VOLUME I

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE

APPEAL NO. 9 OF 2016 (WZ)

Dileep B. Nevatia …Appellant

Versus

Union of India & Ors. …Respondents

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WRITTEN SUBMISSIONS OF RESPONDENT NO. 6

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WRITTEN SUBMISSIONS OF RESPONDENT NO. 6 (MUMBAI METROPOLITAN REGION DEVELOPMENT AUTHORITY

1. These written submissions are being on behalf of the Respondent No. 6 (Mumbai Metropolitan Region Development Authority) in order to *inter alia* place on record the true and correct facts relating to the instant Appeal, the correct interpretation of the Coastal Zone Notification, 2011 (**2011 CRZ Notification**) and the Environmental Impact Assessment Notification, 2006 (**2006 EIA Notification**) and to respond to the allegations, contentions and submissions of the Appellant in the present Appeal. Copies of the 2011 CRZ Notification and 2006 EIA Notification are marked and annexed herewith as '**Exhibit A**' and '**Exhibit B**' respectively.

2. These Written Submissions are in addition to the oral submissions to be made by the Counsel on behalf of Respondent No. 6 and are not complete and composite without consideration of the oral submissions. The Affidavits in Reply filed by this Respondent dated 4 May 2016, 23 March 2017 and 29 January 2018 as well as the affidavit dated 19 September 2020 filed setting out the status of the Mumbai Trans Harbour Link Project are deemed to have been incorporated as a part of these Written Submissions and have to be read as a whole.

3. Construction of Trans Harbour Link is specially mentioned as a permitted activity in 2011 CRZ Notification under which the Respondent No. 6 applied for clearance. None of the categories in the schedules, showing the list of projects or activities which require prior environment clearance (**EC**), under the 2006

EIA Notification apply to the construction of the Mumbai Trans Harbour Link as the project does not fall within any of the said categories.

BACKGROUND OF THE APPEAL

4. The present Appeal challenges the clearance given to the Mumbai Trans Harbour Link (**MTHL** or **Project**) by the Respondent No. 1 by its letter dated 25 January 2016 (**Impugned CRZ Clearance**) [***Annexure A-1, page 97, Vol. II, Memo of Appeal***]. The Impugned CRZ Clearance has been granted under the 2011 CRZ Notification.

5. The MTHL is a project that is being built between Sewri in the Island of Mumbai and Chirle in the mainland. The MTHL has direct benefits, such as:
   a. Environmental improvement and reduction in vehicular pollution;
   b. Improved road safety due to reduction in accidents;
   c. Reduction in operating costs of vehicles, due to lesser congestion;
   d. Reduction in travel times for commuters;
   e. Improved comfort and accessibility between the island and mainland;
   f. Smooth traffic flow from the proposed Navi Mumbai airport to the island of Mumbai.
   g. Improvement in trade and trade competitiveness through faster and improved logistics.

6. The MTHL traverses through CRZ-IA, CRZ-II and CRZ-IV in the following manner:

CRZ Zone	Distance traversed in the particular zone
CRZ – I	2.1 km
CRZ – II	0.50 km
CRZ – IV	14.48km
Total	17.08 km[1]

[1] Remaining 4.92 km do not form a part of any coastal regulation zones

PRELIMINARY SUBMISSIONS

7. At the outset, it is submitted that these submissions are being made despite severe limitation in working of this Respondent and its officers during the lock down phase as well as during the 'Mission Begin Again' phase. The COVID-19 pandemic has resulted in restrictions on public transport, local trains and metros and also restrictions in the staff who can attend the office, keeping in mind social distancing norms. This has resulted in severe limitation in obtaining relevant information, reports, updates etc. with regards to the Project from the concerned contractors and/or site officers. It is under these limitations that the affidavit dated 19 September 2020, on behalf of Respondent No.6 setting out the status of the Project, as well as the instant written submissions are being filed. It would be therefore in the interest of justice that further time be granted to this Respondent to place on record all information which, in view of the pandemic this Respondent has been unable obtain. However, in deference to the directions of this Hon'ble Tribunal these written submissions as well as limited affidavit setting out the status dated 19 September 2020 have been filed.

8. The issue raised in the present Appeal in relation to the lack of an EC and that the said EC had to be obtained even though a CRZ clearance had been obtained was also the subject matter of several petitions filed before the Hon'ble Bombay High Court in 2019 challenging the CRZ clearance dated 11 May 2017 granted to the Mumbai Coastal Road Project on the ground of absence of necessary clearances under the 2006 EIA Notification. The details of the said petitions are annotated in the footnote[2].

9. The Hon'ble Division of the Bombay High Court by its judgment dated 16 July 2019 quashed and set aside the CRZ clearance dated 11 May 2017. The Hon'ble Court further held that work could not be proceeded with unless an EC is

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[2] Writ Petition (L) No. 650 of 2019 - Worli Koliwada Nakhwa Matsya Vyavasay Sahkari Society Ltd. & Anr. vs. Municipal Corporation of Greater Mumbai & Ors.; Public Interest Litigation (L) No. 39 of 2019 – Vanashakti & Ors. Vs. National Board for Wildlife & Ors; Public Interest Litigation (L) No. 44 of 2019 – Shweta Wagh & Ors. Vs. Municipal Corporation of Greater Mumbai & Ors; Public Interest Litigation (L) No. 40 of 2019 – Conservation Action Trust & Anr. Vs. Union of India & Ors.; Public Interest Litigation No. (L) No. 36 of 2019 – Society for Improvement, Greenery and Nature vs. Municipal Corporation of Greater Mumbai & Ors; Public Interest Litigation No. 25 of 2019 – Prakash Chandrekar vs. Municipal Corporation of Greater Mumbai & Ors.

obtained under 2006 EIA notification. A copy of the said judgment dated 16 July 2019 is marked and annexed as '**Exhibit C**'.

10. The said judgment of Hon'ble Bombay High Court was challenged before the Hon'ble Supreme Court of India in Special Leave Petitions No. 17471 – 17476 of 2019. The Hon'ble Supreme Court by its order dated 17 December 2019 has stayed the judgment of the Division Bench of the Hon'ble Bombay High Court and permitted the petitioner in the said special leave petition to continue with the work as stated in the said order. It must be noted that it is not usual that the judgment appealed from, is itself stayed. The said order dated 17 December 2019 is in operation till date. The Hon'ble Supreme Court of India's order dated 17 December 2019 is marked and annexed as '**Exhibit D**'.

11. It is respectfully therefore submitted that as the primary issue in the present Appeal is also an issue under consideration by the Hon'ble Supreme Court and the judgment of the Hon'ble Bombay High Court having been stayed, the same ought to be borne in mind with a view to avoid any conflict in decision until the Apex Court finally renders its decision on this legal issue. The Appellant prays in the present Appeal for identical reliefs. It is therefore prayed that the present Appeal be adjourned *sine die* pending the decision of the Apex Court.

SUBMISSIONS OF THE RESPONDENT NO. 6

12. The Appellant has made several unsubstantiated contentions and grounds to challenge the Impugned CRZ Clearance [***Pages 82 to 94, Vol. I, Memo of Appeal***] and sought that it be quashed and set aside. Without prejudice to the preliminary submissions above, it is submitted that the Challenge is misconceived and ought to be rejected, *inter alia* for the following reasons:

Impugned CRZ Clearance was granted legally and in compliance with the required procedure

13. Previously, the Respondent No. 1 had issued a CRZ clearance dated 19 July 2013 (**Previous CRZ Clearance**) under the 2011 CRZ Notification for the construction of the MTHL [***Annexure A-6, page 117, Vol. II, Memo of Appeal***].

14. The Appellant challenged the Previous CRZ Clearance in Appeal No. 4 of 2013 (WZ) before this Tribunal. By order dated 15 October 2015 [***Annexure A-38, page 284, Vol. III, Memo of Appeal***], this Tribunal allowed the said appeal and directed the Respondent No. 1 to consider afresh the CRZ clearance for the MTHL under the 2011 CRZ Notification.

15. On 5 November 2015 the Respondent No. 6 made a fresh application to the Respondent No. 4 for a CRZ clearance for the MTHL in terms of the 2011 CRZ Notification. Along with this application, the Respondent No. 6 submitted
    a. Form –I, as per Annexure IV to the 2011 CRZ Notification [***Exhibit C, page 564, Reply of Respondent No. 6 dated 4 May 2016***];
    b. Rapid Environmental Impact Assessment Report (**Rapid EIA Report**) [***Exhibit D, page 579, Reply of Respondent No. 6 dated 4 May 2016***];
    c. Environmental Management Plan (**EMP**), which is at Chapter 5 of the Rapid EIA Report; and
    d. Coastal Zone Management Plans (**CZMPs**) in 1:4000 scale. Index map is at ***Exhibit E, page 804, Reply of Respondent No. 6 dated 4 May 2016***. Ten sectional maps, which form a part of the index map are marked and annexed herewith as ***Exhibit F-1*** to ***Exhibit F-10***, ***pages 805-814, Reply of Respondent No. 6 dated 4 May 2016***. The maps show the project layout, the mangrove buffer zone, mudflats, flamingo breeding areas and indicate the relevant CRZ Zones as required under Clause 4.2 of the 2011 CRZ Notification.

16. On 7 November 2015, the Respondent No. 6 made a presentation to the Respondent No. 4 during its 107th meeting. During this presentation, the Respondent No. 6 addressed issues such as impact of the MTHL on flamingos,

mudflats, mangroves, fisheries, etc. In the Appeal, it has been contended that the agenda and the minutes of the 107th meeting of the Respondent No. 4 for the meeting on 7 November 2015 makes no mention of the MTHL [***Paras 89 – 91, page 65, Vol. I, Memo of Appeal***]. Hence it has been alleged that the presentation was not placed before the Respondent No. 4 for consideration and the letter of the Respondent No. 5 dated 26 November 2015 has been issued without any delegation of authority or any approval from the Respondent No. 4 [***Para 92, page 65, and Ground G, page 83, Vol. I, Memo of Appeal***]. The Appellant has also alleged that the letter dated 26 November 2015 is *non-est.* [***Para 93, page 6g, Vol. I, Memo of Appeal***].

17. The aforesaid allegations of the Appellant are misplaced and are denied. The 107th meeting of 7 November 2015 was *inter alia* recorded by one Mr. Yatin Sakhalkar, the then Executive Engineer of the Respondent No. 6. While the MTHL was not a part of the agenda, the presentation regards the MTHL was taken up as a table matter in view of the urgency of the matter. The presentation was given by the said Mr. Sakhalkar. The Respondent No. 6 also submitted an environmental management plan [***Chapter 5, Rapid EIA Report, page 756, Reply of Respondent No. 6***] and gave details of the mitigation measures that would be taken to minimize any environmental damage caused as a result of the MTHL.

18. On 9 November 2015, the Respondent No. 6 submitted to the Respondent No. 4 other documents and information [***Annexure A-42, page 325, Vol. III, Memo of Appeal***] which were sought during the meeting of 7 November 2015.

19. On 26 November 2015 on consideration and detailed deliberation of the application of the Respondent No. 6, the Respondent No. 4 recommended the MTHL from the perspective of coastal regulations under the provisions of the 2011 CRZ Notification, to the Respondent No. 1 (**MCZMA Recommendation**) [***Annexure A-43, page 331, Vol. III, Memo of Appeal***]. This recommendation was subject to the specific conditions and general conditions set out in the MCZMA Recommendation.

20. Respondent No. 6 denies that the MCZMA Recommendation is *non est* as alleged by the Appellant. The Appellant has not substantiated its baseless allegation that the MCZMA Recommendation is *non est* in law.

21. During the 10th meeting of the State Board on Wildlife (**SBWL**) on 4 December 2015, the SBWL considered a report of the Respondent No. 7 [***Minutes at Exhibit G, Page 815, Affidavit in Reply of Respondent No. 6 dated 4 May 2016***]. During this meeting, the representative of the Wildlife Institute of India, Dehradun (**WIL**) and representatives of the Respondent No. 7 were also present. The representative of the WIL stated that it had been observed that the fauna, such as flamingos, return to their original habitat after the completion of the construction of a project (such as the MTHL) near or around their original habitat. Hence, it was stated that the alignment of the MTHL as proposed by the Respondent No. 6, did not require to be modified. Furthermore, the Respondent No. 6, informed those present, that the Mumbai Port Trust (**MbPT)** had by its letter dated 30 September, 2015 rejected the proposal of Respondent No. 7 to shift the MTHL alignment for reasons set out therein. Accordingly, the SBWL approved the original alignment as proposed by the Respondent No. 6. The SBWL also approved the Report of Respondent No. 7 subject to such modifications as set out in the minutes of the meeting. Representatives of the Respondent No. 7 were also present for the said meeting.

22. By its letter dated 11 December 2015 [***Exhibit I, Page 822, Affidavit in Reply of Respondent No. 6 dated 4 May 2016***] the Chief Conservator of Forests under the Government of Maharashtra referring to the discussions during the meeting held on 4 December 2015 recommended granting approval under Section 2(ii) of the Forest (Conservation) Act, 1980 to the Respondent No. 1. This letter also enclosed a translation of the relevant portions of the minutes of the 10th meeting of the SBWL held on 4 December 2015.

23. The above recommendation granted by Respondent No 4 by its letter dated 26 November, 2015 was placed before the Expert Appraisal Committee (**EAC**). On 30 December 2015 the EAC after deliberation on the said recommendation, during its 155th meeting recommended the MTHL for grant of clearance under

the 2011 CRZ Notification [***Annexure A-55, Page 473, Vol. III, Memo of Appeal***].

24. On 25 January 2016 the Respondent No. 1, agreeing with the recommendations of the Respondent No. 4 and the EAC granted the project the clearance under the 2011 CRZ Notification, subject to certain specific and general conditions [***Annexure A-1, page 97, Vol. II, Memo of Appeal***].

25. It must be noted that subsequent to filing of the present Appeal, the Respondent No. 6 by various letters including letters dated 4 February 2016 [***Exhibit J, page 826, Reply of Respondent No. 6 dated 4 May 2016***] and 9 March 2016 [***Exhibit K, page 827, Reply of Respondent No. 6 dated 4 May 2016***] requested the Respondent No. 1 to clarify whether EC under the 2006 EIA Notification was necessary for the Project. The Respondent No. 1, after considering the provisions of the 2006 EIA Notification, by its Office Memorandum dated 21 March 2016 [***Exhibit L, page 828, Reply of Respondent No. 6 dated 4 May 2016***] has clarified that:

> *"…the EIA Notification, 2006 in category 7 describes the infrastructure entities requiring the prior EC under the heading "Physical Infrastructure including Environmental Services" where stand-alone bridges do not find a mention. Item no. 8 of the schedule to EIA notification 2006 is specifically for buildings, construction, township and area development projects, and Bridges do not form part of these activities. Accordingly, it is clarified that there is no necessity for prior EC for the stand alone bridges under EIA Notification 2006…"*

Therefore, as such, in compliance of the order of this Hon'ble Tribunal dated 15 October, 2015, whereby the previous CRZ Clearance accorded to the Project was set aside, the Respondent No. 1 considered the applicability of the 2006 EC Notification to the Project and has found the same not to be applicable.

26. Without prejudice to what is stated hereinbelow, it is submitted that the applicability or otherwise of the 2006 EIA Notification has been considered by

Respondent No. 1 as is apparent vide their office memorandum dated 21 March, 2016 [***Exhibit L, page 828, Reply of Respondent No. 6 dated 4 May 2016***]. Hence the allegation of circumvention, etc are baseless. It is therefore denied that any mandatory public consultation was required as alleged or at all. It is respectfully submitted that the application of the Respondent No. 6 has been considered de-novo keeping in mind the requirements of law and in consonance of the applicable law

The Project does not violate the 2011 CRZ Notification

27. The Appellant incorrectly alleged that the Project violates the 2011 CRZ Notification [***Grounds Z, AA, CC, EE, FF, GG pages 87, 88, Vol. I, Memo of Appeal***]. The Appellant has *inter alia* alleged that (i) sea link / trans harbour link cannot be constructed in CRZ-IV Area [***Ground Z***], CRZ-1(A) [***Ground EE***], CRZ-II and CRZ-III [***Ground FF***] (ii) Trans harbour link is only permissible in CRZ-1(B) Area between Low-Tide Line and High-Tide Line while ensuring that the construction does not affect tidal flow [***Ground CC***] and (iii) the construction of the Project in CRZ-1(A) and CRZ-IV is contrary to the decision of the Supreme Court in *Enviro-Legal Action vs. Union of India*, reported at AIR 1995 SC 2252 [***Ground GG***].

28. The relevant portions of the 2011 CRZ Notification read as under:

> *"**3. Prohibited activities within CRZ**- The following are declared as prohibited activities within the CRZ:*
>
> *...*
>
> *(iv) **Land reclamation, bunding or disturbing the natural course of seawater except those**,-*
>
> *(a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, **bridges, sealink, road on stilts**, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;*
>
> *...*

(xi) Construction activities in CRZ-I except those specified in para 8 of this notification.

4. Regulation of permissible activities in CRZ area.- *The following activities shall be regulated except those prohibited in para 3 above,-*

(i) (a)…

(b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).

(ii) the following activities shall require clearance from MoEF, namely-

(a) Those activities not listed in the EIA notification, 2006

…

7. Classification of the CRZ *– For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-*

(i) CRZ-I,–

A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

(a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;

(b) Corals and coral reefs and associated biodiversity;

(c) Sand Dunes;

(d) Mudflats which are biologically active;

(e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;

(f) ...

B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

Explanation.- For the purposes of the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

(iii) CRZ-III,- Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv.) CRZ-IV,-

A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;

B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea up to the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

A. (i) CRZ area falling within municipal limits of Greater Mumbai…

8. Norms for regulation of activities permissible under this notification-

(i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

...

I. CRZ-I,-

(i) ***no new construction shall be permitted in CRZ-I except****,-*

*...(e****) construction of trans harbour sea link*** *and without affecting the tidal flow of water, between LTL and HTL.*

(ii) ***Areas between LTL and HTL*** *which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-*

(a) ...

(b) construction of dispensaries, schools, public rainshelter, community toilets, ***bridges, roads****, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.*

...

(g) ***construction of trans harbour sea links, roads on stilts or pillars*** *without affecting the tidal flow of water.*

II. CRZ-II,-

(i) *buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;*

(ii) *(ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:*

(iii) *reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;*

(iv) *facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;*

(v) *desalination plants and associated facilities;*

(vi) *storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;*

(vii) *facilities for generating power by non-conventional power sources and associated facilities;*

III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

...

(iii) however, the following activities may be permitted in NDZ –

...

*(j) c**onstruction** of dispensaries, schools, public rain shelter, community toilets, **bridges, roads**, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for*

the local inhabitants may be permitted on a case to case basis by CZMA;

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas; …

(viii) ***Construction of*** *public rain shelters, community toilets, water supply drainage, sewerage,* ***roads and bridges by CZMA*** *who may also permit construction of schools and dispensaries for local inhabitants of the area for those panchayats, the major part of which falls within CRZ if no other area is available for construction of such facilities;…*

IV. In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

(a)No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;

(b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;

(c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

(i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

(a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-

(i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.

(ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

...

(ii) In CRZ-II areas-

..."

(Emphasis Supplied)

29. At the outset it is submitted that Clause 4.1(ii)(a) provides that all those activities which were not listed in the 2006 EIA Notification shall require the clearance of Respondent No 1 under the 2011 CRZ Notification as per the procedure laid down in Clause 4.2. As set out in detail hereinbelow, it is the case of the Respondent No. 6 that the Project does not require an EC under the 2006 EIA Notification. Hence the Project only requires a CRZ Clearance.

30. The 2011 CRZ Notification divides CRZ Zones into five sub-zones i.e, CRZ-IA, CRZ-IB, CRZ-II, CRZ-III and CRZ-IV
    a. CRZ-IA are areas that are ecologically sensitive and play a role in maintaining the integrity of the coast. This includes mangroves, mudflats and wildlife habitats and protected areas under the 1986 Act, Wild Life (Protection) Act, 1972 and the Forest (Conservation) Act, 1980.
    b. CRZ-IB is the area between the Low Tide Line ("LTL") and High Tide Line ("HTL") which are not ecologically sensitive.
    c. CRZ-II are areas that have been developed up to or close to the shoreline.
    d. CRZ-III are areas that are relatively undisturbed and that do not belong wither to CRZ-I or II.
    e. CRZ-IV are water areas from the LTL to 12 nautical miles on the seaward side

31. As per Clause 3(iv) of the 2011 CRZ Notification the construction of a trans-harbour sea link in CRZ Zones is permissible. As regards CRZ-I, Clause 8 (I) it is submitted that Clause 8(i)(I)(i)(e) clearly mentions that no new construction shall be permitted in CRZ-I, except, construction of trans harbour sea link without affecting the tidal flow of water, between LTL and HTL. Pertinently, the Appellant agrees that the said Project falls in an area between the LTL and HTL [***Para 19, page 14, Vol. I Memo of Appeal***] and hence the water body across which the Project is being constructed is obviously a "Tidal Influenced Water Body". Therefore, the Appellant is now estopped from contending that the Project is not a sea link and that the same is covered under the 2006 EIA Notification.

32. It is denied that there has been in any manner a deliberate misinterpretation of the definition of 'sea link' as alleged by the Appellant [***Para 12 to 15, pages 9***

– ***10, Vol. I, Memo of Appeal***]. "Tidal Influenced Water Bodies" take into their sweep a "Sea" or an "Ocean" or the "Tides. The very nature of a sea is that it is influenced by tides. The Project is being constructed across the Mumbai bay crossing the Thane Creek and Panvel Creek. Admittedly, according to the Appellant, a "Tidal Influenced Water Body" includes a creek and hence evidently the said Project is a sea-link.

33. As regards CRZ-II, it is submitted that the 2011 CRZ Notification, contrary to the allegations of the Appellant do not prohibit the construction of the Project in this area.

34. As regards CRZ-III it must be noted that the Project alignment starts at Sewri on Mumbai Island and ends at Chirle on the mainland. It is reiterated that the Project passes through CRZ-I, II and IV areas. Therefore, at the outset the Appellant's contention that the Project cannot be constructed in CRZ-III is irrelevant.

35. As regards CRZ-IV it is submitted that on a reading of clause 7 (iv) along with clause 8 (iv), it is clear that the Project is not a prohibited activity. Clause (8)(i)(IV) of the 2011 CRZ Notification clearly states that "*The activities impugning on the sea and tidal influenced water bodies will be regulated…*". Therefore, the construction of the Project in the CRZ-IV area is permissible and is subject to regulations already stipulated by the Respondent No. 1 in the Impugned CRZ Clearance.

36. For the aforesaid reasons, it is submitted that the Impugned CRZ Clearance has been given after due deliberation and that the Project does not in any manner violate the 2011 CRZ Notification.

37. The contention of the Appellant that the Project is contrary to the decision of the Supreme Court in *Enviro-Legal Action vs. Union of India*, reported at AIR 1995 SC 2252, is dealt with in paragraph 96 e. below.

The Project does not require an EC under the 2006 EIA Notification

38. As stated above, this Tribunal by its order dated 15 October 2015 [***Annexure A-38, Vol. III, page 284, Memo of Appeal***] had allowed the previous appeal i.e., Appeal No. 4 of 2013 (WZ) and set aside the Previous CRZ Clearance. This Tribunal further directed the Respondent No. 1 to consider Respondent No. 6's CRZ Clearance application as per the provisions of the 2011 CRZ Notification, particularly in view of the issues related to applicability of 2006 EC Notification.

39. The Appellant has *inter alia* wrongly alleged that the Respondent No. 1 completely avoided and skirted the issue of applicability of the 2006 EC Notification to the MTHL and granted the Impugned CRZ Notification without addressing why the 2006 EC Notification was not applicable to the MTHL and why only a CRZ clearance was required. [***Para 124, page 78, Vol. I, Memo of Appeal***].

40. The relevant portions of the 2006 EC Notification read as under:

"***2. Requirements of prior Environmental Clearance (EC):-*** *The* ***following projects or activities shall require prior environmental clearance from the concerned regulatory authority****, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests* ***for matters falling under Category 'A' in the Schedule*** *and at* ***State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B'*** *in the said Schedule,* ***before any construction work****, or preparation of land by the project management except for securing the land, is started on the project or activity:*

(i) ***All new projects or activities listed in the Schedule to this notification****.*

(ii) *Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities*

which cross the threshold limits given in the Schedule, after expansion or modernization.

(iii) ...

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Prior or Activity		***Category with threshold limit***		***Conditions if any***
		A	***B***	
(1)	***(2)***	***(3)***	***(4)***	***(5)***
7		***Physical Infrastructure including Environmental Services***		
...				
7 (f)	*Highways*	*i) New National High ways; and* *ii) Expansion of National Highways / greater than 30 km, involving additional right of way greater than 20m involving land acquisition and passing through more than one State*	*i) New State High ways; and* *ii) Expansion of National Highways / State Highways greater than 30 km, involving additional right of way greater than 20m involving land acquisition*	*General conditions shall apply*
8		*Building / Construction projects / Area Development projects and Townships*		

8 (a)	*Building and Construction projects*		*≥20000 sq. mtrs. and <1,50,00 sq. mtrs. of built up area#*	*# (built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)*
8 (b)	*Townships and Area Development projects*		*Covering an area ≥ 50 ha and or built up area ≥ 1,50,000 sq. mtrs* ++	++ *All projects under Item 8 (b) shall be appraised as Category B1*

…"

(***Emphasis supplied***)

41. The 2006 EC Notification was issued on 14 September 2006 by the Respondent No. 1 *inter alia*, directing that constructions of any new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the said Notification shall be undertaken only after the prior EC from the Central Government or the State Level Environment Impact Assessment Authority, as the case may be. As per Clause 2 of the 2006 EC Notification, all such projects listed in the Schedule to the 2006 EC Notification would require an EC from the Central Government if they fall under Category "A" of the Schedule and from the State Level Authority if they fall under Category "B" of the Schedule. Therefore, only such projects that were listed in Category "A" or "B" in the Schedule would require an EC under the said 2006 EC Notification.

42. One such entry under Category 'B' is "Townships and Area Development Projects" (*Item 8(b) of the Schedule*) which cover an area greater that 50 ha and/or built up area greater than 1,50,000 sq. mtrs. The said "Townships and Area Development Projects" was always meant to include only building projects. This was clarified by Respondent No 1 by its notification dated 4 April 2011. The said notification dated 4 April 2011 also made *inter alia* the following amendments to the 2006 EC Notification:

"...
(iii) against item 8(a),-
In column (5), for the entry, the following entry shall be substituted, namely:-

"*The built up area for the purpose of this Notification is defined as "the* ***built up*** *or covered* ***area*** *on all the floors put together including basements(s) and other service areas, which are proposed in the building / construction projects"."* (***Emphasis Supplied***)

A copy of the said notification dated 4 April 2011 is marked and annexed as '**Exhibit E**'.

43. In the notification dated 4 April 2011 it was clarified that 'built up area' would mean "the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building/construction projects". The said item therefore covered only building projects or similar projects. The Schedule to the said 2006 EIA Notification did not include any item covering a project similar to a sea-link and hence for the construction of a sea-link no EC under the said 2006 EIA Notification was required to be applied for. In fact, in response to an RTI Application filed by one Ms Sakshi C Dasgupta on 8 November, 2011 seeking details of all township/area development projects that have been provided with EC since September 2006, the Respondent No 1 responded by interpreting "township/area development" as township projects under building/construction sector. It is evident, therefore, that said "Townships and Area Development Projects" under entry 8(b) of the 2006 EIA Notification was always meant to include only building projects. A plain reading of the 2006 EIA Notification demonstrates its inapplicability to the

MTHL. It is also evident on a reading of the 2006 EIA Notification together with the notification of 4 April 2011 that the same does not envisage the requirement of an EC for the MTHL.

44. In any event and without prejudice to the above, unless otherwise specified, projects required clearances only either under the 2006 EIA Notification or the 2011 CRZ Notification. The law, except for certain exceptions, does not envisage a situation where projects would require a clearance under both the 2006 EIA Notification and the 2011 CRZ Notification. In fact Clause 4 (i) (b) stipulates that projects which are listed under the 2011 CRZ Notification and also attract the 2006 EIA Notification, for such projects clearance under the 2006 EIA Notification only shall be required subject to being recommended by the concerned State or Union Territory Coastal Zone Management Authority (in this case the Respondent No. 4). In the present case, the Respondent No. 4 has not recommended the requirement of a clearance under the 2006 EIA Notification.

45. Contrary to the allegations of the Appellant, the Respondent No. 1 has considered the applicability of the 2006 EIA Notification and has held that the same is not applicable. This has been further clarified by Respondent No. 1 in its office memorandum dated 21 March 2016 [***Exhibit L, page 828, Reply of Respondent No. 6 dated 4 May 2016***]. It is also submitted that in view of the law laid down, as discussed hereinafter, the Project did not require an EC Clearance under the 2006 EIA Notification.

46. The Appellant has also alleged that these directions of this Hon'ble Tribunal regarding the applicability of 2006 EIA Notification were ignored [***Grounds F, Pages 83, Vol. I, Memo of Appeal***]. This allegation of the Appellant is denied. It is submitted that this Hon'ble Tribunal had remitted the matter back to the Respondent No. 1 to consider the CRZ clearance application under the 2011 CRZ Notification. Therefore, it was for the Respondent No. 1 to consider the applicability of the 2006 EIA Notification. It is submitted that it was never for the EAC to consider this issue and hence the Appellant's contention that the EAC ignored the directions of this Tribunal is misconceived and ought to be rejected. Further, the EAC was correct in leaving the question of the applicability

of the 2006 EIA Notification for the Respondent No. 1 to consider and recommended that the Project could be granted a CRZ Clearance.

47. The Appellant has sought to rely on the case of *Vikrant Kumar Tongad vs. Delhi Tourism and Transportation Corporation and Ors*[3] [***Annexure A-36, page 249, Vol. II, Memo of Appeal***]. In that case, the Principal Bench of the National Green Tribunal (**NGT**) was considering whether, "*constructing a 'bridge' across Yamuna is a 'project' or 'activity' that shall require prior Environmental Clearance from the Regulatory Authority, particularly with reference to Entry 8(a) and/or 8(b) of the Schedule to the Environment Clearance Regulations, 2006…*". In that case an eight-lane wide bridge was to be constructed across the Yamuna River. The Principal Bench in that case erroneously came to a finding that the construction of a 'bridge' or a similar activity covering a built-up area ≥ 1,50,000 sq. mtrs and / or covering an area of ≥ 50 ha, would be covered under Entry 8 (b) of the Schedule to the 2006 EIA Notification.

48. It is submitted that the judgment in *Vikrant Kumar Tongad* is bad in law and has been passed without considering the law in force as on date. It is submitted that "*Townships and Area Development Projects*"[4] covering an area greater than 50 hectares and/or built up area greater than 1,50,000 square meters are listed in the Schedule as projects requiring environment clearance. It is submitted that the said "*Townships and Area Development Projects*" was always meant to include only building projects. This was in fact clarified by Respondent No. 1 by its notification dated 4 April 2011 wherein it has been clarified that built up area would mean *"the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building/construction projects"*. Therefore, it is evident that the said Project would not be covered under the said 2006 EIA Notification.

49. The Appellant has also wrongly contended that there was a deliberate suppression of the built-up area of the MTHL with the ulterior motive of evading the requirement of an environmental clearance (**EC**) [***Ground R, page 85, Vol.***

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[3] Order dated 12 February 2015 in Original Application No. 137 of 2014
[4] Entry 8(b), Schedule, 2006 EIA Notification

I, Memo of Appeal]. It is submitted that there has been no suppression of the total built up area of the project with the alleged ulterior motive of evading the requirement of prior EC. It is reiterated that the Project does not require any EC under the 2006 EIA Notification.

Efforts taken by the Respondent No. 6 in compliance with the CRZ Clearance and other clearances

50. The affidavit dated 19 September 2020 filed by Mr. Yatin Sakhalkar, the Superintending Engineer of the Respondent No. 6 *inter alia* sets out the details of the (i) necessary precautions taken by the Respondent No. 6 to mitigate damage to the environment and (ii) efforts taken by the Respondent No. 6 in compliance with the CRZ Clearance and other clearances. As stated above, the said affidavit is to be considered as an integral part of these written submissions and accordingly, the contents of the same are reiterated herein.

Respondent No. 5 duly made recommendations which were correctly considered and accepted by the EAC and Respondent No. 1

51. At the 107th meeting of Respondent No. 4 held on 7 November 2015 [***Annexure A-45, Vol. III, Page 398, Memo of Appeal***] Mr. Sakhalkar and other officers of Respondent No. 6 were present and a presentation to the Respondent No 4 was made. The issue of the MTHL was deliberated upon in detail. The mere non-mention of the deliberations or details of the same in the said minutes, does not indicate that there were no deliberations at all. In fact, pursuant to the said meeting and deliberations therein a letter dated 9 November 2015 [***Annexure A-42, Vol. III, Page 325, Memo of Appeal]*** was addressed by AMC-II of the Respondent No. 6 which disclosed that the matter was discussed in detail in relation to mitigation measures and a brief note in respect of what was discussed was annexed to the said letter.

52. The Appellant has made incorrect allegations in paragraphs 125 and 126 of the Appeal when to his own admitted knowledge, the letter of 9 November 2015,

was available to him, which records the deliberations. In fact, a copy of this letter has been annexed at Annexure A-42 to the Appeal. It is respectfully submitted that the Appellant is deliberately making false statements, and on this ground alone, this Appeal is liable to be dismissed. It is vehemently denied that the Impugned CRZ Clearance is vitiated by fraud or that it is *void ab initio* as alleged or otherwise. The EAC and Respondent No. 1 properly considered and accepted the recommendations of the Respondent No. 4. The submissions made hereinabove regarding the consideration and acceptance of the recommendations of the Respondent No. 4 and EAC by the Respondent No. 1 are reiterated.

53. It is submitted that the Appellant has merely made allegations of extraneous considerations, without any proof or evidence thereof. If any allegation of fraud is made without any material particulars or evidence to support the same, then such an allegation ought to be struck off and rejected.

The EIA Report and EMP prepared by the EIA Consultant are valid

54. The Appellant has alleged that there was a deception in so much so that the EIA Consultant was not allegedly accredited with QCL-NABET. One M/s. ARUP-CES-KPMG JV (**Consultant**) was appointed in August 2011 as the consultant for the Project. The scope of the consultancy included (i) reviewing the earlier Techno-Economic and environmental impact studies carried out on the Project, (ii) updating the Techno-Economic feasibility study (iii) studying various Technical proposal (iv) suggesting a technical and financial model for the project (v) preparation of an environmental impact assessment; and (vi) assisting the Respondent No. 6 in getting the CRZ clearance and bid process management for the project. A project of the magnitude as the present Project requires expertise from different fields. Hence the individual firms of M/s. Arup Consulting Engineers, M/s Consulting Engineering Services (India) Pvt. Ltd and KPMG formed a joint venture in order to provide consultancy for such projects. While M/s Arup Consulting Engineers & M/s Consulting Engineering Services (India) Pvt. Ltd. are engineering consultants, KPMG provided the transaction advisory services. The EIA Report, while bearing the name of the Consultant, was actually prepared only by the Consulting Engineering Services (India) Pvt. Ltd

(**CES**), which is accredited by the National Accreditation Board for Education and Training (**NABET**). A copy of the certificate of accreditation in the name of Consulting Engineering Services (India) Pvt. Ltd has already been marked and annexed as Annexure "A-47" [***Vol. III, page 402***] to the Memorandum of Appeal.

55. In any event and without prejudice to the above, the office memorandum dated 4 August 2009 [***Annexure A-16, page 162, Vol. II, Memo of Appeal***] does not make it mandatory for the consultant to have an accreditation nor does it make it mandatory to get an accreditation from NABET. It is merely an option which is evident from the language of paragraph 1 therein which states "*The project proponent, during the submission of application or at the stage of TOR, should indicate the name of the consultants/consultancy firm, they propose to hire for preparing EIA/EMP reports along with their complete details including their accreditation, if any, by an organisation such as Quality Council of India/National Accreditation for Education & Training (NABET)*". The Appellant is with *mala fide* intentions, misleading this Hon'ble Tribunal by intentionally summarising and interpreting the said office memorandum incorrectly.

56. Without prejudice to the aforesaid and in any event, it is, submitted that the said Office Memorandum dated 4 August 2009 [***Annexure A-16, page 162, Vol. II, Memo of Appeal***] and the Office Memorandum dated 5 October 2011 [***Annexure A-17, page 163, Vol. II, Memo of Appeal***] are applicable only in the event of an EC being sought for. The same is evident from the fact that the Office Memorandum dated 4 August 2009 was issued prior to the 2011 CRZ Notification coming into force. In the facts of the present case, there is no requirement for an EC for the Project. Therefore, in view of what has been set out herein, both the abovementioned office memoranda will have no application whatsoever. Further, the Office Memorandum dated 5 October, 2011 is evidently pursuant to the prior Office Memorandum dated 4 August, 2009, and hence the same will also not apply to present Project; the present Project being one which does not require a clearance under the 2006 EIA Notification. In view of the same, it is submitted that as per applicable law, there is no requirement for the project consultants to be accredited.

57. It is submitted that the issue of if an environment consultant not having been accredited with NABET as raised by the Appellant, is also an issue which is pending in various High Courts by way of challenge to various other office memoranda issued by the Respondent No 1 from time to time, with regard to the same. Office Memoranda dated 2 December 2009, 18 March 2010 and 28 June 2010 (all dealing with the same issue), which also require for the consultant to have an accreditation were challenged in Writ Petitions No. 1530 – 1531 of 2012 before the Hon'ble Karnatak High Court. The Hon'ble Court stayed operation of these memoranda vide order dated 18 January 2012 [***Exhibit O, page 835, Reply of Respondent No. 6 dated 4 May 2016***]. These writ petitions are still *sub judice*. A similar Writ Petition (L) No. 2049 of 2013 was filed with the Hon'ble Bombay High Court, which granted a stay on 28 August 2013 [***Exhibit Q, page 840, Reply of Respondent No. 6 dated 4 May 2016***] on the operation of the aforesaid office memorandums. By order dated 3 February 2020 rule was issued in the said writ petition and thereafter ad-interim reliefs were granted on 28 August 2013, till 2 March 2020. A copy of the said order dated 3 February 2020 is marked and annexed as '**Exhibit F**'. The said writ petition is *sub-judice* before the Hon'ble Bombay High Court.

58. Without prejudice to the aforesaid and in any event the Respondent No. 1 issued a notification dated 3 March 2016 [***Exhibit U, page 849, Reply of Respondent No. 6 dated 4 May 2016***] under Section 3 of the Environment Protection Act 1986, adding paragraph 13 to the 2006 EIA Notification thereby requiring that an environment consultant who is accredited by QCI or NABET shall be allowed to prepare an EIA report and EMP of a project. This notification dated 3 March 2016 was also challenged by in Special Civil Application No. 5312 of 2016 before the Hon'ble High Court of Gujarat at Ahmedabad. By order dated 5 April 2016 [***Exhibit V, page 852, Reply of Respondent No. 6 dated 4 May 2016***] the implementation of the notification dated 3 March 2016 directed to be deferred until further orders. This Order is still in operation as on date of filing of these written submissions.

59. Pursuant to the stay granted by the various High Courts which are binding on the Tribunal, the issue as regards accreditation of the Environment Consultant as sought to be raised by the Appellant cannot be gone into by this Hon'ble

Tribunal in the present Appeal, since the decision as regards the impugned Office Memoranda is yet to be arrived at by the various High Courts.

60. In view of the aforesaid, it is submitted that there is no requirement under law that the consultant is required to be accredited. In fact, as mentioned hereinabove, the Office Memoranda dated [***Annexure A-16, page 162, Vol. II, Memo of Appeal***] and 5 October 2011 [***Annexure A-17, page 163, Vol. II, Memo of Appeal***] are not applicable to the present Project, as the Project does not require an EC under the 2006 EIA Notification. In any event as stated above, the Consultants were duly accredited with CES being accredited by NABET. It is denied that the EIA Report relied upon by Respondent No. 6 in its application for the grant of the Impugned CRZ Clearance was the same as the one relied upon for the Previous CRZ Clearance. The same was revised and reissued on 5 November 2015 as is evident from the EIA Report itself. It is denied that the Respondent No. 6 has taken any false stands, in any manner whatsoever, as alleged or otherwise.

61. The Appellant has also alleged that CES does not have a certification that includes 'Township and Area Development Project' at Schedule 8 (b) of the 2006 EIA Notification and is therefore allegedly *non est* and invalid [***Ground K, page 84, Vol. II, Memo of Appeal***]. It is denied that the Impugned CRZ Clearance or any other document relating to the same is *non est* or invalid as alleged or otherwise. In fact, as mentioned hereinabove, the Office Memoranda dated 4 August 2009 and 5 October 2011 are not applicable to the present Project, as the Project does not require an EC under the 2006 EIA Notification. It is reiterated that in any event, CES is duly accredited by the NABET.

