor includes a corporate applicant in respect of such corporate debtor.

Time-limit for completion of insolvency resolution process.

12. (1) Subject to sub-section (2), the corporate insolvency resolution process shall be completed within a period of one hundred and eighty days from the date of admission of the application to initiate such process.

(2) The resolution professional shall file an application to the Adjudicating Authority to extend the period of the corporate insolvency resolution process beyond one hundred and eighty days, if instructed to do so by a resolution passed at a meeting of the committee of creditors by a vote of seventy-five per cent. of the voting shares.

(3) On receipt of an application under sub-section (2), if the Adjudicating Authority is satisfied that the subject matter of the case is such that corporate insolvency resolution process cannot be completed within one hundred and eighty days, it may by order extend the duration of such process beyond one hundred and eighty days by such further period as it thinks fit, but not exceeding ninety days:

Provided that any extension of the period of corporate insolvency resolution process under this section shall not be granted more than once.

Declaration of moratorium and public announcement.

13. (1) The Adjudicating Authority, after admission of the application under section 7 or section 9 or section 10, shall, by an order—

(a) declare a moratorium for the purposes referred to in section 14;

(b) cause a public announcement of the initiation of corporate insolvency resolution process and call for the submission of claims under section 15; and

(c) appoint an interim resolution professional in the manner as laid down in section 16.

(2) The public announcement referred to in clause (b) of sub-section (1) shall be made immediately after the appointment of the interim resolution professional.

Moratorium.

14. (1) Subject to provisions of sub-sections (2) and (3), on the insolvency commencement date, the Adjudicating Authority shall by order declare moratorium for prohibiting all of the following, namely:—

(a) the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;

(b) transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;

(c) any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(d) the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.

(2) The supply of essential goods or services to the corporate debtor as may be specified shall not be terminated or suspended or interrupted during moratorium period.

(3) The provisions of sub-section (1) shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

(4) The order of moratorium shall have effect from the date of such order till the completion of the corporate insolvency resolution process:

Provided that where at any time during the corporate insolvency resolution process period, if the Adjudicating Authority approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of corporate debtor under section 33, the moratorium shall cease to have effect from the date of such approval or liquidation order, as the case may be.

15. (1) The public announcement of the corporate insolvency resolution process under the order referred to in section 13 shall contain the following information, namely:—

Public announcement of corporate insolvency resolution process.

(a) name and address of the corporate debtor under the corporate insolvency resolution process;

(b) name of the authority with which the corporate debtor is incorporated or registered;

(c) the last date for submission of claims;

(d) details of the interim resolution professional who shall be vested with the management of the corporate debtor and be responsible for receiving claims;

(e) penalties for false or misleading claims; and

(f) the date on which the corporate insolvency resolution process shall close, which shall be the one hundred and eightieth day from the date of the admission of the application under sections 7, 9 or section 10, as the case may be.

(2) The public announcement under this section shall be made in such manner as may be specified.

16. (1) The Adjudicating Authority shall appoint an interim resolution professional within fourteen days from the insolvency commencement date.

Appointment and tenure of interim resolution professional.

(2) Where the application for corporate insolvency resolution process is made by a financial creditor or the corporate debtor, as the case may be, the resolution professional, as proposed respectively in the application under section 7 or section 10, shall be appointed as the interim resolution professional, if no disciplinary proceedings are pending against him.

(3) Where the application for corporate insolvency resolution process is made by an operational creditor and—

(a) no proposal for an interim resolution professional is made, the Adjudicating Authority shall make a reference to the Board for the recommendation of an insolvency professional who may act as an interim resolution professional;

(b) a proposal for an interim resolution professional is made under sub-section (4) of section 9, the resolution professional as proposed, shall be appointed as the interim resolution professional, if no disciplinary proceedings are pending against him.

(4) The Board shall, within ten days of the receipt of a reference from the Adjudicating Authority under sub-section (3), recommend the name of an insolvency professional to the Adjudicating Authority against whom no disciplinary proceedings are pending.

(5) The term of the interim resolution professional shall not exceed thirty days from date of his appointment.

17. (1) From the date of appointment of the interim resolution professional,—

Management of affairs of corporate debtor by interim resolution professional.

(a) the management of the affairs of the corporate debtor shall vest in the interim resolution professional;

(b) the powers of the board of directors or the partners of the corporate debtor, as the case may be, shall stand suspended and be exercised by the interim resolution professional;

(c) the officers and managers of the corporate debtor shall report to the interim resolution professional and provide access to such documents and records of the corporate debtor as may be required by the interim resolution professional;

(d) the financial institutions maintaining accounts of the corporate debtor shall act on the instructions of the interim resolution professional in relation to such accounts and furnish all information relating to the corporate debtor available with them to the interim resolution professional.