62. The Appellant has also alleged that CES does not have accreditation for the sector for which he has prepared the EIA i.e., category "A" Building/Construction project at Schedule 8(a) of the 2006 EIA Notification [***Ground VV, page 91, Vol. II, Memo of Appeal***]. Since the Project is not covered under entry 8 (a) of the Schedule to the 2006 EIA Notification, no such Certificate of Accreditation is required by CES.

63. The Appellant has also alleged that the EMP is not prepared by an accredited consultant and hence cannot be relied on to grant the Impugned CRZ Clearance [***Ground P, page 85, Vol. I, Memo of Appeal***]. It is submitted that an EMP is not required to be prepared by an accredited consultant hence it is denied that the EMP cannot be relied upon for granting the CRZ Clearance.

64. It is therefore denied that the EIA Report prepared by the Consultant is non-est or invalid. It is reiterated that the Appellant has made allegations against the Respondent No. 6 without any proof and with the mala fide intention of casting aspersions on the validity of the EMP. I deny that the entire clearance process is void and *non-est* as alleged or otherwise.

Submissions regarding the recommendations of the CWPRS

65. Central Water and Power Research Station (**CWPRS**) is the major research organisation in the field of hydraulic and allied research under the Ministry of Water Resources, Government of India and deals with planning, organizing and undertaking specific research and development studies related to optimizing designs of river, coastal, water storage and conveyance hydraulic structures. CWPRS is the principal central agency to cater to the R&D needs of projects in the fields of water resources, energy development, and coastal engineering. CWPRS advises on various problems pertaining to projects not only in India, but also in neighbouring countries. CWPRS provides specialized services through physical and mathematical model studies and field investigations in the areas like River Engineering, Coastal and Offshore Engineering, Foundation and Structures Engineering, Applied Earth Sciences, Instrumentation, Calibration and Testing Services among others. CWPRS has been instrumental in carrying out the hydraulic studies involving mathematical & physical model studies of major projects in & around Mumbai. These studies include Port areas of MbPT, JNPT, Mithi River etc. The Appellant has sought to cast aspersions and call into doubt the report prepared by such an esteemed expert organisation without any proof or evidence in support. It is trite law that even courts cannot discredit a report prepared by an expert body, let alone a litigant without any proof or evidence in support thereof and hence the contentions of the Appellant ought not to be countenanced and ought to be rejected.

66. The Appellant has also contended that the CWPRS Technical Report No. 5165 of March 2014 [***Annexure A-48, page 407, Vol. III, Memo of Appeal***] gives locations of tidal measurements in Mumbai harbour, none of which are close to the MTHL path [***Ground L, page 84, Vol. II, Memo of Appeal***] and that the CWPRS Report reveals that there will be substantial change to the tidal form of the water closer to the MTHL [***Ground M, page 84, Vol. II, Memo of Appeal***]. The Appellant is selectively reading the conclusions of the CWPRS with the conscious intention of deceiving this Hon'ble Tribunal. Paragraph 2 of Chapter 7 of the Report, CWPRS has observed that the Project will not have any effect on the Tide levels at BARC, JNPT and Mazagon Dock which are in the vicinity of the Project alignment. Further Para 4 of Chapter 7 of the Report states that the effect of the Project on hydrodynamics in Thane Creek area will be negligible. The reduction in tidal strength by about 10% in the location of the Pirpau jetty is negligible and will not have any noticeable impact on the nearby flora and fauna. Furthermore, Chapter 8 of the Report clearly states that the Project will not have any adverse impact on the overall tidal hydrodynamics in the area under consideration. This recommendation/finding at page 37 of the CWPRS Report [***page 451, Vol. III, Memo of Appeal***] is reproduced here:

> "*The development of 22 km Long Mumbai Trans Harbour Link (MTHL) bridge by Mumbai Metropolitan Regional Development Authority (MMRDA) proposed between Seweri on Island city (Mumbai) and Chirle on Main land across the entire Thane creek will not have adverse impact on overall tidal hydrodynamics of the region under consideration and as such is recommended.*"

It is also denied that CWPRS has skirted or dovetailed any crucial issues in the Report. It is also denied that CWPRS prepared the Report in a manner that the Respondent No. 6 wanted. It is further denied that the Report prepared by CWPRS has not been made in accordance with the requirements of the 2011 CRZ Notification. The Appellant is only making baseless allegations against a Government body, without having any proof or evidence in support thereof.

Submissions regarding the report of the National Institute of Oceanography (Respondent No. 8)

67. The Appellant has erroneously relied on the report of the National Institute of Oceanography i.e., Respondent No. 8 on "Study of Land and its Influence on Mumbai's coastline and Implications for the Proposed Projects" which relates to the impact of reclamations with regard to the Bandra Worli Sea Link (BWSL) [***Ground N, pages 84 – 85, Vol. II, Memo of Appeal***]. In the present case there is no reclamation that is proposed to be constructed for the purpose of the Project. Importantly, the findings of the report on BWSL cannot be used for the construction of the Project. The present Project cannot be treated the same as the BWSL which is in a completely different area with completely different geographical conditions. If the contention of the Appellant were to be accepted then it would lead to an absurd situation where every authority/entity would have to abide by every report that has been prepared for projects in the country irrespective of whether the same would be relevant for that specific project or not. The BWSL Report is irrelevant in the context of the present project and if irrelevant material is considered then the same would lead to results which would be absurd.

CZMP Maps were prepared and approved in terms of 2011 CRZ Notification

68. The Appellant has *inter alia* alleged that the CRZ Location Maps 1/10, 2/10, 3/10, 8/10 and 10/10 were not prepared in terms of the 2011 CRZ Notification and that the CZMP maps were not prepared or approved in terms of the 2011 CRZ Notification and hence could not have been relied upon to grant the Impugned CRZ Clearance [***Grounds O, FFF – JJJ, pages 85, 92 and 93, Vol. II, Memo of Appeal***].

69. The CZMP maps were prepared at 1:4000 scale by IRS, an agency authorised by Respondent No. 1 (by its Notification dated 29 December 1999 [***Exhibit W, page 853, Reply of Respondent No. 6 dated 4 May 2016***]) to prepare such maps.

The maps show all the relevant details as required by the 2011 CRZ Notification along with the project alignment superimposed on them. It is denied that the CZMP / CRZ Location Maps 1/10, 2/10, 3/10, 8/10 and 10/10 are in any manner not prepared in terms of the 2011 CRZ Notification. Every discrepancy raised by the Appellant in fact are covered in the maps submitted by the Respondent No 6. In any event it is denied that the buffer zone is neither stipulated in any of the said maps nor distinguished from the mangrove areas as alleged or otherwise. It is also denied that the said CRZ maps (except for CRZ Map 10/10) only indicate the CRZ-I and the CRZ-III area abutting the same and that the CRZ-II area is completely missing as alleged or otherwise. The CRZ map clearly indicates CRZ-II area, however, the same has inadvertently been mentioned as the CRZ-III area.

70. It is further denied that the CRZ Maps do not indicate the other notified ecologically sensitive areas as alleged or otherwise. CRZ Map 2/10 clearly indicates the other notified ecologically sensitive areas (including the flamingo breeding site) as is evident from the legend to the said CRZ Maps. CRZ Map 8/10 clearly shows the mangrove areas.

71. The Respondent No. 6 also denies that the water areas in of the CRZ IV are not clearly demarcated for the relevant water bodies. CRZ Map 1/10, 3/10 and 8/10 clearly indicate the relevant water bodies. The CRZ Map 10/10, clearly covers an area beyond the CRZ region and therefore all discrepancies raised by the Appellant with regard to the said CRZ Map 10/10 is evidently baseless and without any merit. For the said reasons, it is also denied that the said CRZ Map 10/10 reveals that the entire portion of the Project runs as a form of a flyover/viaduct over the land, which falls in the CRZ-III area, though the same is silent on the area classification or its usage, as alleged or otherwise.

72. The requirement under the 2011 CRZ Notification that a CRZ Map covering a 7 Km radius around the project site should be submitted is not mandatory and merely optional. This is evident from the language of Clause 4.2(g) of the 2011 CRZ Notification which states *"The CRZ map normally covering 7km radius around the project site"* should be submitted. The CRZ Location Maps have

been prepared in terms of the 2011 CRZ Notification. The word 'normally' denotes that the showing a radius of 7kms is not mandatory.

73. A perusal of the CRZ Maps shows that each of the CRZ areas whether it being I, II (wrongly shown as III) or IV have been identified and shown in the maps on the basis of which, the Project has been approved. These CRZ Maps have been prepared by an agency (IRS) which has been duly authorised and notified as one of the agencies for the purpose of preparation of the CZMP and the CRZ maps. Maps have been prepared by this agency for various other projects have been relied upon by authorities for the purpose of its authenticity, correctness and has approved projects based on these maps. It is an expert agency and hence, has been appointed by the Respondent No 1 for the task entrusted to them as apparent on a reading of the above Notification dated 29 December 1999. In fact by an email dated 6 June 2013 [***Exhibit X, page 854, Reply of Respondent No. 6 dated 4 May 2016***], the said IRS, while responding to an email of Respondent No 6, has, inter alia, clarified the above discrepancies raised by the Appellant.

74. Such an expert body must be deemed to understand the ramifications and the necessity prescribed under the 2011 CRZ Notification or earlier notifications for the purpose of preparation of the maps. The Appellant is neither an expert, nor in our respectful submission, entitled to question the maps prepared by such agency. It is submitted that the allegations in respect of the maps are completely misplaced, without substance and ought not to be even countenanced by this Hon'ble Tribunal. It is respectfully submitted that the entire attempt of the Appellant is to nit-pick without taking into effect the language and purport of the Notification as more particularly detailed hereinabove in the present Affidavit. Without prejudice to the fact that there is compliance with the 2011 CRZ Notification, it is respectfully submitted that in the event of there being any minor or any alleged purported discrepancy the same cannot be reason to hold that the Impugned CRZ Clearance was obtained in violation of the 2011 CRZ Notification.

Report of the BNHS to modify the alignment of the MTHL was not ignored

75. The Appellant has alleged that the BNHS (Respondent No. 7) had given a report dated 23 September 2016 wherein the alignment provided by the Respondent No. 6 was determined to be not acceptable and that the entire mitigation plan of the Respondent was based on an alternate alignment [***para 128, page 80, Vol. I, Memo of Appeal***]. The Appellant has also contended that Respondent No. 6 fraudulently by-passed the mitigation measures recommended by the Respondent No. 7 and obtained the Impugned CRZ Clearance. Hence it is argued by the Appellant that the Impugned CRZ Clearance is vitiated by fraud and is void *ab initio* [***Ground Q, page 85, para 135, page 81, Vol. I, Memo of Appeal***].

76. Further, a perusal of the paragraphs 127 to 135 of the Appeal makes it clear that the Appellant has perused a copy of the Respondent No 7's report. Furthermore, he has craved leave to refer and rely upon the report, and yet dishonestly is seeking by way of interim reliefs, asking Respondent No. 7 to produce its Report, when it is obviously in his possession.

77. The Appellant has falsely stated that the Respondent No. 6 rejected the Respondent No 7's proposals. Respondent No. 6 being a public body is always interested in complying with all measures in relation to protection and preservation of the environment, in the construction of the Project, being a utility project of public importance.

78. Further, in light of the recommendation of the Respondent No 7, a proposal was put in to seek the consent of MbPT, being the land owner of the said land situated 500 metres to the south of the area where the Project was proposed to pass through. Instead of shooting down Respondent No. 7 as falsely alleged, an attempt was genuinely made for compliance. However, MbPT by its letter dated 30 September 2015 stated that the alignment suggested by Respondent No. 7 was not suitable to MbPT as it would adversely affect the functioning of the kerosene wharf which was being used for barge operation and the STP usage for future development would be drastically affected. In view of the non-availability of the land for the purpose of the alignment as suggested by the Respondent No 7, the original alignment had to be adhered to.

79. These facts were also brought to the notice of the representatives of the State Wild Life Board as well as the representatives of Respondent No. 7 at the meeting held on 4 December 2015. During this meeting the Respondent No. 6 informed the Respondent No. 7 of the following:
    a. the changes in the alignment as suggested by Respondent No. 7 were not possible due to technical and geographical constraints;
    b. the increase in the spacing between the piers as suggested by Respondent No. 7 would not be possible from a technical and financial point of view;
    c. it would not be possible to complete the construction activities in mudflats in 15 to 18 months (as mentioned in the said report). The construction of Jetty would require 24 to 30 months and construction of spans (in the mudflats) would require another 12 months.

80. Pertinently during the meeting, as regards the bird habitat, Dr. Zala, a representative of Indian Wildlife Institute, Dehradun pointed out that in similar cases in countries like America, the birds have returned to the same site after construction is completed. He, therefore, mentioned that there is no need of change in (project) alignment.

81. Further, as stated above, by its letter dated 11 December 2015 [***Exhibit I, Page 822, Affidavit in Reply of Respondent No. 6 dated 4 May 2016***] the Chief Conservator of Forests under the Government of Maharashtra referring to the discussions during the meeting held on 4 December 2015 recommended granting approval under Section 2(ii) of the Forest (Conservation) Act, 1980 to the Respondent No. 1. This letter also enclosed a translation of the relevant portions of the minutes of the 10th meeting of the SBWL held on 4 December 2015.

82. Pursuant to the aforesaid discussions, the following decisions were taken:
    a. The original alignment proposed by Respondent No. 6 was approved.
    b. The mitigation measures mentioned in the BNHS report were accepted with following changes:

i. The construction of jetty in mudflats / mangrove areas at either ends should not exceed 30 months and construction of spans (in mudflats) should not exceed (further) 12 months.
ii. The spacing between 2 piers would be 50m as proposed by Respondent No. 6.
iii. The cost of Effluent Treatment Plant suggested by BNHS (in its report) would be partly borne by Respondent No. 6.

83. Further, a meeting was held with the Director of Respondent No. 7 on 23 February, 2016 to discuss the proposals made by Respondent No. 7 in the report dated 23 September, 2015. Pursuant to the same, a letter dated 3 March 2016 was addressed by Respondent No. 6 to the Director of Respondent No. 7 setting out various answers in regard to the issues raised by the Respondent No. 7 while granting its in-principle approval in regard to the mitigation measures suggested. A copy of the letter dated 3 March 2016 is annexed herewith as '**Exhibit G**'. It was stated in the said letter that the mitigation measures suggested by Respondent No. 7 were incorporated in the Stage-I Forest Clearance dated 22 January 2016 issued by the Respondent, No. 1 with modifications as mentioned hereinabove. A copy of the Stage-I Forest Clearance dated 22 January 2016 is annexed herewith as '**Exhibit H**'.

84. The Appellant's allegations, that the proposal made by Respondent No. 7 was rejected by the Respondent No.6 are contrary to the facts and evidently the same are irresponsible allegations made by the Appellant. In any event, even with regard to the grant of the permissions, all wildlife mitigation measures suggested by Respondent No. 7 are being implemented, subject to modifications set out in the Impugned CRZ Clearance. It is also denied that the mitigation measures are vastly different from those suggested by the Respondent No. 7 as alleged or otherwise.

85. It is further denied that the Respondent No. 6 did not await any decisions from the Government as alleged or otherwise or that the Respondent No. 6 made any false representations to the Respondent No. 1 or the EAC as alleged or otherwise. The Respondent No. 6 has in fact made adequate monetary provisions for implementing mitigation measures including the suggestions made by the

Respondent No. 7 in its report, the compliance of which in fact has been made mandatory under the Impugned CRZ Clearance. The Respondent No 6, has accordingly implemented the following mitigation measures:

a. With a view to minimize and protect the mud flats, a temporary jetty supported on steel piles with a total length of about 5.5 kms. (including lengths on Mumbai and Navi Mumbai sides in inter tidal areas) had been erected for transportation of men and machinery at the constructed location in inter tidal areas. This complies with the clearance to ensure that the impact on the mud flats, if any, would be completely minimized.

b. During the construction of temporary jetty, special care has been taken to ensure that mudflats are not disturbed, and the execution team are given clear and detailed instructions during the toolbox talk at site. [***See Photographs at Exhibit JJ, Vol. III, page 588 of Affidavit of Respondent No. 6 dated 19 September 2020***]

c. Entire bridge alignment is proposed as sea link and viaduct, no embankment is envisaged. Only the footprint area occupied by pile foundation will be affected.

d. Compensatory mangrove plantation is being done through the Forest department.

e. Pre-cast / fabricated units for superstructure are being used to avoid effect on mudflats by minimizing construction activities and also to avoid supporting system from seabed.

f. All construction equipment will be fitted with mufflers / exhaust silencer to contain the noise with the provision of enclosures and intake silencers. [***See Photographs at Exhibit V, Vol. II, page 371 of Affidavit of Respondent No. 6 dated 19 September 2020***]

g. Diesel Generator sets will adhere to the noise standards of Respondent No. 1.

h. Spacing between peers in marine and intertidal areas is generally more than 50 m.

i. As far as possible, construction machinery movement (barges etc.) would bypass the locations having habitation of migratory birds during construction.

j. Illumination of bridge carriageway is proposed at low level (inner side of railing/noise barrier) to avoid disturbance to bird habitats at night.

k. Excavated soil will be disposed off at designated /approved dumping site which is far from the mudflat area.

l. No burning of waste in open air will be allowed during construction

m. Surveillance management and monitory program during construction to prevent any adverse impact on migratory birds.

n. No Cable stayed bridge proposed for free movements for birds.

o. Mangrove restoration program in suitable areas is being taken up by the Respondent No. 6 through the Forest department.

p. Bird Monitor has been appointed during construction and even after completion of the project till baseline levels are achieved. [***See Photographs showing flamingos near the construction sites at Exhibit U Vol. II, page 330 of Affidavit of Respondent No. 6 dated 19 September 2020***]

q. Creation of Environment Cell and Environment Monitoring Committee comprising of the Respondent No. 6's officials and experts to monitor the impacts on environment during construction as well as during operations.

r. Special lighting system has been provided to ensure that the birds and aquatic life which are sensitive to light are not affected in any manner whatsoever. Warm white coloured 3000 K. temperature lights has been provided in the temporary jetty. These eco-friendly lights have been used specially because the Project is passing through Sewri mudflats which is an ecologically sensitive area. All necessary steps for the purpose of protection of all ecologically sensitive areas whether it is mangroves, mudflats or the bird and aquatic life have been taken in consultation with various authorities. These measures protect the environment and are meant for the purpose of ensuring that there is no serious damage caused to the ecologically sensitive areas. [***See Photographs regarding installation of special lighting system at Exhibit KK, Vol. III, page 589 of Affidavit of Respondent No. 6 dated 19 September 2020***]

s. Even after the construction is completed noise barriers are to be used along the length of the bridge passing through flamingo sites to cause minimum disturbance to the migratory birds and for the same purpose special lighting will be used on the bridge.

86. The mitigation measures proposed by Respondent No 7, postulate the continuation of the current alignment in view of what has been set out hereinabove, being the non-availability of land from the Mumbai Port Trust for the purpose of implementation of the alignment suggested by Respondent No 7. Further, the alignment suggested by Respondent No. 7 would *inter alia* cause accident prone areas at the entry and the exit point of the Project in view of access being provided on this Project from various points, including the current Eastern Free Way, Bandra-Worli Sea Link (by way of a connector proposed from Worli to Sewri as also from other access roads for the purpose of making this bridge accessible to as many citizens as possible of the city of Mumbai as also for ensuring heavy vehicles transportation, trailers, etc.). Further as the Project is a link to Nhava-Sheva, the heavy vehicles and the trailers who will be using this link, will find it extremely difficult to negotiate the sharp turn, which will further result in various inconveniences, including accidents, traffic jams and congestion and will cause severe air pollution. In fact, as stated above, by its letter dated 11 December 2015 [***Exhibit I, Page 822, Affidavit in Reply of Respondent No. 6 dated 4 May 2016***] the Chief Conservator of Forests under the Government of Maharashtra referring to the discussions during the meeting held on 4 December 2015 recommended granting approval under Section 2(ii) of the Forest (Conservation) Act, 1980 to the Respondent No. 1 without any change in alignment.

87. The Respondent No. 6 also denies that the Impugned CRZ Clearance has been granted pursuant to any alleged fraud played by the Respondent No. 6 or that the Impugned CRZ Clearance is vitiated by fraud or is *void ab initio* as alleged or otherwise. It is reiterated that the Appellant has merely made these allegations without any proof or evidence thereof. If any allegation of fraud is made without any material particulars or evidence to support the same, then such an allegation must be struck off.

Reliance on the Ramsar Convention, Wetland Rules, 2010 and the Bombay High Court order imposing total ban on destruction and reclamation of wetlands is misplaced

88. The Appellant has wrongly placed reliance on the Ramsar Convention, Wetlands (Conservation and Management) Rules, 2010 ("**Wetland Rules 2010**") [***Annexure A-10, page 138, Vol. II, Memo of Appeal***] and the order of the Hon'ble Bombay High Court dated 19 March 2014 in Public Interest Litigation No. 87 of 2013 ***[Paras 23 to 30, pages 19 to 23, Vol. I, Memo of Appeal].***

89. A reading of Rule 2(g) of Wetlands Rules 2010 [***Annexure A-10, page 138, Vol. II, Memo of Appeal, at page 139***] makes it abundantly clear that the coastal wetlands covered under the CRZ Notification of 1991 are excluded are from the definition of wetland.

90. It is further submitted that the Wetlands (Conservation and Management) Rules, 2017 were notified on 26 September 2017 ("**Wetland Rules 2017**") which superseded the Wetland Rules 2010. A copy of the Wetland Rules 2017 as notified, is marked and annexed as '**Exhibit I**'. A perusal of Rule 2(g) read with the proviso to Rule 3 makes it abundantly clear that the Wetland Rules 2017 would not apply to area covered under the CRZ Notification, 2011. Rules 2 (g) and 3 are extracted here:

> **"*2. Definitions. —***
>
> *(1) In these rules, unless the context otherwise requires, -*
>
> *...*
>
> *(g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and*

structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;

3. Applicability of rules. *—These rules shall apply to the following wetlands or wetlands complexes, namely: —*

(a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention.
(b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under *the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and* ***the Coastal Regulation Zone Notification, 2011 as amended from time to time***."
*(**Emphasis Supplied**)*

91. The land forming part of the CRZ would therefore be governed by the CRZ Notification as is apparent from Rule 2(g) read with the proviso to Rule 3 of the Wetland Rules 2017. Further in view of the enactment of the CRZ Notification dated 6 January 2011, the CRZ affected portion of Pocket 'A' would therefore be governed by the CRZ Notification and not the Wetland Rules.

92. It is further respectfully submitted that as to the applicability of the CRZ Notification, on a plain reading of the Wetland Rules 2010 and 2017, it becomes apparent that neither have any application. In any event, without prejudice to the above, the wetlands allegedly in question in the present Appeal have not been mapped and therefore, the earlier submission made will apply with greater force.

93. Further, the reliance of the Appellant on the order of the Hon'ble Bombay High Court dated 19 March 2014 in Public Interest Litigation No. 87 of 2013 is misplaced for the reasons set out in the paragraph 96 b. hereinbelow.

94. In the light of the aforesaid submissions, the contentions, allegations and submissions of the Appellant in relation to wetlands are contrary to the law in place as provided by the Wetland Rules and are not contentions that are sustainable in law or acceptable in the teeth of the provisions of law.

95. Without prejudice to the aforesaid submissions, it is further submitted that in the event of there being a grievance, if any, as alleged by the Appellant, the Appellant ought to have under Rule 5, sub-clause 6 forwarded the grievance raised, if any, to the State Wetland Authority, constituted by way of Government Resolution dated 6 February 2018. In view of there being an authority constituted for considering any such grievance, any contention in regard to the same, without prejudice to the above submissions that it has no substance, ought not to be considered by this Hon'ble Tribunal

Incorrect reliance on legal authorities by the Appellant

96. The Appellant has relied on several legal authorities in the Appeal. However, Respondent No. 6 submits that the reliance placed by the Appellant is misplaced for the following reasons:

a. *Order passed on 6 October 2005 in Writ Petitions (L) No. 3246 of 2004, No. 1460 of 2008, No. 2208 of 2004 by the Bombay High Court [**Annexure A-9, page 124, Vol. II, Memo of Appeal***]

i. The Appellant has relied on this judgment and contended that the Bombay High Court passed several directions in the said order, which have been ignored by the Respondent No. 1 in granting the Impugned CRZ Clearance [***Para 22, page 17 and Ground S, page 85, Vol. I, Memo of Appeal***].

ii. It is denied that the CRZ Clearance is in flagrant violation or utter disregard of the Hon'ble Bombay High Court's order dated 6 October 2005, as alleged or otherwise. In fact in the same Writ Petition being Writ Petition (L) No 3246 of 2004, the Hon'ble Bombay High Court by its order dated 27 January 2010 granted permission to the competent authorities to consider and grant necessary permissions for development

even in a mangrove area. It was further held that the party to whom the approval is granted would seek the leave of the Hon'ble Bombay High Court before implementing its project in the mangrove area. The said permissions have been so sought and granted by the Hon'ble Bombay High Court as detailed below.

iii. Respondent No. 6 filed Notice of Motion No. 307 of 2016 in Public Interest Litigation No. 87 of 2006 (earlier Writ Petition (L) No. 3246 of 2004) *inter alia* requesting the Hon'ble Court to grant leave to the Respondent No. 6 to carry out construction of the Project in accordance with the Impugned CRZ Clearance, order dated 27 January 2010 previously passed by the Hon'ble Court and the Phase – I approval dated 22 January 2016 granted by the Respondent No. 1 by diverting 47.17 hectares of forest land. A copy of the said Notice of Motion No. 307 of 2016 is marked and annexed '**Exhibit I**' [***Vol. I, Pages 88 – 215***] to the Respondent No. 6's affidavit dated 19 September 2020.

iv. On 28 November 2016 the Hon'ble Bombay High Court passed an order permitting the Respondent No. 6 to carry out construction of the Project. A copy of the said order dated 28 November 2016 is marked and annexed as '**Exhibit J**' [***Vol. II, Pages 216 – 217***] to the Respondent No. 6's affidavit dated 19 September 2020. Therefore, the Project does not violate the Bombay High Court dated 6 October 2005 in Writ Petition (L) No. 3246 of 2004 (converted to Public Interest Litigation No. 87 of 2006) and 19 March 2014 in Public Interest Litigation No. 87 of 2013.

b. *Order passed on 19 March 2014 in Public Interest Litigation No. 87 of 2013 by the Bombay High Court [**Annexure A-15, page 160, Vol. II, Memo of Appeal***]

i. The Appellant has placed reliance on this order, *inter alia* stating that in that case the Hon'ble High Court was of the opinion that it would be necessary to impose total ban on destruction and reclamation of wetlands and hence directed that no permission should be granted for destruction and reclamation of wetlands and prompt action be taken including lodging of first information reports [***Para 30, pages 22-23 and Ground H, page 83 Vol. I, Memo of Appeal***].

ii. The said order dated 19 March 2014 only prohibits destruction and reclamation of wetlands. The present Project will not involve any destruction or reclamation of the wetlands**.** In any event, the Respondent No. 6 has taken leave of the Hon'ble Bombay High Court prior to commencing the Project, which permission has been granted by the Hon'ble Bombay High Court by order dated 28 November 2016 passed in Notice of Motion No. 307 of 2016 in Public Interest Litigation No. 87 of 2006 (earlier Writ Petition (L) No. 3246 of 2004).

iii. The submissions of this Respondent in relation to wetlands as set out in paragraphs 88 to 95 above, are reiterated.

c. *Order passed on 12 February 2015 in Vikrant Kumar Tongad vs. Delhi Tourism and Transportation Corporation & Ors. by the Principal Bench, NGT in Original Application No. 137 of 2014 [**Annexure A-36, page 249, Vol. II, Memo of Appeal***]

i. The Respondent No. 6's submissions made in paragraphs 47 and 48 hereinabove are reiterated in this regard.

d. *Order passed on 19 February 2015 in Dileep B. Nevatia vs. Union of India & Ors in Appeal No. 11 of 2013 [**Annexure A-37, page 282, Vol. II, Memo of Appeal***].

i. The Appellant has alleged that in that case the Principal Bench came to the finding that the BWSL was an area development was a project falling within Entry 8(b) of the Schedule to the 2006 EIA Notification and hence required and EC. The Appellant contends that the present appeal is similar to that case [***Paras 79 – 81, pages 60 – 61, Vol. I, Memo of Appeal***].

ii. It is submitted that, that order was passed on the basis of the judgment in *Vikrant Kumar Tongad*. The Respondent No. 6's submissions made in paragraphs 47 and 48 hereinabove in regard to the observations in *Vikrant Kumar Tongad* not being applicable to the present case is reiterated.

iii. Further, the case in question is regarding the BWSL. In the case of BWSL reclamation of land was required. In the present case there is no reclamation that is proposed to be constructed for the purpose of the

Project. Hence the order dated 19 February 2015 in Appeal No. 11 of 2013 that the Appellant is trying to rely in is not applicable and must be disregarded. A similar view has been taken by the Hon'ble Bombay High Court in its judgment dated 16 July 2019 in the Mumbai Coastal Road case (Writ Petition (L) No. 560 of 2019). This judgment has been stayed by the Hon'ble Supreme Court by its order dated 17 December 2019, as submitted herein above. Hence this Hon'ble Tribunal ought not to place reliance on the order dated 19 February 2015 passed by this Hon'ble Tribunal and the judgment dated 16 July 2019 passed by the Hon'ble Bombay High Court [***Exhibit C to these Submissions***] as the issue in question is currently pending adjudication before the Hon'ble Supreme Court [***Exhibit D to these Submissions***].

e. *Judgment of the Supreme Court in Indian Council for Enviro-Legal Action vs. Union of India (AIR 1995 SC 2252) [**Ground GG, Page 88, Vol. I, Memo of Appeal***]

i. The Appellant has contended that the Impugned CRZ Clearance permitting construction of the Project in CRZ-I(A) and CRZ-IV and the eco-sensitive zones of Sewri and Nhava mudflats was in flagrant violation of this Supreme Court judgment.

ii. It is denied that the Impugned CRZ Clearance is in flagrant violation and utter disregard of the Hon'ble Supreme Court's orders passed in the case of Indian Council for Enviro-Legal Action. It is submitted that the CRZ-I allows construction of trans harbour sea-link such as the present Project and CRZ-IV states that activities impugning on the sea and tidal influenced water bodies will be regulated. It is therefore denied that the construction of the Project in CRZ-IA and CRZ-IV areas are prohibited

f. *Judgment of the Supreme Court in Lafarge Umiam Mining Pvt. Ltd. vs. Union of India & Ors (AIR 2011 SC 2781) [**Ground WW, Page 91, Vol. I, Memo of Appeal***]

i. The Appellant has contended that the Respondent No. 1 by accepting the Rapid EIA Report allegedly prepared by the Respondent No. 6 acted in

violation of the said judgment and the Office Memorandum dated 26 April 2011 [***Annexure A-26, page 218, Vol. II, Memo of Appeal***].

ii. It is submitted that the said Office Memorandum is applicable to projects to which the 2006 EIA Notification applies, which is not the case in present appeal.

iii. Further, in the *Lafarge* case, the project in question was a mining project, which is distinct from the MTHL and an EC Clearance was required and granted to that project. However, no such EC Clearance is required for the MTHL. Hence the reliance on the said judgment by the Appellant is misplaced.

Allegation that Respondent No. 6 has not obtained no objection certificate from the Respondent No. 3 (MPCB)

97. It is the contention of the Appellant that Respondent No.6 require a No Objection Certificate and/or a consent to operate form Respondent No.3 (MPCB) in accordance with Rule 4.2(i)(i) of the 2011 CRZ Notification [***Para 39, page 33, Vol. I, Memo of Appeal*** *and* ***Ground PP, page 90, Vol. I, Memo of Appeal***]. The said contention is erroneous and has no merits as can be seen from the submissions made hereinbelow.

98. The said rule requires a no objection certificate only for projects involving discharge of effluent, solid waste, sewage, and the like. This Project does not in any manner require any No Objection Certificate from Respondent No.3 as there is no discharge of any effluent, solid waste, sewage or the like

99. This Respondent does not itself undertake any construction activity. It has appointed contractors who would be constructing packages 1, 2 and 3 of the Project. It is these contractors who in fact would require either a no objection certificate or a consent to establish for their individual batching plant, casting yard, ready-mix concrete plant etc. The Respondent No.3 (MPCB) has in fact, granted such certificate or consent to establish and to operate to the said contractors. All copies of the said consents to establish and operate granted to the said contractors by Respondent No.3 (MPCB) are annexed herewith and

marked '**Exhibit J**'. The contention therefore that Respondent No.6 require a consent to establish or no object certificate from the Respondent No. 3 (MPCB) is erroneous, contrary to law and without any merit.

Allegations regarding the Previous CRZ Clearance

100. The Appellant had challenged the Previous CRZ Clearance dated 17 July 2013 by way of Appeal No. 4 of 2013 (WZ) before this Tribunal. The Appellant has in the present Appeal made lengthy submissions in relation to the Previous CRZ Clearance. It is submitted that the allegations raised by the Appellant regarding the Previous CRZ Clearance are not relevant to the present Appeal. In the order dated 25 October 2015, whereby the previous appeal was disposed of, this Tribunal *inter alia* directed Respondent No. 1 to take a decision independently on merits without being influenced by any of the observations made in the said order. The Respondent No. 1 accordingly considered *de novo* the CRZ application for the MTHL and came to the conclusion that it did not require an EC. Any allegations or contentions of the Appellant against the Previous CRZ Clearance are irrelevant and must be disregarded.

101. In any event and without prejudice to the above, it is submitted that Mr. Sakhalkar of the Respondent No. 6 has filed an affidavit dated 4 May 2016 dealing in detail with the allegations and contentions of the Appellant vis-à-vis the Previous CRZ Clearance. The said affidavit are to be treated as an integral part of these written submissions.

In view of the aforesaid and what has been stated by Mr. Yatin Sakhalkar, Superintending Engineer of the Respondent No. 6 in his affidavits filed on behalf of Respondent No. 6 dated 4 May 2016, 10 February 2017, 23 March 2017, 29 January 2018 and and 19 September 2020, it is submitted that the present Appeal ought to be dismissed with costs.

Dated this the 19th day of September 2020
For M/s. Khaitan & Co

Anindya

Advocates for the Respondent No. 6

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

COASTAL REGULATION ZONE NOTIFICATION

New Delhi, the 6th January, 2011

S.O. 19(E).— WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15th September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15th September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been 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 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

(i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.

(ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

(iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

Explanation: The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th

December ,1989 except,-

(a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;

(b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

(iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:

(iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-

(a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
(b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
(c) maintenance or clearing of waterways, channels and ports, based on EIA studies;

(d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.

(v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-

(a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
(b) storm water drains and ancillary structures for pumping;
(c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;

(vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.

(vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

(viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.

(ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

(x) Mining of sand, rocks and other sub-strata materials except,-

(a)those rare minerals not available outside the CRZ area,
(b) exploration and exploitation of Oil and Natural Gas.

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

(a) in the areas which are inhabited by the local communities and only for their use.
(b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xi) Construction activities in CRZ-I except those specified in para 8 of this notification.

(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.

(xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.

4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-

(i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;
(b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).
(c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

(d) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.

(e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.

(f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;

(ii) the following activities shall require clearance from MoEF, namely:-

(a) those activities not listed in the EIA notification, 2006.

(b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;

(c) construction, operation of lighthouses;

(d) laying of pipelines, conveying systems, transmission line;

(e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;

(f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;

(g) Mining of rare minerals as listed by the Department of Atomic Energy;

(h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;

(i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

(i) The project proponents shall apply with the following documents seeking prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority,-

(a) Form-1 (Annexure-IV of the notification);

(b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)

(c) Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;

(d) Disaster Management Report, Risk Assessment Report and Management Plan;

(e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;

(f) Project layout superimposed on the above map indicated at (e) above;

(g) The CRZ map normally covering 7km radius around the project site.
(h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;
(i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;

(ii) The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,-

(a) MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;
(b) MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;

(iii) MoEF or SEIAA shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.

(vi) The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.

(v) For Post clearance monitoring – (a) it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.

(b) the compliance report shall also be displayed on the website of the concerned regulatory authority.

(vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory.

5. Preparation of Coastal Zone Management Plans.

(i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;

(ii) The CZMPs may be prepared by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;

(iii)The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

rise and shoreline changes;

(iv)For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;

(v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;

(vi)The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;

(vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;

(viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;

(ix)MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;

(x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;

(xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;

(xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

6. Enforcement of the CRZ, notification, 2011-

(a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMAs;

(b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMAs have already been notified by MoEF in terms of Orders of Hon'ble

Supreme Court in Writ Petition 664 of 1993;

(c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;

(d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

(i) these are not used for any commercial activity
(ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,–

A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

(a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
(b) Corals and coral reefs and associated biodiversity;
(c) Sand Dunes;
(d) Mudflats which are biologically active;
(e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
(f) Salt Marshes;
(g) Turtle nesting grounds;
(h) Horse shoe crabs habitats;
(i) Sea grass beds;
(j) Nesting grounds of birds;
(k) Areas or structures of archaeological importance and heritage sites. B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

Explanation.- For the purposes of the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

(iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv.) *CRZ-IV,-*

A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;

B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

A. (i) CRZ area falling within municipal limits of Greater Mumbai;
(ii) the CRZ areas of Kerala including the backwaters and backwater islands;
(iii) CRZ areas of Goa.

B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

8 Norms for regulation of activities permissible under this notification,-

(i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

I. CRZ-I,-

(i) no new construction shall be permitted in CRZ-I except,-

(a) projects relating to Department of Atomic Energy;
(b) pipelines, conveying systems including transmission lines;
(c) facilities that are essential for activities permissible under CRZ-I;
(d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
(e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
(f) development of green field airport already approved at only Navi Mumbai;

(ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

(a) exploration and extraction of natural gas;
(b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
(c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
(d) salt harvesting by solar evaporation of seawater;
(e) desalination plants;
(f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
(g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

II. CRZ-II,-

(i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
(ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:
(iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
(iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
(v) desalination plants and associated facilities;
(vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
(vii) facilities for generating power by non-conventional power sources and associated facilities;

III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

(i) the NDZ shall not be applicable in such area falling within any notified port limits;

(ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal communities including fisherfolk and incorporating the necessary disaster management

provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

(a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
(b) projects relating to Department of Atomic Energy;
(c) mining of rare minerals;
(d) salt manufacture from seawater;
(e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
(f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
(g) facilities for generating power by non conventional energy sources;
(h) Foreshore facilities for desalination plants and associated facilities;
(i) weather radars;
(j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
(k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
(l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
(m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

(i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
(ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
(iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
(iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
(v) foreshore facilities for desalination plants and associated facilities;
(vi) facilities for generating power by non-conventional energy sources;
(vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
(viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of schools and dispensaries for local inhabitants of the area for those panchayats, the major

part of which falls within CRZ if no other area is available for construction of such facilities;

(ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);

(x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

(a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;

(b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;

(c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

(i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

(a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-

(i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.

(ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

(a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991, unless specified otherwise in this notification.

(b) SLUM REHABITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.
2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

(i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;

(ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;

(iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (i)(2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.

2. These projects shall be taken up subject to the following conditions and safeguards:

(i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.
(ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority
(iii) suitable accommodation to the original tenants of the specified buildings shall be

ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.

(d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-

1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
(ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
(iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
(iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
(v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.

2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.

3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.

4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenent of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.

(e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.
(f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.
(g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981

or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.

(h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

(i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
(ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
(iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
(iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
(v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

(i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
(ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
(iii) purely temporary and seasonal structures customarily put up between the months of September to May;
(iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
(v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
(vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
(vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas shall be surveyed and management plan prepared for protection of these turtle nesting

sites;

(viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).

4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-

(b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutchchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;

(c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;

(d) the Integrated Management Plans (IMPs) prepared for such CVCA shall interalia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 5 above for preparation of Coastal Zone Management Plans;

(e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

[F. No. 11-83/2005-IA-III]

J. M. MAUSKAR, Addl. Secy.

ANNEXURE I

GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS

I. A. Demarcation of High Tide Line

1. Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) shall be carried out by one of the agencies authorised by MoEF based on the recommendations of the National Centre for Sustainable Coastal Management (NCSCM).
2. Demarcation of the High Tide Line or LTL shall be made on the Coastal Zone Management (CZM) Maps of scale 1:25,000 prepared by the agencies identified by the MoEF.
3. Local level CZM Maps shall be prepared for use of officials of local bodies for determination of the CRZ.
4. The local level CZM Maps shall be prepared on a Cadastral scale in accordance with the CZM Maps approved by the Central Government.

B. Preparation of CZM Maps

5. Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:

Unit	:	7.5 minutes X 7.5minutes
Numbering	:	Survey of India Sheet Numbering System
Horizontal Datum	:	Everest or WGS 84
Vertical Datum	:	Mean Sea Level (MSL)
Topography	:	Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs

6. The High Water Level (HWL) and Low Water Level (LWL) marked on the Base maps will be transferred to the CZM maps.
7. Coastal geomorphological signatures in the field or satellite imageries or aerial photographs will be used for appropriate adjustment, in the HWL or LWL for demarcating HTL or LTL in accordance with the CRZ notification.
8. The following geomorphological features shall be considered while demarcating in HTL or LTL:
   Landward (monsoonal) berm crest in the case of sandy beaches
   Rocks, Headlands, Cliffs
   Seawalls or revetments or embankments
9. 500 meter and 200 metre lines will be demarcated with respect of HTL.
10. HTL (as defined in the CRZ notification) and LTL shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies with the help of the geomorphological signatures or features.
11. Classification of different coastal zones shall be done as per the CRZ notification
12. Standard national or international colour codes shall be used to highlight sub-classification of data.

C. Local level CZM Maps

Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans

13. Cadastral (village) maps in 1:3960 or the nearest scale, shall be used as the base maps.
14. These maps are available with revenue Authorities and are prepared as per standard norms.

15. HTL (as defined in the CRZ notification) and LTL will be demarcated in the cadastral map based on detailed physical verification using coastal geomorphological signatures or features in accordance with the CZM Maps approved by the Central Government.
16. 500metre and 200metre lines shall be demarcated with respect to the HTL thus marked.
17. HTL (as defined in the CRZ notification, 1991) and LTL will also be demarcated along the banks of tidal influenced inland water bodies with the help of geomorphological signatures or features.
18. Classifications shall be transferred into local level CZM maps from the CZM Plans.
19. Symbols will be adopted from CZM Maps.
20. Colour codes as given in CZM Maps shall be used.
21. Demarcation of cadastral maps will be done by local agencies approved by the Central Government. The local agencies shall work under the guidance of the concerned State Government or Union Territory Coastal Zone Management Authorities.

D. Hazard mapping:-

II. Classification of CRZ areas

1. The CZM Maps shall be prepared in accordance with para 5 of the CRZ notification demarcating CRZ I, II, III, IV and V.
2. The CZM Maps shall clearly demarcate the land use plan of the area and lists out the CRZ-I areas. All the CRZ-I areas listed under para 7(I)A and B shall be clearly demarcated and colour codes given so that each of the CRZ-I areas can be clearly identified.
3. Buffer zone along mangrove areas of more than 1000sq mts shall be stipulated with a different colour distinguishing from the mangrove area.
4. The buffer zone shall also be classified as CRZ-I area.
5. The hazard line to be drawn up by MoEF shall be superimposed on the CZM maps in 1:25,000 scale and also on the cadastral scale maps.
6. The CRZ-II areas shall be those areas which have been substantially built-up with a ratio of built-up plots to that of total plots is more than 50%.
7. In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
8. No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.
9. The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
10. The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
11. The water area shall be demarcated indicating the pollution levels as per Central Pollution Control Board standards on water quality.
12. In the CRZ V areas the land use maps shall be superimposed on the Coastal Zone Management Plan and clearly demarcating the CRZ I, II, III, IV.
13. The existing authorized developments on the sea ward side shall be clearly demarcated.

14. The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.

III. CZMPs approved by MoEF in accordance with CRZ notification, 1991

1. While preparing the CZMPs under CRZ notification, 2011, the CZMPs that have been approved under the CRZ Notification, 1991 shall be compared. A justification shall be provided by the concerned CZMA in case the CZMPs prepared under CRZ notification, 2011 varies with respect to the approved CZMP prepared under CRZ notification, 1991.

IV. Public Views on the CZMP.

a) The draft CZMPs prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMPs shall be held at district level by the concerned CZMAs.
b) Based on the suggestions and objections received the CZMPs shall be revised and approval of MoEF shall be obtained.
c) The approved CZMP shall be put up on the website of MoEF, concerned website of the State, Union Territory CZMA and hard copy made available in the panchayat office, District collector office and the like.

V. Revision of Coastal Zone Management Plans

1. Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.
2. The rectified map would be submitted to MoEF for its record.

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

(i) Crude oil;

(ii) Liquefied Petroleum Gas;

(iii) Motor spirit;

(iv) Kerosene;

(v) Aviation fuel;

(vi) High speed diesel;

(vii) Lubricating oil;

(viii) Butane;

(ix) Propane;

(x) Compressed Natural Gas;

(xi) Naphtha;

(xii) Furnace oil;

(xiii) Low Sulphur Heavy Stock;

(xiv) Liquefied Natural Gas;

(xv) Fertilizers and raw materials for manufacture of fertilizers.

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Annexure-III

Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests

I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-

(a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line;

(b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;

(c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(d) no flattening of sand dunes shall be carried out;

(e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect fee flow of groundwater in that area;

(g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;

(h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

(i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;

(j) the construction shall be consistent with the surrounding landscape and local architectural style;

(k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);

(l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;

(m) extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;

(n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;

(o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(p) to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and

(q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and

(r) approval of the State or Union territory Tourism Department shall be obtained.

II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

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Annexure-IV

Form-I for seeking clearance for project attracting CRZ notification

Basic information:

Name of the Project:-

Location or site alternatives under consideration:-

Size of the project (in terms of total area) :-

CRZ classification of the area :-

Expected cost of the project:-

Contact Information:-

(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, and the like)

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	Details of CRZ classification as per the approved Coastal Zone Management Plan?		
1.3	Whether located in CRZ-I area?		
1.4	The distance from the CRZ-I areas.		
1.5	Whether located within the hazard zone as mapped by Ministry of Environment and Forests/National Disaster Management Authority?		
1.6	Whether the area is prone to cyclone, tsunami, tidal surge, subduction, earthquake etc.?		
1.7	Whether the area is prone for saltwater ingress?		
1.8	Clearance of existing land, vegetation and buildings?		
1.9	Creation of new land uses?		
1.10	Pre-construction investigations e.g. bore hole, soil testing?		
1.11	Construction works?		

1.12	Demolition works?		
1.13	Temporary sites used for construction works or housing of construction workers?		
1.14	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.15	Underground works including mining or tunneling?		
1.16	Reclamation works?		
1.17	Dredging/reclamation/land filling/disposal of dredged material etc.?		
1.18	Offshore structures?		
1.19	Production and manufacturing processes?		
1.20	Facilities for storage of goods or materials?		
1.21	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.22	Facilities for long term housing of operational workers?		
1.23	New road, rail or sea traffic during construction or operation?		
1.24	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.25	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.26	New or diverted transmission lines or pipelines?		
1.27	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.28	Stream and river crossings?		
1.29	Abstraction or transfers of water form ground or surface waters?		
1.30	Changes in water bodies or the land surface affecting drainage or run-off?		
1.31	Transport of personnel or materials for construction, operation or decommissioning?		
1.32	Long-term dismantling or decommissioning or restoration works?		
1.33	Ongoing activity during decommissioning which could have an impact on the environment?		
1.34	Influx of people to an area in either temporarily or permanently?		
1.35	Introduction of alien species?		
1.36	Loss of native species or genetic diversity?		
1.37	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, that would affect local communities, fisherfolk, their livelihood, dwelling units of traditional local communities etc		

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

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data

4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

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

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

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

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

6.7	From any other sources		

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

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

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

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

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: 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 (hospitals, schools, places of worship, community facilities)		
10	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)		
11	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)		
12	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)		

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फ्लोर स्पेश इण्डेक्स 0.33 से अधिक नहीं होना चाहिए । खुला क्षेत्र समतल होगा और उचित वनस्पतियों से आच्छादित होगा ;

(ट) निर्माण कार्य आस-पास की स्थलाकृति एवं स्थानीय वास्तुकला शैली के अनुरुप होगा ;

(ठ) निर्माण कार्य में छत की कुल ऊँचाई 9 मीटर से ज्यादा नहीं होगी व दो तल से ज्यादा (नीचे का तल व उसके ऊपर का तल) का निर्माण नहीं होगा ;

(ड.) भूगर्भ जल को उच्च ज्वार रेखा में 200 मी. के नीचे से नहीं लिया जायेगा ; 200-500 मी.के जोन में केंद्रीय/राज्य भू-जल बोर्ड की सहमति से लिया जा सकता है ;

(ढ़) उच्च ज्वार रेखा के 500 मी. की दूरी में बालू का खनन, समतल करना या बालू को खोदना केवल बिल्डिंग की बुनियाद, स्वीमिंग पुल को छोड़कर अनुमत नहीं होगा;

(त) परियोजना क्षेत्र में उपचारित उत्प्रवाह, ठोस कचरे, धुँआ तथा ध्वनि के स्तर आदि की गुणवत्ता को सक्षम प्राधिकरण द्वारा पर्यावरण (सुरक्षा) अधिनियम, 1986 के तहत् तथा केंद्रीय/राज्य प्रदूषण नियंत्रण बोर्ड द्वारा बनाये गये मानकों के अनुसार होगा;

(थ) उत्प्रवाहों तथा ठोस कचरे के उपचार हेतु आवश्यक व्यवस्थाएं अवश्य की जानी चाहिए; अनुपचारित उत्प्रवाह तथा ठोस कचरे को पानी में या तट पर फेंका या छोड़ा न जाए; तथा इस बात को सुनिश्चित करना होगा कोई भी उत्प्रवाह/ठोस कचरा समुद्र तट पर छोड़ा नहीं जायेगा ।

(द) समुद्र तट पर लोगों की पहुंच को अनुमति देने हेतु किन्हीं दो होटलों/बीच रिसोर्टों के मध्य कम से कम 20 मी. की चौड़ाई का अंतराल होना चाहिए । किसी भी स्थिति में कुल अंतराल 500 मी. से कम नहीं होगा; तथा

(घ) यदि परियोजना में वन भूमि को अवनीय उद्देश्यों के लिए शामिल किया जाना है तो वन (संरक्षण) अधिनियम, 1980 के तहत, सहमति प्राप्त करना आवश्यक होगा । इसके अलावा केंद्र व राज्य कानूनों के लागू होने वाली सभी आवश्यकताओं को परियोजना द्वारा पूर्ण किया जायेगा;

(न) राज्य/केंद्रशासित प्रदेश के पर्यटन विभाग से अनुमति प्राप्त करनी होगी ।

II पारिस्थितिकीय संवेदनशील क्षेत्रों (जैसे कि समुद्री पार्क, मैंग्रूव, मूंगा भित्ती, मछलियों का जनन व पालने का क्षेत्र, वन्यजीव पर्यावास तथा ऐसे अन्य क्षेत्र जिन्हें केंद्र/राज्य सरकार/केंद्रशामिल प्रदेश द्वारा अधिसूचित किया गया हो) समुद्रतटीय रिर्सोट /होटलों के निर्माण की अनुमति नहीं होगी ।

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NOTIFICATION

New Delhi, the 6th January, 2011

S.O. 20(E).— WHEREAS the Central Government vide its notification number S.O.114(E), dated the 19th February, 1991, (hereinafter referred to as the said notification), declared Coastal Regulation Zone and imposed certain restrictions on the setting up and expansion of industries, operations and processes in the said Zones for its protection.;

AND WHEREAS, the Central Government, issues a separate notification for the environmental management of Andaman and Nicobar (hereinafter referred to as the AandN) and Lakshadweep and for this purpose a preliminary Notification was published vide number 2291(E), dated the 15th September, 2010 under sub-section (1) and clause (v) of sub section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests (hereinafter referred to as the MoEF), number S.O.114(E), dated the 19th February, 1991, in so for as it relate to the AandN and the Lakshadweep Islands.;

AND WHEREAS, copies of the said Gazette were made available to the public on 25th February, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been 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 (29 of 1986), the Central Government, with a view of providing livelihood security to the local communities including the fisherfolk and tribals, promote conservation and protection of Islands unique environment and its marine area and to promote development through sustainable integrated management plan based on scientific principles taking into account the vulnerability of the coast to natural hazards, hereby declare the coastal stretches of Middle Andaman, North Andaman, South Andaman and Greater Nicobar and entire area of the other islands of Andaman and Nicobar and the Lakshadweep and their water area upto territorial water limit as the Islands Protection Zone (hereinafter referred to as the IPZ) and restricts the areas from the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009, except in the manner provided in the Island Coastal Regulation Zone (hereinafter referred to as the ICRZ) and Integrated Islands Management Plans (hereinafter referred to as the IIMPs).;

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as Island Protection Zone and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries,

operations or processes,-

I. Environmental management for the Islands of Andaman and Nicobar (hereinafter referred to as the AandN) and Lakshadweep shall be managed as follows:-

A. the entire island of AandN other than the four islands mentioned in sub-para B below shall be managed as per IIMPs;

B. In view of the large geographical area of the islands of Middle Andaman, North Andaman, South Andaman and Greater Nicobar, these islands shall be managed as per the Island Coastal Regulation Zone (hereinafter referred to as the ICRZ).

II. The Islands of AandN and Lakshadweep other than the four mentioned in sub-para B and Lakshadweep shall be managed based on the IIMPs which will be prepared as per the following guidelines, namely:-

(a) Preparation of Integrated Islands Management Plan,-

(1) the AandN Administration shall, within a period of one year from the date of this notification, for the purpose of integrated sustainable development of the AandN Islands Protection Zone, prepare the IIMPs, *interalia,* specifying therein the areas indicating all the existing and the proposed developments, conservation and preservation schemes, dwelling units including infrastructure projects such as, schools, markets, hospitals, public facilities, and the like;

(2) the Lakshadweep Islands Administration shall, within a period of one year from the date of this notification, for the purpose of integrated sustainable development of the Lakshadweep Islands Protection Zone, prepare the IIMPs, *interalia,* specifying therein the areas indicating all the existing and the proposed developments, conservation and preservation schemes, dwelling units including infrastructure projects such as, schools, markets, hospitals, public facilities, and the like;

(3) the Islands Administration may, if it consider necessary, take the help of research institutions having experience and specialisation in coastal resource management in the preparation of IIMPs taking into account the guidelines specified in Annexure-I to this notification.

(4) all activities in the Islands and the aquatic areas shall be regulated by the AandN Administration or the Lakshadweep Islands Administration, as the case may be, on the basis of IIMPs;

(5) the developmental activities in the Islands shall be included in the IIMPs in accordance with rules, regulations and building bye-laws of local town and country planning for the time being in force in the Islands;

(6) the requirements of the Ministry of Defence, if any, shall be incorporated in the IIMPs and all defence related projects shall be assessed by a Committee consisting of the Secretary in the MoEF, Secretary in the Ministry of Defence and the Chief Secretaries of the AandN Islands Administration, or as the case may be, the Lakshadweep Islands Administration;

(7) the IIMPs shall be prepared separately for each island, and, as may be required from time to time;

(8) ecologically sensitive areas as specified in item (a) of sub-paragraph (B) of paragraph III to this notification shall be taken into consideration while preparing the IIMP:
Provided that if those areas are included in the National Parks or Sanctuaries notified under the provisions of the Wildlife (Protection) Act, 1972 (53 of 1972) shall separately mentioned in the plan and be regulated in accordance with the provisions of that Act.

(9) the activities permitted in the IIMP shall also be undertaken in accordance with the Forest (Conservation) Act, 1980 (69 of 1980), the Wild Life (Protection) Act, 1972 (53 of 1972), the Environment (Protection) Act, 1986 (29 of 1986) and the rules or notifications made or issued thereunder and after taking into consideration the Environment Impact Assessment.

done under the provisions of the notification of the Government of India in the MoEF number S.O.1533(E), dated the 14th September, 2006;

(10) (a) the Island Administrations, after preparing the IIMPs shall widely publicise the plan and invite suggestions from the public and other stakeholders within a period of thirty days from the date of publication of the plans;

(b) the plans shall be published by publishing it in atleast two newspapers and website of the Administration;

(c) the hard copy of the plan shall be made available to the public at the office of the Chairman and Member Secretary of the Union territory Coastal Zone Management Authorities (hereinafter referred to as the CZMAs), District Collector's Office and Office of the Pollution Control Committee;

(d) on receipt of the comments, the Island Administration shall make necessary changes in the plans and submit to Central Government in the MoEF for its consideration and approval;

(e) the Union territory CZMA and the National Coastal Zone Management Authority shall be responsible to address and dispose off any grievance arising out of preparation of the plan.

(11) the Central Government in the MoEF, after receipt of the IIMPs, shal , after examining the plan if it is satisfied, approve within a period of sixty days from the da e of its receipt;

(12) all the activities under the IIMP shall be regulated in accordance with such Plan by the concerned authorities in the Islands.

III. The islands of Middle Andaman, North Andaman, South Andaman and Greater Nicobar shall be managed based on ICRZ have the following jurisdiction, namely:-

A. (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front;

(ii) ICRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the ICRZ Plan.

Explanation.- For the purposes of this item the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters and lagoons.

(iii) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone;

(iv) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

B. The coastal areas of the four islands shall be classified as follows, namely:-

1. (a) ICRZ-I,– The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

(i) mangroves;
(ii) coral reefs;
(iii) sand Beaches and Sand Dunes;
(iv) mudflats;
(v) protected areas under the Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986);
(vi) salt Marshes;
(vii) turtle nesting grounds;
(viii) horse shoe crabs habitats;
(ix) sea grass beds;
(x) sea weed beds;
(xi) nesting grounds of birds;
(xii) fishing villages and areas of traditional rights.

(b) The area between Low Tide Line and High Tide Line; and

2. ICRZ-II,- The areas that have been developed upto or close to the shoreline.

Explanation.- The expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

3. ICRZ-III,-

Areas that are relatively undisturbed and those do not belong to either Category- B(i)(a) and (b) above which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

4. ICRZ-IV,-

(i) the water area from the Low Tide Line to twelve nautical miles on the seaward side;
(ii) shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

C. Preparation of ICRZ Plans,-

(i) the MoEF will get the ICRZ plans prepared through the AandN Administration for the four islands. The ICRZ will be prepared by engaging reputed and experienced scientific institution(s) or agencies including the National Centre for Sustainable Coastal Management (NCSCM) of MoEF and in consultation with the concerned stakeholders;
(ii) the hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level rise and shoreline changes;
(iii) for the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;
(iv) mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping. The hazard line shall be taken

into consideration while preparing the land use plan of the coastal areas;

(v)the AandN Administration will prepare within a period of twenty four months from the date of issue this notification, draft ICRZ Plans in 1:25,000 scale map identifying and classifying the ICRZ-I, II, III and IV involving public consultation;

(vii) the draft ICRZ Plans shall be submitted by the Union territory Administration to the AandN CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the EIA notification, 2006;

(viii) the AandN CZMA shall submit the draft ICRZ Plans to MoEF alongwith its recommendations on ICRZ Plans within a period of six months after incorporating the suggestions and objections received from the stakeholders;

(ix)MoEF shall thereafter consider and approve the ICRZ Plans within a period of four months from the date of receipt of the ICRZ Plans complete in all respects;

(x) all developmental activities listed in this notification shall be regulated by the Union territory Administration, the local authority or the concerned AandN CZMA within the framework of such approved ICRZ Plans as the case may be in accordance with provisions of this notification;

(xi) the ICRZ Plans shall not normally be revised before a period of five years after which, the concerned Union territory Administration may consider undertaking revision of the maps following the above procedures.

D. Norms for regulation of activities permissible under this notification in the four islands,-

1. (i) ICRZ-I,-

(a) no new construction shall be permitted in ICRZ-I except,-

(i) projects relating to Department of Atomic Energy;
(ii) pipelines, conveying systems including transmission lines;
(iii) facilities that are essential for activities permissible under ICRZ-I;
(iv) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
(v) construction of trans island sea link and without affecting the tidal flow of water, between LTL and HTL.

(b) Areas between LTL and HTL which are not ecologically sensitive and important necessary safety measures will be incorporated while permitting the following, namely:-

(i) exploration and extraction of natural gas;
(ii) construction of dwelling unit of fisherfolk dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves and fishing villages and areas of traditional rights after obtaining approval from AandN CZMA;
(iii) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
(iv) desalination plants;
(v) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;

2. ICRZ-II,-

(i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
(ii) buildings permitted on the landward side of the existing and proposed roads or

existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index (hereinafter referred to as the FSI) or Floor Area Ratio (hereinafter referred to as the FAR):

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:

(ii) reconstruction of authorized building to be permitted subject with the existing FSI or FAR Norms and without change in present use.

3. ICRZ-III,-

(a) area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (hereinafter referred to as the NDZ)",-

(i) the NDZ shall not be applicable in such area falling within any notified port limits;

(ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing FSI, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; construction or reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the Union territory Administration in consultation with the traditional coastal communities including fisherfolk and incorporating the necessary disaster management provision, sanitation and recommended by the concerned Union territory CZMA to NCZMA for approval by MoEF;.

(iii) however, the following activities may be permitted in NDZ,-

(a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry.
(b) projects relating to Department of Atomic Energy;
(c) mining of rare minerals;
(d) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
(e) facilities for regasification of liquefied natural gas;
(f) facilities for generating power by non conventional energy sources;
(g) facilities for desalination plants and associated facilities;
(h) weather radars;
(i) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by AandN CZMA;
(j) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Committee;
(k) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
(l) airstrips and associated facilities.

(b) Area between 200mts to 500mts,-

The following activities may be permissible in the above areas;

(i) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;

(ii) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III;

(iii) facilities for regasification of liquefied natural gas;

(iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;

(v) facilities for desalination plants and associated facilities;

(vi) facilities for generating power by non-conventional energy sources;

(vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages, building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);

(viii) airstrips and associated facilities.

4. In ICRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies shall be regulated including ports and harbours and foreshore developmental activities except for traditional fishing and related activities undertaken by local communities as follows, namely:-

(a) no untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped and a comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;

(b) pollution from oil and gas exploration and drilling, mining, boat house and shipping;

(c) there shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

5. Period for which ICRZ and IIMPs shall be valid,-

(i) the ICRZ and IIMPs shall be valid for a period of five years and the next IIMP shall be prepared within a period of six months before the date of expiry of the Plan:
Provided that the Andaman and Nicobar Islands Administration or, as the case may be, the Lakshadweep Islands Administration, may review the plan at anytime as may be required.

(ii) the Coastal Zone Management Plans already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

6. Enforcement and monitoring of this notification,-

(a) for the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, Union territory Administration, NCZMA and Union territory CZMAs;

(b) The composition, tenure and mandate of NCZMA and UT CZMAs have already been notified by MoEF in terms of Orders of Hon'ble Supreme Court in Writ Petition 664 of

(c) the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk.

(d) the dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

(i) these are not used for any commercial activity
(ii) these are not sold or transferred to non-traditional coastal community.

7. The following activities shall be prohibited in the islands of AandN and Lakshadweep:-

(i) destruction of corals;
(ii) mining of sand from in and around coral areas, nesting and breeding grounds of endemic and endangered species;
(iii)construction of shore protection works (hard constructions) on the seaward side of the corals, mangroves;
(iv)disposal of untreated sewage or effluents;
(v) disposal of solid wastes including fly ash, industrial waste, medical waste, non-biodegradable waste, and the like;
(vi) red category of industries (as prohibited under the Environment (Protection) Act, 1986 (29 of 1986) or the Air (Prevention and Control of Pollution) Act, 1981 or the Water (Prevention and Control of Pollution) Act, 1974, as the case may be) within ten kilometres from ecologically sensitive areas;
(vii) setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

Explanation: For the purposes of this item the expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;
(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as ecologically sensitive area under this notification based on an impact assessment study including social impacts.;
(d) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(viii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th December ,1989 except,-

(a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;

(b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as ICRZ-I(a) and other identified ecologically sensitive areas subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF:

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as ICRZ-I and identified ecologically sensitive areas under the Wildlife (Protection) Act, 1972 and Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 .

(ix) setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas;

(x) land reclamation, bunding or disturbing the natural course of seawater except those,-

(a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
(b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies;
(c) maintenance or clearing of waterways, channels and ports, based on EIA studies;
(d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF;

(xi) setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-

(a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
(b) storm water drains and ancillary structures for pumping;
(c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in ICRZ areas other than ICRZ-I and disposal of treated wastes and effluents;

(xii) discharge of untreated waste and effluents from industries, cities or towns and other human settlements and the concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification;

(xiii) dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.
Note:-The MoEF will issue a separate instruction to the Union territory Administration in

respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of sub-paras (iv) and (v).

(xiv) port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the Union territory Administration;

(xv) reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities;

(xvi) mining of sand, rocks and other sub-strata materials except,- (a) those rare minerals not available outside the ICRZ area,

(b) exploration and exploitation of Oil and Natural Gas;

(xvii) drawl of groundwater and construction related thereto, within 200mts of. HTL; except the following, namely:-

(a) in the areas which are inhabited by the local communities and only for their use.
(b) in the area between 200mts-500mts zone the drawal of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the Union territory Administration in the areas affected by sea water intrusion.

(xviii) construction activities in ecologically sensitive areas except those specified in this notification;

(xix) dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose;

(xx) facilities required for patrolling and vigilance activities of marine/coastal police stations.

8. Validity of the clearances issued under this notification for projects - The clearance accorded to the projects under this notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.

9. Applicability EIA notification, 2006 or any other notification – The developmental projects attracting Environmental Impact Assessment or the Forest (Conservation) Act, 1980 (69 of 1980), the Wildlife (Protection) Act, 1972 (52 of 1972) shall be considered in accordance with the provisions made thereunder and prior approval obtained from the competent Authority before making any recommendations.

10. The activities which are not listed in the IIMPs above shall be referred to the MoEF, through the concerned Union territory Administration for decision.

[F. No. 12-3/2008-IA-III]

J. M. MAUSKAR, Addl. Secy.

Annexure-I

GUIDELINES FOR PREPARATION OF INTEGRATED ISLANDS MANAGEMENT PLAN AND ISLAND COASTAL REGULATION ZONE

1. The entire island including the aquatic area shall be considered for the Integrated Island Management Plan, while for ICRZ the jurisdiction shall be as indicated at para III(A).
2. Integrated Island Management Plans shall be prepared indicating therein all present and future developments, conservation and preservation schemes with a time frame of ten years.
3. The Integrated Island Management Plan and ICRZ shall address vulnerability to human life and property based on elevation, geomorphology, sea level trends and horizontal line displacement and indicate suitable areas that are safe for locating dwelling units, infrastructure, and the like, and appropriate safeguards measures to protect the life and property of the local communities, infrastructure from natural hazards shall be indicated in the Integrated Islands Management Plan.
4. The land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.
5. No developmental activities other than those listed in this Notification shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities, tribals including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The Union territory Administration will provide necessary safeguards from natural disaster to such dwelling units of local communities.
6. All the existing roads including the internal roads shall be strengthened, as these roads shall serve for the purpose of livelihood, communication, rescue, relief and evacuation measures during natural hazards.
7. Adequate cyclone shelters shall be earmarked and constructed on elevated areas or on stilts adjacent to populated areas.
8. The existing and as well new schools, market areas and other public facilities (excluding public toilets) where large number of public congregate, shall normally be located on safe areas preferably in elevated areas or protected areas.
9. Along the seaward side sufficient bio-shield with local vegetation, trees including mangroves shall be planted and other soft protection measures.
10. The Integrated Islands Management Plan and ICRZ shall be based on scientific methodology and with the approval of the concerned authorities, including the appropriate coastal protection structures be constructed in accordance with such Plan.
11. The beaches shall be protected and no developmental activities shall be permitted therein.
12. Sand dunes, being natural barrier in the event of flooding, shall be conserved and maintained or regenerated by planting shrubs or through appropriate measures.
13. There shall be no restriction with regard to traditional fishing by local communities including installation of fish aggregating devices as recommended by the Islands Administrations.
14. (a) The mining of construction material, especially sand from deep sea bed (beyond fifteen meters depth), after undertaking proper scientific studies may be permitted in the Plan;
    i. the alternative construction material, such as, bamboo, local forest products may be identified and used;
    ii. the other materials, like, metal, hollow brick blocks, and the like, shall be imported from the mainland.
15. Emphasis shall be given to use of non-conventional energy resources especially, wind, solar and tidal energy, desalination, water recycling, and use of local products.
16. Early warning system shall be provided for cyclone, tsunami, and the like, and a evacuation and relief measure plan in case of disasters shall be built into the Integrated Islands Management Plan.

17. Necessary provision shall be made in the Integrated Islands Management Plan for relocation and rehabilitation of people displaced due to natural disasters.
18. Integrated Islands Management Plan and ICRZ shall also include the areas under habitation and make plan for future development.
19. No developmental activities shall be permitted in the area under reserve forests, protected forests, national parks and sanctuaries notified under the Forests (Conservation) Act, 1980 (69 of 1980) or the Wild Life Protection Act, 1972 (53 of 1972) and the areas protected under the Environment (Protection) Act, 1986 (29 of 1986).
20. The dwelling units or infrastructure of local communities as are existing at the time of preparation of Plan shall not be displaced.
21. Repair of existing buildings or infrastructure including reconstruction activities shall be allowed.
22. IIMP and ICRZ shall be prepared in 1:25,000 scale map for macro level planning and 1:10,000 or cadastral scale for micro level planning.
23. The High Tide Line will be got demarcated by one of the agencies authorized by Ministry of Environment and Forests.

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Annexure-II

List of petroleum and chemical products permitted for storage except in ICRZ-I(a) and other identified ecologically sensitive areas

(i) Crude oil;

(ii) Liquefied Petroleum Gas;

(iii) Motor spirit;

(iv) Kerosene;

(v) Aviation fuel;

(vi) High speed diesel;

(vii) Lubricating oil;

(viii) Butane;

(ix) Propane;

(x) Compressed Natural Gas;

(xi) Naphtha;

(xii) Furnace oil;

(xiii) Low Sulphur Heavy Stock;

(xiv) Liquefied Natural Gas;

(xv) Fertilizers and raw materials for manufacture of fertilizers.

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Annexure-III

Guidelines for development of beach resorts or hotels in the designated areas of ICRZ-III and ICRZ-II/IIMPs for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests

I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of ICRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-

(a). The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line;

(b). The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;

(c). live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(d). no flattening of sand dunes shall be carried out;

(e). no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(f). Construction of basement may be allowed subject to the condition that no objection certificate is obtained from the Union territory Ground Water Authority to the effect that such construction will not adversely affect free flow of groundwater in that area;

(g). the Union territory Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;

(h). though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

(i). the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;

(j). the construction shall be consistent with the surrounding landscape and local architectural style;

(k). the overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);

(l). groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or Union territory Ground Water Board;

(m). extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;

(n). the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central Pollution Control Board or Union territory Pollution Control Committee and under the Environment (Protection) Act, 1986;

(o). necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(p). to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and

(q). if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and Union territory laws as applicable to the project shall be met with; and

(r). approval of the Union territory Tourism Department shall be obtained.

II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or Union territories) construction of beach resorts or hotels shall not be permitted

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EXHIBIT B

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

New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India[1], unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

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

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

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

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[1]Includes the territorial waters

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

(i) All new projects or activities listed in the Schedule to this notification;

(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

(2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.

(3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

(4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.

(5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.

(6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

(7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

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

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

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

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

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

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

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

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

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

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

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

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

I. **Stage (1) - Screening**:

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

II. **Stage (2) - Scoping**:

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

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

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

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

III. **Stage (3) - Public Consultation**:

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

(a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).

(b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.

(c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.

(d) all Building /Construction projects/Area Development projects and Townships (item 8).

(e) all Category 'B2' projects and activities.

(f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

(a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

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

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

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period

directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.

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

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

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

IV. Stage (4) - Appraisal:

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

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 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 be shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days .The prescribed procedure for appraisal is given in Appendix V ;

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

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

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

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

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

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

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

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

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

9. Validity of Environmental Clearance (EC):

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

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

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

11. Transferability of Environmental Clearance (EC):

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

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

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

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

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

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		**Mining, extraction of natural resources and power generation (for a specified production capacity)**		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	≥ 50 ha. of mining lease area Asbestos mining irrespective of mining area	<50 ha ≥ 5 ha .of mining lease area.	General Condition shall apply Note Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		Note Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	General Condition shall apply
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphta & gas based); ≥ 50 MW (Pet coke diesel and all other fuels -)	< 500 MW (coal/lignite/naptha & gas based); <50 MW ≥ 5MW (Pet coke ,diesel and all other fuels)	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2		**Primary Processing**		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

3		**Materials Production**		
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a)Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200TPD c)Secondary metallurgical processing industry All toxic and heavy metal producing units ≥ 20,000 tonnes /annum -	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.)All toxic andheavymetal producing units <20,000 tonnes /annum ii.)All other non –toxic secondary metallurgical processing industries >5000 tonnes/annum	General Condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply

4		**Materials Processing**		
(1)	**(2)**	**(3)**	**(4)**	**(5)**
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	≥2,50,000 tonnes/annum -	<2,50,000 & ≥25,000 tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacityor a unit located out side the notified industrial area/ estate	<300 TPD production capacity and located within a notified industrial area/ estate	Specific Condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	Specific condition shall apply
5		**Manufacturing/Fabrication**		
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i)All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥30 KLD	All Cane juice/non-molasses based distilleries – <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry -	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	- -	All projects	General Condition shall apply
6		**Service Sectors**		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects -		-

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		**Physical Infrastructure including Environmental Services**		
7(a)	Air ports	All projects	-	-
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area> 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration &landfill or incineration alone	All facilities having land fill only	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

(1)	(2)	~~(3)~~	(4)	(5)
8		**Building /Construction projects/Area Development projects and Townships**		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

Note:-

General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

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

APPENDIX I

(See paragraph – 6)

FORM 1

(I) Basic Information

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

- *Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.,)*

(II) Activity

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

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		

1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water 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, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

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

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

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

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		

4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

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

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

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

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

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

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

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

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

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: • 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 havean 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 *(hospitals, schools, places of worship, community facilities)*		
10	Areas containing important, high quality or scarce resources *(ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)*		
11	Areas already subjected to pollution or environmental damage. *(those where existing legal environmental standards are exceeded)*		
12	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)*		

(IV). Proposed Terms of Reference for EIA studies

APPENDIX II

(See paragraph 6)

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

CHECK LIST OF ENVIRONMENTAL IMPACTS

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

1. LAND ENVIRONMENT

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

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii)the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

2.2. What is the capacity (dependable flow or yield) of the proposed source of water?

2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)

2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)

2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)

2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)

2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.

2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?

2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)

2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)

2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)

2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)

2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)

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

3. VEGETATION

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

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

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

4. FAUNA

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

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

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

5. AIR ENVIRONMENT

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

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

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

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

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

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

6. AESTHETICS

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

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

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

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

7. SOCIO-ECONOMIC ASPECTS

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

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

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

8. BUILDING MATERIALS

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

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

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

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

9. ENERGY CONSERVATION

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Environment Management Plan

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

APPENDIX III

(See paragraph 7

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESSENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	• 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	• 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: • 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	• 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	• Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	• 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	• 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	• Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	• 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	If recommended at the Scoping stage
10.	EMP	• 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)	• Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A
(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

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

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

APPENDIX IV

(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

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

2. 0 **The Process:**

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

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

(a) District Magistrate/s
(b) Zila Parishad or Municipal Corporation
(c) District Industries Office
(d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally

make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

3.0 Notice of Public Hearing:

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

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

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

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

4.0 The Panel

~~4.1~~ The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography

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

6.0 Proceedings

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

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

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

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public

hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings.

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

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing .The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

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

APPENDIX –V
(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy)]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

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

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

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

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

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

APPENDIX VI

(See paragraph 5)

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

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

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

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

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

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

- **Environment Quality Experts**: Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality

- **Sectoral Experts in Project Management**: Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.

- **Environmental Impact Assessment Process Experts**: Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process

- **Risk Assessment Experts**

- **Life Science Experts in floral and faunal management**

- **Forestry and Wildlife Experts**

- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

VOLUME II

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE

APPEAL NO. 9 OF 2016 (WZ)

Dileep B. Nevatia …Appellant

Versus

Union of India & Ors. …Respondents

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HIGH COURT OF JUDICATURE AT BOMBAY

EXHIBIT C

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 560 OF 2019

1. Worli Koliwada Nakhwa
Matsya Vyavasay Sahkari Society Ltd.
Through its member,
Vijay Kishore Patil
Having its office at 503,
Nakhwa Mandir, Worli Koliwada,
Mumbai 400 030.

2. Worli Machimmar Sarvodaya
Sahakari Society, Through its
Secretary, Royal Dominic Patil
House No. 30, At Post Worli
Koliwada, Mumbai 400 025. .. Petitioners

Vs.

1. Municipal Corporation of Greater
Mumbai, Head Office, Mahapalika
Marg, Opp. C. S.T. Station,
Mumbai 400 001.

2. Commissioner of Fisheries
Taraporewala Aquarium,
Netaji Subhash Road,
Mumbai 400 001.

3. Assistant Commissioner of Fisheries
Office of the Asst. Commissioner

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HIGH COURT OF JUDICATURE AT BOMBAY

of Fisheries, 7th Floor, Admn.
Building, Govt. Colony, Bandra (E),
Mumbai – 400 051.

4. State of Maharashtra through the
Department of Fisheries,
Ground Floor, Sir S. R. Marg,
JN Heredia Road, Ballard Estate,
Fort, Mumbai 400 001.

5. Union of India
Through the Secretary, Ministry of
Environment, Forest and Climate
Change, Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi 110 003

6. Maharashtra Coastal Zone Management
Authority, Through its Member Secretary,
Environment Department, Room No.217,
New Admn. Building, Mantralaya,
Mumbai 400 032.

7. Worli Police Station,
Through Station House Officer,
Ganapatrao Kadam Marg,
BDD Chawls, Worli Naka, Worli,
Mumbai – 400 018.

8. Mumbai Coastal Police,
Building No. 9,
Kisharmand Colony,
Sagri, Back Side of Reheja Hospital,
Mahim, Mumbai 400 016.

9. Central Marine Fisheries Research
Institute, Through its Mumbai

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Research Centre, 2nd floor, Old
C.I.F.E. Campus, Fisheries University
Road, Seven Bungalows,
Versova, Mumbai 400 061. .. Respondents

WITH
PUBLIC INTEREST LITIGATION (L) NO. 39 OF 2019

1. Vanashakti, a Public Trust registered
under the Bombay Public Trusts Act,
1950 having its office at Nandakumar
Pawar House, Opp. Shri Jagannath
Darshan Building, M. D. Kini Marg,
Bhandup Village (East),
Mumbai 400 042.

2. Stalin Dayanand, aged 54 years,
Indian Inhabitant, Director of
Vanashakti, having its office at
Nandakumar Pawar House,
Opp. Shri Jagannath Darshan Building,
M. D. Kini Marg, Bhandup Village (E),
Mumbai 400 042. .. Petitioners

Vs.

1. National Board for Wildlife
Through the Chairperson, Having
its office at Indira Paryavaran Bhavan,
Jorbhagh Road, New Delhi 110 003.

2. Maharashtra State Wildlife Board
Office of the Principal Chief Conservator
of Forests (Wildlife),
M. S. Nagpur, 3rd Floor, Van Bhavan
Ram Giri Road, Civil Lines,
Nagpur 440 001.

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3. Maharashtra State Biodiversity Board
Telangkhedi Road, Kadimbaug,
Seminary Hills, Nagpur,
Maharashtra 440 001

4. National Biodiversity Authority
5th Floor, TICEL Bio Park,
CSIR Road, Taramani, Chennai
Tamil Nadu – 600 113.

5. State of Maharashtra, Environment
Department, Room No. 217, New
Administrative Building,
Mantralaya, Mumbai 400 032.

6. Union of India, Ministry of Environment
Forests and Climate Change,
Paryavaran Bhavan, Jorbagh Road,
New Delhi 110 003.

7. Municipal Corporation of Greater Mumbai
through the Municipal Commissioner,
having its office at Mahapalika Marg,
Opp. CST, Mumbai 400 001.

8. Maharashtra Coastal Zone Management
Authority, through Member Secretary
Environment Dept., Room No.217,
New Admn. Building, Mantralaya,
Mumbai 400 032.