(2) The interim resolution professional vested with the management of the corporate debtor shall—

(a) act and execute in the name and on behalf of the corporate debtor all deeds, receipts, and other documents, if any;

(b) take such actions, in the manner and subject to such restrictions, as may be specified by the Board;

(c) have the authority to access the electronic records of corporate debtor from information utility having financial information of the corporate debtor;

(d) have the authority to access the books of account, records and other relevant documents of corporate debtor available with government authorities, statutory auditors, accountants and such other persons as may be specified.

18. The interim resolution professional shall perform the following duties, namely:—

(a) collect all information relating to the assets, finances and operations of the corporate debtor for determining the financial position of the corporate debtor, including information relating to—

(i) business operations for the previous two years;

(ii) financial and operational payments for the previous two years;

(iii) list of assets and liabilities as on the initiation date; and

(iv) such other matters as may be specified;

(b) receive and collate all the claims submitted by creditors to him, pursuant to the public announcement made under sections 13 and 15;

(c) constitute a committee of creditors;

(d) monitor the assets of the corporate debtor and manage its operations until a resolution professional is appointed by the committee of creditors;

(e) file information collected with the information utility, if necessary; and

(f) take control and custody of any asset over which the corporate debtor has ownership rights as recorded in the balance sheet of the corporate debtor, or with information utility or the depository of securities or any other registry that records the ownership of assets including—

(i) assets over which the corporate debtor has ownership rights which may be located in a foreign country;

(ii) assets that may or may not be in possession of the corporate debtor;

(iii) tangible assets, whether movable or immovable;

(iv) intangible assets including intellectual property;

(v) securities including shares held in any subsidiary of the corporate debtor, financial instruments, insurance policies;

(vi) assets subject to the determination of ownership by a court or authority;

(g) to perform such other duties as may be specified by the Board.

Explanation.—For the purposes of this sub-section, the term "assets" shall not include the following, namely:—

(a) assets owned by a third party in possession of the corporate debtor held under trust or under contractual arrangements including bailment;

(b) assets of any Indian or foreign subsidiary of the corporate debtor; and

(c) such other assets as may be notified by the Central Government in consultation with any financial sector regulator.

19. (1) The personnel of the corporate debtor, its promoters or any other person associated with the management of the corporate debtor shall extend all assistance and cooperation to the interim resolution professional as may be required by him in managing the affairs of the corporate debtor.

Personnel to extend co-operation to interim resolution professional.

(2) Where any personnel of the corporate debtor, its promoter or any other person required to assist or cooperate with the interim resolution professional does not assist or cooperate, the interim resolution professional may make an application to the Adjudicating Authority for necessary directions.

(3) The Adjudicating Authority, on receiving an application under sub-section (2), shall by an order, direct such personnel or other person to comply with the instructions of the resolution professional and to cooperate with him in collection of information and management of the corporate debtor.

20. (1) The interim resolution professional shall make every endeavour to protect and preserve the value of the property of the corporate debtor and manage the operations of the corporate debtor as a going concern.

Management of operations of corporate debtor as going concern.

(2) For the purposes of sub-section (1), the interim resolution professional shall have the authority—

(a) to appoint accountants, legal or other professionals as may be necessary;

(b) to enter into contracts on behalf of the corporate debtor or to amend or modify the contracts or transactions which were entered into before the commencement of corporate insolvency resolution process;

(c) to raise interim finance provided that no security interest shall be created over any encumbered property of the corporate debtor without the prior consent of the creditors whose debt is secured over such encumbered property:

Provided that no prior consent of the creditor shall be required where the value of such property is not less than the amount equivalent to twice the amount of the debt.

(d) to issue instructions to personnel of the corporate debtor as may be necessary for keeping the corporate debtor as a going concern; and

(e) to take all such actions as are necessary to keep the corporate debtor as a going concern.

21. (1) The interim resolution professional shall after collation of all claims received against the corporate debtor and determination of the financial position of the corporate debtor, constitute a committee of creditors.

Committee of creditors.

(2) The committee of creditors shall comprise all financial creditors of the corporate debtor:

Provided that a related party to whom a corporate debtor owes a financial debt shall not have any right of representation, participation or voting in a meeting of the committee of creditors.

(3) Where the corporate debtor owes financial debts to two or more financial creditors as part of a consortium or agreement, each such financial creditor shall be part of the committee of creditors and their voting share shall be determined on the basis of the financial debts owed to them.