9. Wildlife Institute of India
Through its Chairman, And having
its office at Wildlife Institute Road,
Chandrabani, Dehradun,
Uttarakhand 248 002. ..Respondents

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WITH
PUBLIC INTEREST LITIGATION (L) NO. 44 OF 2019

1. Shweta Wagh
Age 41 years, Occ: Architect
361 A, Laxmi Sadan, V. P. Road,
Mumbai 400 004.

2. Collective for Spatial Alternatives
Having its office at 201, C-Wing,
Baba Sadan Co-op. Society,
Ratan Nagar, Four Bungalows,
Andheri (W), Mumbai 400 066

3. Girija Gupte
A/4 Navasamaj, Nehru Road,
Vile Parle (E), Mumbai – 400 057.

4. Pushpa Suresh Mangela
320, Juhu Mora Gaon, Mangela
Wadi, JR Mahatre Road, Ruia Park,
Juhu, Mumbai 400 049.

5. Rajashree Prakash Bhanji
Pitruchaya Building, Dongri Galli
Near Vetal Mandir, Versova
Koliwada, Andheri West,
Mumbai 400 061.

6. Jalbiradari
Through Janak Daftary
Having its office at 402 Arundoaya
Azad Nagar II off Veera Desai Road,
Andheri West Lane opp. Krishna Mandir

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7. Surekha Harichandra Jawli
Jawli House, Patil Gally – 2
Versova, Andheri West,
Mumbai 400 061.

8. Dr. Aruna Pendse
Occupation: Professor
196, Brahman Sabha Building No.2
Raja Rammohan Roy Road, Girgaon
Mumbai 400 004.

9. Kirtida Unwala
Address 14/14, Panthaki Baug,
Off Andheri Kurla Road,
Andheri East, Mumbai 400 069. ..Petitioners

Vs.

1. Municipal Corporation of Greater Mumbai
Through Commissioner,
Having its office at
Head Office, Mahapalika Marg,
Opp. C.S.T. Station, Mumbai 400 001.

2. Maharashtra Coastal Zone Management
Authority, through Chairman
Environment Dept., 2nd Floor,
Room No.217, Annexe Building,
Mantralaya, Mumbai 400 032.

3. State of Maharashtra
Through Secretary
Environment Department
New Administrative Bhavan
15th Floor, Madam Kama Road,
Mantralaya, Mumbai 400 032.

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4. State of Maharashtra
Through Secretary
Urban Development Department
4th Floor, Main Building,
Mantralaya, Mumbai 400 032.

5. State of Maharashtra
Through Secretary,
The Department of Fisheries,
Ground Floor, Sir S. R. Marg,
J. N. Heredia Road, Ballard Estate,
Fort, Mumbai 400 001.

6. State of Maharashtra
Through Secretary
Revenue and Forest Department,
Mantralaya, Mumbai 400 032.

7. Collector of Mumbai
Mumbai House Collectorate
Old Custom House, Fort,
Mumbai 400 001.

8. Union of India
Through the Secretary
Ministry of Environment, Forest and
Climate Change, Indira Paryavaran
Bhawan, Aliganj, Jor Bagh Road,
New Delhi 110 003. ..Respondents

WITH
PUBLIC INTEREST LITIGATION (L) NO. 40 OF 2019

1. The Conservation Action Trust
5, Sahakar Bhavan, LBS Road,
Narayan Nagar, Ghatkopar (W),
Mumbai 400 086.

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2. Mr. Debi Goenka
B 502, Glengate, Hiranandani Gardens,
Mumbai 400 076.

3. Bombay Environmental Action Group
80, 2nd Floor, Empire Building,
D. N. Road, Mumbai 400 001. ..Petitioners

Vs.

1. Union of India,
Through the Secretary, Ministry of
Environment, Forests & Climate
Change, Indira Paryavaran Bhavan,
Aliganj, Jor Bagh Road,
New Delhi 110 003.

2. State of Maharashtra
Through the Secretary,
Environment and Forests
Department.

3. Maharashtra Coastal Zone Management
Authority, Environment Dept.
Room No. 217 (Annex), Mantralaya,
Mumbai 400 032.

4. Municipal Corporation of Greater
Mumbai, Head Quarter,
Mumbai C.S.T.-400 001. ..Respondents

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WITH
PUBLIC INTEREST LITIGATION (L) NO. 36 OF 2019

1. Society for Improvement, Greenery,
And Nature, an NGO registered under
the Bombay Public Trust Act, 1950
Through its Secretary Mr. Nilesh Baxi
Having its official address at
801/2A, Yash Apartments, 3/343 Wadia
Street, Tardeo, Mumbai 400 034. .. Petitioner

Vs.

1. Municipal Corporation of Greater
Mumbai, Through its Commissioner
Head Office, Mahapalika Marg,
Opp. C.S.T. Station, Mumbai 400 001

2. Chief Engineer (Coastal Road)
Municipal Corporation of Greater
Mumbai, Engineering Hub Building,
Dr. E. Moses Road, Worli,
Mumbai 400 018.

3. The State of Maharashtra
Through the Environment Department,
Room No. 217, New Administrative
Building, Mantralaya,
Mumbai 400 032.

4. Union of India
Through the Secretary, Ministry of
Environment, Forest and Climate
Change, Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi 110 003.

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5. Maharashtra Coastal Zone Management Authority, Environment Department, Room No. 217, New Admn. Building, Mantralaya, Mumbai 400 032.

6. The Urban Development Department State of Maharashtra, Through its Principal Secretary, 4th Floor, New Administrative Building, Mantralaya, Mumbai 400 032. ..Respondents

WITH

PUBLIC INTEREST LITIGATION NO. 25 OF 2019

Prakash Laxman Chanderkar
Age 73 yrs. Residint of India living at Block # 4, Ashirwad, Dr. Annie Besant, Worli, Mumbai 400 030. .. Petitioner

Vs.

1. Municipal Corporation of Greater Bombay Head Office: Mahapalika Marg, Opp. CST Station Mumbai 400001.

2. Commissioner of Fisheries Taraporewala Aquarium Netaji Subhash Bose Mumbai 400 001

3. Assistant Commissioner of Fisheries, Office of the Assistant Commissioner of Fisheries, 7th Floor, Adm. Building, Government Colony, Bandra East Mumbai 400 051.

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4. State of Maharashtra through
Department of Fisheries
Ground Floor, Sir S. R. Marg,
J. N. Herdilia Road,
Ballard Estate, Fort,
Mumbai 400 001.

5. Union of India
Through the Secretary
Ministry of Environment, Forest and
Climate Change
Indira Paryavaran Bhavan, Aliganj
Jor Bagh Road, New Delhi 110 003.

6. Maharashtra Coastal Zone Management
Authority, Through its Member
Secretary, Environment Department
Room No. 217, New Administrative
Building, Mantralaya,
Mumbai 400 032. .. Respondents

Ms. Gayatri Singh, Senior Advocate i/b Meenaz Kakalia for Petitioner in WPL No.560/2019

Mr. Janak Dwarkadas, Senior Advocate & Ms. Gayatri Singh, Senior Advocate a/w Ms. Rishika Harish i/by Ankit Kulkarni & Meenaz Kakalia for Petitioner in PIL(L) No. 36/2019.

Mr. Zaman Ali I/b Kruthi Venkatesh for Petitioner in PIL(L) No.39/2019

Mr. Janak Dwarkadas, Senior Advocate with Mr. Navroz Seervai, Senior Advocate a/w Mr. Pheroze Mehta, Ms. Rishika Harish, Mr. Rhishikesh Bidkar & Ms. Suchita Uppal i/b Hariani & Co. for Petitioner in PIL(L) No. 40/2019

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Mr. Janak Dwarkadas, Senior Advocate & Ms. Gayatri Singh, Senior Advocate A/w Mr. Shubham Kaushal & Ms. Aditi Saxena i/b Kranti L.C. for the Petitioner in PIL(L) No.44/2019

Mr. Prakash Laxman Chanderkar, Petitioner-in-person in PIL NO.25/2019

Mr. Anil Singh. Additional Solicitor General a/w Mr.Aditya Thakker, Mr. Y.R. Mishra, Ms. Apurva Gupte & Ms. Carina Xavier i/b Pravartak S.Pathak, for Respondent -Union of India, Resp. No.5 in WP(L) No.560/2019, Resp.No.4 in PIL(L) No.36/2019, Resp. No.6 in PIL(L) No.39/2019, Resp. No.1 in PIL(L) No.40/2019 & Resp. No.8 in PIL(L) No.44/2019

Mr. Milind Sathe, Special Counsel a/w Ms. Geeta Shastri-Additional Government Pleader, for State, Resp. No.2,3,4,7 & 8 in WP(L) No.560/2019, Resp. No.3 & 6 in PIL(L) No.36/2019 & Resp. No.3 to 7 in PIL(L) No.44/2019 & Resp. No.2 to 5 in PIL No.25/2019

Ms. Geeta Shastri, Additional Government Pleader for State in PIL(L) No.39/2019 & PIL(L) No.40/2019

Mr. D.J. Khambata, Senior Advocate, Mr. S.G. Aney, Senior Advocate And Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Aruna K. Savla, Mr. H.C. Pimple, Ms. K.H. Mastakar, Mr. Advait M. Sethna, Mr. Rohan Mirpurey, Mr. Bhushan Deshmukh, Ms. Shweta Sangtani, Ms. Ruju R. Thakker, Mr. Aaditya Mehta & Mr. Tushar Hathiramani for MCGM

Ms. Sharmila Deshmukh a/w Ms. Jaya Bagwe for Resp. No.6 in WP(L) No.560/2019, Resp. No.5 in PIL(L) No.36/2019, Resp. No.8 in PIL(L) No.39/2019, Resp. No.3 in PIL(L) No.40/2019 & Resp. No. 2 in PIL(L) No.44/2019

Mr. Pravin Samdani, Senior Advocate A/w Dr. Birendra Saraf, Ms. Jyoti Sinha & Mr. Haabil Vahanvaty i/b Khaitan & Co. for Larsen & Toubro Limited in PIL(L) No.44/2019

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Dr. Birendra Saraf a/w Ms. Jyoti Sinha & Mr. Haabil Vahanvaty I/b Khaitan & Co. for Larsen & Toubro Limited in WP(L) No.560/2019, PIL(L) No.36/2019, PIL(L) No.39/2019, PIL(L) No.40/2019.

Mr. Kaustav Talukdar a/w. Mr. Vikias Kumar and Mr. Ruturaj Bankar i/b Lex Legal & Partners for HCC-HDL

....

CORAM: PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.

RESERVED ON : JULY 01, 2019.

PRONOUNCED ON : JULY 16, 2019.

JUDGMENT [PER PRADEEP NANDRAJOG, CJ.] :

1. The Metropolitan City of Mumbai lies on the Western Coast of India by the bank of the Arabian Sea. Mumbai is made from the group of seven islands and is thus referred to as the Island city. These islands are Isle of Bombay, Mazgaon, Colaba, Old Woman's Island, Parel, Worli, and Salsette Island. The Eastern Coast of Salsette Island has rows of mangroves, whereas the Western Coast happens to be sandy and stony. Due to proximity to the sea, the soil cover of this region is sandy to a large extent. The underlying rocks of this area are made up of Black Deccan Basalt pours. The island city of Mumbai is

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divided into two distinct regions; the city and the suburbs. The suburbs have alluvial soil type. The major creeks found in Mumbai coast are Manori, Malad and Mahim which protrudes in the mainland and give rise to mudflats and swamps. The area is drained by Mahim, Mithi, Dahisar and Polsar rivers. These small rivers near the coast, form small rivulets which intermingle with each other resulting in swamps and mudflats in the low lying areas. It took over 150 years to join the original seven islands of Mumbai. These seven islands were lush green thickly wooded, and dotted with 22 hills, with the Arabian Sea washing through them at high tide. The first island of Mumbai was only 24 km long and 4 km wide from Dongri to Malabar Hill (at its broadest point), and the other six were Colaba, Old Woman's Island, Mahim, Parel, Worli, Mazgaon. After the British arrived, the demand for land steadily increased, and by 1730; it was becoming impossible to accommodate the entire population of Mumbai inside the Fort. The sea was making inroads at Worli, Mahim and Mahalaxmi, which turned the ground between the islands into a swamp, making travel between Mumbai islands hazardous. The first major reclamation took place in 1708, to construct the causeway between Mahim and Sion. The

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second major reclamation took place in 1772, to stop the ingress of water and the consequent flooding of central Mumbai, and to connect Mahalaxmi and Worli. This causeway was named Hornby Vellard, sealing the Great Breach (Breach Candy) between Dongri, Malabar hill and Worli. At the fortified Dongri hill, an esplanade and parade ground was cleared, from the walls of the Fort to the present-day Crawford market. The flatlands from Mahalaxmi to Kamathipura were reclaimed only after the completion of construction of Breach Candy by Hornby in 1784. In 1803, Mumbai was connected to Salsette by a causeway from Sion. The Thane and Colaba causeway was built during the tenure of Sir Robert Grant, the Governor of Mumbai. He was also responsible for the construction of several roads between Mumbai and the hinterland. The Colaba Causeway was completed in 1838 joining Colaba, Old Woman's island and the H-shaped island of Mumbai together. Land prices shot up, and Colaba became the centre of commerce. The Causeway was widened and strengthened from 1861 to 1863 (Cusrow Baug is built on the causeway). The horse-drawn tramcars revolutionised transport in Colaba. The Prongs Lighthouse was constructed off the island in 1875, and in the same year, the

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Sassoon Docks were built by David Sassoon on reclaimed land. The BB & CI (Bombay and Central India) Railways established a terminus at Colaba. Around 90,000 sq. yard of land was reclaimed on the Western shore of Colaba by the City Improvement Trust; the work was completed in 1905. A seaside promenade (Cuffe Parade) was completed the next year. The next reclamation took place in the year 1836 when the development of the Mumbai port had already begun. Major quarrying had already begun in 1870. The hills of Chinchpokli and Byculla were quarried and dumped into the sea, to fill the land near the railway line, the swamps and also the port to prevent the accumulation of stagnant water. The first railway line was laid in 1855 from Bori Bunder to Thane. By 1862 the town became widespread, and the constructions that took place began to give rise to the modern city of Mumbai. This became a regular feature in the succeeding years. The Fort walls were demolished, and the tanks up to Parel were filled. From 1870 to 1970, industrial and commercial development prospered, which increased the spate of reclamation that ended with the famous Backbay reclamation. The first Backbay Reclamation Company (BRC) was formed in the 1960s with the express purpose to reclaim the

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whole of Backbay. With the end of the American Civil War in 1865, land prices fell. The government took over the narrow strip of land created by the BRC and gave it to the BB & CI Railways (Bombay Baroda and Central India) to construct a new line between Churchgate and Colaba. A proposal was made in 1917 to reclaim 607 hectares of land between Colaba and Backbay. The project was taken over by the Development Directorate who planned to reclaim 463 hectares and relocated the Colaba terminus, which was moved to Bombay Central. The work continued till 1945. Eventually, 177 hectares was developed by 1929 of which 94 hectares was sold to the military, and 6 hectares was incorporated into the Marine Drive and its sea wall. The Independence did not end the reclamation work, but a third Backbay Reclamation was put into effect and yielded the acreage on which stand the high rise buildings of Nariman Point and Cuffe Parade. East of the Naval Dockyards some land was reclaimed, and work was done to the North too. Coastal Regulation Zone (CRZ) was promulgated in 1990, banning reclamation for commercial activities.

2. As the city grew, the population increased. Apart from housing, vehicular traffic increased. By the Resolution No ENV-2011/

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CR-55/TC3 dated 30 June 2011 of the State Government, a Joint Technical Committee (JTC) was set up to consider whether coastal roads in Mumbai were a possible solution to solve traffic congestion. An eleven Member Committee comprising (i) Mr. Subodh Kumar, Municipal Commissioner, MCGM (Chairman), (ii) Mr. B.Shrimali, Managing Director, MSRDC (Member), (iii) Dr. Nalini Bhat, Advisor, Ministry of Env. & Forest, Government of India (Member), (iv) Dr.S.R. Shetye, Director, National Institute of Oceanography (Member), (v) Dr. Tarun Kant, Professor of Civil Engineering, IIT, Powai (Member), (vi) Mr. Chandrashekhar Prabhu, Architect/Urban Planner (Member), (vii) Mr. Rajiv Mishra, Architect, Principal, Sir J.J. College of Architecture (Member), (viii) Mr. Hafeez Contractor, Architect (Member), (ix) Mr. P.K. Das, Architect, (Member), (x) Mr. P.R.K. Murthy, Chief, Transport Division, MMRDA (Member) and (xi) Mr. Sharad M. Sabnis, Chief Engineer, MMRDA (Member-Secretary) was set up.

3. The JTC submitted its report on 29 December 2011. Divided into seven chapters, the JTC set out the background to consider the need for a ring road/coastal freeway for Mumbai. The

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background captured by the JTC highlights that the current population of the city was 12.4 million. The city is narrow and had a long North-South axis. The city comprised area of 68.71 Sq. Km. The area comprising Greater Mumbai was 437.71 Sq. Km. and the area comprising Mumbai Metropolitan Region was 4135 Sq. Km. That historically, the characteristic of traffic patterns was Southbound flow in the morning and Northbound flow in the evening. The background captures traffic-related solution issues. It is noted that Motor Vehicles contribution 75% Nitrogen Oxide, 83% Benzene, 77 % particulate matter, 53% volatile organic compounds, 29% Carbon dioxide and 97% Carbon monoxide. It notes that the total number of vehicles registered in Mumbai in the year 2004 was 12,33,675 which rose in the year 2011 to 19,17,798; evidencing an average addition of vehicles per year to be 96000. A further fact noted is that vehicular speed on almost on the roads in the city has reached to as low as a level at 8 km per hour (against the efficient speed of 90 km per hour). Long term ill effect on the health of the residents of Mumbai, noted in a tabular form by the JTC, records that over seven years, the figures would be as under:

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	Percentage of People suffering	
	Year 2004	Year 2011
Cough	13.3	41.3
Bronchitis	21.4	31.1
Eye Irritation	14.1	38.4
Observed SPM Levels	381 p gm/cum	642 p gm/cum

4. With reference to the aforenoted factual data the background note highlights that a coastal freeway would not only facilitate high travel speeds on the road but also take away traffic from the internal roads thereby enhancing vehicular movement at high speed which in turn would reduce pollution. The background note thereafter proceeds to highlight whether a coastal road could be constructed within the existing framework of laws. It noted that the current Legislation prohibited reclamation of land for constructing a coastal road and that at a meeting held on 15 April 2001 with the Hon'ble Minister, Ministry of Environment and Forest, Government of India the issue of permitting reclamation of land to construct a coastal road was discussed. The JTC noted that the current Legislation permitted

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construction of a coastal road on stilts. The JTC recorded that it would, therefore, consider the cost aspect of a coastal road built on stilt vis-a-vis a coastal road after reclaiming the land. The JTC thereafter highlighted the terms of reference to the JTC, being: (i) to examine the various options in the construction of a coastal road including road on stilt or sea link in Mumbai, (ii) to evaluate options on the basis of technical feasibility and environmental impact and impact on the neighbourhoods, (iii) to recommend the best option which provides improved mobility, enhances environment and leads to sustainable development of open spaces/greenery.

5. Pertaining to the need of a coastal freeway for the city of Mumbai, the Committee reviewed the past studies being: (A) Traffic and Transportation Study by M/s Wilbur Smith Association (1962), (B) Planning for Road Systems for MMR by the Central Road Research Institute (CRR) (1983), (C) Comprehensive Transport Strategy Study by M/s. W.S. Atkins (1992), (D) Comprehensive Transport Strategy Study (CTS) by M/s Lea Associates (2009) and (E) Concept Plan for Mumbai for the horizon year 2052 (Study in Progress).

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6. With reference to the past studies, the JTC highlighted that the data spanning 15 years between the year 1991 till the year 2005 revealed that the population grew by 43%. Suburban Train Daily trips grew by 35%. Daily Bus Trips grew by 9%. Registered cars grew by 137%. Registered two-wheelers grew by 306%, and registered auto-rickshaws grew by 420%. Registered taxis grew by 125%, and registered commercial vehicles grew by 200%. The JTC further highlighted that the share of people using public transport, which was 84% in 1991 declined to 78% by 2005. Highlighting therefrom the fact that notwithstanding the share of public transport in Mumbai is already very high, city roads were badly congested, it noted that the Mumbai suburban rail network had crossed its peak intake and could no longer bear the burden to transport by rail more people. The JTC concluded that in said background and context, new roads were the urgent need of the city to meet public transportation. The JTC thereafter focused on the reclamation options and brought out that in the Netherlands, South Korea, Hong Kong, Japan and Singapore reclamation had yielded 7000 Sq. Km., 1500 Sq. Km., 86 Sq. Km., 249 Sq. Km. and 135 Sq. Km. land respectively. The JTC recorded its

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opinion that coastal freeway, based on reclamation, would provide speedy connectivity between various parts of the city but also facilitate creating of green spaces and waterfronts. Residential or commercial usage could be barred.

7. Focusing next on the costing aspects of the coastal freeway, the JTC noted that if the coastal road was constructed on the stilts, the same would need to incorporate elaborate disaster mitigation measures and the cost would be ₹ 378 Crore per km which would increase to ₹ 600 Crore per km considering the interchanges, which on account of long distance from the city roads till the coastal road, would need more money. If built on reclaimed land, the cost per km would be between ₹ 60-70 Crore, and with interchanges, it would be ₹ 100 Crore per km.

8. Having analysed the need for a coastal road and the project cost if built on stilts or on reclaimed land, the JTC focused on the environmental aspect. The discussion in the report on environment commenced by recording that key inputs on the environmental aspects were provided by the Director, the National Institute of Oceanography

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(CSIR/NIO) who was a Member of the Committee. Director, in turn, sought advice from a team formed at CSIR/NIO comprising experts in Marine Biology, Geophysics, Coastal Regulations, Ocean Engineering and Physical Oceanography. The JTC highlighted that this was to examine the oceanographic aspects of the impact of the proposed coastal road. On the environmental aspect the JTC recorded that all the key issues were discussed by it concerning reclamation for a coastal road; the most important pertaining to the possible impact of reclamation on the *tidal circulation* around the city*:* whether the land reclaimed for the coastal road would change tides in the coastal area of the city leading to adverse impact such as a coastal erosion. The JTC recorded that the key issue referred to the CSIR-NIO team was whether the proposed reclamation for the coastal road would cause any adverse effects on the tides or erosion of the coastline. With reference to the study by CSIR-NIO team, it is highlighted by the JTC that the team noted that the average width of reclamation proposed was about 100 meter. This will mean moving the coastline further offshore by a distance of 100 meters at many locations. Even at the few isolated locations, where gentle curves would be proposed to the coastal road to

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avoid sharp kinks in the coastline, this would only smoothen the coastline and that no change in the characteristic of the boundary between the coastline and the sea was expected. The shore protection measures (viz. tetrapods, retaining walls, etc.) that were proposed to be used were the same as those that are used at present. These seem to be working well. The isolated locations where the road would be provided with a gentle curve at some sharp kinks in the coastline would only help improve the erosion protection. The JTC further noted that the team also noted that the spatial scales of variability associated with tidal circulation on the west coast of India are large in comparison to the expected perturbation length scale of 100 meters. The width of the shelf off Mumbai is about 200 km. The JTC noted that the CSIR-NIO team recorded an opinion that it did not expect any change in the present behaviour of tides due to moving of the coastline perpendicular to the present coastline by a distance of 100 meter. Such a move, in essence, would shift the present boundary offshore by 100 meters, parallel to the present boundary, leaving everything else, including the structure of the present coastline interface unchanged. The opinion of the team was that such a move would not have any impact on the tides

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and tidal circulation around Mumbai. In view of said findings by the CSIR/NIO team, the JTC recorded its opinion that the environmental impact on the tides or erosion of the coastline was minimal. However, the JTC highlighted the requirement of further studies, and to quote:

> *"The matter of further environmental and other studies and the investigations that were needed towards obtainment for the CRZ clearance were also discussed. It was observed that the CRZ clearance would normally require a pre-feasibility report/traffic studies related technical studies including EIA indicating the likely impacts and mitigation measures. The Committee is of the view that such studies should be entrusted only to the consultants accredited by the Quality Council of India (QCI). As regards impact on mangroves, since mangrove areas are now declared as reserved forests in Maharashtra, any construction work impacting mangroves would necessitate compensatory, mangrove plantation. The detailed project preparation studies should be accordingly taken up to incorporate these aspects".*

9. Under caption **Policy Intervention And Implementation Strategy,** the JTC highlighted eight steps to be undertaken towards the implementation of the project, being:

> *1. Amendment in the CRZ Notification,*
> *2. Detailed Project Report involving surveys, Investigations and preparation of detailed drawings,*
> *3. Environmental Impact Studies,*
> *4. CRZ Clearance,*

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5. Preparation of detailed plans and estimates,
6. Bid Processes,
7. Actual Implementation,
8. Maintenance and Upkeep.

10. The records relied upon during arguments in the writ petitions did not contain the finding of the team at CSIR-NIO and apparently some interim reports by CSIR-NIO were considered by the JTC. A report submitted by CSIR-NIO dated January 2016 was handed over to us during arguments by Shri Darius J. Khambata, learned Senior Counsel for MCGM and obviously, this report could not be considered by the JTC when it gave its report on 29 December 2011. We shall note the relevant facts, opinion and recommendations in the report of January – 2016 when we reach said date in our narratives because we think it advisable to record the events as they unfolded at seriatim.

11. The coastal road proposed to be constructed by MCGM starts from Prince Street Flyover which is about 1 km from Tambe Chowk on Marine Drive and moves Northward through a tunnel beneath Malabar Hill and Nepeansea Road. The tunnel opens at the seashore near Priyadarshani Park from where reclamation commences till the Worli-Bandra sea link is reached at Worli. From the Bandra side of the

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sea-link (which already exists) the road proceeds further North towards Versova. This layout of the road appears to have been taken note of by the JTC.

12. Since the proposed project impacted the coastline, the Maharashtra Coastal Zone Management Authority (MCZMA) also considered the proposal. At the 82nd Meeting of MCZMA under the chairmanship of the Secretary (Environment) held on 12 June 2013, the Minutes of the Meeting drawn up, highlight that the function of the Authority included protection and conservation of coastal stretch as also identifying the ecologically sensitive area and formulate the necessary management plan for the coast. Pertaining to coastal roads, MCZMA noted that the CRZ -2001 published by MoEF permitted road on stilts in CRZ-1 areas with there being a total prohibition to reclaim land for coastal roads. MCZMA noted that a coastal road based on reclamation having an average width of about 100 metres is a cost-effective option as compared to other options and also helps generate significant open spaces which could be used as gardens, promenade, cycle tracks etc. MCZMA further noted that the proposed coastal road required reclamation of 160 hectares on which a coastal road having a

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length of 36 Km. would be constructed. MCZMA decided to recommend the proposal to MoEF to amend the CRZ -2011. Relevant would it be to highlight that the minutes simply refer to the necessity of a coastal road and cost-effectiveness of a coastal road built on reclaimed land and opines that this was in the larger public interest. There is no reference in the minutes to adverse impact on the environment and especially the geomorphological features of the coastline.

13. MCZMA met again on 23 January 2015. This was the 97th Meeting of MCZMA. On the proposed coastal road project, MCZMA recommended an amendment to clause (a) of subparagraph (iv) of paragraph 3 and insertion of paragraph (g) in sub-clause (1) of paragraph 4 of CRZ-2011 as under:

> *(a) required for setting up, construction or modernisation or expansion of foreshore facilities like port, harbours, jetties wharves, quays, slipways, bridges, sealink, road on stilts, coastal roads by way of reclamation in sea and in mangroves without the benefit of future commercial or real estate development on the landward side, keeping the existing HTL demarcated in approved CZMP same in its effect and taking it as a reference for appraisal of all other projects from CRZ point of view, as if there was no coastal road and such as meant for defence and security purpose and*

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for other facilities that are essential for activities permissible under the notification.

xxx

(g) construction of coastal road by way of reclamation in sea and mangroves area in exceptional cases to be decided by concerned CZMA.

14. On 4 February 2015, MCZMA wrote a letter to MoEF enclosing therewith minutes of its 97th meeting.

15. On 25 June 2015, MoEF issued a draft Notification in light of the amendment to CRZ-2011 proposed by MCZMA. The draft Notification reads as under:

In the notification of the Government of India in the erstwhile Ministry of Environment and Forests, dated the 6th January, 2011 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide S.O. 19(E) dated the 6th January, 2011 -

(A) In paragraph 3, in sub-paragraph (iv), for item (a), the following item shall be substituted, namely:-

"(a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilt, road on reclaimed surface without affecting tidal flow or water, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification:

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Provided that such roads shall not be taken as authorised road for permitting development on landward side of such roads till existing High Tide Line."

(B) In paragraph 4, in sub-paragraph (i), after item (f), the following item shall be inserted, namely:-

(g) construction of road by way of reclamation in Coastal Regulation Zone area shall be only in exceptional cases, to be recommended by the concerned Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case the construction of such road is passing through mangroves or likely to damage the mangroves, three times the number of mangroves destroyed or cut during the construction process shall be replanted.

16. On the same day, i.e. 25 June 2015, MCGM issued a public advertisement inviting objections from the public at large to the proposed coastal road project and uploaded the detailed project report on its website. It received 3375 representations from citizens and NGOs. 1663 supported the coastal road and 1712 raised objections to the project. On a date not emerging from the pleadings or the record of the writ petitions, even MoEF uploaded the draft notification on its website inviting representations. MCGM also put up on its website a

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draft project report and received representations for and against the proposed coastal road and concerning the representations against appointed Frischmann Prabhu to conduct a peer review of the draft project report keeping in view the objections filed against the proposed coastal road.

17. Now, any reclamation of land along a seashore is bound to affect tidal flow. The proposed draft notification issued by MoEF on 25 June 2015, while permitting road on the reclaimed surface, hedged the reclamation to be without affecting the tidal flow of water. This being on impossibility and the proposed amendment would have been useless if ultimately reflected in the amendment carried out, on 26 August 2015 MCGM wrote a letter to MoEF to remove without affecting tidal flow. While promulgating the final notification, on 30th December 2015, MoEF amended paragraph 3(iv) and paragraph 4(i) of CRZ-2011 as under:

> *(a) In paragraph 3, in sub-paragraph (iv) for item (a), the following item shall be substituted, namely :-*
>
> > *"(a) required for setting up, construction or modernisation nor expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, road on*

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reclaimed surface, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;

Provided that such roads shall not be taken as authorised for permitting development on landward side of such roads till existing High Tide Line.

Provided further that the use of reclaimed land may be permitted for roads, mass rapid or multi-modal transit system, construction and installation, on landward side of such roads, of all necessary associated public utilities and infrastructure to operate such transit or transport system including those for electrical or electronic signal system, transit stopover of permitted designs; except for any industrial operation, repair and maintenance";

(b) In paragraph 4, in sub-paragraph (i), after item (f), the following item shall be inserted, namely:-

(g) construction of road by way of reclamation in CRZ area shall be only in exceptional cases, to be recommended by the concerned Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change: and in case the construction of such road is passing through mangroves or likely to damage the mangroves, three times the number of mangroves destroyed or cut during the construction process shall be replanted.

(c) in the said notification, after Annexure-IV, Form-I, the following shall be inserted, namely:--

***Explanation** :- For the purpose of the notification, the word "existing" used in the said notification shall mean*

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existence of the features or regularization or norms as on 19th February, 1991 wherein CRZ notification, was notified.

18. The month of January 2016 arrived. In said month CSIR-NIO submitted a report: January 2016, recording therein that measurements of waves, tides and currents at Mahim were carried out by it during 21 November 2014 to 12 December 2014 and at Colaba between 25 November 2014 to 17 December 2015; which was a small-time segment and thus, local hydrodynamic changes need to be observed for a longer period. However, relevant would it be to note that CSIR-NIO report records a very important fact. The coastline being zig-zag, the team recorded in its report that the model simulations for the case of reclamation for the proposed coastal road facility showed increased water levels, increased flow speeds, and consequent increased bed level changes in the project region. However, the water flow was smooth along the coastline stretches, where the proposed reclamation had a smooth transition with the existing coastline. It was therefore recommended that reclamations should be done only with a smooth transition and not in a zig-zag alignment. It is also recommended that the overall project of the

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coastal road should be planned and executed with minimum interference to the existing environment.

19. It not being clear, as to on what date in January 2016 CSIR-NIO report was submitted, the next event which needs to be noted is that on 11 January 2016 MCGM made an application to MCZMA seeking approval to construct a coastal road.

20. On 16 January 2016, at its 111th meeting, MCZMA noted that the proposal was to construct a road having 36 km length along the Western Coastal stretch of Mumbai. Recording that MCGM had submitted the EIA/EMP report prepared by M/s. STUP and Consultants Pvt. Ltd., recorded under noted sixteen observations:

> 1. *MCGM may consider option of Tram service instead of BRTS. Tram service is more eco-friendly and will provide boost to ecotourism in the area. Further, tram service should be on seaward side of the part of the proposed road.*
> 2. *It is observed that cycle track is not provided for entire stretch of the road. MCGM to provide dedicated cycle track with entry and exit provision at all the interchanges. MCGM to also provide cycle parking areas at appropriate locations. Further, MCGM to provide sitting/resting benches of appropriate intervals.*

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3. *It is observed that there are few interchanges proposed on mangroves. MCGM to ensure that there is no reclamation on mangroves area at any of the interchange as well as other mangroves areas. MCGM to provide elevated/stilt road of appropriate height at the interchange. Further, Malvani patch 4 should also be on the stilt instead of mangroves.*

4. *Mangroves play important role in flood mitigation as well as protection from the coastal Hazards. Therefore, mangroves along the coastal road should be converted into mangroves parks. Efforts should also be done to increase the water flow in the mangroves areas to have more density by way of fish bone like channels, Adequate nos. of watch towers/sitting arrangement may be provided fronting the mangrove areas.*

5. *It is observed that detailed flood management analysis should be undertaken.*

6. *MCGM to explore proving solar streetlights or hybrid system along the coastal road.*

7. *MCGM to provide the real time monitoring for air quality and water quality at appropriate locations in consultation with expert institute.*

8. *MCGM to submit the socio-economic studies indicating benefits due to the proposed project.*

9. *It is observed that Coastal road will have impact on nearby habitats of traditional coastal communities and their livelihood. Therefore, MCGM to ensure that habitats and livelihood of these communities are not affected during construction and operation of the project. MCGM to ensure that navigational channels are not blocked at koliwada areas. Further, suggestions at NIO should be taken for construction near the IRLA Nalla.*

10. *It is observed that protection wall is proposed for*

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the protection of the landward structure. MCGM to explore the possibility of combination of engineered structures and green structures for protection of the coast, facing the coastal road.

11. *System for monitoring environmental issues as should be set comprising national and international experts for day to day monitoring. Monitoring protocol and SOPs for environmental issues should be developed.*

12. *Expert monitoring committee comprising reputed scientific institutes, MoEF, State Environment Dept, MPCB coordinated by the Chief Engineer, MCGM for construction & operation phase. MCGM may explore possibility of setting up dedicated monitoring cell.*

13. *MCGM to submit the traffic analysis report indicating level of service as on today of existing road in periphery of 2 Km around the project site. Traffic study should also indicate air and noise pollution impacts due to proposed activities and measures to reduce the impacts as per the recommendations of the studies.*

14. *MCGM to submit the Environmental Cost Benefit analysis of the proposed project.*

15. *MCGM to formulate project specific disaster management plan and standard operating procedures for the plan during construction and operation phase of the project.*

16. *MCGM to submit studies relating to impact of proposed road on existing storm water drainage pattern and measures to mitigate the impacts.*

21. On 13 April 2016 MCGM obtained a drainage report and traffic

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report from STUP and Consultants Pvt. Ltd. and Ernst& Young Pvt. Ltd. On 29 April 2016, it obtained a peer review report from Frischmann Prabhu.

22. Treating as if MCZMA had cleared the coastal road project, the matter reached MoEF. On 22nd July 2016, MoEF returned the same. The deficiencies in the proposal received by MoEF were listed as under:

> *(i) MCZMA has not appraised the proposal comprehensively namely, the MCGM has been advised to consider option of Tram services instead BRTS, to consult NIO for construction near IRNLA Nalla as the coastal road is likely to have impact on nearby habitats of traditional coast communities, to explore possibility of combination of engineered structures and green structures for protection of the coast facing coastal road, to formulate project specific disaster management plan and SOP for the plan during construction and operation phase etc. Pending the said examination, MCZMA should have not forwarded the project to the Ministry.*
>
> *(ii) As per the CRZ Notification, 2011 the MCZMA is required to forward the following documents along with their recommendations:*
>
> *(a) Form-1 (Annexure-IV of the notification) ;*
>
> *(b) EIA Report including marine and terrestrial component with cumulative studies for projects.*
>
> *(c) Disaster Management Report/Risk Assessment*

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Report and Management Plan;

(d) *CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;*

(e) *Project layout superimposed on the above map;*

(f) *No Objection Certificate from the concerned State Pollution Control Boards or Union Territory Pollution Control Committees for discharge of effluents, solid wastes, sewage and the like; and*

(g) *The CRZ map normally covering 7 km radius around the project site;*

(h) *The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas.*

These documents have not been received from MCZMA till date.

(iii) *It is evident from the specific conditions prescribed by MCZMA for the project that proponent has not yet prepared the Disaster Management Plan, SOPs for construction and operation phase, and likely impacts on habitats if traditional coast communities near to the projects have not been analysed thoroughly. The MCZMA has also suggested exploring the alternative options.*

(iv) *Further, the development of coastal road by the way of reclamation is permitted only in exceptional cases. There is no mention of the circumstances under which the Government has proposed to undertake this project.*

In view of the above stated facts, the Ministry hereby return the proposal to MCZMA with a request to appraise it comprehensively as per the

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provision of the CRZ Notification, 2011 and taking into considerations the conditions stipulated by MCZMA including mangrove conservatism plan, step to be taken for protection of local communities like to be affected. Shoreline changes due to construction of protection wall, etc.

23. As noted above, considering the report dated 29 December 2011 submitted by the JTC which, as noted above, recorded that further issues on possible adverse impact of environment needed to be analyzed and as further noted above, the MCGM had entrusted the task to STUP and Consultants Pvt. Ltd. and Ernst& Young Pvt. Ltd. (Consultants) on 23 February 2014, the Consultants submitted the environmental impact assessment report in the month of August 2016.

24. The report of the Consultants reinforces the opinion formed by the CSIR-NIO team which submitted its report in January 2016 that a coastal road on reclaimed land, if constructed hugging the existing shoreline, would have many curves and such road would have more adverse impact on a tidal currents vis-a-vis a road away from the shoreline but sans the curves. On the issues of impact on marine ecology, it opined that during the construction phase and especially

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when a cut and covered tunnel, proposed at two places, the impact would be:

> *(i) Secondary effects will be formation of sediment plumes, which may affect fish or benthos because of the smothering and clogging effect of highly turbid waters on the gills of bivalves or fish, inability to detect predators and the limiting of the photosynthetic process in plants.*
>
> *(ii) The suspension of fine sediments in the water column will create turbidity, which may scatter and attenuate light levels and potentially affect the growth of plants indirectly by reducing the availability of light and consequently the photosynthetic process in plants.*
>
> *(iii) Accidental fuel spillages and overfilling of excavated material can also affect the Marine ecosystems.*
>
> *(iv) The PH of water may increase causing imbalance in the ecosystem and also the activities will cause nutrient imbalance and algal bloom in the nearby shore areas.*
>
> *(v) The water quality will decrease and may also cause increase in temperature thereby reducing the oxygen dissolving capacity.*
>
> *(vi) Sedimentation will be very high due to continuous drilling of the ocean bedrocks.*
>
> *(vii)The living habitats and micro habitats of the marine flora and fauna will be destroyed.*
>
> *(viii) The above impacts will directly impact on fisheries due to the mortality and migration of fishes from the area under construction.*

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(ix) The food webs of the area under construction will be greatly affected thereby causing imbalance in the tropic layer.

(x) Immediate and long-term degradation of sensitive and essential breeding and nursery habitats for coastal and marine organisms (e.g. dunes, beaches, estuaries,) which could lead to long-term reductions of commercially important species (fish, shellfish etc.)

25. Since the bridges were proposed at nine places in the project having a length of 8.2 km, the Consultants opined that the impact during the construction phases would be as under:

(i) The immediate and long-term effect will be the degradation of sensitive and essential breeding and nursery habitats for coastal and marine organisms which could lead to long-term reductions of commercially important species (fish, shellfish etc.)

(ii) Destruction and damage to sensitive coastal vegetation

(iii) Interruption of dynamic coastal ecosystem processes (dune migration)

(iv) Visual impacts

(v) Degradation from increased human traffic and resultant pollution in coastal areas

(vi) Increased pollution can also lead to eutrophication (dead zones in water due to lack of oxygen) and harmful algal bloom events in coastal waters

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(vii) Increased traffic congestion and resultant air/noise and water pollution and Pollution from vessels (oil, litter, chemicals, cargo if vessels are grounded)

Reclamation: *A total length of 12.06 km will be reclaimed in the project. Reclamation may have indirect effects to the Environment and Ecology. Some of them is illustrated below:*

(i) It may cause increase in the concentration of suspended solids and reduce light penetration thereby affecting photosynthesis of marine vegetation.

(ii) It may cause decrease in dissolve oxygen levels and may result in mortality of organisms.

(iii) It may cause nutrient imbalance and result in algal blooms.

(iv) During construction there will be increase in trampling on Rocky shores which will directly affect the inter tidal organisms.

(v) Excavation and Extraction of Inter tidal organisms may take place during constructional activities.

26. On 17 September 2016 MCGM issued a work order to CSIR-NIO, calling upon it to- (i) undertake extreme air analysis studies to establish the extreme wave rides at select points along proposed coastal road; (ii) provide storm and associated extreme water levels, information on probable Tsunami heights considering earlier events at

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along the proposed coastal road; (iii) modal hydrodynamic and morphology changes along the proposed coastal road.

27. On 11 October 2016 MCGM obtained further reports from the Consultants being: (i) Bus Rapid Transport System and Construction Methodology Report; (ii) Material Investigation Report; (iii) Topographic Study; (iv) Geotechnical Investigation Report; (v) Economic and Financial Analysis Report; (vi) Tunnel Safety Report; (vii) Resettlement Action Plan; (viii) Reclamation and Urban Design Report; (ix) Alignment Design and Special Design Report; (x) Bridge Design and Tunnel Report.

28. On 18 October 2016 MCGM submitted a fresh application to MCZMA for clearance of the coastal road limited to a part of the coastal road project by stating that the erstwhile proposed coastal road project was separated by the existing Bandra-Worli sea-link, thus, it would be a case of two projects; informing that the earlier application dated 11 January 2016 was withdrawn, the proposal was limited to the stretch of the coastal road from marine drive moving northwards till the Worli-Bandra sea-link at Worli. Along with the application following

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12 were enclosed:

1 *Checklist for Submission of Application for prior CRZ Clearance Under CRZ Notification 2011, Part A & Part B*
2 *Form I (Annexure-IV of the notification)*
3 *Comprehensive EIA report (Volume-VIII)*
4 *CRZ maps in 1:4000 scale with Project layout superimposed*
5 *Risk Assessment & Disaster Management Plan with SOP's*
6 *Main Report (Volume-I)*
7 *Drainage Report (Volume-VI)*
8 *Traffic Report (Volume-IV)*
9 *Social Impact Assessment Report (Volume-IX)*
10 *Work order of NIO with Proposal*
11 *Compliance to observations and Conditions mentioned in Minutes of 111th Meeting of Maharashtra Coastal Zone Management Authority held on 16th January 2016.*
12 *Compliance to MoEF letter No: F.No.19-74/2016-IA,III dated 22nd July 2016*

29. Form No.1 for clearance of a project attracting CRZ prescribed by CRZ -2011 was filled up and enclosed and relevant would it be to note that the exceptional case projected was to overcome air pollution and traffic congestion considering the economic feasibility of reclamation. It was indicated that the project activity applied for was a

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highway (7f).

30. At its 114th meeting held on 2nd and 3rd, November 2016 MCZMA considered the revised proposal and noted that the coastal road was now divided into two parts; Part A (South side) and Part B (North side). It was noted that the southern side was from Princess flyover to Worli sea-link end and Part B was from Bandra end of sea-link to Kandivali Junction link road. Sections of Part A noted were: (i) Princess flyover to Priyadarshani Park; (ii) Priyadarshani Park to Mahalaxmi; (iii) Mahalaxmi to Baroda Palace. The approximate length noted of Part-A was 9.98 km proposed to be constructed as a combination of land reclamation, landfilled Roads, Bridges into Sea, Tunnel and Elevated Roads. Four interchanges, one of which, was at Amarson Garden, was noted. It was further noted that the project would be CRZ-IB, II, III and IV-A. Total land reclaimed would be 90 hectares, out of which about 20 hectares would be actually utilized for the road and the rest would be for parks, cycle lanes, jogger tracks, bus parking etc.

31. In December 2016, MCGM obtained a Section 4-D

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Environmental Impact Assessment and Reclamation Report from Frischmann Prabhu.

32. Taking forward its decision at the 114th meeting held on 2nd and 3rd November 2016, on 4th January 2017 MCZMA wrote to MoEF that it was recommended for environment clearance of the Southern part of the coastal road. MoEF queried from MCGM as to how it had recommended the project as a highway under Item 7f. On 22 February 2017 MCGM corrected its application by submitting a fresh application (the same is not on record in any petition).

33. The Expert Appraisal Committee (EAC) of MoEF at its 168th meeting held on 17 March 2017 recorded its satisfaction that the project could be cleared from the environment point of view pertaining to the viewpoint projected by NGOs, EAC noted the response of the project proponent, i.e. MCGM in a tabular form as under:

Sr. No.	*Comments/Objections*		*Remarks*
1	*In the EIA Report (uploaded on the*		*In the Joint Technical Committee Report the starting*

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	MoEF & CC web site) dated August 2016 the proposed coastal road length is shown as 29.20 km, whereas in the Joint Technical Committee Report dated December 2011, the length is shown as 35.60 km. This change should be clarified by the project proponent.		*point of the Coastal Road is taken from Jagannath Bhosale Marg, Nariman Point-, whereas in the final alignment the starting point is taken from Princess Street Flyover-,Also in the stretch between Khardanda to Varsova –, In the JTC Report the Tunnel is proposed below the Juhu Airport whereas in the preferred alignment a straight Tunnel is proposed. Due to the above, the final length is reduced from 35.60 km to 29.20 km.*
2	*The construction of the road is divided in to 2 parts (South Section) from Princess Flyover to Worli Sea Link and (North Section) from Bandra Sea Link to Kandivli Junction, The current proposal is for the South Section. The proposed project should be considered in entirely rather than on a piecemeal basis.*		*This is a policy matter not in purview of MCGM*
3	*The proposed coastal road will involve a large scale of reclamation in the sea along the coastline,*		*The reclamation is necessary for the Bus stop for BRTS Buses proposed as a public transport and for construction of FOB and under passes for passengers.*

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	land filled roads, tunnels, the road on stilts, Bridges in Sea and Interchanges.		*It is also required as a parking of BRTS Buses. Also part portion is required for construction of ramp at entry point of tunnel at priyadarshani park as well as for 4 lane traffic Interchange landings. Also it is required for the ancillary services such as 24 x 7 surveillance, Air pollution control unit, Traffic chowky and electric substation, etc.*
4	*Whilst the proposed road is apparently aimed to reduce the traffic congestion of the Mumbai City-, we would like to point out that a whopping sum of ₹ 12,000 crore is proposed to be spent on a project that will be utilized by a tiny percentage, perhaps 1% - 2% of Mumbai's car owning population (since two-wheelers will not be allowed to use this road). Even this minuscule percentage of Mumbai's population will be hesitant to use this bridge if a toll is levied on this bridge.*		*BRTS is proposed in dedicated lane. All the details of are provided in DPR. The current cost of the project is about ₹ 5303 Cr. for southern part only.*

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5	*Apart from this the proposed coastal road will destroy the natural features of our coast line, especially the mangroves, the mud flats, the rocky and sandy beaches, etc. It will also alter the course of existing rivers and creek.*		*This Tunnel will safeguard one of the beaches and there are no mangroves in Southern part.*
6	*The proposed project will also lead to alteration of Low Tide Line and High Tide Line. The project is illegal as per the CRZ Notification, 2011. However, the MoEF & CC issued an amendment vide Notification No. S.O. 1741 (E) dated 25th June, 2015 to accommodate the coastal road project in Mumbai. This amendment in the notification for coastal road will not only destroy the overall coastal ecosystem but will also fail the complete objective behind the CRZ Notification, 2011.*		*NIO has carried out study through MTSU and MCGM will abide by their findings and recommendations.*

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7	*The tunnels to be constructed for the road will alter the existing geomorphology and cause disturbance to and destruction to the existing open spaces.*		*The issues are dealt in DPR.*
8	*The fill material required for reclamation will lead to destruction of our hills and forests. Transportation of the fill material will lead to traffic jams and road deaths.*		*Fill materials required for the reclamation will be used from the muck of proposed work of tunnel. The additional quantities if required can be borrowed from quarries approved by competent Authority.*
9	*The proposed project will lead to increase flooding of the city and suburbs during the monsoons. It will alter the existing geomorphology and the hydrological pattern which would cause grave repercussions in the form of erosion, inundations of water logging. The Bandra Worli Sea Link is a glaring example of erosion caused to the Mahim and Shivaji Park beaches.*		*MTSU has carried out study through NIO and the same is submitted to MoEF & CC.*

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10	*The Joint Technical Committee was constituted vide Government Resolution dated 30th June 2011 to examine various options towards the construction of coastal road. In their report dated December 2011 at page no.29 in context to Coastal Projection / Beaches it states, "The coastal erosion protection measure at the end of the sea side promenade could be in the form of hard protection measures (e.g. tetrapods/sea walls etc.). The possibility of providing beaches through soil protection measures (e.g. geotubes etc.) at appropriate locations can also be considered.' Further EAI report at page no.169 provides the details of the sea walls structures which can applicable for the proposed project. The*		*There are no mangroves in southern portion. Construction of sea wall will protect the erosion.*

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	committee and the consultant overlook the fact that sea wall if constructed will accelerate the erosion of the adjoining areas. The sea wall may also block the tidal flow to the mangroves present along the coastal stretch.		
11	*The destruction along the west coast of Mumbai will rob the city of its natural protection against cyclones and tsunamis and will make the city flood prone.*		*Construction of sea wall will protect from storm surge.*
12	*CRZ notification for aforesaid requires 5 times the number of mangroves that are being destroyed to be planted by the project proponent. In the case of this proposed road, only three times the number of mangroves being destroyed will be planted (as stated in the amendment dated 25th June 2015 of CRZ Notification, 2011). In any case*		*There are no mangroves in south portion.*

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	transplantation of mangroves will not help replace the invaluable ecosystem that exists along our coast. There is no space available within Mumbai to transplant five times the number of mangroves to compensate for the mangroves that will destroyed.		
13	*The EIA report on page no.180 state as Mitigation measure for Mangroves, To compensate for loss of Mangroves, mangrove spices such as Avicennia marina, Savdora persica, Acanthus illicifolius etc. shall be established on either side of the road to be constructed.' This clearly shows that the consultant does not know that Salvadora persica and Acanthus illicifolius are not mangroves but are mangrove associates.*		*Not applicable as there are no mangroves in south portion.*
14	*The EIA report on page no. 174, The*		*Not applicable as there are no mangroves in south portion.*

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	road constructed will equate to direct loss and removal of 321 number of mangroves vegetation association within 33.37 ha of affected mangrove area.' The indirect loss of mangroves have not been considered at all.		
15	*Livelihood of fishermen and fishing communities will be threatened due to this project. It will impact the koli wadas, the fish drying areas, the boat parking areas impacting the fishermen economically and socially. Rehabilitation and Resettlement of the fishermen communities has been ignored in the project plan.*		*MCGM has already obtained Fisheries NOC for the proposed coastal road. In south portion at Lotus Jetty Navigational bridge is proposed for smooth movement of boats of fisherman. There is no issue of Rehabilitation and Resettlement of the fishermen communities in south portion.*
16	*The coastal road will be passing from the front of Bandra fort. Bandra fort is one of the important historical and archaeological place in Mumbai. Once the*		*The proposed road is only for south portion and not passing in front of Bandra Fort. The proposed road will provide access to the religious places like Mahalaxmi Temple and Haji Ali Darga and will not cut off the historic site from the sea.*

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	coastal road is constructed the unhindered view of sea will be replaced by a view of the freeway. It will also be passing from the front of religious places like Mahalaxmi temple, Haji Ali bay. Reclamation around Mahalaxmi temple will cut off the historic site from the sea. Though it is stated that the project will not destroy the Girgaon Chowpati, it will disturb--, destroy and deteriorate the other historical and archaeological sites of Mumbai .		*As the proposed Tunnel at Girgaon Chowpaty is below the sea bed-, hence – project will not destroy the Girgaon Chowpati-, or will not disturb, destroy and deteriorate the other historical and archaeological sites of Mumbai.*
17	*The EIA report at page no. 253 mentions that – The construction of coastal road based on reclamation would help generate large green spaces'. The reclamation is illegal as per the CRZ Notification dated 6th January 2011. The proposed creation of 91 hectares of green*		*The spaces generated due to road on reclamation will be used for ancillary facilities for the road and accessibility to public transport.*

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	spaces, would be done by destroying the already existing green and open spaces.		
18	*The financial cost of environmental destruction has not been included in the project plan prepared for the proposed coastal road.*		*The cost benefit ratio is 1:15. MCGM will set aside 2% of the project cost towards mitigation measures.*
19	*This road will not be viable for public transport as past experience with sea links and expressways has shown. The project encourages motorized transport which will create more air and noise pollution instead of focusing on improving public transport facilities in the city.*		*The coastal road proposal has incorporated BRTS system along with allied facilities. The speed, transport system will reduce carbon footprint to t1826CO_2e per annum.*
20	*The peak handling capacity of the Bandra-Worli Sea-link per day is around 85,000 cars. Currently it is handling only around 37,500 cars which is a gross miscalculation and same may happen in case of the coastal*		*MCGM has proposed toll free road.*

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	road if toll is levied for travel on this road.		
21	*The project envisages to free up city's highly congested road, but owing to the high toll rates, the coastal road might only be used by the economically strong upper strata of the city.*		*MCGM proposed toll free road.*
22	*Alternatively if toll rates are controlled and are affordable then it would lead to congestion of the coastal road as well and then the issue of decongesting traffic would arise again. This can be substantiated by the fact that the flyovers all over the city were built to ease the traffic congestion, however the state of affairs is quite contrary and evident to everyone. The coastal road will bring an additional influx of cars into South Mumbai, which already struggles for parking space, inducing more traffic*		*MCGM has proposed toll free road.*

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	congestion.		
23	*There are also further plans to extend the Mumbai coastal road till Ahmedabad through Vasai and Virar. Such haphazard plans will further aggravate the coastline-, the coastal ecosystem, thereby affecting the fisher folk communities and the livelihood of the people. Also, this will increase the chances of we being climate change refugees.*		*Not in MCGM's preview.*
24	*We request you to not grant CRZ Clearance to the proposed coastal road project as it will cut it will cut off the city from the sea and will destroy public access to the natural waterfront areas. In addition it will also mar the aesthetics of the west coast of Mumbai and ruin the sea view.*		*Not applicable.*

34. Recording the reason why EAC was recommending approval, it was noted in paragraph 13 of the Minutes drawn up that

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environmental consequences were kept in mind as also the need for the project in view of the increasing traffic in Mumbai and the associated health implications. It was opined that in the view of the Committee, not to grant CRZ clearance will not serve any public interest and the long-run benefits would outweigh the marginal impact likely to be incurred on the environmental aspect. On 11th May 2017, MoEF granted CRZ approval for the coastal road (south). The approval was subject to 28 specific and general conditions.

35. It appears that construction work commenced on Marine Drive near Princes Street Flyover and Worli around October 2018 leading to the five above captioned Public Interest Litigations and one writ petition being filed.

36. Writ Petition (L) No. 560 of 2019 has been filed by Worli Koliwada Nakhwa Matysa Vyavasay Sahkari Society Ltd. and others seeking directions to Respondent No.1-MCGM to suitably modify the design of the proposed Coastal Road after considering the representations dated 27 October 2016 and 26 December 2018 made by the Petitioner No.1 society. The petition also seeks directions to

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Respondents to apply for the necessary clearance under the Environment Impact Assessment Notification dated 14 September 2006 (EIA-2006) and conduct the public hearing as per the office Memorandum dated 24 February 2011.The other prayer in the said petition is to restrain construction activities in the fishing zone from Worli to Banganga. The petition also seeks directions against respondent No.1 restraining it from obstructing fishing activities in the fishing zone between Worli and Banganga which includes casting nets and plying boats in the fishing, using Jetties by fisherfolk.

37. Public Interest Petition (L) Society has filed no. 36 of 2019 for Improvement, Greenery And Nature (NGO) seeking directions to restrain respondent No.1 from carrying out work of reclamation at Section 2 of the project from Priyadarshani Park to Mahalaxmi Temple in CRZ-IV areas for which Environmental Clearance has not been obtained by MCGM and also restraining respondent No.1 from constructing the interchange and/or carrying out any construction and from felling trees inside Tata Garden. The petition also seeks directions to MCGM to re-examine the location and alignment of the subject interchange namely 'Amarsons Interchange' proposed to come

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up at Bhulabhai Desai Road with a view to protect the Tata Garden and also to find out alternatives such as building road on stilts in order to reduce reclamation of excess land between Priyadarshani Park to Amarsons Garden. The petition further seeks directions restraining MCGM from utilizing the reclaimed land for any commercial, residential or industrial purpose and also appoint an independent body of experts to ascertain the impact of reclamation on the tidal waves and its impact on the low-lying areas within the vicinity of the reclaimed land.

38. Public Interest Petition (L) No. 39 of 2019 has been filed by Vanashakti (a Public Trust) and another seeking directions restraining MCGM from carrying out any coastal reclamation activity for the coastal road project until scientific expert study is undertaken, and the survey is completed for rich biodiversity on intertidal shores of Mumbai and the impact of work of reclamation on the ecology and biodiversity of species. The petition further seeks directions to the Respondents to constitute a committee of independent expert agencies such as CMFRI, NERRI, Wildlife Institution of India and/or BNHS.

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39. The Public Interest Petition (L) No. 40 of 2019 has been filed by The Conservation Action Trust and others seeking quashing and setting aside the amendment S.O. 3552(E) dated 30 December 2015 amending notification S.O. 19(E) dated 6 January 2011 permitted reclamation within the CRZ area for roads and set aside the CRZ clearance dated 11 May 2017 to the Coastal road (South) from the Princess Street Flyover to the Worli end of the Sea-Link in Mumbai and also to set aside Executive decision of the Respondents to construct the Mumbai coastal road on the reclaimed land in the Arabian Sea of the western coast of Mumbai.

40. The Public Interest Petition (L) No. 44 of 2019 has been filed by Shweta Wagh and others to challenge the CRZ (Amendment) Notification dated 30 December 2015 (wrongly mentioned as dated 25 June 2015) to the extent that it allows for land reclamation for roads on reclaimed surfaces. The petition also challenges the decision of the MCGM to implement the coastal road project and to quash and set aside the CRZ Clearance dated 11 May 2017.

41. Public Interest Petition No. 25 of 2019 has been filed by Prakash

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Laxman Chanderkar seeking directions to respondents to abandon the proposed coastal road and consider the alternative double-decker road.

42. Before the hearing commenced on 17 June 2019, notwithstanding Shri. Janak Dwarkadas learned Senior Counsel not being engaged in all the petitions, it was agreed that learned Senior Counsel would address arguments on the challenge to the Notification dated 3rd December 2015 issued by MoEF amending paragraphs 3(iv) and paragraph 4(i) of CRZ-2011; challenge to the approval dated 11 May 2017 granted by MoEF to Part A (south side) of the coastal road; construction activities being commenced without approval granted by MoEF under the Environment Impact Assessment Notification dated 14th September 2006 as amended from time to time; the proposed construction of the interchange at Amarson Garden and the allied issues concerning said four issues. Ms. Gayatri Singh Senior Counsel agreed to supplement if needed, arguments by Shri. Janak Dwarkadas Senior Counsel and independently argue Writ Petition (L) No.560 of 2019. Other learned counsel for the petitioners agreed to make brief supplementary submissions in the Public Interest Petitions filed by them.

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43. Concerning the challenge to the Notification dated 30th December 2015 amending the CRZ-2011, Shri. Janak Dwarkadas tracked the events commencing from 30th June 2011 when the Government of Maharashtra decided to constitute JTC till the amendment was made. Since we have already captured the dates on which various events including recommendations and decisions took place, we briefly note that learned Senior Counsel highlighted that the emphasis in the decision of the Government of Maharashtra to constitute the JTC on 30th June 2011 was to study and make recommendations on the subject of coastal roads in Mumbai and with reference to the report dated 29th December 2011 by the JTC, learned Counsel highlighted the three terms of reference to it, which we have extracted in paragraph 4 above, to highlight that the terms of reference reproduced by the JTC made it clear that the only point being studied and considered by the JTC was the various options for the construction of a coastal road in Mumbai. Learned Senior Counsel argued that the limited scope of the terms of reference proceeded on the assumption that a coastal road was required. With reference to the sketchy reference in the report on the environmental impact, learned Senior

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Counsel drew our attention to the part of the report wherein it was observed: '*that the CRZ clearance would normally require a pre-feasibility report/traffic studies/related technical studies including EIA indicating the likely impacts and mitigation measures. The Committee is of the view that such studies should be entrusted only to the consultants accredited by the Quality Council of India (QCI). As regards impact on mangroves, since mangrove areas are now declared as reserved forests in Maharashtra, any construction work impacting mangroves would necessitate compensatory mangrove plantation. The detailed project preparation studies should be accordingly taken up to incorporate these aspects*'. Referring to the report further, learned Senior Counsel referred to the parts of the report wherein the Committee recorded its opinion that: '*reclamation for the purposes of a coastal freeway in some length as a highly cost-effective option and one that also entails other benefits through the creation of the large open green spaces to citizens.*' Learned senior counsel submitted that aforesaid shows that the JTC report was limited to the purpose of reclamation in Mumbai. Referring to the 82nd meeting of MCZMA held on 10th June 2013, learned Senior Counsel urged that even

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MCZMA deliberated upon amending CRZ-2011 to accommodate construction of a coastal road in the city of Mumbai. With reference to the 97th meeting of MCZMA on 23rd January 2015, learned Senior Counsel urged that even said minutes show that emphasis was to amend CRZ-2011 only for the coastline in Mumbai. Learned Senior Counsel urged that the draft amendment published by MoEF on 25th June 2015 proposed the amendment have a road on reclaimed land without affecting the flow of tidal water but the final amendment excluded the words '*without affecting the flow of tidal water'.* Thus, on this aspect, the submission terminated by submitting that the final Notification embraced the entire coastline of India. Learned Senior Counsel drew our attention to the Notification dated 15th May 2009 issued by MoEF amending CRZ-1991 by inserting a further proviso after the existing proviso to paragraph 2(i) of the existing Notification; the additional proviso being: '*Provided further that the development of greenfield airport at Navi Mumbai shall be undertaken subject to detailed scientific study for incorporating adequate environmental safeguard measures required for neutralising damage to the coastal environment as may be appropriate to the Navi Mumbai region'*. And

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in the annexure to the existing notification under CRZ-1, after item (iv), item (g): '*development of greenfield airport and related activities at Navi Mumbai,* and under CRZ-II after item (i.e.) item (if) was inserted namely:'*development of greenfield airport and related activities at Navi Mumbai'.* The argument was that after conducting scientific studies and opining that another airport was needed in the city of Mumbai, a specific amendment was made limited to the city of Mumbai since an exceptional case was made.

44. Referring to the various reports and communications between MCGM, its consultants, MCZMA and MoEF learned Senior Counsel urged that the coastal road project was always referred to as a composite project which comprised of and involves land reclamation, landfilled roads, bridges, elevated roads, tunnels, creation of open spaces to be used as green spaces with public amenities such as promenades, jogging tracks, cycling tracks, amusement parks, butterfly gardens etc. Therefrom, learned Senior Counsel urged that the stated objective of the project was two-fold. First, to reduce vehicular congestion; Second, to create open spaces and construct a road reclamation of 95.25-hectare land. Learned Senior Counsel highlighted that only 20 hectare was to

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be used for the road carriageway and remainders 75.25 hectares as open spaces and public amenities.

45. Learned Counsel urged that the amendment was contrary to the object of the Environmental Protection Act which in the statement of objects declared that one of the many objects of the Act was *the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property.* Section 3 of the Act was referred to which empowered the Central Government to take such measures as were necessary for *protecting and improving the quality of the environment.* This as per learned Senior Counsel also casts an obligation on the Central Government to protect the environment and as a necessary corollary prohibits the Central Government from framing regulations which permit destruction of the environment. Learned Senior Counsel urged that the CRZ Notification in question suffered from the vice of arbitrariness and is ultra vires the Parent Act for a reason in the decision reported as (2001) 4 SCC 202 *Assam Co. Ltd. Vs. State of Assam*, the Supreme Court held: '*it is fundamental that a delegate on whom such power is conferred has to act within the limits of the authority conferred by the*

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Act and it cannot enlarge the scope of the Act. A delegate cannot override the Act either by exceeding the authority or by making provision which is inconsistent with the Act. Any Rule made in exercise of such delegated power has to be in consonance with the provisions of the Act, and if the Rule goes beyond what the Act contemplates, the Rule becomes in excess of the power delegated under the Act, and if it does any of the above, the Rule becomes ultra vires of the Act." Highlighting that the phrase '*exceptional case'* was not defined either under Clause 4(i)(g) or anywhere else in the notification learned Counsel urged that there was no guideline or criteria provided to identify what constitutes an exceptional case. The power conferred was thus totally unguided, uncanalised and unfettered. Paragraphs 8 and 9 of the decision reported as (1974) 1 SCC 549 *State of Punjab and Ors. Vs. Khanchand & Ors*. was highlighted which read as under:

> *"8. We may state that the vesting of discretion in authorities in the exercise of power under an enactment does not by itself entail contravention of Article 14. What is objectionable is the conferment of arbitrary and uncontrolled discretion without any guidelines whatsoever with regard to the exercise of that discretion. Considering the complex nature of problems which*

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have to be faced by a modern State, it is but inevitable that the matter of details should be left to the authorities acting under an enactment. Discretion has, therefore, to be given to the authorities concerned for the exercise of the powers vested in them under an enactment. The enactment must, however, prescribe the guidelines for the furtherance of the objects of the enactment and it is within the framework of those guidelines that the authorities can use their discretion in the exercise of the powers conferred upon them. Discretion which is absolute uncontrolled and without any guidelines in the exercise of the powers can easily degenerate into arbitrariness. When individuals act according to their sweet will, there is bound to be an element of `pick and choose' according to the notion of the individuals. If a Legislature bestows such untrammelled discretion on the authorities acting under an enactment, it abdicates its essential function for such discretion is bound to result in discrimination which is the negation and antithesis of the ideal of equality before law as enshrined in Article 14 of the Constitution. It is the absence of any principle or policy for the guidance of the authority concerned in the exercise of discretion which vitiates an enactment and makes it vulnerable to the attack on the ground of violation of Article 14. It is no answer to the above that the executive officers are presumed to be reasonable men who do not stand to gain in the abuse of their power and can be trusted to use "discretion" with discretion……

9. It has been observed by this Court in the case of Shri Ram Krishna Dalmia v. Shri Justice S. R. Tendolkar and Ors. that a statute may not make any classification of the persons or things for the purpose of applying its provisions but may leave it to the discretion of the Government to select and classify persons or things to whom its provisions are to apply. In determining the

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question of the validity or otherwise of such a statute the court will not strike down the law out of hand only because no classification appears on its face or because a discretion is given to the Government to make the selection or classification but will go on to examine and ascertain if the statute has laid down any principle or policy for the guidance of the exercise of discretion by the Government in the matter of the selection or classification. After such scrutiny the court will strike down the statute if it does not lay down any principle or policy for guiding the exercise of discretion by the Government in the matter of selection or classification, on the ground that the statue provides for the delegation of arbitrary and uncontrolled power to the Government so as to enable it to discriminate between persons or things similarly situate and that, therefore, the discrimination is inherent in the statute itself. In such a case the court will strike down both the law as well as the executive action under such law."

(Emphasis supplied)

46. Learned Senior Counsel Shri.Janak Dwarkadas further submitted that from a perusal of the various reports and decisions it clearly emerges that the focus of the various Committees, MCZMA and MoEF was to consider exceptional circumstances justifying an amendment to CRZ 2011 and not an exceptional case.

47. In harmony with the settled legal position that were the vires of a statute or a statutory policy is questioned, an attempt should be made

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to interpret the same to save it from vice of unconstitutionality and as per learned Senior Counsel the vires could be saved only if sub-para (g) of Clause 4(i) of the CRZ-2011 post amendment was read: (*a) The words 'shall be only in exceptional cases' qualifies inter alia the construction of road by way of reclamation in CRZ area; (b) In other words, no reclamation in CRZ areas for construction of road is the rule and only in exceptional cases is it to be permitted; (c) This is because paragraph 3(iv)(a) in the CRZ -2011 prior to its amendment totally prohibited the activity of reclaiming land for construction of roads in CRZ areas; (d) It cannot, as a matter of interpretation, be suggested that what was previously totally banned has been made a rule and reclamation in CRZ areas for construction of roads is to be permitted by construing the qualification, `shall be only in exceptional cases,' widely; (e) In the MCGM's Reply dated June 1, 2019 in PIL No. 40 of 2019, the MCGM claimed that the State Government has taken into account factors such as increase in population, increase in the number of vehicles, ever-increasing traffic congestion city of Mumbai, burden on the existing road network and lack of green space in Mumbai and decided that the Coastal Road is the only solution to deal with these*

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aforesaid 'exceptional circumstances' existing in the city of Mumbai; (f) The phrase `in exceptional cases' cannot be equated with the phrase `exceptional circumstances in the city of Mumbai'. In fact, the word 'cases' itself suggests that the exception is meant to apply on a case-to-case basis; (g) The manner in which the MCGM and the State authorities have interpreted the amended provision would permit the wholesale destruction of CRZ areas by placing development over the environment, thus destroying the rule of sustainable development. Such an interpretation could destroy the entire coastline of India, which runs into 7,500 kms, as all planning authorities can adopt this interpretation, including gram panchayats, along the coast, which could lead to the destruction of beaches, mudflats and other highly ecologically sensitive areas, including those falling within CRZ -I; (h) The very fact that the latter part of paragraph 4(i)(g) provides that in case the construction of such a road is passing through mangroves or likely to damage mangroves, three times the number of mangroves destroyed or cut would be required to be replanted, is one more aid to the interpretation of this provision inasmuch as it clearly suggests that the damage caused by reclaiming a CRZ area for construction of a road

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must be capable of being redeemed; (i) Where large tracts of rocky coastline, rocky beaches and wildlife, such as coral, are being destroyed, there is no question of redeeming the damage and hence the exception cannot be applied; and (j) In other words, the exception is meant to apply only where the damage to the CRZ area can be minimized and mitigated. Learned Senior Counsel urged that if the interpretation placed by MCGM was to be accepted the amendment would liable to be set aside because the stated object and purpose of CRZ-2011 was to '*ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner, based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea-level rise due to global warming.'* Referring to the decisions reported as 1997 (II) SCC 87 *S. Jagannath Vs. U.O.I.*, (2017) 1 KHC 423 DLF *Universal Ltd. Vs. Anthony A.V. & Ors.*, AIR 2018 SC 5194 *M.C.Mehta Vs. U.O.I. & Ors.*, (1996) 5 SCC 647 *Vellore Citizens Welfare Forum Vs. U.O.I. & Ors*., and (1996) 5 SCC 281 *Indian Council for Enviro Legal Action Vs. U.O.I.* learned Senior

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Counsel urged that the purpose of CRZ Notification highlighted in said judgments was to protect the ecologically fragile coastal areas warranting amendments to be carried out after scientific studies of the impact of projects such as roads on reclaimed land on the tidal currents, coastal geomorphology and ecology. No such scientific studies were conducted. Striking down certain amendments to the CRZ-1991 Notification by the amendment Notification of the year 1994, in *Indian Council for Enviro Legal Action* (case) supra, learned Senior Counsel highlighted that the Supreme Court in paragraphs 31, 32, 38 and 39 thereof held as under:

> *"31. While examining the validity of the 1994 Notification, it has to be borne in mind that normally, such notifications are issued after a detailed study and examination of all relevant issues. In matters relating to environment, it may not always be possible to lay down rigid or uniform standards for the entire country. While issuing the notifications like the present, the Government has to balance various interests including economic, ecological, social and cultural. While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development*

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at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment. This is sought to be achieved by issuing notifications like the present, relating to developmental activities being carried out in such a way so that unnecessary environmental degradation does not take place. In other words, in order to prevent ecological imbalance and degradation that development activity is sought to be regulated.

32. The main Notification was issued under Sections 3(1) and 3(2)(v) of the Environment Protection Act, presumably after a lot of study had been undertaken by the Government. That such a study had taken place is evident from the bare perusal of notification itself which shows how coastal areas have been classified into different zones and the activities which are prohibited or permitted to be carried out in certain areas with a view to preserve and maintain the ecological balance.

xxxx

38. We, accordingly, hold that the newly added proviso in Annexure II in paragraph 7 in sub-paragraph (1) (Item i) which gives the Central Government arbitrary, uncanalized and unguided power, the exercise of which may result in serious ecological degradation and may make the NDZ ineffective is ultra vires and is hereby quashed. No suitable reason has been given which can persuade us to hold that the enactment of such a proviso was necessary, in the larger public interest, and the exercise of power under the said proviso will not result in large-scale ecological degradation and violation of Article 21 of the citizens living in those areas.

39. ...Even the Vohra Committee which had been set up to look into the demands of Hotel and Tourism

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> *Industry had not made such a proposal and, therefore, it appears to us that such a reduction does not appear to have been made for any valid reason and is arbitrary. This is more so when it has been alleged that in some areas like Goa, there are mangrove forests that need protection and which stretch to more than 100 metres from the river bank and this contention had not been denied. In the absence of any justification for this reduction being given the only conclusion which can be arrived at is that the relaxation to 50 metres has been done for some extraneous reason…. This amendment is, therefore, contrary to the object of the Environment Act and has not been made for any valid reason and is, therefore, held to be illegal."*

48. On the assumption that the CRZ Notification dated 30th December 2015 was valid, referring to the various deliberations between the authorities and reports received, learned Senior Counsel urged that it was apparent that emphasis was on how to construct a coastal road incurring least expenses and that so obsessed were the authorities with the idea of a coastal road that not a thought was given that the proposal for the coastal road was mooted in the year 2011 and by the time approval was granted Metro network in Mumbai covering 246 km was not only conceived of but even construction work commenced. Learned Counsel argued that except a reference here or to that even Metro Project was planned in the city of Mumbai, there is

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hardly any application of mind of what would be the impact of the Metro line by providing an alternative mode of transport to the public. Learned Counsel referred to the map prepared by the Mumbai Metro for the Mumbai Metropolitan Region to graphically show that the various Metro lines running south to the north covered the same areas, from south to north which was covered by the proposed coastal road. Learned Senior Counsel argued that lip service to environmental aspects is to be found in the various reports and recommendations as also decisions taken from time to time. No serious attempt has been made to ascertain the ecological damage to the coastline and impact on the geomorphic and ecologically sensitive shorelines through which after reclamation development would take place. Lastly, learned Senior Counsel argued that conceptually the coastal road was a singular concept because the very object of the road was to move the traffic from the south to the north of the City and vice versa. By dividing the project into Part A and Part B, a conceptually one project which had to be physically, one project was broken into two physically separate projects. Learned Senior Counsel posited the question: What if, Part B of the coastal road project was not built? The answer obvious to any

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person would be that traffic chaos from one part of the city would be shifted to the other with no tangible benefits.

49. This took the learned Senior Counsel to the next limb of his submissions concerning CRZ Clearance dated 11th May 2017 granted by MoEF.

50. Tracing the background of the coastal road project when JTC was set up by the State Government Resolution dated 30th June 2011, learned Counsel highlighted that the report submitted by JTC relied upon an earlier Comprehensive Transport Strategic Study -2008 and opined that the coastal road was the only solution to decongest the city and additionally reclamation would create open green spaces. Pursuant to the JTC report, MCGM appointed STUP Consultants Pvt. Ltd. and Ernest& Young Pvt. Ltd. to prepare a feasibility report and a detailed project report (DPR). Accordingly, draft DPR was prepared to propose the coastal road. When the DPR was prepared reclamation in CRZ-1 area to construct a road was prohibited, and thus at its meeting held on 10th June 2013, MCZMA decided to recommend to MoEF to amend CRZ-2011 for a specific purpose of permitting construction of a road

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on reclaimed land. On 22nd January 2015 MCGM requested MCZMA to propose the necessary changes to MoEF, and the very next day MCZMA again decided to recommend the amendment, and on 4th February 2015, MCZMA wrote a letter to MoEF. Thereafter MCGM entrusted the task to submit, amongst others environment Impact Assessment Report and Social Impact Assessment Report which are the requirements under paragraph 4.2 of the CRZ - 2011. In June 2015 MCGM invited objections to the draft project report probably for the reason paragraph 5 of CRZ-2011 requires public consultations while preparing the Coastal Zone Management Plan Maps, and one principal objection was that the existing CRZ - 2011 prohibited reclamation of land to construct a road. MCGM appointed Frischmann Prabhu to analyse the representations received and submit appropriate remedial measures. Said peer review report pointed out various issues and deficiencies regarding the coastal road project and the DPR studies conducted for the project. Learned Senior Counsel drew the attention of the Court to the under noted crucial finding of Frischmann Prabhu report (with the grievance that the neither MCZMA nor MoEF addressed themselves to the same). The crucial

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findings referred to in the report read:

> *i. That the EIA does not include an environmental and social data sheet or screening checklist;*
>
> *ii. No studies have been undertaken regarding the impact of the project on surface, sub-surface and aquatic flora and fauna that will be permanently displaced by the project corridor or any mitigation measures in respect thereof.*
>
> *iii. That the Environment Management Plan (EMP) for the Coastal Road Project does not include various material elements such as a management plan for reclamation area, coastal protection and soil erosion management;*
>
> *iv. No formal risk assessment study to mitigate the risk of flooding has been undertaken. The report pointed out that information regarding high flood levels for a period of at least the last 50 years is required to be examined and included in the EIA report and that detailed hydraulic modeling would be required; and*
>
> *v. That the Social Impact Assessment Report was insufficient and inconclusive inter-alia because it did not incorporate public consultation at different locations with different groups, social survey information and mapping of common property resources.*

51. After the amendment was made on 30th December 2015 MCGM applied to MCZMA for CRZ Clearance for the entire coastal road and at the 111th meeting of MCZMA held on January 16, 2016, several deficiencies were noted which we have noted in para 20 above.