(4) Where any person is a financial creditor as well as an operational creditor,—

(a) such person shall be a financial creditor to the extent of the financial debt owed by the corporate debtor, and shall be included in the committee of creditors, with voting share proportionate to the extent of financial debts owed to such creditor;

(b) such person shall be considered to be an operational creditor to the extent of the operational debt owed by the corporate debtor to such creditor.

(5) Where an operational creditor has assigned or legally transferred any operational debt to a financial creditor, the assignee or transferee shall be considered as an operational creditor to the extent of such assignment or legal transfer.

(6) Where the terms of the financial debt extended as part of a consortium arrangement or syndicated facility or issued as securities provide for a single trustee or agent to act for all financial creditors, each financial creditor may—

(a) authorise the trustee or agent to act on his behalf in the committee of creditors to the extent of his voting share;

(b) represent himself in the committee of creditors to the extent of his voting share;

(c) appoint an insolvency professional (other than the resolution professional) at his own cost to represent himself in the committee of creditors to the extent of his voting share; or

(d) exercise his right to vote to the extent of his voting share with one or more financial creditors jointly or severally.

(7) The Board may specify the manner of determining the voting share in respect of financial debts issued as securities under sub-section (6) .

(8) All decisions of the committee of creditors shall be taken by a vote of not less than seventy-five per cent. of voting share of the financial creditors:

Provided that where a corporate debtor does not have any financial creditors, the committee of creditors shall be constituted and comprise of such persons to exercise such functions in such manner as may be specified by the Board.

(9) The committee of creditors shall have the right to require the resolution professional to furnish any financial information in relation to the corporate debtor at any time during the corporate insolvency resolution process.

(10) The resolution professional shall make available any financial information so required by the committee of creditors under sub-section (9) within a period of seven days of such requisition.

22. (1) The first meeting of the committee of creditors shall be held within seven days of the constitution of the committee of creditors.

(2) The committee of creditors, may, in the first meeting, by a majority vote of not less than seventy-five per cent. of the voting share of the financial creditors, either resolve to appoint the interim resolution professional as a resolution professional or to replace the interim resolution professional by another resolution professional.

(3) Where the committee of creditors resolves under sub-section (2)—

Appointment
of resolution
professional.

(a) to continue the interim resolution professional as resolution professional, it shall communicate its decision to the interim resolution professional, the corporate debtor and the Adjudicating Authority; or

(b) to replace the interim resolution professional, it shall file an application before the Adjudicating Authority for the appointment of the proposed resolution professional.

(4) The Adjudicating Authority shall forward the name of the resolution professional proposed under clause (b) of sub-section (3) to the Board for its confirmation and shall make such appointment after confirmation by the Board.

(5) Where the Board does not confirm the name of the proposed resolution professional within ten days of the receipt of the name of the proposed resolution professional, the Adjudicating Authority shall, by order, direct the interim resolution professional to continue to function as the resolution professional until such time as the Board confirms the appointment of the proposed resolution professional.

23. (1) Subject to section 27, the resolution professional shall conduct the entire corporate insolvency resolution process and manage the operations of the corporate debtor during the corporate insolvency resolution process period.

Resolution professional to conduct corporate insolvency resolution process.

(2) The resolution professional shall exercise powers and perform duties as are vested or conferred on the interim resolution professional under this Chapter.

(3) In case of any appointment of a resolution professional under sub-sections (4) of section 22, the interim resolution professional shall provide all the information, documents and records pertaining to the corporate debtor in his possession and knowledge to the resolution professional.

24. (1) The members of the committee of creditors may meet in person or by such electronic means as may be specified.

Meeting of committee of creditors.

(2) All meetings of the committee of creditors shall be conducted by the resolution professional.

(3) The resolution professional shall give notice of each meeting of the committee of creditors to—

(a) members of Committee of creditors;

(b) members of the suspended Board of Directors or the partners of the corporate persons, as the case may be;

(c) operational creditors or their representatives if the amount of their aggregate dues is not less than ten per cent. of the debt.

(4) The directors, partners and one representative of operational creditors, as referred to in sub-section (3), may attend the meetings of committee of creditors, but shall not have any right to vote in such meetings:

Provided that the absence of any such direct or, partner or representative of operational creditors, as the case may be, shall not invalidate proceedings of such meeting.

(5) Any creditor who is a member of the committee of creditors may appoint an insolvency professional other than the resolution professional to represent such creditor in a meeting of the committee of creditors:

Provided that the fees payable to such insolvency professional representing any individual creditor will be borne by such creditor.

(6) Each creditor shall vote in accordance with the voting share assigned to him based on the financial debts owed to such creditor.