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52. Learned Senior Counsel highlighted that notwithstanding the several deficiencies, inadequacies and lack of material particulars, MCZMA recommended the coastal road project for approval to MoEF on 10th March 2016. On 22nd July 2016, MoEF returned the same listing the deficiencies, which we have noted in paragraph 22 above. MCGM withdrew its application dated 11th January 2016 and made a fresh application on October 18, 2016, but restricted the same to the southern portion of the road giving justification that both projects are separated by the existing Bandra-Worli sea link and are not dependent on each other. Criticizing the justification learned Senior Counsel urged that the dividing the project into two parts was clearly arbitrary because if the purpose was to have a smooth flow of traffic in the city, the entire road factually and conceptually as a single entity had to be constructed. MCGM provided further documents to MoEF on a date unknown but apparent from the affidavit in reply filed by MCGM to PIL(L) No. 40 of 2019. The documents being;

1) *Rapid EIA Report*
2) *CRZ maps with project layout superimposed*
3) *Risk assessment and disaster management plan with standard operating procedures (SOPs)*

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4) *Detailed Project Report*
5) *Drainage Report*
6) *Traffic Report*
7) *Social Impact Assessment Report*
8) *Work Order of NIO with proposal*
9) *Compliance to observations and conditions mentioned by the MCZMA as well as MoEF & CC*

53. With reference to the aforenoted documents learned Senior Counsel highlighted that the ones at Item Nos. 1 to 7 were the same which were prepared for the entire stretch of the coastal road project and argued that if stand of MCGM was that the two stretches were independent logically the environmental impact of the two was independent and thus fresh studies, reports and assessments with data only for the southern section were to be submitted. Learned Senior Counsel urged that paragraph 4.2 of the CRZ -2011 notification had to be procedurally followed and handed over a tabulation showing documents required to be submitted under para 4.2 of CRZ-2011 and the ones submitted by MCGM. The tabular data reads as under :

Sr. No.	*Documents required to be submitted under Para 4.2, CRZ Notification*		*Status of compliance/non-compliance by MCGM*

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a)	*Form-1 (Annexure-IV of the notification)*		*Submitted by MCGM.*
b)	*Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)*		*A Rapid Environment Impact Assessment Report dated August 2016 prepared by the Consultants has been submitted to the MCZMA by MCGM. However, this is based on the original stretch of the coastal road i.e. from Kandivali to Princess Street and not Coastal Road (South) alone.*
c)	*Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration*		*A Comprehensive Environment Impact Assessment Report has not been submitted. Therefore, the requirements of this condition have not been satisfied.*
d)	*Disaster Management Report, Risk Assessment Report and Management Plan;*		*A Risk Assessment and Disaster Management Plan prepared by M/s STUP Consultants has been submitted by MCGM. However, this is based on the original coastal road i.e. from Kandivali to Princess Street*

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			and not Coastal Road (South) alone.
e)	*CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;*		*This document has not been separately submitted.* *In fact, the final approved CZMP (i.e. CRZ Map) under the 2011 Notification was only approved and notified on August 6, 2018 i.e. more than a year after the impugned CRZ Clearance was granted. As such, this condition could never have been satisfied.* *See clause (f) below.*
f)	*Project layout superimposed on the above map indicated at (e) above*		*The alignment of the project has been superimposed only on the draft CZMP under the 2011 Notification, and not the then prevailing CZMP (Under the 1991 Notification) or the final approved CZMP under the 2011 Notification as the same was not notified till August 16, 2018.*
g)	*The CRZ map normally covering 7 km radius around the project site.*		*There is no mention of this document in MCGM's Application dated 18 October 2016.* *However, the website of the MCGM reflects that such a map was submitted to the MCZMA.* *However, the map is prepared according to the draft CZMP under the 2011 Notification, and not the final approved*

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			CZMP under the 2011 Notification as the same was not notified till August 16, 2018 or the then prevailing CZMP (under the 1991 Notification).
h)	*The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas.*		*There is no mention of this document in MCGM's Application dated 18 October 2016.* *In any event, the alignment of the project has been superimposed only on the draft, CZMP under the 2011 Notification, and not on the final approved CZMP under the 2011 Notification as the same was not notified till August 16, 2018 or the then prevailing CZMP (under the 1991 Notification).*
i)	*No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.*		*Not submitted. There is no mention of a No Objection Certificate from the concerned State/Central Pollution Control Board in MCGM's Application dated 18 October 2016.*

54. Counsel highlighted that 114th meeting of MCZMA held on 2nd

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and 3rd November 2016 MCZMA, decided to recommend the project for clearance subject to the twelve conditions listed therein as under:

1) *Proposed construction should be as per the provisions of the CRZ Notification 2011;*
2) *Machinery to be properly maintained and air and noise emissions should be minimized;*
3) *"MCGM as proposed, to set aside an amount of about 2% of the project cost towards mitigation measures; restoration & Conservation of mangroves/birds/flora/fauna and mudflats restoration;"*
4) *Ensure that no fishing activity is hampered during construction and operation of the project;*
5) *"MCGM to submit the impact of clearing of mangroves if any on surrounding low lying areas from flood point of view. However, post construction such areas should be restored with mangroves plantation if affected."*
6) *"MCGM to obtain prior High Court permission for clearing of mangrove, if any."*
7) *Undertake green belt development as suggested in the Environment Management Plan (EMP);*
8) *Road safety guidelines to be strictly adhered to;*
9) *Implement dust suppression measures during construction and operation;*
10) *MCGM to implement Green Belt development plans;*
11) *Implement all suggestions and recommendations given in the EIA, EMP, Disaster Management Plan (DMP) studies for the project; and*
12) *"All other required permissions should be*

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obtained before the commencement of the project."

55. Learned Senior Counsel urged that non-application of mind by MCZMA was apparent from conditions 5 and 6 because admittedly there are no mangroves in the southern section of the coastal road. As per learned Senior Counsel, remaining conditions appeared to be standard conditions imposed by MCZMA in such projects and were even found in earlier recommendations. As per learned Senior Counsel, it was apparent that MCZMA was not even aware of the fact that it was given reports and data for the entire coastal road project but was considering approval to be granted only to the southern section. With respect to the minutes of 168th meeting of EAC held on March 17, 2017, the tabular information noted in the minutes and extracted by us in paragraph 33 above of our opinion, learned Counsel urged that it shows that MCGM was unable to make out a case that the coastal road south is an independent project or that there was any rational justification for splitting the coastal road into two parts and that EAC failed to note this fact. That EAC or MoEF did not apply its mind to the objections mentioned above and MCGM's response, is

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borne out by the absence of any discussion, consideration or finding either in the recommendation of EAC or MoEF. Referring to the decision of the Delhi High Court reported as 2009 SCC Online Delhi 3836 *Utkarsh Mandal Vs. U.O.I.*, wherein MoEF granting environmental clearance on 26th July 2007 for renewal of mining lease, observed in paragraphs 36, 37 and 40 as under:

> *"36. The next issue concerns the failure on the part of the EAC (Mines) to deal with the objections raised at the public hearing and the effect of such failure on the grant of environmental clearance…. In terms of the procedure evolved by the MoEF to deal with applications for EIA clearance, the objections at the public hearing and the response thereto of the project proponent are placed before the EAC (Mines) for evaluation and for taking a decision which will constitute the advice to the MoEF on such project proposal. The EAC is therefore performing a public law function and is expected to adhere to those very standards which law requires the MoEF to adhere to.*
>
> *37. The requirement of an administrative decision making body to give reasons has been viewed as an essential concomitant of acting fairly. Given that such a decision is in any event amenable to judicial review, the failure to make known the reasons for the decision makes it difficult for the judicial body entrusted with the power of reviewing such decision as to its reasonableness and fairness. The decision must reflect the consideration of the materials available before*

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the decision maker and the opinion formed on such material.

40 *xxx*

Consequently, the exercise expected to be performed by the EAC (Mines) is a serious one and has to include a consideration on merits of the objections raised at the public hearing. Its decision must reflect this. We do not accept the contention of the learned ASG that as long as the MoEF while taking the ultimate decision has applied its mind to the objections raised at the public hearing, the requirement in law would be satisfied. The whole purpose of "outsourcing" the task to an EAC comprised of experts was to have a proper evaluation of such objectives on the basis of some objective criteria. It is that body that has to apply its collective mind to the objections and not merely the MoEF which has to consider such objections at the second stage. We, therefore, hold that in the context of the EIA Notification dated 14th September 2006 and the mandatory requirement of holding public hearings to invite objections it is the duty of the EAC, to whom the task of evaluating such objections has been delegated, to indicate in its decision the fact that such objections, and the response thereto of the project proponent, were considered and the reasons why any or all of such objections were accepted or negatived. The failure to give such reasons would render the decision vulnerable to attack on the ground of being vitiated due to non-application of mind to relevant materials and therefore arbitrary.

56. Learned Counsel hastened to add that though the judgment was

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rendered in the context of environmental clearance under EIA Notification, the role of EAC under CRZ is in *pari materia*. Pursuant thereto, learned Senior Counsel urged that MoEF granted the clearance on May 11, 2017. As per learned Senior Counsel, MoEF failed to appreciate that the alignment of the project had not been superimposed on the final coastal zone management plan, in fact, this could not be done because the said plan for Mumbai city was approved only on 16th August 2018. Apparently, superimposition was on the draft coastal zone management plan. The second application relied on the JTC report submitted in the year 2011, which in turn relied on a 2008 traffic study. The report was outdated because by the year 2017 246 km of Metro Network along the north-south axis parallel to the proposed coastal road was underway. The DPR in respect whereof public participation was sought for the purpose of CRZ clearance was prepared for the entire length of the coastal road. Counsel once again highlighted that if only one segment of the coastal road was under scrutiny then the persons scrutinizing the proposal had to proceed on the basis that traffic would flow from the southern part of the city till the part of the coastal road ended and thus the purpose of reducing air

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pollution would not be served because traffic congestion would shift from point A to point B. Learned Senior Counsel also urged that MoEF failed to appreciate that MCGM had not addressed the five crucial findings of the Frischmann Prabhu report to which we have made a reference herein-above.

57. In respect of Environment Impact Assessment Notification dated 14th September 2006 issued by the MoEF in exercise of powers conferred by Clause (v) of Sub-section (1) and 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, Shri. Janak Dwarkadas learned Senior Counsel referred to Regulation 3 which stipulates that the projects and activities falling under category A of the Schedule would require prior environmental clearance from the Central Government and at the State level by the State Environment Impact Assessment Authority for Category B projects. Referring to the Schedule learned Counsel highlighted that under Column Nos. 1 and 2 of the Schedule under caption **Project or Activity** vide entry 8(b) townships and area development projects were listed and under Clause 4 it was provided 'covering an area ≥ 50

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hectare and or built-up area equal to 1,50,000 sq meter and under Clause 5 pertaining to conditions if any, it was stipulated that *all projects under Item 8(b) shall be apprised as category B1 projects.* As per learned Senior Counsel the communications by the MCGM and MCZMA described the coastal road project as a composite opposite project which comprises of land reclamation, landfilled roads, bridges, elevated roads, tunnels, creation of open green spaces with public amenities including promenades, jogging parks, cycling parks, amusement parks, butterfly gardens etc. and the area proposed to be reclaimed was 95.250 hectare out of which 20 hectares was required for road carriageway. Thus, qualitatively the project was an area development project covering an area of more than 50 hectares with road built-up area equal to 20 hectares. Learned Senior Counsel referred to a Office Memorandum dated 24th February 2011 issued by the MoEF stating that all category A and B1 projects listed in the EIA-2006 would also attract the Coastal Regulation Zone Notification - 2011 and thus public hearing was required as a part of consultative process while considering the application for grant of environmental clearance under Notification dated 14th September 2006. It not being

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disputed by the Respondents that if the project was to be treated as an area development project, it would be a project in category B1 and thus learned Counsel urged that the project would require a separate clearance under Notification dated 14th September 2006.

58. Referring to the decisions of the Principal Bench of the National Green Tribunal reported as 2015 SCC Online NTC 3 *Vikrant Kumar Tongad Vs. Delhi Tourism and Transport Corporation* which considered an unsymmetrical cable-stayed project covering an area of 1,55,260 sq meter over the river Yamuna, the Tribunal held the same to be an area development project under entry 8(b) of the EIA and repelled the contention that it would fall under Item 7(f) of the Schedule to the Notification. Learned Senior Counsel argued that as per the decision, the issue of a project falling in a particular category had to be seen by first applying the qualitative test and thereafter, the quantitative test. Learned Senior Counsel further argued on this aspect by placing reliance upon another decision of the Principal Bench of the NGT reported as 2015 SCC Online NGT 169 *S.P. Muthuraman Vs. U.O.I.*, wherein a project for the development of commercial complex, was held to be covered by entry 8(b) of the EIA - 2006. Learned

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Counsel also relied upon the decision of the Supreme Court pertaining to the construction of the new airport at Goa reported as 2019 SCC Online SC 441 *Hanuman Laxman Aroskar Vs. U.O.I* pertaining to a Category A project. Learned Counsel also referred to the decision of the Supreme Court concerning the construction of a part near Okhla Bird Sanctuary in Noida (U.P.) reported as (2011) 1 SCC 744 in *Re. Construction of Park at Noida near Okhla Bird Sanctuary* to bring home the point as to how different entries in the Schedule to the Notification needs to be construed. As per the learned Senior Counsel keeping in view the aforesaid judgments the project would be an area development project thereby meeting the qualitative requirement and the area being more than 50 hectares with covered area, i.e. the area under road being more than 20 hectares, the quantitative test was also met.

59. Conscious of the fact that in the counter-affidavits filed, stand of MCGM was that while granting environmental clearance under the Coastal Zone Regulation public hearing and assessment from the point of view of impact on the environment was considered and therefore, there is substantial compliance with the requirement of the procedures

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to be followed and decisions to be taken under EIA – 2006, learned Senior Counsel urged that the provisions of EIA -2006 were more comprehensive. In this regard learned Senior Counsel referred to Regulation 4(i)(b) of the CRZ - 2011 which reads: '*for those projects which are listed under this Notification and also attract EIA Notification 2006 for such projects clearance under EIA Notification only shall be required subject to being recommended by the concerned State or Union Territory Coastal Zone Management Authority (CZMA).'* Learned Senior Counsel proceeded to refer to Regulation 7 of the EIA - 2006 which required an application seeking environmental clearance to be screened and appraised at four stages: (i) screening; (ii) scoping; (iii) public consultation; and (iv) appraisal. At the first stage of screening, the application had to be considered to determine whether or not the project or activity required further environmental studies to prepare an environmental impact assessment. If it was found that the project required preparation of an environmental impact assessment report, stage 2 of scoping required the expert appraisal committee to determine detailed, comprehensive Terms Of Reference. The terms of reference have to be conveyed to

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the applicant. The terms of reference have to be displayed on the website of MoEF. At Stage (iii) public consultation was warranted and since paragraph (d) in stage (iii) of Regulation 7 excluded area development projects, learned Senior Counsel urged that the Office Memorandum dated 24th February 2011 mandated public consultation.

60. On facts learned Counsel urged that the stand of MCGM was that since a comprehensive EIA report prepared by the consultants had been submitted for the purpose of CRZ clearance, the requirements had been substantially complied with, but this stand of MCGM, learned Senior Counsel urged, overlooked the fact that under EIA - 2006, before a draft EIA report is prepared, the application has to be scrutinized and the result of the scrutiny could stipulate additional terms of reference and the said has been completely eliminated. On the issue that there was substantial public participation in the form of public consultation process followed by inviting suggestions from the public to the draft project report (not the draft EIA report), learned Counsel urged that the Respondents had mixed two different concepts and have unnecessarily created a confusion. Referring to Regulation 5

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of the CRZ – 2011, learned Counsel urged that the same deals with the preparation of coastal zone management plans and vide paragraph (vi) the coastal States and Union Territories have to prepare coastal zone management plans in accordance with the guidelines contained in Annexure-I of the Notification. Annexure-I requires: *draft CZMP* prepared shall be uploaded on the website and suggestions and objections received in accordance with the Environment (Protection) Act 1986. A public hearing on the draft CZMP shall be held at the District Level by the concerned CZMAs. On the factual aspect, learned Senior Counsel urged that the public consultative process emerging from the pleadings of the Respondents is that MCGM issued a public advertisement on 25th June 2015 inviting objections from the public to the proposed coastal road and on its website uploading the draft project report. To summarize on the importance of a comprehensive terms of reference, learned Senior Counsel urged that the Notification laid emphasis on the matter to be considered from the point of view of comprehensive terms of reference because all relevant environmental concerns were required to be focused upon by the environmental impact assessment committees either at the Central

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level or at the State level. The draft EIA report had to be prepared based on said terms of reference. A public notice had to be issued inviting objections and suggestions with reference to the terms of reference and objections and suggestions had to be noted and dealt with and finally incorporated in the final EIA report which then had to be considered by the Committee to grant or refuse the environmental clearance.

61. With reference to permission to be obtained under the Wildlife (Protection) Act 1972 before the project could be commenced, learned Counsel urged that environmental clearance itself stipulated that if any further clearances were required the same have to be obtained and thus MCGM could not have commenced construction without obtaining permission under Wildlife (Protection) Act, 1972. Learned Senior Counsel urged that admittedly corals were found at three places and thus urged that clearance under Wildlife (Protection) Act was warranted.

62. Ms Gayatri Singh, learned Senior Counsel for the Petitioner of WP (L) No. 560/2019 submitted that although a Social Impact

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Assessment Study was conducted, it did not address any concern of the local fishermen community even though they were the most affected by the project. Since no public hearing for social impact study was conducted, no consultation was effected with the fishermen community or the petitioner society. The extent of damage caused to the ecology of the area and the livelihood of the fishermen cannot be effectively ascertained in the absence of a proper study in said regard, and the mitigation measures contemplated by the Respondents can never be effective. As per learned Senior Counsel, the issue was not restricted to fish drying beds or navigation of boats but extended to the very act of fishing, which is a traditional and artisan activity. The channels promised for ingress to the deeper waters will be surrounded by land and the construction would alter the tidal pattern making it unsafe for the fishermen to navigate. It will be hazardous for the boats to cross through such narrow channels causing great inconvenience to the livelihood of the fishermen. The navigational channel will not be sufficient since the project would destroy the ecology and biodiversity of the shallow water crucial for carrying out traditional artisan fishing. The Coastal Regulation Zone Notification has also emphasized

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protecting the livelihood of the fishermen. The details of Form 1 to be submitted for clearance and Coastal Zone maps are to explain fishing activities and fish breeding areas. However, the details were not provided by the MCGM. The livelihood of the fishermen is being extinguished only to pander to the needs of 1% of the city population, i.e. the private car owners. The fishing activities from Worli have been carried out from the area over generations . The area produces quality fish and fishing is a lucrative business in the city of Mumbai, which has sustained the fishermen for generations. The rocky areas are a vital fishing zone where various quality fish are found in large quantity. The artisan fishing involved trapping fish that moves towards the breeding areas. If the breeding areas are lost due to reclamation, the fish population will not move to the part of the shore. In rocky areas fishing activity is seasonal and used to harvest commercially important fish which migrate to rocky areas for breeding. The artisan fishing involves different nets, and the fish are caught in cast-nets and gill-nets. A particular skill is developed to fish in muddy areas and that too in different period of the year. Once the breeding areas are lost whereby the migration of fish to breeding areas ceases, the fishing activity itself

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would end, and therefore, there is no gainsaying that fishing can take place in deeper waters. It is impossible for the artisan fishermen skilled in the particular fishing activity to learn new skills of deep-sea fishing as suggested by MCGM. The fishing in deeper seas between 4 to 12 nautical miles will require substantial investment, maintenance, operating cost and different skill sets. Further fishing in the deep sea is more dangerous than shallow water fishing. A study conducted by Spatial Alternative titled Social Ecology of Shallow Seas sets out the ecology and productivity of the Coast, the practice of artisan fishing and the impact of the project on the livelihood and ecology of the area.

63. Mr. Jaman Ali learned Counsel for the petitioners in PIL (L) No. 39 of 2013 referred to a report prepared for a marine Biodiversity Conservation Plan which was annexed with the said petition and drew our attention to page 162 of the petition wherein observations of the intra-tidal marine Biodiversity in Worli Rocky shores revealed different species corals at a distance of 889.24 meter from Rocky seashore of Worli sea face. Counsel highlighted that under Schedule I of the Wildlife (Protection) Act 1972 colonies of corals are enlisted as

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protected species.

64. Pertaining to the interchange to connect the existing Bhulabhai Desai road to the proposed coast road called Amarson Interchange, because, the interchange is near Amarson Garden, Shri. Janak Dwarkadas referred to the layout of the interchange and urged that the same would result in Tata garden being bifurcated into three parts and in between two parts a portion of the park being used to construct a part of the interchange. Learned Senior Counsel urged that this was illogical. There was no reason why the location of the interchange was not either on the corner of the park or a little further away so that the park could be saved.

65. Mr. Prakash Laxman Chanderkar who filed PIL No. 25 of 2019 argued that from a common-sense point of view, the matter could simply be resolved by constructing an elevated road over the existing road connecting the southern end of the city to its northern end and by introducing double-decker buses, further, the Government offices could be relocated outside the city of Mumbai.

66. In a spirited response, Shri D. J. Khambata, learned Senior

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Counsel for MCGM argued with respect to the CRZ amendment made on 30th December 2015 by tracing the history to the Coastal Zone Regulations from the first issued on 19th February 1991. Counsel urged that the 1991 CRZ Notification declared what were CRZ areas and imposed restrictions on setting up and expansion of industries, operations and process in such areas. It also declared the prohibited activities in the CRZ areas. These activities included `*land reclamation*'; vide clause 2(viii). However, this was not an absolute prohibition. By way of an exception, land reclamation was permitted where it was *`required for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, stormwater drains and structures for prevention of salinity ingress and for sweet water recharge*' vide para 2(viii). Counsel urged that land reclamation was not totally prohibited and was in fact permitted for development of certain infrastructure, e.g. stormwater drains.

67. The 1991 CRZ Notification was amended on 9th July 1997. Para 2(viii) was substituted with the following:

"(viii) land reclamation, bunding or disturbing the

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natural course of sea water except those required for construction of ports, harbours, jetties, wharves; quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge."

68. As per Shri Khambata, the amendment, therefore, expanded the scope of exceptions in relation to land reclamation and permitted land reclamation, inter alia, in respect of the construction of bridges and sea-links.

69. The 1991 CRZ Notification was amended once again on 12th April 2001 by which para 2(viii) was substituted with the following:

"(viii) Land reclamation, bunding or disturbing the natural course of sea water except those required for construction or modernaisation or expansion of ports, harbours, jetties, wharves, quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge:

provided that reclamation for commercial purposes such as shopping and housing complexes, hotels and

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entertainment activities shall not be permissible."

70. Learned counsel urged that the amendment once again expanded the scope of exceptions in relation to land reclamation. Further, the proviso made it clear that the legislative intent was not to totally prohibit reclamation. The only activity for which reclamation was to be totally prohibited was for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

71. Learned senior counsel argued that on 6th January 2011 the MoEF issued a new CRZ Notification in substitution of the 1991 CRZ Notification. The preliminary background to the notification stated that it was introduced to `*ensure livelihood security to the fisher communities and other local communities living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea-level rise due to global warming'*. Thus, counsel urged that the objective of the CRZ - 2011 was not to completely prohibit development in CRZ areas but instead the

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objective was to `*promote*' development in a sustainable manner.

72. Learned Senior Counsel submitted that legislation, which denies or restricts a person's right to property must be strictly interpreted, as held in the decision reported as (2015) 3 BomCR 640 *D. B. Realty Limited v. the State of Maharashtra*. Given that the CRZ - 2011 imposes certain restrictions on a person's ability to develop his property located in a CRZ area and thereby has the effect of imposing restrictions on the right to property, the provisions of the CRZ Notification that impose prohibitions and restrictions must be construed strictly rather than liberally. Para 3 of the CRZ - 2011 lists out various general classes of activities that are prohibited. All the prohibitions listed out in para 3 are not absolute prohibitions. Many of the prohibitions are subject to several exceptions which limit the scope and extent of the prohibition. It is only certain specified activities that are totally prohibited. Learned Senior Counsel drew our attention to para 3(iv) of the CRZ – 2011, which prohibits land reclamation activities in CRZ being subject to the following exceptions:

> *"(a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways,*

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> *bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;*
> *(b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies;*
> *(c) maintenance or clearing of waterways, channels and ports, based on EIA studies;*
> *(d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF"*

Thus, Counsel argued that land reclamation was permitted, inter alia, for construction of bridges, sea links and road on stilts. It was also permitted for even larger projects such as ports and harbours. Construction of roads on reclaimed land is therefore not anathema to the CRZ - 2011 as suggested by the Petitioners. It was envisaged and permitted for several projects/activities.

73. Concerning the amendment made on 30th December 2015 learned Counsel argued that by way of the amendment a further exception was introduced in para 3(iv) of the CRZ – 2011 which contains the prohibition against land reclamation. The amendment specifically excludes the construction of a `*road on reclaimed surface*'

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from the prohibition against land reclamation. The amendment also introduced a new para 4(g) in the CRZ - 2011 to regulate the permissible activity of construction of a road on reclaimed land. The new para 4(g) provides that construction of a road on reclaimed land should only be done in `*exceptional cases*' and with the approval of the MoEF upon the recommendation of the concerned Coastal Zone Management Authority.

74. Concerning the petitioners contention that: (i) the object of the CRZ - 2011 is to protect ecologically fragile coastal areas; (ii) the amendment made in 2015 is contrary to the object of the CRZ – 2011, because it permits land reclamation and construction of a road in CRZ areas; and (iii) the 2015 amendment is contrary to the object and purpose of the Environment (Protection) Act, 1986, learned counsel argued that the stated purpose and object of CRZ – 2011 included `*to promote development through sustainable manner'*. Under para 3 of the CRZ - 2011, there is no absolute prohibition against land reclamation. In fact, para 3(iv)(a) permitted land reclamation for several purposes, including for the construction of bridges, sea links and road on stilts. Notably, this was the position even under the

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erstwhile 1991 CRZ Notification. Under the CRZ - 2011, there is no prohibition against the construction of roads in CRZ-I areas. In fact, para 8(i)(I)(ii)(b) of the CRZ – 2011 merely regulates the manner in which `*Roads*' are to be constructed in CRZ-I areas by requiring `*necessary safety measures to be incorporated'* while permitting their construction.

75. Learned Counsel, therefore, submitted that the amendment made to the CRZ Notification in 2015, which permitted land reclamation to be carried out for the construction of a road on reclaimed land is not contrary to the stated object and purpose of the CRZ - 2011. Had the Coastal Road been on stilts, land reclamation would have been permissible for it even under the unamended 2011 CRZ Notification. It was submitted that the 2015 amendment is not contrary to the object and purpose of the Environment (Protection) Act since Section 3 of the Environment (Protection) Act reads:

> *3. Power of Central Government to take measures to protect and improve environment :*
> *(1) Subject to the provisions of this Act, the Central Government, shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing controlling and abating*

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> *environmental pollution.*
> *(2) In particular, and without prejudice to the generality of the provisions of subsection (1), such measures may include measures with respect to all or any of the following matters, namely:-*
>
> *xxxx*
>
> *(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;*
>
> *(Emphasis Supplied)*

76. As per Shri Khambata, it was evident that the Environment (Protection) Act does not contemplate a wholesale prohibition of development activities but instead only contemplates restrictions being placed on it and imposition of safeguards to protect the environment.

77. Referring to the decision of the Supreme Court reported as (1996) 5 SCC 647 *Vellore Citizens' Welfare Forum v. U.O.I.*, learned Counsel urged that the Supreme Court noted that the `*traditional concept that development and ecology are opposed to each other is no longer acceptable*` and that `*Sustainable Development*` is the answer.

78. Thus as per the learned Counsel, the 2015 amendment by which land reclamation has been permitted in CRZ areas for the construction

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of roads only in exceptional cases can therefore not be stated to be contrary to the object and purpose of the Environment (Protection) Act.

79. On the issue of scientific study preceding the Notification, learned Counsel drew our attention that the JTC in its Report first recommended the amendment of the CRZ - 2011 to allow for land reclamation for construction of the Coastal Road in Mumbai. It was evident from the JTC Report that it was only after it received the advice/inputs from the Council of Scientific & Industrial Research - National Institute of Oceanography (CSIR-NIO) that it recommended the amendment of the CRZ – 2011. The advice received from the team formed at CSIR-NIO comprised experts in Marine Biology, Geophysics, Coastal Regulations, Ocean Engineering and Physical Oceanography, which specifically examined `*oceanographic aspects of the impact'* of the proposed coastal road. This expert committee advised the JTC that the proposed reclamation for the coastal road would not cause any adverse effect on the tides or erosion of the coastline around Mumbai. Learned Counsel highlighted that the JTC itself comprised of an expert in the field of Oceanography (Dr. S. R.

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Shetye, Director, National Institute of Oceanography).

80. As per learned Senior Counsel, the JTC Report was thereafter placed before the MCZMA which also considered the same and the scientific advice that the proposed coastal road would not have an adverse impact on tidal movements or erosion of the coastline around Mumbai. Based on this material, the MCZMA recommended the amendment of the CRZ - 2011 to allow the reclamation of land to construct the coastal road. Further, the JTC which received this expert scientific advice from the CSIR-NIO also comprised of a representative of the MoEF (Dr. Nalini Bhat, Advisor, MoEF). It was therefore submitted that the scientific study in respect of the impact of the proposed coastal road on tidal behaviour and the coastline was available to the MoEF before it amended the CRZ - 2011 in 2015.

81. On the issue whether by permitted reclamation for a coastal road in exceptional cases, learned Counsel urged that the striking down of legislation if it confers unguided, uncanalised and unfettered power is part of the doctrine of excessive delegation of legislative power. This is a doctrine that applies to a delegation of legislative power to another

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authority. It is because of such delegation that the delegator legislator has to give guidance or impose some conditions to fetter or canalize that power so that there is no abdication of the legislative function to the delegatee. As per Shri Khambata, the 2015 Amendment is not as a case of delegation of legislative power at all. The delegation of legislative powers is found in Section 3 of the Environment (Protection) Act 1986. The delegate under Section 3 of the Central Government, i.e. the MoEF. Counsel referred to sub-section (1) of Section 3, which reads,

> *"Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution."*

82. As per Shri Khambata the Central Government, i.e. the MoEF in the exercise of the delegated legislative power under Section 3 of the Environment (Protection) Act made the CRZ - 2011. The 2015 Amendment does not `*delegate*' any part of the MoEF's power under the 2011 CRZ - 2011 or under Section 3 of the Environment (Protection) Act 1986 to any other authority. Indeed the `*exceptional*

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case' has to be approved by the MoEF itself. No question can therefor arise of the MoEF giving itself guidelines or fettering its own power. The entire argument of uncanalised or unguided power was therefore misconceived.

83. Shri Khambata argued that on the assumption that the doctrine of excessive delegation can be applied to the 2015 Amendment, that there was sufficient guidance or canalization of power.

84. Learned Senior Counsel submitted that in certain cases where it is difficult to identify situations in advance and to lay down a rigid rule is likely to cause hardship it was necessary to give such a power to the executive authority which is to be exercised sparingly and within the framework of the declared policy of the law. Referring to the decision reported as (2000) 7 SCC 425 *Consumer Action Group vs. State of Tamil Nadu*, counsel stated that the Supreme Court was concerned with a case where the town planning statute gave the Government the power to exempt any land or building from all or any of the provisions of the statute. Faced with the question of whether such a provision constituted excessive delegation, the Supreme Court held as follows :

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"18. The catena of decisions referred to above concludes unwaveringly in spite of very wide power being conferred on delegatee that such a section would still not be ultra vires, if guideline could be gathered from the Preamble, Object and Reasons and other provisions of the Acts and Rules. In testing validity of such provision, the courts have to discover, whether there is any legislative policy purpose of the statute or indication of any clear will through its various provisions, if there be any, then this by itself would be a guiding factor to be exercised by the delegatee. In other words, then it cannot be held that such a power is unbridled or uncanalised. The exercise of power of such delegatee is controlled through such policy. In the fast changing scenario of economic, social order with scientific development spawns innumerable situations which Legislature possibly could not foresee, so delegatee is entrusted with power to meet such exigencies within the in built check or guidance and in the present case to be within the declared policy. So delegatee has to exercise its powers within this controlled path to subserve the policy and to achieve the objectives of the Act. A situation may arise, in some cases where strict adherence to any provision of the statute or rules may result in great hardship, in a given situation, where exercise of such power of exemption is to remove this hardship without materially effecting the policy of the Act, viz., development in the present case then such exercise of power would be covered under it. All situation cannot be culled out which has to be judiciously judged and exercised, to meet any such great hardship of any individual or institution or conversely in the interest of society at large. Such power is meant rarely to be used. So far decisions relied by the petitioner, where the provisions were held to be ultra vires, they are not cases in which court found that there was any policy laid down under the Act."

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85. Similarly, in the decision reported as AIR 1951 SC 318 State of Bombay v. F. N. Balsara, the Supreme Court held:

> *"44. This Court had to consider quite recently the question as to how far delegated legislation is permissible, and a reference to its final conclusion will show that delegation of the character which these sections involve cannot on any view be held to be invalid. (See Special Reference No.1 of 1951: In re The Delhi Laws Act, 1912, etc.). A legislature while legislating cannot foresee and provide for all future contingencies, and section 52 does no more than enable the duly authorized officer to meet contingencies and deal with various situations as they arise. The same considerations will apply to section 53 and 139(c). The matter however need not be pursued further, as it has already been dealt with elaborately in the case referred to."*

86. Learned Senior Counsel submitted that in the context of the CRZ - 2011 `*exceptional cases*' has to be construed as compelling and rare cases, where the circumstances, the public interest and the need to construct a road on reclaimed land outweighs the interest in prohibiting land reclamation. It is only in such cases that the MoEF is to grant CRZ permission. By introducing the `*exceptional case*' test, the amended notification guides the MoEF that it is only in compelling and rare cases that the permission is to be granted. Hence, merely

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because the amended notification leaves the discretion to the MoEF, on the recommendation of the MCZMA, to permit the reclamation of land for construction of a road does not make the provision unconstitutional on account of excessive delegation. There is retention of full power in the MoEF who is the delegate of Parliament under Section 3 (1) of the Environment (Protection) Act 1986. The 2015 amendment of the CRZ - 2011 concerns a case where the MoEF cannot foresee in advance all the future contingencies and in what cases and circumstances it may be necessary to permit the reclamation of land for the construction of a road. It is for this reason that the para 4(i)(g) inserted in the CRZ - 2011 only permits such projects in exceptional cases recommended by the Coastal Zone Management Authority and approved by the MoEF itself. Counsel highlighted that the petitioners have in fact relied on an amendment dated 15th May 2009 to the CRZ Notification, by the MoEF permitting `*development of greenfield airport and related activities at Navi Mumbai*', contending that a narrow and focused amendment such as this was permissible and valid. Based on exceptional circumstances relating to Mumbai, the MoEF could, therefore, have always specifically amended the CRZ -

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2011 to permit the construction of the Coastal Road in Mumbai, as was done in the case of the Navi Mumbai Airport. Thereafter, if and when another exceptional case were to arise in the future in some other part of India, the MoEF could always make a similar amendment for that exceptional case. The 2015 amendment has the same effect. By allowing land reclamation for construction of roads only in exceptional cases approved by the MoEF the ultimate authority and power to permit such projects remains vested with the MoEF which will consider a case based on the recommendation of the concerned Coastal Zone Management Authority. The 2015 amendment does not suffer from the vice of excessive delegation. The petitioners argument that the 2015 amendment would allow wholesale destruction of CRZ areas all across India's coastline of 7,500 km is nothing short of an alarmist argument. As is clear from the amendment, reclamation of land for construction of roads is to be permitted only in `*exceptional cases*' to be recommended by the Coastal Zone Management Authority and approved by the MoEF. Unless these high-level authorities grant their approval, it could not be open to any planning authority or gram panchayat in India to go about reclaiming land to construct a road.

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87. The dichotomy in the argument of the petitioners was sought to be highlighted by arguing that the petitioners in PIL No. 40 of 2019 challenge the 2015 Amendment on the ground that it is `*tailor-made and procured solely to permit and facilitate the Coastal Roa*d'. The Petitioner in PIL No. 44 of 2019 has also contended that `*the amendment of 2015 was introduced solely to enable effecting the coastal road in the City of Mumbai*. The argument advanced by the petitioners was now to the contrary, i.e. that the 2015 Amendment is over wide and applies to the whole coastline and should have been limited only to the Coastal Road.

88. Learned Senior Counsel distinguished the decision in *Indian Council for Enviro-Legal Action (case)* supra by urging that in said case the amendments made by the Central Government were contrary to the recommendation of an Expert Committee under the Chairmanship of Mr. B. B. Vohra (the Vohra Committee) set up by the Central Government to examine issues relating to the development of the tourism and hotel industry in coastal areas. The Government claimed to have accepted the recommendations of the Vohra Committee with

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`*slight modifications*' but was found in fact to have acted contrary to the recommendations. For example, where the Vohra Committee had recommended relaxations within the 200 meter in rocky and hilly areas on a case by case basis, the Government had not fettered the blanket power given to it under the amendment with these restrictions.

89. Referring to the argument of the petitioners that the approvals of the Coastal Road project refer to the `*exceptional circumstances*' existing in Mumbai and that `*exceptional cases*' cannot be equated with `*exceptional circumstances*', counsel submitted that this is an argument of semantics since it is exceptional circumstances that make a case an exceptional one. Given that the authorities have accepted that exceptional circumstances exist in Mumbai that would necessarily mean that Mumbai is an `*exceptional case*'.

90. Concerning the argument of the petitioners that the 2015 Amendment suffers from the vice of arbitrariness, learned counsel submitted that there is not even an argument that the 2015 Amendment is `*manifestly arbitrary'* which is the minimum threshold required to be crossed whilst challenging delegated legislation as held

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in the decision reported as (2006) 3 SCC 434 *Bombay Dyeing & Mfg. Co. Ltd. vs. Bombay Environmental Action Group*. Learned counsel submitted that the 2015 Amendment is not even arbitrary for the reasons as far as the Coastal Road is concerned, experts of the CSIR-NIO concluded that the Coastal Road would not cause any adverse effect on the tides or change in the characteristics of the boundary between the coastline and the sea is expected. There was no need for a scientific study to have been carried out throughout India to determine the impact on India's 7,500 Km coastline. That as when an `*exceptional case*' presents itself the MoEF would obviously consider the scientific material relating to that case before granting approval under the CRZ Notification. That there was no merit in the contention that there 2015 Amendment is arbitrary on the ground that there is no nexus between the amendment and the object of the Environment (Protection) Act and the 2011 CRZ Notification because the sole objective of the Environment (Protection) Act is not to stop all forms of environmental damage. If that were the sole objective of the Environment (Protection) Act, it would have prohibited all industrial activity and development. Instead, the Environment (Protection) Act

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seeks to regulate industrial activity and development to balance environmental protection and development. This is evident from the measures that the Government may take as enumerated in Section 3(2) of the Environment (Protection) Act which emphasize the laying of standards and norms and the imposition of restrictions and safeguards to protect the environment. The emphasis is not on prohibiting the development and industrial activity. The object under the CRZ - 2011 is `*to promote development through sustainable manner'* and not to prohibit development. The CRZ - 2011 itself expressly permit the construction of bridges, sea links and roads on stilts through land reclamation. The 2015 Amendment merely extends the scope of this exception to even included roads constructed on reclaimed surfaces.

91. On the issue whether the Coastal Road (South) project falls under Entry 8(b) of the Schedule to EIA – 2006, learned counsel argued that EIA - 1994 simply contained a list of projects requiring environmental clearance and the entries were not divided into class or category either qualitative or quantitative. There was a provision to excludes certain items if in a particular area or below a specified value. However, EIA – 2006 introduced class and categories of projects and

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activities. Depending upon their nature or character, for the first time projects or activities were grouped into eight distinct classes: (i) Mining, extraction of natural resources and power generation, (ii) Primary Processing, (iii) Materials Production, (iv) Materials Processing, (v) Manufacturing/Fabrication, (vi) Service Sectors, (vii) Physical Infrastructure including Environmental Services, (viii) Building/Construction projects/Area Development projects and Townships.

92. As per learned Senior Counsel, the project or activity under EIA – 2006 had to satisfy both a qualitative requirement and a quantitative threshold. To satisfy the qualitative requirement, the project/activity must be referable to a classified and listed in the entry in the Schedule to the notification.

93. Under the EIA – 2006, all projects and activities listed in the Schedule are sub-divided into two categories, viz. Category A and Category B based on quantitative factors, i.e. the spatial extent of the potential impact on human health and natural and human-made resources. Projects listed in Category A require environmental

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clearance from the MoEF while projects listed in Category B require environmental clearance from the State Environment Impact Assessment Authority (SEIAA). Projects listed in Category B are further divided into Category B1, and B2 require an Environment Impact Assessment report those in Category B2 do not require such a report.

94. Learned Senior Counsel argued that in In *Re Noida Memorial Complex (Case)* supra, the Supreme Court held that to determine which class or item a project or activity is referable to the test of dominant purpose or dominant nature of the project has to be applied. Hence, if a project does not come within a specified entry, it would not be covered by the notification.

95. As per the learned Senior Counsel, a project does not become an area development project just because there is the development of an area, because then any building, engineering, mining or other operations in or over or under land would become area development projects. The dominant purpose test would determine what the project is. Entry 8(b) would be attracted if by the dominant purpose test a project or activity does not have the nature and character of any of the

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seven other classes in the Schedule and is predominantly for the purpose of area development. Conceding that a reclamation is a form of development, but that begs the question. Applying the dominant purpose test the question to pose and answer is : Whether a common person would view the activity as far the purpose of reclamation as an end in itself or whether the end for which the reclamation is undertaken is the purpose of the activity. Viewed so, the reclamation was for the purpose of laying a road.

96. There may be an ancillary object to an activity but said facts would be irrelevant as was held in the decision reported as (1980) 2 SCC 231 *CIT vs. Surat Art Silk Cloth Manufacturing Association*, thus Entry 8(b) is not and cannot be treated as a residuary entry to which recourse can be taken whenever there is a project which satisfies the qualitative test of an entry in a class to which the project's dominant purpose is referable but which does not satisfy the quantitative threshold prescribed for that class much less if the project does not have the nature and character of an `Area Development Project'.

97. Additionally, learned Senior Counsel urged that it is a settled rule

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of construction that general provisions yield to special provisions be they in the same statute.

98. As per Shri D. J. Khambata, road construction falls within the class of Physical Infrastructure at Entry 7 of the Schedule of EIA – 2006. Thus road construction project whether on reclaimed land or otherwise partakes the class of projects specified under Entry 7 of EIA – 2006.

99. Learned Senior Counsel argued that a reading of the decision of the National Green Tribunal in *Vikrant Kumar Tongad (Case)* supra, shows that the tribunal erroneously proceeded on the footing that Entry 8 was a residual entry of the Schedule evidenced by the two sentences in para 17 of the opinion: `*The legislature has worded heading of Entry 8 in very wide and expressive terms use of expressions with such wide magnitude clearly indicate the legislative intent that they should be construed liberally*'. Learned Senior Counsel urged that National Green Tribunal correctly understood and applied the law in its subsequent decision dated 7 April 2016 in Application No. 85/2015 *Goa Foundation vs. Goa State Infrastructure*

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Development Corporation, where a bridge forming part of a National Highway across river Mandovi not falling in Entry 7(f) was held to be not covered by Entry 8(a) i.e. said entry could not be treated as a residual entry.

100. Learned Senior Counsel urged that the JTC report, the decision of MCZMA dated 10 June 2013, and 16 January 2016, the Social Impact Assessment Report, the EAC report dated 17 March 2017 and CRZ clearances dated 11 May 2017, all highlight that the proposal was to construct an intracity road.

101. That of the 90 hectares reclaimed land only 20 hectares would be used for road and remaining 90 hectares for parts etc., would not result in the dominant purpose being changed because open green spaces were the result and consequences of the coastal road. That the coastal road had to have a gentle curve and not sharp kinks was to cause the least impact on tidal movement. As per learned counsel, the alignment drawings prepared by M/s STUP Consultants (the DPR Consultant) graphically shows the green areas only arise incidentally to the sharper curvature of the coastline as opposed to the gentle curves of the Coastal

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Road. It is only this additional reclaimed land which is not required for the coastal road that is proposed to be used as open green spaces and recreational facilities.

102. Learned Senior Counsel posited a question by prefacing it with a statement of fact that if the open spaces generated by the road alignment were left as mud and rubble : Would they too quality as an Area Development?

103. Turning next to the issues of environmental scrutiny and public participation learned Senior Counsel argued that at best it could be argued that as per EIA – 2006 Item 8(b) projects in Category B1 would need Environmental Impact Assessment which was also the requirement under CRZ – 2011. Clause 7(III)(i) of EIA – 2006 requiring public consultation for all Category A and B1 projects had an exception to the projects listed in paras (a) to (h) of the Clause and para (d) exempted projects at Entry 8(a) and 8(b) in the Schedule. Thus, there was no necessity to have Public Consultation. Clause 7(III)(ii) of EIA – 2006 stipulate: (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)

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

104. Thus, as per learned Senior Counsel, from the use of the word `ordinarily' in the notification, the intent was that Public Consultation was not an invariable requirement.

105. As per learned counsel, MCGM had substantially complied with the requirement of Public Consultation because on 25 June 2015 MCGM had published advertisements and uploaded draft D.P.R on its website inviting objections and suggestions from the public at large and had received 3375 representations in support and against the proposed coastal road. Further, EAC published on its website the agenda of its proposed 168th meeting with documents it proposed to consider and thereafter held the meeting on 17 March 2017. The EAC considered objections raised by the petitioner of PIL (L) No. 40 of 2019. Lastly, before amending CRZ – 2011 on 20 December 2015 MoEF had invited objections to the draft amendment.

106. The O.M. Dated 25 February 2011 reads as under :-

" This has reference to the issue of the Coastal

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> *Regulation Zone Notification, 2011 vide S.No.19(E), dated 6th January 2011. As per para 4(i)(d), "MoEF may under a specific or general order specify projects which require prior public hearing of project affected people", it is hereby clarified that the following projects would attract prior public hearing:-*
>
> *(a) All `A' and `B1' category projects listed under Environmental Impact Assessment Notification, 2006 and which also attract Coastal Regulation Zone Notification, 2011;*
>
> *(b) The housing project which involves group housing, slum redevelopment project unsafe/dilapidated building redevelopment projects.*
>
> *2. The public hearing shall be held as per the procedures laid down in the Environmental Impact Assessment Notification, 2006 which will involve the project affected people."*

107. Conscious of the fact that MCGM had to overcome the same, learned Senior Counsel submitted that since as per Clause 7(III)(i)(d) of EIA – 2006 exempted Item 8(b) of the Schedule from the procedure of Public Consultation, reading the OM in a manner consistent with EIA – 2006, public consultation was not required.

108. Concerning appraisal of the applications, learned counsel urged that under clause 7(IV)(i) Appraisal means detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal

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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.

109. Appendix V to EIA – 2006 reads :

> 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)]*

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. *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)*

> *3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA report, in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A, conceptual plan and the EIA report [required only for projects listed under 8(b)] and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance."*

110. Thus as per learned Senior Counsel, the appraisal required was to be based on Form 1. Drawing attention to the 114th Meeting of MCZMA and the minutes drawn, learned Senior Counsel highlighted that it is recorded that MCZMA considered the following documents:-

a) *Checklist for submission of Application for prior CRZ Clearance under CRZ Notification 2011, Part -A & Par – B.*

b) *Duly filled Form-I.*

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c) *Comprehensive EIA Report (In Volume III).*

d) *CRZ maps in 1:4000 scale with project layout superimposed*

e) *Risk Assessment & Disaster Management Plan*

f) *Main Report (Volume-I)*

g) *Drainage Report (Volume-IV)*

h) *Traffic Report (Volume – IV)*

i) *Social Impact Assessment Report (Volume – IX)*

j) *Work Order of NIO with proposal for studies on Waves, extreme water levels etc.*

k) *Environmental Cost Benefit Analysis*

l) *Compliance to observations and conditions mentioned in the 111th meeting of MCZMA.*

m) *Compliance to MoEF letter dated 22.8.2016.*

The minutes of the 168th Meeting of EAC held on 17 March 2017 record that all the documents considered by MCZMA were endorsed with the recommendation made by MCZMA and were also considered by EAC. Thus, appraisal warranted by law was dutifully done.

111. Learned Senior Counsel drew comparison between Form 1 under CRZ – 2011 and Form 1 under EIA – 2006 to urge that all facets of scrutiny covered by the latter were covered by the former, in fact the

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former had more stringent scrutiny parameters and the argument was that for purposes of the law, Expert Appraisal Committee being same for both notifications, scrutiny was done even under EIA – 2006. The tabular comparison being as under :

ANNEXURE – II

Comparision chart between Form 1 under the Coastal Regulation Zone Notification, 2011 and Form 1 under the Environment Impact Assessment Notification, 2006

Form 1 – Annexure IV of the CRZ Regulations, 2011 -	*Form 1 – Appendix I of the EIA Notification –*
I. Basic information:	
Name of the Project *Location or site alternatives under consideration:* *Size of the project (in terms of total area) :-* *CRZ classification of the area :-* *Expected cost of the project-* *Contact Information:*	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,*

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	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, Zilla Parishad, Municipal Corporation, Local body (complete postal* *Address 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*

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	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.* *17.Interlinked Projects* *18.Whether separate application of interlinked* *Project 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.* *The Forest (Conservation) Act, 1980?The Wildlife (Protection) Act, 1972* *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 propose to be set up?*

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			Name of the Court *Case No.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.)***			
Sr. No.	*Information/Checklist confirmation*	*Sr. No.*	*Information/Checklist confirmation*
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)*	*1.1*	*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	*Details of CRZ classification as per the approved Coastal Zone Management Plan?*		-
1.3	*Whether located in CRZ-I area?*		-
1.4	*The distance from the CRZ-I areas.*		-
1.5	*Whether located within the hazard zone as mapped by Ministry of Environment and Forests/ National Disaster Management Authority?*		-

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1.6	Whether the area is prone to cyclone, tsunami, tidal surge, subduction, earthquake etc.?		-
1.7	Whether the area is prone for saltwater ingress ?		-
1.8	Clearance of existing land, vegetation and buildings?	1.2	Clearance of existing land, vegetation and buildings?
1.9	Creation of new land uses?	1.3	Creation of new land uses?
1.10	Pre-construction investigations e.g. bore hole, soil testing?	1.4	Pre-construction investigations e.g. bore, houses, soil testing?
1.11	Construction works ?	1.5	Construction works?
1.12	Demolition works?	1.6	Demolition works?
1.13	Temporary sites used for construction works or housing of construction workers?	1.7	Temporary sites used for construction works or housing of construction
1.14	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations	1.8	Above round buildings,structures or earthworks including linear structures, cut and fill or excavations
1.15	Underground works including mining or	1.9	Underground works including mining or

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	tunneling?		*tunneling?*
1.16	*Reclamation works?*	*1.10*	*Reclamation works?*
1.17	*Dredging/reclamation/land filling/disposal of dredged material etc.?*	*1.11*	*Dredging?*
1.18	*Offshore structures?*	*1.12*	*Offshore structures?*
1.19	*Production and manufacturing processes?*	*1.13*	*Production and manufacturing processes?*
1.20	*Facilities for storage of goods or materials?*	*1.14*	*Facilities for storage of goods or materials?*
1.21	*Facilities for treatment or disposal of solid waste or liquid effluents?*	*1.15*	*Facilities for treatment or disposal of solid waste or liquid effluents?*
1.22	*Facilities for long term housing of operational workers?*	*1.16*	*Facilities for long term housing of operational workers?*
1.23	*New road, rail or sea traffic during construction or operation?*	*1.17*	*New road, rail or sea traffic during construction or operation?*
1.24	*New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?*	*1.18*	*New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?*
1.25	*Closure or diversion of*	*1.19*	*Closure or diversion of existing*

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	existing transport routes or infrastructure leading to changes in traffic movements?		*transport routes or infrastructure leading to changes in traffic movements?*
1.26	*New or diverted transmission lines or pipelines?*	*1.20*	*New or diverted transmission lines or pipelines?*
1.27	*Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?*	*1.21*	*Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?*
1.28	*Stream and river crossings?*	*1.22*	*Stream crossings?*
1.29	*Abstraction or transfers of water form ground or surface waters?*	*1.23*	*Abstraction or transfers of water form ground or surface waters?*
1.30	*Changes in water bodies or the land surface affecting drainage or run-off?*	*1.24*	*Changes in water bodies or the land surface affecting drainage or run-off?*
1.31	*Transport of personnel or materials for construction, operation or decommissioning?*	*1.25*	*Transport of personnel or materials for construction, operation or decommissioning?*
1.32	*Long-term dismantling or decommissioning or restoration works?*	*1.26*	*Long-term dismantling or decommissioning or restoration works?*
1.33	*Ongoing activity during*	*1.27*	*Ongoing activity during*

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	decommissioning which could have an impact on the environment?		*decommissioning which could have an impact on the environment?*
1.34	*Influx of people to an area in either temporarily or permanently?*	*1.28*	*Influx of people to an area in either temporarily or permanently?*
1.35	*Introduction of alien species?*	*1.29*	*Introduction of alien species?*
1.36	*Loss of native species or genetic diversity?*	*1.30*	*Loss of native species or genetic diversity?*
1.37	*Any other actions?*	*1.31*	*Any other actions?*

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

Sr. No.	*Information/checklist confirmation*	*Sr. No.*	*Information/checklist confirmation*
2.1	*Land especially undeveloped or agricultural land (ha)*	*2.1*	*Land especially undeveloped or agricultural land (ha)*
2.2	*Water (expected source & competing users) unit: KLD*	*2.2*	*Water (expected source & competing users) unit: KLD*
2.3	*Minerals (MT)*	*2.3*	*Minerals (MT)*

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2.4	*Construction material - stone, aggregates, sand/soil (expected source - MT)*	*2.4*	*Construction material - stone, aggregates, sand/soil (expected source - MT)*
2.5	*Forests and timber (source – MT)*	*2.5*	*Forests and timber (source – MT)*
2.6	*Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)*	*2.6*	*Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)*
2.7	*Any other natural resources (use appropriate standard units)*	*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.			
Sr. No.	*Information/checklist confirmation*	*Sr. No.*	*Information/checklist confirmation*
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)*	*3.1*	*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)*	*3.2*	*Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)*

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3.3	*Affect the welfare of people e.g. by changing living conditions?*	*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.*	*3.4*	*Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,*
3.5	*Any other causes, that would affect local communities, fisherfolk, their livelihood, dwelling units of traditional local communities etc*	*3.5*	*Any other causes*
4. Production of solid wastes during construction or operation or decommissioning (MT/month)			
Sr. No.	*Information/checklist confirmation*	*Sr. No.*	*Information/checklist confirmation*
4.1	*Spoil, overburden or mine wastes*	*4.1*	*Spoil, overburden or mine wastes*
4.2	*Municipal waste (domestic and or commercial wastes)*	*4.2*	*Municipal waste (domestic and or commercial wastes)*
4.3	*Hazardous wastes (as per Hazardous Waste Management Rules)*	*4.3*	*Hazardous wastes (as per Hazardous Waste Management Rules)*
4.4	*Other industrial process wastes*	*4.4*	*Other industrial process wastes*

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4.5	*Surplus product*	*4.5*	*Surplus product*
4.6	*Sewage sludge or other sludge from effluent treatment*	*4.6*	*Sewage sludge or other sludge from effluent treatment*
4.7	*Construction or demolition wastes*	*4.7*	*Construction or demolition wastes*
4.8	*Redundant machinery or equipment*	*4.8*	*Redundant machinery or equipment*
4.9	*Contaminated soils or other materials*	*4.9*	*Contaminated soils or other materials*
4.10	*Agricultural wastes*	*4.10*	*Agricultural wastes*
4.11	*Other solid wastes*	*4.11*	*Other solid wastes*

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

Sr. No.	*Information/checklist confirmation*	*Sr. No.*	*Information/checklist confirmation*
5.1	*Emissions from combustion of fossil fuels from stationary or mobile sources*	*5.1*	*Emissions from combustion of fossil fuels from stationary or mobile sources*
5.2	*Emissions from production processes*	*5.2*	*Emissions from production processes*
5.3	*Emissions from materials handling including storage or transport*	*5.3*	*Emissions from materials handling including storage or transport*
5.4	*Emissions from construction activities*	*5.4*	*Emissions from construction activities including plant and*

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	including plant and equipment		*equipment*
5.5	*Dust or odours from handling of materials including construction materials, sewage and waste*	*5.5*	*Dust or odours from handling of materials including construction materials, sewage and waste*
5.6	*Emissions from incineration of waste*	*5.6*	*Emissions from incineration of waste*
5.7	*Emissions from burning of waste in open air (e.g. slash materials, construction debris)*	*5.7*	*Emissions from burning of waste in open air (e.g. slash materials, construction debris)*
5.8	*Emissions from any other sources*	*5.8*	*Emissions from any other sources*
6. Generation of Noise and Vibration, and Emissions of Light and Heat:			
Sr. No.	*Information/checklist confirmation*	*Sr. No.*	*Information/checklist confirmation*
6.1	*From operation of equipment e.g. engines, ventilation plant, crushers*	*6.1*	*From operation of equipment e.g. engines, ventilation plant, crushers*
6.2	*From industrial or similar processes*	*6.2*	*From industrial or similar processes*
6.3	*From construction or demolition*	*6.3*	*From construction or demolition*
6.4	*From blasting or piling*	*6.4*	*From blasting or piling*
6.5	*From construction or operational traffic*	*6.5*	*From construction or operational traffic*

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6.6	From lighting or cooling systems	6.6	From lighting or cooling systems
6.7	From any other sources	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:			
Sr. No.	Information/checklist confirmation	Sr. No.	Information/checklist confirmation
7.1	From handling, storage, use or spillage of hazardous materials	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)	7.2	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	7.3	By deposition of pollutants emitted to air into the land or into water
7.4	From any other sources	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?	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			
Sr.	Information/checklist confirmation	Sr.	Information/checklist confirmation

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No.		No.	
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances	8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances
8.2	From any other causes	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)?	8.3	Could the project be affected by natural disasters causing environmental damage (e.g., floods, earthquakes, landslides, cloudburst etc)?
9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality			
Sr. No.	Information/checklist confirmation	Sr. No.	Information/checklist confirmation
9.1	Lead to development of supporting. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: Supporting infrastructure (roads, power supply, waste or waste water	9.1	Lead to development of supporting. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)

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	treatment, etc.) *housing development extractive industries supply industries other*		*housing development extractive industries supply industries other*
9.2	*Lead to after-use of the site, which could have an impact on the environment*	*9.2*	*Lead to after-use of the site, which could have an impact on the environment*
9.3	*Set a precedent for later developments*	*9.3*	*Set a precedent for later developments*
9.4	*Have cumulative effects due to proximity to other existing or planned projects with similar*	*9.4*	*Have cumulative effects due to proximity to other existing or planned with similar effects*
III Environmental Sensitivity			
Sr. No.	*Areas*	*Sr. No.*	*Areas*
1	*Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value*	*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,*	*2*	*Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests*

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	mountains, forests		
3	*Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration*	*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*	*4*	*Inland, coastal, marine or underground waters*
5	*State, National boundaries*	*5*	*State, National boundaries*
6	*Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas*	*6*	*Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas*
7	*Defence installations*	*7*	*Defence installations*
8	*Densely populated or built-up area*	*8*	*Densely populated or built-up area*
9	*Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)*	*9*	*Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)*
10	*Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)*	*10*	*Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)*

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11	*Areas already subjected to pollution or environmental damage, (those where existing legal environmental standards are exceeded)*	*11*	*Areas already subjected to pollution or environmental damage, (those where existing legal environmental standards are exceeded)*
12	*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)*	*12*	*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)*

112. On the issue of corals at 3 places, learned counsel highlighted at only two places were along the alignment of the road at Haji Ali and Worli. They were 0.251 sq.mtr. and 0.11 sq.mtr. *de minimis* warrants the same to be overlooked. Miniscale presence of corals would not by itself make the coastal area ecologically sensitive nor play a role in maintaining the integrity of the coast.

113. Shri. S.G. Aney learned Senior Counsel supplemented the submissions addressed by Shri. D.J. Khambata on behalf of MCGM, by urging that the Environmental (Protection) Act, 1986 was enacted to not only protect and improve the environment but also to ensure a

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sustainable development evidenced by the fact that industrial projects and activities were permitted; but subject to environmental concerns being addressed. As per the learned Senior Counsel, the restrictions and procedures contemplated under Regulations have to be interpreted applying the first rule of interpretation viz. the Rule of Literal construction. Thus, the approach has to be to first identify projects or activities which are covered by a specific mention thereof in the Notifications. If none is to be found, the project or activity has to be treated as unregulated. Counsel urged that Quantitative Norms could not govern the Qualitative Norms, nor the Qualitative Norms could govern the Quantitative Norms. Thus, merely because a project is qualitative identifying as a Building or Construction Project or Township Area Development Project unless it was specified in Column 2 of the Schedule, it does not become a Building or a Construction Project either under Entry 8(a) or Entry 8(b). Referring to Entry 7 in the Schedule to EIA - 2006 with reference to the draft Notification issued on 15th September 2005, learned Senior Counsel urged that `Road' was deleted under Entry 7 and thus under Entry 7(f) only such Roads which were new National Highways or expansion of National

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Highways having length more than 30 km requiring land acquisition were regulated meaning thereby Intra-State Roads were not regulated. As per learned Counsel, the subject of Roads being covered by Entry 7(f) was exhaustive and by an interpretative process, could not be brought under Entry 8(b) on the arguments that a Road was an Area Development Project. Learned Senior Counsel took the arguments forward by urging that Courts cannot read anything into a statutory provision which is plain and unambiguous and all entries were watertight. Learned Senior Counsel referred to and read out various paragraphs in the judgments reported as (2003) 2 SCC 455 *M/s. Unique Butyle Tube Industries Pvt. Ltd. Vs. U.P. Financial Corporation & Ors.*, (2007) 2 SCC 230 *Raghunath Rai Bareja and Anr. Vs. Punjab National Bank & Ors*., AIR 2006 SC 1489 *Bombay Dyeing and Manufacturing Co. Ltd. Vs. Bombay Environmental Action Group & Ors.*, (2018) 2 SCC 674 *Macquarie Bank Ltd. Vs. Shilp Cable Technologies Ltd*., in which using different phrases and expressions the crystal which emerges is that Courts cannot read anything into a statutory provision which is plain and unambiguous. Under the garb of interpretation, Courts cannot amend the law.

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Judicial Legislation is an *oxymoron*. The *casus omissus* cannot be supplied by the Court, except in cases of clear necessity and where the reason for it is found in the four corners of the statute itself. However, at the same time, the *casus omissus* should not be readily inferred. Statutes of prohibition and regulation having penal consequences should be strictly construed.

114. Supporting the arguments of Shri. D.J.Khambata learned Senior Counsel, Shri. S.G. Aney argued that in *Vikram Kumar Tongad (case)* supra the Principal Bench of N.G.T., though noted the approach of first, Qualitative test to be satisfied and thereafter the Quantitative test to be met, urged that while applying the same the Tribunal muddled its opinion by relying upon the Quantitative test to infer a Qualitative test.

115. The next submission advanced was that while appraisal decisions of expert bodies, with reference to the material appraised by the expert body to form an opinion, exercising the power of judicial review, the jurisdiction of the Court was limited and the test of proportionality had not to be applied. Unless the decision was unreasonable as per the

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Wednesbury principle, the Court could not strike down the decision. For this proposition learned Counsel referred to the decisions of the Supreme Court reported as 1991 (2) BCR 541 *Bombay Environmental Act Group & Ors. Vs. State of Maharashtra & Ors*., (2000) 10 SCC 664 *Narmada Bachao Andolon Vs. U.O.I.*, (1992) (Suppl) (1) SCC 44 *Tehri Bandh Virodhi Sangharshan Samiti Vs. Stae of U.P.*, (2017 7 SCC 729 *Shivshankar Sugar Ltd. Vs. Shree Renuka Sugar Ltd.*, (2013) 4 SCC 575 *Sterlite Industries (I) Ltd. & Ors. Vs. Union of India, (2011) 7 SCC 338 Lafarge Umaim Mining Pvt. Ltd. V/s. Union of India & Ors.*, AIR 1988 SC 1703 *State of Punjab V/s. Ram Lubhaya Bagga,* 1994 (6) SCCC 651 *Tata Celluar Ltd. Vs. U.O.I.*, 1997 7 SCC 463 *Union of India and Anr. V/s. G. Gunayathun,* 2001, 2 SCC 386 *Omkumar & Ors. Vs. Union of India*, 1978 2 SCC 1 *Puthumma & Ors. Vs. State of Kerala & Ors*., 2005 8 SCC 534 *State of Gujarat Vs. Mirzapur Moti Kureshi Kassab Jamat* and urged that the said decisions guide the Court that while exercising the power of judicial review and on the subject of two competing claims of the society: (i) protection of environment, (ii) sustainable development, once the expert had weighed the two competing claims based on cogent material, the

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Courts would not substitute their opinion on a reappraisal of the material. Limited jurisdiction was to see whether the opinion was grossly unreasonable, applying *Wednesbury's* principles.

116. On merits learned Senior Counsel reinforced the arguments advanced by learned Senior Counsel Shri.D.J. Khamabata by highlighting that the JTC report, after considering the topology of the coastline, opined that zig-zag coastal road along the sharp kinks of the coastline would cause more environmental damage vis-a-vis a road with a gentle curve. This necessitated the coastal road to be constructed at a distance of 100 meters from the farthest point on the seashore. Incidentally, this would result in large patches of the sea coming between the coastal road and the existing shoreline. The dominant purpose was not to regulate the sea for generating public space. Rather than keep bare the area between the coastal road and the seashore and suffer the danger of public throwing garbage in the said area, it makes sense to use said space for public amenities while; prohibiting commercial use thereof. Learned counsel highlighted that the proposed coastal road served the purpose of environment and ill effects of the existing position on the health of the residents of Mumbai, by

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reducing the air pollution. Learned Counsel concluded the submissions in said regard while supplementing and reinforcing the submissions of learned Senior Counsel Shri. D.J.Khambata by stating that his esteemed colleague had painstakingly taken the Court through the various materials relied upon by the experts and he need not trouble us by repeating.

117. With reference to the coastal road being an exceptional case, learned Counsel, while reinforcing the submission made by Shri.D.J.Khambata, stated that the various transport reports brought out that the only way to decongest the existing roads for traffic to move smoothly, was to construct the Coastal Road. If not constructed, so polluted would be the City of Mumbai that its residents would continue to suffer from respiratory diseases.

118. Shri. A.Y. Sakhare Senior Counsel on behalf of MCGM made submissions on the issue of alignment of the Coastal Road (South) and the Tata Garden inter-change. Issues pertaining to the impact of the project on the livelihood of the fisherfolk community and issues regarding corals. On the alignment of the road, learned Senior Counsel

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highlighted that the proposed road is on the western coast of Mumbai from Princess Street Flyover (about 1 km before Tambe Chowk) to the Worli end of the Borivali– Worli Sea-link. Four interchanges are connecting the existing road to the proposed Coastal Road. One of which is the interchange at Tata Garden. Learned Counsel argued that his esteemed colleague had taken the Court through the various reports, and with reference thereto the procedure adopted by MCGM was discernible. In the year 2008 comprehensive transport studies were undertaken. The studies showed the urgent need to construct a new arterial road along the Western Coast. JTC, comprised 11 members, after seeking advice from CSIR-NIO opined that a Coastal Road was necessary. Project Consultants appointed in the year 2014 were required to explore various alignment options. The peer review consultant, Frischmann Prabhu, also considered the alignment and the places where interchanges were required. Noting the zig-zag pattern of the coast, and the opinion of the experts on the subject of Oceanography, that the least impact on tidal currents would be if a road, with a slight curve, minus sharp bends was constructed, the proposed location of the road at the maximum distance of 100 meter

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from the farthest point of the coastline was identified on scientific principles and even from a common sensible point of view any ordinary person would also so recommend. Tata Garden was selected as the interchange arm because Bhulabai Desai Road had to be connected to the coastal road. The inter-change required four arms for entry and exit of traffic on both sides of the carriageway. Keeping in view the Indian Road Congress norms pertaining to incline Tata Garden was the most suitable location because if, as projected by the petitioners, the inter-change was shifted towards the northern side the interchange would connect Bhulabai Desai road requiring 914 sq meters of land to be acquired from Vaibhav Apartment and Lincon House. The entry and exit of Vaibhav Apartment and Lincon House would require to be shifted. Access to a hospital and a school opposite Vaibhav Apartment would also to be affected. Learned Counsel showed a map to us graphically showing the site of the interchange as proposed in the approved plan and as after shifting. (Indeed the plan shows that if the space of the interchange is shifted in the Northern direction, as proposed by the petitioners, it would not lead to acquiring private land but would also obstruct the entry and exit to Vaibhav

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Apartment and Lincon House as also a hospital and a school opposite to Vaibhav Apartment). On the issue of the impact of the project on the livelihood of fisherfolk communities learned Counsel highlighted that this concern had been addressed to, by providing navigational channels for boats. The fishing activity would be adversely affected in the Worli area affecting 685 families comprising 2934 residents. Albeit after the necessary approvals were granted, Counsel referred to expert opinion report from the Central Marine Fisheries Research Institute (CMFRI), revealing that effect on fishing activities within 200 meter of the shoreline affects only 115 fishers. Learned Counsel highlighted that issues of marine habitats, marine flora and fauna found along the project alignment were considered in detail and the environmental clearance was based taking into account the impact on the fishermen resulting in the conditions imposed that MCGM shall make alternate arrangement for fishing drying beds. Additionally, MCGM shall ensure rehabilitation and resettlement of the fishermen communities. On the issue pertaining to corals, learned Counsel referred to the marine Biodiversity Conservation Plan prepared by National Institute of Oceanography which shows the location of corals which are patchy,

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covering *minuscule* areas at three different places of 50 sq cm and 600 sq cm. Therefore Counsel urged that on the principle of *de minimis*, there would be no adverse impact on corals and assured the Court that if during the construction any coral was encountered the same would be transplanted as recommended by NIO. Learned Senior Counsel highlighted that the presentation made to AEC by MCGM focused on: (i) Background of Project, (ii) Components of Project, (iii) Purpose of Reclamation, (iv) Features of Project, (v) Project Benefits, (vi) Location & Connectivity, (vii) Alternative Options Studied, (viii) Final Alignment, (ix) Comparative Analysis of Alternatives, (x) Section 1- Princess Street to Priyadarshini Park, (xi) Section 2 – Priyadarshini Park to Mahalakshmi, (xii) Section 3 – Mahalakshmi to Baroda Palace, (xiii) Section 4 – Baroda Palace to Worli end of Bandra Worli Sea-Lind, (xiv) Section wise length of coastal road, (xv) Interchange locations, (xvi) CRZ status, (xvii) Trees Affected, (xviii) Traffic Analysis, (xix) Proposed Interchange Locations, (xx) Interchange at Amarsons Garden, (xxi) Interchange at Haji Ali, (xxii) Interchange at Worli, (xxiii) Traffic Analysis and Forecasting, (xxiv) Construction Methodology, (xxv) Baseline Environment Monitoring and (xxvi)

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Ambient Air Quality. Pertaining to the submissions made by Ms. Gayatri Singh, Senior Counsel on behalf of the fishing community Shri Sakhare, learned Senior Counsel argued that MCGM had prepared a Fishermen Rehabilitation Policy which will be in tune with the order passed by the National Green Tribunal in Application No. 19 of 2013 and in the nature of policy adopted by MMRD in Trans Harbor Project. A Fishermen Rehabilitation Assessment Committee will be formed to evaluate the effect of the project on the livelihood of the fishermen. Guidelines for compensation to be paid to the fishermen will be prepared by appointing a consultant. The Rehabilitation Committee will include representatives from Fisheries Department, Maritime Board and a Scientist from CMFIR besides to representatives of the fishermen society. Further, in accordance with the conditions imposed by MoEF periodic studies will be conducted to ascertain the actual impact on the sea. A sea wall will be constructed using rock boulders to provide an alternative site for fish breeding.

119. Shri. Milind Sathe learned Senior Counsel for the State of Maharashtra took forward submissions advanced by Shri. D.J. Khambata learned Senior Counsel for MCGM which were reinforced

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and supplemented by learned Senior Counsel Shri. S.G.Aney on behalf of the MCGM, and argued that the interpretative process adopted by the petitioners would effectively bring an Inter-City road, after reclaiming the land, within the purview of environmental clearance and once the Legislation included only a particular category of Roads, adopting a process of interpretation to bring another category of Roads was impermissible. Learned Senior Counsel urged that the Coastal Road in issue was not notified as a National or a State Highway. Entry 7(f) in the Schedule I of EIA -2006 was restricted to National Highways or State Highways. Learned Senior Counsel urged that Township and Area Development Projects were not disjunctive, meaning thereby, only such Area Development Projects which were part of Township Projects would be covered by Entry 8(b), meaning thereby, development of a township was the *sine qua non* for Entry 8(b) to be attracted. On the issue of excessive delegation learned Counsel referred to the decision of the Supreme Court reported as (2001) 5 SCC 212, *Kishan Prakash Sharma & Ors. Vs. U.O.I. & Ors*., in which the Supreme Court observed that on ascertaining whether the Legislation suffered from the vice of excessive delegation, the scheme,

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the provisions of the Statute including its preamble and the facts and circumstances in the background of which the Statute was enacted, the complicity of the problems which a State has to face, have to be noted. A skeleton statute would have upheld if Legislative policy and guidelines for its execution was ascertainable. The same was the ratio of the decision reported as 2000 (7) SCC 425 *Consumer Action Group Vs. State of Tamil Nadu*.

120. Shri. Anil Singh learned Additional Solicitor General of India on behalf of the Union of India defended the amendment dated 30th December 2015 amending CRZ Notification 2011 and the CRZ clearance granted by MoEF on 11th May 2017 by prefacing his arguments that he adopts the arguments advanced by Shri. D.J. Khambata Senior Counsel and Shri.S.G.Aney Senior Counsel on behalf of MCGM and Dr. Milind Sathe, Senior Counsel on behalf of the State of Maharashtra. Learned Counsel submitted that long term environmental benefits and paramount collective interest were taken into account by MoEF. The material appraised by MoEF while amending CRZ Notification 2011 on 30th December 2015 and CRZ clearance granted on 11th May 2017, which were referred to by said

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learned Senior Counsel, showed a proper application of mind. He highlighted that EAC, which was an independent expert body constituted under EIA-2006, had categorically observed that *'the project can provide advisable solution to ameliorate traffic congestion and consequent health hazards. This can also generate a large recreational space. The main purpose of this project is to reduce the burden of traffic and transport system of Mumbai.* Counsel urged that this showed that the experts *Kishan Prakash Sharma & Ors. Vs. U.O.I. & Ors* had weighed the competing claims and had highlighted that the main purpose of the project was to reduce the burden of traffic and transport system in Mumbai. Referring to the decision of the Supreme Court in the decision reported as 1996 (5) SCC 281 *Indian Council for Enviro Legal Action Vs. Union of India,* learned ASG argued that both development and environment must go hand in hand; in other words, there should not be developed at the cost of environment and vice versa. Development was permissible if due care of the environment was taken.

121. Learned ASG stated that it is bound to happen, wherein public interest, restrictions are imposed or permissions granted that a few

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residents get adversely impacted. The approach to be adopted by Courts when competing claims of individuals versus public benefits should be as per the law laid down in the judgment delivered on 23rd July 2018 in Writ Petition No. 1153 of 2017 and C.A. No. 863 of 2018 *Mazdoor Kisan Shakti Sanghtan Vs. Union of India*. Dealing with issues on rights of citizens to protest at Jantar Mantar and orders promulgated under Section 144 of the Criminal Procedure Code 1973, an argument being raised about the right of the residents of the areas around Jantar Mantar. The Supreme Court held that there might be situations where conflicts would arise between two fundamental rights. The situation can be of conflict of fundamental rights; intra fundamental rights and fundamental right of a person in conflict with other fundamental rights guaranteed to the same persons. In all situations, the Court has to examine as to where lies the larger public interest. It is the paramount collective interest which will ultimately prevail. Learned Senior Counsel urged that the history of the various events which took place and the various reports which were submitted from time to time brought out the requirement of eruption *`exceptional case'* for reclaiming land to construct a road. Thus, the

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amendment Notification amending CRZ-2011 was valid. As regards, the environmental clearance granted by the environmental impact assessment committee at its 168th meeting held on 17th March 2017, learned Senior Counsel urged that the minutes thereof show that the committee, *inter alia,* considering the following:

i. *Joint Technical Report dated 30th June 2011;*
ii. *Letter dated 4th January 2016 (the letter contains an obvious error in the date and should be read as 2017), whereby MCZMA recommended the project for clearance;*
iii. *Virtual Videography of the project pathway, and a detailed presentation on the ecological issues likely to be incurred, including the mitigation steps proposed was presented by the Project Proponent;*
iv *Comprehensive Transportation Study (CTS) carried out by Mumbai Metropolitan Region;*
v. *EIP Report;*
vi. *Social Impact Assessment Report;*
vii. *Risk Assessment and Disaster Management Plan;*
viii. *Study done by the NIO*
ix. *NOC obtained from the Department of Fisheries, Government of Maharashtra.*

122. Therefrom, learned ASG urged that there was a proper application of mind and there was sufficient to grant an environmental

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clearance.

123. Ms.Sharmila U. Deshmukh learned Counsel for MCZMA argued that she adopts the arguments of learned Senior Counsel for MCGM, State of Maharashtra and Union of India to defend recommendations made by MCZMA to firstly amend CRZ - 2011 and thereafter to recommend the grant of permission to MCGM for laying down the Coastal Road. Learned Counsel highlighted that members of JTC comprised, amongst others, Adviser MoEF and Director of National Institute of Oceanography; the latter being an expert on Oceanography. The JTC not only had two environmental experts as its members but as referred to in paragraph 5.1 of the JTC report, had received key inputs from CSIR-NIO; the team which submitted the CSIR-NIO report comprised experts in marine biology, geophysics, coastal regulation, ocean engineering and physical oceanography. The fact that the deliberations were deep and pervasive was proved by the fact that, as recorded in paragraph 1.6 of the JTC report, it had held ten meetings in which the issue was deliberated. Learned Counsel urged that there was no need for a proper scientific study while amending the

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CRZ-2011 because environmental issues had to be considered while granting the necessary permissions. Learned Counsel briefly touched upon the same points which were argued by her learned Senior Colleagues and thus we are not burdening our opinion, which as such, is already overburdened by noting the arguments.

ARE THE AMENDMENTS TO THE CRZ-2011 MADE BY THE NOTIFICATION DATED 30TH DECEMBER 2015 ULTRA VIRES OF THE ENVIRONMENTAL (PROTECTION) ACT, 1986 AND/OR REPUGNANT TO CRZ-2011?

124. The argument of learned Counsel for the Petitioners was that stated object of the Environment (Protection) Act, 1986 as per its Statement of Objects was the protection, improvement and prevention of hazards to human beings, other living creatures, plants and properties. As per Section 3, the Central Government had the power to take all such measures as were necessary for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution. As per learned Senior Counsel, the amendments made in Clause (a) of Sub-paragraph (iv) of Regulation 3 of CRZ-2011 and insertion of Clause (g) in Sub-paragraph (i) of Regulation 4 permitted land reclamation along

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the sea-shores, albeit as an exceptional case. This was destructive of the object of the Environment (Protection) Act, 1986 and fouled the power of the Central Government under Section 3 of the Act, which was to take measures for protecting and improving the environment.

125. Per Contra: Argument of the learned Counsel of the respondents was that the Environment (Protection) Act, 1986 was to control activities which were likely to cause environmental pollution and that various Notifications issued from time to time pertaining to coastal zones recognized the need for reclamation in the coastal areas. The first Regulations issued in the year 1991 permitted land reclamation for limited activities. This was expanded by the Notification issued in the year 1997 and the year 2001 which further expanded the permissible activities under CRZ-1991. In the year 2011, CRZ-2011, CRZ-2011 was promulgated in supercession of CRZ-1991, with further expansion of the permissible activities. Thus, the contention of the Respondents was that the Notification dated 30th December 2015 is neither *ultra vires* the Environment (Protection) Act, 1986 nor it is *ultra vires* CRZ 2011.

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126. The sky has been dropping water for years in a cyclic pattern for centuries but what looked driven by the clock of nature has changed. Referring to said global phenomenon, one section of the society is always alarmed whenever a legislation or a legislative policy permits or expands existing activities likely to impact the environment. They emit dire messages and perhaps gloomy assumption about the fate of mother earth. Some sections of the society feel villainized. This results in the listner forming a view that preserving the planet and economic growth are mutually exclusive.

127. Perhaps this dichotomous view of human needs and conservation is itself a problem.

128. The Courts have to strike a balance and, thus have to approach the issue of conservation and human development as not an either/or proposition. How to resolve the two? In a manner when both can be bettered has to be the key to settle the debate. In *Vellore Citizens Welfare Forum (case)* supra the Supreme Court held that '*traditional concept that development and ecology are opposed to each other is no longer acceptable' and that sustainable development is the answer*.

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129. Ports have to be constructed on the sea-shores. Large ships transport goods. Large oil tankers transport oil. Society would be driven to the stone-age if there is no trade or business. The growing population needs sources of energy. Petroleum is a valuable source of energy. Notwithstanding the destruction to sea-shores and perhaps the destruction being irreversible in the area where a port is established, the first CRZ Notification issued in the year 1991 on 19th February permitted the land reclamation required for channels and ports; to prevent coastal erosion and for prevention of sandbars. The CRZ Notification dated 9th July 1997 amending CRZ-1991 expanded the activities, permitting land reclamation, to construct harbours, jetties, slipways, bridges and sea-link. The reason is obvious. As trade and commerce grew and the population increased and as the world became global, ports had to be expanded to transport goods to and fro from the land to the ships. Sea bridges and sea-links also became the necessity. No issues were raised. Next amendment was made on 12th April 2001 which further expanded activities for which land along a sea-shore could be reclaimed. No issues were raised. On 6th January 2011, in substitution of CRZ-1991, CRZ-2011 was promulgated. Retaining the

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earlier provisions regulating reclamation of land for the activities and purpose therein enlisted, for the first time road on stilts in coastal regulated areas was permitted. The previous amendments show that keeping into account public need and public interest, notwithstanding any kind of activity in coastal area resulting in environmental damage, the activities were permitted. This included land reclamation; but not for roads. For the first time, the Notification under challenge permitted reclamation of land in coastal regulated areas for constructing a road. The Central Government took the care to hedge the permissible activities upon the conditions of it being an exceptional case.

130. Thus, we find that the amendment is neither *ultra vires* the Environment (Protection) Act, 1986 nor fouls the underlying policy or any part of CRZ-2011.

IS THE NOTIFICATION DATED 30TH DECEMBER 2015 LIABLE TO BE QUASHED ON THE GROUND OF IT BEING ARBITRARY AND/ OR VITIATED DUE TO EXCESSIVE UNREGULATED AND UNGUIDED DELEGATION?

131. The submission of the learned Counsel for the petitioners was

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that phrase '*shall be only in exceptional cases*' was unqualified and there is no guidance for determining an exceptional case. The argument in this regard and the case laws cited have been noted in paragraph 45 above, and put it simply, the argument was that there being no guidance to determine what an exceptional case would be, the amendment has to be struck down.

132. The response of the learned counsel for respondents was, as noted in paragraphs 81 to 85 above. To put it simply, the argument was that power was vested in the Central Government by the Parliament under Section 3 of the Environment (Protection) Act, 1986 to take such measures as it deems necessary to protect environment. The CRZ Notification under challenge did not delegate any power to any authority. The Central Government framed the policy to guide itself. That there were enough guidelines in CRZ-2011 as to when would a case warrant reclamation of coastal land for a road to be treated as an exceptional case. An exceptional case would be the need to construct a road on reclaimed land outweighing the interest in prohibiting reclamation. It had to be a compelling and a rare case.