(7) The resolution professional shall determine the voting share to be assigned to each creditor in the manner specified by the Board.

(8) The meetings of the committee of creditors shall be conducted in such manner as may be specified.

Duties of
resolution
professional.

25. (1) It shall be the duty of the resolution professional to preserve and protect the assets of the corporate debtor, including the continued business operations of the corporate debtor.

(2) For the purposes of sub-section (1), the resolution professional shall undertake the following actions, namely:—

(a) take immediate custody and control of all the assets of the corporate debtor, including the business records of the corporate debtor;

(b) represent and act on behalf of the corporate debtor with third parties, exercise rights for the benefit of the corporate debtor in judicial, quasi-judicial or arbitration proceedings;

(c) raise interim finances subject to the approval of the committee of creditors under section 28;

(d) appoint accountants, legal or other professionals in the manner as specified by Board;

(e) maintain an updated list of claims;

(f) convene and attend all meetings of the committee of creditors;

(g) prepare the information memorandum in accordance with section 29;

(h) invite prospective lenders, investors, and any other persons to put forward resolution plans;

(i) present all resolution plans at the meetings of the committee of creditors;

(j) file application for avoidance of transactions in accordance with Chapter III, if any; and

(k) such other actions as may be specified by the Board.

Application
for avoidance
of
transactions
not to affect
proceedings.

26. The filing of an avoidance application under clause (j) of sub-section (2) of section 25 by the resolution professional shall not affect the proceedings of the corporate insolvency resolution process.

Replacement
of resolution
professional by
committee of
creditors.

27. (1) Where, at any time during the corporate insolvency resolution process, the committee of creditors is of the opinion that a resolution professional appointed under section 22 is required to be replaced, it may replace him with another resolution professional in the manner provided under this section.

(2) The committee of creditors may, at a meeting, by a vote of seventy five per cent. of voting shares, propose to replace the resolution professional appointed under section 22 with another resolution professional.

(3) The committee of creditors shall forward the name of the insolvency professional proposed by them to the Adjudicating Authority.

(4) The Adjudicating Authority shall forward the name of the proposed resolution professional to the Board for its confirmation and a resolution professional shall be appointed in the same manner as laid down in section 16.

(5) Where any disciplinary proceedings are pending against the proposed resolution professional under sub-section (3), the resolution professional appointed under section 22 shall continue till the appointment of another resolution professional under this section.

28. (1) Notwithstanding anything contained in any other law for the time being in force, the resolution professional, during the corporate insolvency resolution process, shall not take any of the following actions without the prior approval of the committee of creditors namely:—

Approval of committee of creditors for certain actions.

(a) raise any interim finance in excess of the amount as may be decided by the committee of creditors in their meeting;

(b) create any security interest over the assets of the corporate debtor;

(c) change the capital structure of the corporate debtor, including by way of issuance of additional securities, creating a new class of securities or buying back or redemption of issued securities in case the corporate debtor is a company;

(d) record any change in the ownership interest of the corporate debtor;

(e) give instructions to financial institutions maintaining accounts of the corporate debtor for a debit transaction from any such accounts in excess of the amount as may be decided by the committee of creditors in their meeting;

(f) undertake any related party transaction;

(g) amend any constitutional documents of the corporate debtor;

(h) delegate its authority to any other person;

(i) dispose of or permit the disposal of shares of any shareholder of the corporate debtor or their nominees to third parties;

(j) make any change in the management of the corporate debtor or its subsidiary;

(k) transfer rights or financial debts or operational debts under material contracts otherwise than in the ordinary course of business;

(l) make changes in the appointment or terms of contract of such personnel as specified by the committee of creditors; or

(m) make changes in the appointment or terms of contract of statutory auditors or internal auditors of the corporate debtor.

(2) The resolution professional shall convene a meeting of the committee of creditors and seek the vote of the creditors prior to taking any of the actions under sub-section (1).

(3) No action under sub-section (1) shall be approved by the committee of creditors unless approved by a vote of seventy five per cent. of the voting shares.

(4) Where any action under sub-section (1) is taken by the resolution professional without seeking the approval of the committee of creditors in the manner as required in this section, such action shall be void.

(5) The committee of creditors may report the actions of the resolution professional under sub-section (4) to the Board for taking necessary actions against him under this Code.

29. (1) The resolution professional shall prepare an information memorandum in such form and manner containing such relevant information as may be specified by the Board for formulating a resolution plan.

Preparation of information memorandum.

(2) The resolution professional shall provide to the resolution applicant access to all

relevant information in physical and electronic form, provided such resolution applicant undertakes—

(a) to comply with provisions of law for the time being in force relating to confidentiality and insider trading;

(b) to protect any intellectual property of the corporate debtor it may have access to; and

(c) not to share relevant information with third parties unless clauses (a) and (b) of this sub-section are complied with.

Explanation.—For the purposes of this section, "relevant information" means the information required by the resolution applicant to make the resolution plan for the corporate debtor, which shall include the financial position of the corporate debtor, all information related to disputes by or against the corporate debtor and any other matter pertaining to the corporate debtor as may be specified.

Submission of
resolution
plan.

30. (1) A resolution applicant may submit a resolution plan to the resolution professional prepared on the basis of the information memorandum.

(2) The resolution professional shall examine each resolution plan received by him to confirm that each resolution plan—

(a) provides for the payment of insolvency resolution process costs in a manner specified by the Board in priority to the repayment of other debts of the corporate debtor;

(b) provides for the repayment of the debts of operational creditors in such manner as may be specified by the Board which shall not be less than the amount to be paid to the operational creditors in the event of a liquidation of the corporate debtor under section 53;

(c) provides for the management of the affairs of the Corporate debtor after approval of the resolution plan;

(d) the implementation and supervision of the resolution plan;

(e) does not contravene any of the provisions of the law for the time being in force;

(f) conforms to such other requirements as may be specified by the Board.

(3) The resolution professional shall present to the committee of creditors for its approval such resolution plans which confirm the conditions referred to in sub-section (2).

(4) The committee of creditors may approve a resolution plan by a vote of not less than seventy five per cent. of voting share of the financial creditors.

(5) The resolution applicant may attend the meeting of the committee of creditors in which the resolution plan of the applicant is considered:

Provided that the resolution applicant shall not have a right to vote at the meeting of the committee of creditors unless such resolution applicant is also a financial creditor.

(6) The resolution professional shall submit the resolution plan as approved by the committee of creditors to the Adjudicating Authority.

Approval of
resolution
plan.

31. (1) If the Adjudicating Authority is satisfied that the resolution plan as approved by the committee of creditors under sub-section (4) of section 30 meets the requirements as referred to in sub-section (2) of section 30, it shall by order approve the resolution plan which shall be binding on the corporate debtor and its employees, members, creditors, guarantors and other stakeholders involved in the resolution plan.

(2) Where the Adjudicating Authority is satisfied that the resolution plan does not confirm to the requirements referred to in sub-section (1), it may, by an order, reject the resolution plan.

(3) After the order of approval under sub-section (1),—

(a) the moratorium order passed by the Adjudicating Authority under section 14 shall cease to have effect; and

(b) the resolution professional shall forward all records relating to the conduct of the corporate insolvency resolution process and the resolution plan to the Board to be recorded on its database.

32. Any appeal from an order approving the resolution plan shall be in the manner and on the grounds laid down in sub-section (3) of section 61. Appeal.

CHAPTER III

LIQUIDATION PROCESS

33. (1) Where the Adjudicating Authority, — Initiation of liquidation.

(a) before the expiry of the insolvency resolution process period or the maximum period permitted for completion of the corporate insolvency resolution process under section 12 or the fast track corporate insolvency resolution process under section 56, as the case may be, does not receive a resolution plan under sub-section (6) of section 30; or

(b) rejects the resolution plan under section 31 for the non-compliance of the requirements specified therein,

it shall—

(i) pass an order requiring the corporate debtor to be liquidated in the manner as laid down in this Chapter;

(ii) issue a public announcement stating that the corporate debtor is in liquidation; and

(iii) require such order to be sent to the authority with which the corporate debtor is registered.

(2) Where the resolution professional, at any time during the corporate insolvency resolution process but before confirmation of resolution plan, intimates the Adjudicating Authority of the decision of the committee of creditors to liquidate the corporate debtor, the Adjudicating Authority shall pass a liquidation order as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1).

(3) Where the resolution plan approved by the Adjudicating Authority is contravened by the concerned corporate debtor, any person other than the corporate debtor, whose interests are prejudicially affected by such contravention, may make an application to the Adjudicating Authority for a liquidation order as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1).

(4) On receipt of an application under sub-section (3), if the Adjudicating Authority determines that the corporate debtor has contravened the provisions of the resolution plan, it shall pass a liquidation order as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1).

(5) Subject to section 52, when a liquidation order has been passed, no suit or other legal proceeding shall be instituted by or against the corporate debtor:

Provided that a suit or other legal proceeding may be instituted by the liquidator, on behalf of the corporate debtor, with the prior approval of the Adjudicating Authority.