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133. Those matters on which law is unable, owing to the difficulty of framing general rules for all contingencies to make an exact pronouncement, that a general rule of exception in cases of extreme hardship or to further public interest or to prevent a greater hardship, is provided for.

134. In situations where Rules governing the sustainable development and preservation of the ecology are framed, the exceptional case to such development at cost of ecology has to be looked from the point of view of the necessity of development reaching the level of such great utilitarian value that what is lost or sacrificed must be accepted.

135. On aforesaid jurisprudential principles, it cannot be said that the amendment is either arbitrary or unguided. The amendment is not manifestly arbitrary, the minimum threshold requirement for arbitrariness to be crossed as was held in *Bombay Dyeing (case)* supra. Indeed, as rightly argued by the learned Senior Counsel for the Respondents it is difficult to identify situations in advance to lay down rigid rules as to when it is likely to cause hardship. Thus necessary powers given, to be exercised sparingly and within the framework of

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the declared policy of law, are not an anathema to law. The law declared by the Supreme Court in *Consumers Action Group (Case)* supra, and *F.M.Balsara (case)* supra, noted in paragraphs 84 and 85 above, are a sufficient answer.

136. In fact, learned Senior Counsel Shri. Janak Dwarkadas himself gave an answer why the amendment cannot be said to be suffering from the vice of excessive unregulated delegation. With reference to the arguments advanced, which have been noted by us in paragraph 47 above, the words '*exceptional case*' themselves guide that permission to reclaim land for constructing a road, being an exception to the rule, must be sparingly used i.e. the power must be exercised rarely. But the argument that the guiding factor should be on the basis of reasoning stated by learned Senior Counsel is perhaps stated too widely. We shall be dealing with this aspect of the matter while discussing the legal position in the context of factors to be taken into account to determine whether an exceptional case is made out when we deal with facts leading to the grant of environmental clearance under CRZ-2011 as amended from time to time.

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IS THE AMENDING NOTIFICATION DATED 30TH DECEMBER 2015 LIABLE TO BE STRUCK DOWN ON ACCOUNT OF THERE BEING NO SCIENTIFIC STUDY CONDUCTED?

137. The contention of learned Senior Counsel for the petitioners was that when on 15th May 2009, MoEF amended CRZ-1991 by permitting development of land to construct a Green Field airport at Navi Mumbai it was preceded by a scientific study conducted and that the decision in *Indian Council for Enviro Legal Action (case)* supra of the Supreme Court also requires a scientific study to precede any amendment likely to adversely affect environment. Referring to the decisions in *S. Jagannath (case)* supra, *DLF Universal (case)* supra, *M.C. Mehta (case)* supra and *Vellore Citizens Welfare Forum (case)* supra, learned Senior Counsel Shri. Janak Dwarkadas urged that the purpose of CRZ Notifications highlighted in said judgments was to protect the ecology warranting amendments to be carried out after scientific studies of the impact of projects such as roads on reclaimed land on the tidal currents, coastal geo-morphology and ecology.

138. The response of Shri. D.J. Khambata learned Senior Counsel was that there was a proper scientific study conducted before amending CRZ-2011 in the year 2015. Learned Counsel drew our attention to

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the JTC report and highlighted that it was recorded in the report that on the environmental aspect it had received advice/inputs from CSIR/ NIO which comprised experts in marine bio-diversity, geophysics, coastal regulations, ocean engineering and physical oceanography. Learned Counsel further highlighted that the JTC report was placed before MCZMA based whereon MCZMA recommended amendment to CRZ-2011.

139. We have traced the events till the promulgation of the amended Notification on 30th December 2015 in paragraphs 2 to 17 of our opinion. The same evince that by Government Resolution dated 30th June 2011, JTC was set up comprising eleven members which included experts on environment and forest (Dr. Nalini Bhat) and Dr. S.R. Shetye, Director, National Institute of Oceanography. The Committee reviewed past studies on the need of a coastal freeway, which we have recorded in paragraph 5 above. The Committee noted the data pertaining to pollution caused by vehicles in Mumbai and high level of noxious gases released being the result of congestion on the roads leading to motor vehicles moving at an extremely low speed of 8 km per hour against efficient speed of 90 km per hour. The Committee

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noted that alarming increase in percentage of population suffering from cough, bronchitis and irritation. The Committee also noted that suburb trains had reached the saturation levels of operations. The Committee noted that it had received inputs from scientists of CSIR-NIO; but relevant would it be to highlight that when JTC submitted its report on 29th December 2011, the CSIR-NIO report submitted in January 2016 was obviously not before the Committee. What environmental impacts studies were actually considered by JTC have not been enlisted in the report? We highlight that there is a reference that on an environmental concern, the Committee had received inputs from the Director National Institute of Oceanography who was a member of the Committee. In turn, he had sought advice from a team formed at CSIR-NIO comprising experts in marine biology, geophysics, coastal regulations, ocean engineering and physical oceanography. No such material was placed before us during the hearing. That apart, a perusal of the JTC report shows that it highlighted the terms of reference: (i) to examine various options in the construction of a coastal road; (ii) to evaluate options on the basis of technical feasibility and environmental impact and impact on the

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neighourhoods and to recommend the best options, however, we note that the discussions on the environmental impact is a minimal. The probable reason is that there was no scientific data before the JTC that is why, as noted in paragraph 8 above, JTC itself highlighted the requirement of further studies.

140. Since the proposed project impacted the coastline, on 12th June 2013 MCZMA also considered the proposal and the minutes show that MCZMA focused on traffic congestion and the solution thereto. There was thus no scientific study properly conducted when the amendment was enacted. We would be failing not to highlight that CSIR-NIO report on environmental aspect was submitted thereafter on January 2016 and that too recording measurement of waves, tides and currents at Mahim during 21st November 2014 to 12th December 2014 and at Colaba between 25th November 2014 to 17th December 2015. The report itself records that the time period was short and thus, more detail studies were required. Consultants M/s. STUP and Consultants Pvt. Ltd. and Ernst& Young Pvt. Ltd. had been appointed by MCGM which submitted an environmental impact assessment report in August 2016, which was after the amendment in question was made. On 30th

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April 2016 MCGM obtained a drainage report and traffic report from the Consultants and on 29th April 2016 obtained a peer review report from Frischmann Prabhu. On 17th September 2016 MCGM had issued work-order to CSIR-NIO to conduct environmental related studies and submit a report. Thus, on facts we agree with the submissions made on behalf of the petitioners that when the amendment was made to CRZ-2011 it was not preceded by a comprehensive scientific evaluation of the impact of the project on environment.

141. But for said reason the amendment cannot be struck down because the amendment only permitted reclamation of land to construct a road by amending Clause (a) of sub-paragraph (iv) of Regulation 3 of CRZ-2011 and simultaneously amending Regulation 4 which regulates permissible activities in CRZ-1 by providing the regulatory mechanism of reclamation for a road being permitted only in exceptional cases; to be recommended by the concerned CZMA and approved by the Ministry of Environment and Forest Climate Change.

142. The Central Government could have taken two distinct routes

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and both would have been as per law. As in the case of the airport at Navi Mumbai, after conducting the necessary studies and determining the impact on the environment, considering that the airport at Mumbai had reached the saturation level and another airport was needed; in light of the detailed environmental studies conducted, a decision was taken that construction of the airport was of such public utility that it outweighed the interest of the public in ecology; a specific amendment to CRZ-2011 could be made on said lines for the coastal road only at Mumbai. The other route was to simply amend CRZ-2011 by providing for an exceptional case warranting consideration for grant of approval, stipulating in the rule itself that whether or not a particular proposal would fall as an exceptional case to be decided with reference to impact of the project on environment at the stage of granting approval. In the instant case, the second route has been followed. Pertaining to the argument of learned Senior Counsel for the petitioners that the amendment to CRZ-2011 by permitting reclamation of land to construct a coastal road, albeit as an exceptional case, is a potential threat to the entire 7000 km coast line for the reason tomorrow Village Panchayats, Nagar Parishads, Municipalities and

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State Governments could also assert a claim to reclaim coastal land and lay a road, we agree with the submission of Shri. D.J. Khambata Senior Counsel that the argument is nothing short of an alarmist argument because, reclamation of land to construct a road is permitted only in exceptional cases, to be recommended by the Coastal Zone Management Authority and approved by MoEF unless these high level authorities grant approval no planning authority can reclaim land to construct a road.

WHETHER CZMA AND MoEF PROPERLY APPLIED THEIR MIND TO THE QUESTION WHETHER MCGM HAD MADE OUT COASTAL ROAD TO BE AN 'EXCEPTIONAL CASE' AND WHETHER THERE WAS A PROPER APPLICATION OF MIND TO APPRECIATE THE MATERIAL TO GAUGE THE ENVIRONMENTAL IMPACT OF THE COASTAL ROAD?

143. The Coastal Zone Regulations issued for the first time on 19th February 1991 permitted reclamation of coastal land only for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress and for sweet water recharge. The CRZ Notification dated 9th July 1997 expanded reclamation of coastal land for bunding or

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disturbing the natural course of sea water except those required for construction of ports, harbours, jetties, wharves, quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulation, storm water drains or for structures for prevention of salinity ingress and sweet water recharge. The CRZ Notification dated 12th April 2001 further expanded reclamation of coastal land for bunding or disturbing the natural course of sea water except those required for construction or modernaisation or expansion of ports, harbours, jetties, wharves, quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge.

144. The original Notification and as amended from time to time shows that the Central Government was conscious of the fact that

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inherently, reclamation of land in coastal areas was detrimental to the ecology of the sea, thus only projects or activities which could be carried out only on coastal waters and nowhere else should be permitted. To wit: harbours, jetties, warfs, etc. are necessary for loading and unloading Cargo from ships and this activity can only be at the sea shores. Hence, in larger public interest, had to be permitted. CRZ-2011 further expanded the activities required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sea-link, road on stilts, and such as ment for defence and security purpose and for other facilities that are essential for activities permissible under the notification.

145. Harbours, jetties, wharves, quays, slipways, bridges, sea-link and road on stilts can only be constructed at sea-shores and not in the hinterland. One cannot think of a harbour without them. Goods are transported through sea by ships, and loading as also unloading can only take place at harbours. Thus, building harbours, jetties, wharves, quays, slipways are the dying need (if we may use the colloquial expression). Without them inter country trade would be severely

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hampered and thus, the larger public interest is served by exempting harbours, ports, jetties, wharves, quays, slipways, bridges, sea-link and road on stilts from the rule prohibiting reclamation of coastal land. Sea-links share the same traits as jetties, with the different that sea-links would be concreted structures in ports, akin jetties, or connect one part of the coast land to another for traffic movement, be it road traffic or rail traffic. Reclaimed land on the shore-shore for sea-links is minimal land. The span of the cantilever slab to construct a sea-link would be between 40 feet to 60 feet in width and the said strip of coastal land would be reclaimed. The requirement of sea-links could also be said to be the dying need and thus, the larger public interest served, justifying sacrificing the public interest in preservation of nature. Two reasons would justify the same. Firstly that the need is a dying need of the society and secondly that the environmental damage is minimal But where a large length of the coastline is reclaimed, as in the instant case, to construct a coastal road, the situation cannot be compared with ports, harbours jetties, wharves, quays, slipways, bridges and sea-link. It is a case of no comparison, firstly for the reasons, ports and harbours have to be constructed or expanded only on the sea-

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shore and not in the hinterland. Jetties, wharves, quays, slipways and bridges are necessary parts of harbours. Secondly because damage to the environment caused by the sea-links is minimal. That is the reason that the CRZ amendment Notification issued on 30th December 2015 permitted reclamation of coastal land to construct a road by way of an exception. The exceptional case to be determined would be on the same principle which justifies ports, harbours, jetties, wharves, quays, slipways and bridges i.e. the dying need of the society. The need has to be more than a crying need. It has not to be a need of convenience. It has to be a need based on exhausting all possible solutions. Upon material showing that the need is bordered between a crying need and dying need, a deep and pervasive environmental impact assessment has to be done. The assessment has not to be perfunctory and the authority charged with the obligation to decide where an exceptional case was made out requires piercing evaluation of the data on which the project proponent justified that it is an exceptional case. The task of the Court is to ensure that said decision making process has been followed. We propose to do that.

146. It is settled law that judicial review over administrative and

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statutory decisions prohibits the Court from re-appreciating the material and delving into adequacy or inadequacy of the material. Since this is the conceded legal position, we need not discuss the plethora of decisions noted in para 15 above referred to by Shri. S.G. Aney learned Senior Counsel on behalf of MCGM. We need not trouble the reader of our opinion on the subject when unreasonableness warranting judicial intervention reaches unreasonableness on *Wednesbury's* principle.

147. That takes us back to the facts. Traffic studies in Mumbai relate back to the year 1962, when traffic and transport study by M/s. Wilbur Smith Association was conducted and reports submitted in 1962. It was conducted against in the year 1983 when Central Road Research Institute submitted a report on Planning Report for Road System. In 1992 M/s. W.S. Atkins submitted a Comprehensive Transport Strategy Study (CTSS). In the 2009 M/s. Lea and Associates submitted a Comprehensive Transport Strategy Study. With reference to said studies, the JTC which was set up by the State Government on 30th June 2011, collated further data and submit its report on 29th December 2011. The data brings out the unique feature of the city having a

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narrow and long North-South axis. The characteristic of the traffic pattern showed South bound flow in the morning and North bound flow in the evening. The data further brings out that the suburban trains reached a saturation level and could not transport passengers by running more daily trains and public transport had reached a saturation level. As against 84% passengers traveling by public transport in the year 1991, their share had declined to 78% by the year 2005. The Committee also noted noxious gases emitted by automobiles traveling at an average speed of about 8 km per hour as against efficient speed of 90 km per hour. Health related issues induced by air pollution were noted, evidencing that persons in Mumbai suffering from cough, bronchitis and eye irritation increased from 13.3%, 21.4% and 14.1% respectively in the year 2004 to 41.3%, 31.1% and 38.4% in the year 2001. Undoubtedly, the data is alarming and justifies a solution to be found on urgent basis by not only mitigated air pollution but also the induced the health problems. Conscious of the fact that a coastal road could be built on stilts and this would cause less environmental damage as compared to a coastal road after reclaiming land, the JTC looked into the cost effectiveness, resulting in the Committee noting that a coastal

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road on reclaimed land would cost about ₹ 100 crore per km, with interchanges, and if built on stilts with interchanges would cost about ₹ 600 crore per km. Having accorded consideration to the urgent need for reducing air pollution and the resultant medical problems of the residents of Mumbai and cost effectiveness of coastal road on stilts vis-a-vis reclaiming land, the JTC focused attention to the location of the coastal road if built after reclaiming land. Noting the zig-zag pattern of the sea-shore and being of the opinion that a coastal road having sharp curves and bends, if constructed along the sea-shore, would be dangerous and additionally would lead to traffic moving slowly, thus for the same journey would use more fuel thereby causing more air pollution, opined that a coastal road with a slight curve, constructed at at the farthest distance of 100 meter from the innermost point on the coastline was justified.

148. This would obviously result in large spaces between the proposed coastal road and the sea-shore becoming available, and the opinion of the Committee was that as a happy coincidence, one could use this space for utilities.

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149. The Committee thereafter focused on the adverse impact on the coastline. The Committee had the benefit of two experts: (i) Dr. Nalini Bhat (Adviser Ministry of Environment and Forest, Government of India); and (ii) Dr. S.R. Shetye, Director of National Institute of Oceanography in CSIR-NIO who were its members. Recording said fact, and that reports of CSIR-NIO were considered, in its report the Committee opined that impact of reclamation on tidal circulation would not cause much impact on the coast-line. But these reports have not been referred to by reference to the dates or titles in the JTC report, and the CSIR-NIO report submitted in January 2016 could obviously be not the one considered by the JTC.

150. Relevant would it be to highlight that the JTC was conscious of the fact that it had not conducted a detailed Environmental Impact Assessment nor was it considering a detailed report on the Environmental Impact, it highlighted in its report that the matter of further environmental and other studies and the investigations which were needed towards obtaining CRZ clearance was needed. It was observed that the CRZ clearance would normally require a pre-feasibility report/traffic studies related technical studies including EIA

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indicating the likely impacts and mitigation measures. The Committee was of the view that such studies should be entrusted only to the consultants accredited by the Quality Council of India (QCI). The JTC cautioned that detailed project preparation studies should be accordingly be taken up to incorporate these aspects. Under the caption `Policy Intervention and Implementation Strategy', JTC therefore highlighted eight steps to be undertaken towards implementation of the project. Vide step No.3 informed MCGM that a proper Environmental Impact study be conducted.

151. CSIR-NIO, which appears also to have been instructed to carry out a study on the adverse impact on the sea-shore, if the coastal road was constructed, submitted a report in January 2016 in which it recorded that measurement of waves, tides and currents at Mahim were carried out by it during 21st November 2014 to 12th December 2015 and at Colaba between 25th November 2014 to 17th December 2015. Conscious of the fact that this was a small time segment, the report itself highlights that local hydrodynamic changes need to be observed over a longer period.

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152. CSIR-NIO report also records that adverse impact on marine ecology would, amongst others, be a long term degradation of sensitive and an essential breeding and nursery habitats for coastal and marine organisms which would lead to a long term reduction in commercial important species of fish. The living habitats and micro habitats of the marine flora and fauna will be destroyed.

153. Interestingly, CSIR-NIO also concurred that the coastal road should be at such distance from the sea-shore keeping in view the zig-zag alignment of the sea-shore so that the road would facilitate faster flow of traffic i.e. the road should be without sharp curves and as straight as possible.

154. The MCGM had also appointed STUP and Consultants Pvt. Ltd. and Ernst& Young Pvt. Ltd. as consultants to submit, amongst other, environmental impact assessment studies. The report made sixteen pertinent observations which we have noted in paragraph 20 above and relevant would it be to highlight recommendation No.14 required MCGM to submit the environmental cost benefit analysis of the proposed project. On the issue of reclamation, the consultants

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recorded in report that reclamation *may have indirect effects* to the environment and ecology. *Some of them* were illustrated as under:

> *(i) It may cause increase in the concentration of suspended solids and reduce light penetration thereby affecting photosynthesis of marine vegetation.*
>
> *(ii) It may cause decrease in dissolve oxygen levels and may result in mortality of organisms.*
>
> *(iii) It may cause nutrient imbalance and result in algal blooms.*
>
> *(iv) During construction there will be increase in trampling on Rocky shores which will directly affect the inter tidal organisms.*
>
> *(v) Excavation and Extraction of Inter tidal organisms may take place during constructional activities.*

155. Since MCZMA had cleared the proposal opining that it was an exceptional case, MoEF considered the proposal and on 22nd July 2016 and returned the same listing out deficiencies and on the subject of a proper environmental impact analysis recorded that MCZMA was to forward an EIA report including `Marine and Terrestrial Component with Cumulative Studies' for the project. It was also indicated that construction of a coastal road, by way of reclamation, was permitted only in exceptional cases and there was no mention of the

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circumstances under which the MCGM had proposed to undertake the project as an exceptional case.

156. At this stage, MCGM changed the track and on 18th October 2016, submitted a fresh application to MCZMA seeking to reclaim coastal land to construct a coastal road but limited to the part of the coastal road till the Bandra end of the Worli-Bandra sea-link from the Southern end of the city. The stretch of the proposed coastal road commences from Marine Drive at Princess Flyover and ends at the Worli end of the sea-link. Along with the application, the documents furnished to MCZMA by MCGM were twelve in number. They read:-

1 *Checklist for Submission of Application for prior CRZ Clearance Under CRZ Notification 2011, Part A & Part B*
2 *Form I (Annexure-IV of the notification)*
3 *Comprehensive EIA report (Volume-VIII)*
4 *CRZ maps in 1:4000 scale with Project layout superimposed*
5 *Risk Assessment & Disaster Management Plan with SOP's*
6 *Main Report (Volume-I)*
7 *Drainage Report (Volume-VI)*
8 *Traffic Report (Volume-IV)*
9 *Social Impact Assessment Report (Volume-IX)*

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10 Work order of NIO with Proposal

11 Compliance to observations and Conditions mentioned in Minutes of 111th Meeting of Maharashtra Coastal Zone Management Authority held on 16th January 2016.

12 Compliance to MoEF letter No: F.No.19-74/2016-IA,III dated 22nd July 2016

157. Form-1 for clearance of projects attracting CRZ-2011 was filed and the *exceptional case* projected was to overcome air pollution and traffic congestion with a consideration of the economic feasibility of a road on reclaimed land vis-a-vis on stilts. It was indicated that the project activity applied for, was a highway, attracting Entry 7(f) of the Schedule to the Notification. At its 114th meeting held on 2nd and 3rd November 2016, MCZMA noted that the revised proposal was for the Southern part of the coastal road. This segment would require 90 hectare land to be reclaimed, out of which only 20 hectare would be utilized for the road and the rest for parks, cycle lanes, jogger tracks, bus parking etc. On 14th January 2017, MCZMA gave a positive recommendation in favour of MCGM. The Expert Appraisal Committee of MoEF met on 17th March 2017 and recommended

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approval. While granting the approval, it noted the objections by NGOs and the response of the project proponents thereto in a tabular form, which we have noted in paragraph 33 above. MoEF granted the final approval on 11th May 2017.

158. The afore-noted facts bring out that the JTC was conscious of the fact that it had not conducted a detailed Environment Impact Assessment nor was it considering a detailed report on the environmental impact. Thus, in its report JTC itself highlighted that the matter of further environmental and other studies and the investigations which were needed towards obtaining CRZ clearance should be entrusted only to consultants accredited by the Quality Council of India. Further, while cautioning that the detailed project preparation studies should be undertaken, it further informed MCGM to conduct a proper environmental impact study. Thus, merely because there were two experts on the JTC who, in turn took advice from Scientists of CSIR-NIO becomes irrelevant; because notwithstanding the inputs which JTC received by way of advise/inputs, it clearly indicated in its report that proper environmental impact studies needed to be conducted. Further, CSIR-NIO which gave its report in January

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2016 recorded that measurement of waves, tides and currents were carried out only at Mahim and at Colaba during the period 21st November 2014 to 12th December 2015 and 25th November 2014 to 17th December 2015 respectively; and conscious of the fact that this was a small time segment, highlighted that local hydrodynamic changes need to be observed for a longer period. Further, the report records that adverse impact on marine ecology would be a long term degradation of sensitive and essential breeding/nursery habitats for coastal and marine organisms; that the living habitats and micro habitats of marine flora and fauna will be destroyed. The consultants STUP and Consultants Pvt. Ltd. and Ernst& Young Pvt. Ltd. in the Environment Impact Assessment report submitted by them also highlighted the destruction of the ecology. (Noted in paragraph 14 above) Even Frischmann Prabhu which conducted the peer review of the draft project report after it was displayed on the website of MCGM in June 2015 and had considered the representations made against the proposed coastal road in the report highlighted that the EIA does not include an environmental and social data sheet or screening checklist; no studies have been undertaken regarding the impact of the

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project on surface, sub-surface and aquatic flora and fauna that will be permanently displaced by the project corridor or any mitigation measures in respect thereof; that the Environment Management Plan (EMP) for the Coastal Road Project does not include various material elements such as a management plan for reclamation area, coastal protection and soil erosion management; no formal risk assessment study to mitigate the risk of flooding has been undertaken. The report pointed out that information regarding high flood levels for a period of at least the last 50 years is required to be examined and included in the EIA report and that detailed hydraulic modeling would be required.

159. Thus, CSIR-NIO report was a caution to the authorities to conduct proper environmental impact assessment studies because, CSIR-NIO had given its report on the basis of studies conducted during short duration at Mahim and Colaba. The peer review conducted by Frischmann Prabhu was also a word of caution. The only report, which to some extent exhaustively deals with the environmental impact is the report submitted by the consultants appointed by MCGM, and thus MCZMA and MoEF were obliged to independently apply their mind to the question: Whether there was a proper scientific

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study independently conducted. Assuming the two authorities were entitled to treat the report of the consultants as an exhaustive study after analysis of the data, the objections raised to the environmental clearance had to be properly addressed to. The report of the Consultant had categorically opined that: *(i) Secondary effects will be formation of sediment plumes, which may affect fish or benthos because of the smothering and clogging effect of highly turbid waters on the gills of bivalves or fish, inability to detect predators and the limiting of the photosynthetic process in plants, (ii) The suspension of fine sediments in the water column will create turbidity, which may scatter and attenuate light levels and potentially affect the growth of plants indirectly by reducing the availability of light and consequently the photosynthetic process in plants, (iii) Accidental fuel spillages and overfilling of excavated material can also affect the Marine ecosystems, (iv) The PH of water may increase causing imbalance in the ecosystem and also the activities will cause nutrient imbalance and algal bloom in the nearby shore areas, (v) The water quality will decrease and may also cause increase in temperature thereby reducing the oxygen dissolving capacity, (vi) Sedimentation will be very high due to continuous*

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drilling of the ocean bedrocks, (vii)The living habitats and micro habitats of the marine flora and fauna will be destroyed, (viii) The above impacts will directly impact on fisheries due to the mortality and migration of fishes from the area under construction, (ix) The food webs of the area under construction will be greatly affected thereby causing imbalance in the tropic layer, & (x) Immediate and long-term degradation of sensitive and essential breeding and nursery habitats for coastal and marine organisms (e.g. dunes, beaches, estuaries,) which could lead to long-term reductions of commercially important species (fish, shellfish etc.). As regards MCZMA, we find that the only material before it was the twelve documents noted herein-above, one of which at Serial No.10, was the work order issued to NIO to carry out scientific studies. Highlighting that this work order was issued on 17th September 2016 requiring the CSIR-NIO to undertake extreme air analysis studies; to establish extreme waves rides at select points along the proposed coastal road; and to model hydrodynamic and morphology changes along the proposed coastal road, both being necessary and relevant, to assess the impact on the environment, it was expected that MCZMA should as a prudent body have awaited the

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report of NIO. Instead thereof, it recommended the proposal to MoEF along with documents submitted by MCGM and the Expert Appraisal Committee of MoEF simply noted the objections by the NGOs and the comments of MCGM without returning findings thereon. In paragraph 33 above of our opinion we have reproduced the 24 objections by the Opponents of the proposed project and the response of the project proponent i.e. MCGM. The minutes drawn up by Expert Appraisal Committee do not record the opinion of the Committee. There is lip service to the requirement of the law in as much as the minutes record that *'the Committee deliberated in detail the environmental issues likely to be associated with the proposed project. Perusal of the documents/project reports, including EIA report, Social Impact Assessment Report, Risk Assessment and Disaster Management Plan, etc. submitted, indicates that a detail study has been carried out as required for a project of such a large dimension'*. In paragraph 13 of the minutes it is recorded '*The Committee having noted the environmental consequences and the need of the project keeping in view the increasing traffic in Mumbai and the associated health implications arising due to vehicular traffic, in particular,*

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agglomerated air pollution due to idling vehicles concluded that the Coastal Road is the need of the hour . The Committee observed that denial of the project from recommending for CRZ Clearance, will not serve any public interest, as, in the long run, the social benefits outweigh the marginal impact likely to be incurred on the environmental aspects'. One is left to wonder wherefrom the opinion was recorded that the likely impact on the environment would be marginal. Not a fact arising out of the material before it has been discussed by the Committee and thus, it is a case of a conclusion sans any reasons.

160. When the draft project report was put up on the website by MCGM in June 2015, objections against the proposed coastal road were filed and Frischmann Prabhu was appointed to conduct a peer review. The report submitted by Frischmann Prabhu recorded:

> *i. That the EIA does not include an environmental and social data sheet or screening checklist;*
>
> *ii. No studies have been undertaken regarding the impact of the project on surface, sub-surface and aquatic flora and fauna that will be permanently displaced by the project corridor or any mitigation measures in*

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respect thereof;

iii. That the Environment Management Plan (EMP) for the Coastal Road Project does not include various material elements such as a management plan for reclamation area, coastal protection and soil erosion management;

iv. No formal risk assessment study to mitigate the risk of flooding has been undertaken. The report pointed out that information regarding high flood levels for a period of at least the last 50 years is required to be examined and included in the EIA report and that detailed hydraulic modeling would be required; and

v. That the Social Impact Assessment Report was insufficient and inconclusive inter-alia because it did not incorporate public consultation at different locations with different groups, social survey information and mapping of common property resources.

161. The minutes drawn up by the EAC do not show that said report was considered by it and probably MCGM did not produce said report for perusal of the Committee.

162. It is obvious that a serious lacuna in the decision making process has occurred. The lacuna is that neither MCZMA nor EIA nor MoEF took note of the fact that the except for the environmental impact

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assessment study conducted by the consultants, all other reports themselves informed the recipient of the reports that they were not based on a complete and exhaustive analysis of the data and the material required to opine on the adverse environmental impact. Further, MCZMA did not even bother to record having considered the objections by the NGOs to the proposed project. EIA recorded the objections and against the objections noted the stand of MCGM, but gave no reasons much less returned findings on the objections and the response of MCGM.

163. We accordingly hold that there is lack of proper scientific study and this has been overlooked by MCZMA, EIA and MoEF warranting the approval granted by MCZMA on 4th January 2017, the approval granted by EAC on 17th March 2017 and the final approval granted by MoEF on 11th May, 2017 are liable to be quashed and set aside.

164. We quash the decision taken by MCZMA on 4th January 2017 and the approval granted by MoEF on 11th May 2017 on said ground alone.

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165. There is additional reason to hold in favour of quashing the two decisions on account of not taking into account two more relevant facts. It is settled law that an administrative or a statutory decision has to be taken by the Executive after properly applying its mind to all relevant material which ought to be in the mind of the authority while taking the decision. Both MCZMA and MoEF have not taken into account, in spite of being informed, that the Metro Rail Project in Mumbai was under construction and the Metro Network to be constructed would run parallel to the proposed coastal road. It was covering the entire South-North of the city. The impact of the Metro of being able to transport commuters was extremely necessary and important keeping in mind that the reclamation of land to construct a coastal road is permitted only in an exceptional case, and as opined by us, to determine whether a case was an exceptional case warranted the same to be considered from the point of view of a crying need of the city bordering the dying need of the city. Secondly, the coastal road was proposed to not only decongest the interior roads of the city but even provide a freeway between the Northern and the Southern part of the city. Conceptually and factually it was a singular project and thus,

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adverse environmental impact had to be determined for the project as a whole and not to artificially break the project into two components merely because there was a Sea-link in between. This would result in a truncated environment impact assessment to be made. The precautionary principle applicable to environmental jurisprudence does not recognize such approach to be adopted.

WHETHER THE COASTAL ROAD PROJECT REQUIRED ENVIRONMENTAL CLEARANCE UNDER EIA NOTIFICATION DATED 14th SEPTEMBER 2006. IF YES, WHETHER THERE IS SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF THE SAID NOTIFICATION WHEN MoEF ACCORDED APPROVAL UNDER CRZ-2011 ON 11th MAY 2015?

166. It is the common case of the parties that Regulation 2 of EIA Notification dated 14th September 2006 requires clearance from MoEF if project or an activity falls under Category (A) in the Schedule and the State Environment Impact Assessment Authority for matters falling under category B. It is also the common case of the parties that projects and activities falling in Category B are divided into B1 and B2 and for projects falling under B1, Regulation 7 requires scoping if they are area development projects. The debate between the parties was whether the project in question is an area development project

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falling under Item 8(b) of the Schedule to the Notification. Learned Counsel for the parties argued on the ratio of the law laid down by the Principal Bench of the National Green Tribunal in *Vikrant Kumar Tongad (case)* supra; *Re: construction of park near Okhla Bird Sanctuary (case)* supra and *Goa Foundation (case)* supra. Even in respect to said debate there was no dispute between learned Counsel for the parties that the various entries in the Schedule to the Notification have to be read firstly, applying qualitative test and thereafter the quantitative test. Meaning thereby, if the issue was whether a project or an activity was an area development project, firstly the qualitative test had to be applied i.e. it had to be determined whether it was an area development project and if held to be so, the quantitative test whether the area covered was equal to or more than 50 hectare land or built up area was equal to or more than 1,50,000 sq meter. Thus, contention of Counsel for respondents was that the quantitative test could not be applied to determine the qualitative test and the legal flaw in the decision of the Principal Bench of the National Green Tribunal in *Vikrant Kumar Tongad (case)* supra was to determine the qualitative test with reference to the quantitative test.

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167. In view of the fact that learned Counsel for the parties were in unison, as afore-noted, we need not trouble ourselves with the facts in which the law was interpreted in *Vikrant Kumar Tongad (case)* supra, *Okhla Bird Sanctuary (case)* supra and *Goa Foundation (case)* supra.

168. At first blush the decision of the Principal Bench of the National Green Tribunal in *Vikrant Kumar Tongad (case)* supra appears to be in conflict with the legal principles stated by the Tribunal in its decision, and on facts the decision cannot be justified, but a deeper look keeping in view of decision of the Supreme Court in *Okhla Bird Sanctuary (case)* supra would reveal that to some extent the quantitative test influences qualitative test evidenced by the fact that in said decision, in paragraph 66 the illustration given by learned Counsel for the petitioners in paragraph 63 was discussed. The Supreme Court held that the illustration given may be correct to an extent and by way of example held that constructions where built up area was in excess of 1,50,000 sq meter would be huge by any standard and in that case the project development on sheer magnitude would qualify as township development project.

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169. The illustration given by the learned Counsel by way of an example in paragraph 63 noted, reads as under:

> *"In support of the contention, Mr. Bhushan gave the example of a "building and construction project", consisting of a number of multi-storied buildings, the aggregate of the built-up area of which exceeds 1,50,000 sq m. Mr. Bhushan submitted that since the total built-up area of the project crosses the upper limit of Item 8(a) the project would not fall within that item. But at the same time since the project is a "building and construction project" and not a "township and area development project", it would not come under Item 8(b) and this would be indeed a highly anomalous position where a project with a small built-up area would fall within the ambit of the notification, whereas a project with a larger built-up area would escape the rigours of the notification".*

The answer to the illustration reads as under:

> *"The illustration given by Mr. Bhushan may be correct to an extent. Constructions with built-up area in excess of 1,50,000 would be huge by any standard and in that case the project by virtue of sheer magnitude would quality as township development project. ".*

170. Thus, notwithstanding the argument of learned Senior Counsel for MCGM that the projects or activities listed under categories in the Schedule to the Notification are independent and exhaustive and as a

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result thereof Entries at Serial No. 8 cannot be read as residual entries, and as regards Entry 7(f), it is exhaustive, and merely because a road does not fall therein the same cannot be read as falling under Entry 8(b) is also correct, but in the instant case the land reclaimed is 90 hectare and only 20 hectare thereof is actually being utilized for purpose of constructing the coastal road. 70 hectare is being developed as green spaces to be used as parks, cycle tracks, promenade, butter-fly park, bus depots etc. The sheer volume of the area, which is 90 hectare, would require the project activity to be treated as an area development project. It is trite that norms, such as predominant purpose, make sense in the abstract world of theory, but they have to be applied practically 'as a matter of fact'.

171. The dominant purpose test to be applied, as was argued by learned Senior Counsel for the respondents leading to the conclusion that since the dominant purpose of the project was to construct a coastal road, the project has to be read as one to construct a road, and not falling under Entry 7(f), would not require environment clearance under EIA-2006, misses the point that notwithstanding the dominant purpose being to lay down a coastal road, but in the implementation

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thereof about 78% of the reclaimed land is being actually used for a purpose other than the dominant purpose for which the area was being developed. The dichotomy between the dominant purpose and predominantly the reclaimed land being used for a purpose other than constructing the coastal road has to be resolved. Indeed, it would be inherent in the application of the dominant purpose test that where the field of activity, as in the instant case, the area used or utilized or applied is not for the dominant purpose, it has to be held that it is area development. Thus, we conclude on the issue by upholding the contention of the opponents of the project by holding that the coastal road project with development of green areas to be used as parks, promenade,, cycle tracks, bus parking facilities etc. falls under Category B1 of the Schedule to the Notification.

172. This takes us to the second limb of the submission advanced by the respondents. The argument was that since clearance under CRZ-2011 required environmental appraisal, which was the object of the EIA Notification, since for purpose of CRZ clearances the environmental impact assessment was done, there is substantial compliance with the EIA Notification as well.

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173. We have already held herein above that the clearance under CRZ-2011 is liable to be struck down and thus, we answer the theoretical question posed by learned Counsel for the respondents.

174. The tabular statement filed by learned Senior Counsel for the respondents which we have verbatim copied in paragraph 111 at pages 136 to 152 above no doubt shows that the extent of appraisal for environmental clearance under CRZ-2011 is more exhaustive than the appraisal for environmental clearance under EIA Notification, but the same misses a very relevant point.

175. Under EIA Notification, Regulation 7 prescribes procedure to be followed to obtain environmental clearance and under heading **SCOPING REQUIRES MoEF OR ITS ENVIRONMENTAL IMPACT ASSESSMENT COMMITTEE** to appraise the proposal and determine detailed and comprehensive terms of reference to be framed addressing all relevant concerns for the preparation of the EIA report. The terms of reference would enable the applicant to commence the process of preparation of the EIA report. Additional terms of reference can be provided for. In the instant case, the form which was filled up was as

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per the requirements of the CRZ-2011 and submitted only to MCZMA and not the State Environment Impact Assessment Committee. Thus, the opportunity of stipulating additional terms of reference was lost. Meaning thereby, if the procedure under EIA Notification was followed, the opportunity of appraisal to SEAC would have been available and perhaps additional terms of reference were settled.

176. We are dealing an environmental issue and precautionary principle guides that all precautions envisaged by the Regulations to appraise proposals for projects or activities likely to impact environment have to be strictly followed.

177. On the issue of public consultation, suffice it to state that public consultation was at the stage when CRZ-2011 was proposed to be amended and not at the stage of the appraisal of the material from the point of view of public participation. Thus, we hold that there is lack of substantial compliance with the EIA Notification of the year 2006.

WHETHER PRIOR PERMISSION UNDER THE WILDLIFE (PROTECTION) ACT WAS NEEDED?

178. Schedule I to the Wildlife (Protection) Act, 1972 lists the species

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of the wildlife to which protection is accorded. Section 39(3) of the Act prohibits a person, without prior permission in writing of the Chief, Wildlife Warden or the authorized Officer, to destroy or damage Government property. Section 2(36) defines `wildlife animals' as the ones specified in Schedules I to IV. Section 39 stipulates that all wild animals shall be the property of the State or the Central Government. Concededly species of corals listed in the Schdule 1 to the Act were observed in the intra-tidal zone where the coastal road project has been proposed. Notwithstanding the fact that corals presence is minuscule the same shows that ecosystem in the area in question is conducive to the Corals. It establishes that the area is ecologically sensitive having geo-morphological features which play a role in maintaining integrity of the species and thus, we hold that MCGM could not have commenced the works in question without obtaining permission under Wildlife (Protection) Act, 1972.

WHETHER THE INTERCHANGE AT AMARSON GARDEN WITHOUT A PRIOR APPLICATION OF MIND REQUIRING THE SITE OF THE INTERCHANGE TO BE SHIFTED, AS PROPOSED BY THE PETITIONERS, TOWARDS THE NORTHERN DIRECTION?

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179. Indeed the site plan of the interchange shows that it cuts through Tata Garden thereby compartmentalizing Tata Garden into three segments, but the respondents have good reason to do so, which reasons we have reproduced while noting the arguments by learned Senior Counsel for MCGM in paragraph 118 above, and since we accept the justification as sufficient we speak no more, save and except, the facts noted in paragraph 118 above justify the location of the interchange as proposed by MCGM.

180. Dealing with submissions made by Mr. Prakash Laxman Chanderkar that double decker buses should be plied on the existing roads for purposes of augmenting transport and elevated road be constructed above the existing road and further that Offices be shifted outside the city of Mumbai, is a matter of policy and thus we cannot issue any such directions exercising writ jurisdiction.

181. On the issue of fishermen community not being consulted and their grievances not being adequately redressed, we do not deal with the said submissions on account of the fact we have already held that without an environmental clearance under EIA Notification the project

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could not commence and MCGM would therefore be required to apply for clearance under EIA Notification, which would require public consultant as per EIA Notification and at that stage the fishermen community would get an opportunity to present their case.

182. Before bringing the curtains down we would be failing not to note that an argument advanced that coastal area which is sought to be reclaimed belongs to either the State Government or the Central Government and therefore, MCGM cannot after reclaiming the sea-shore construct a road thereon.

183. In the public interest litigations and the writ petition filed, Union of India and the State Governments are parties and they have no problem with their lands being utilized for the project in question. Thus the question need not be answered.

184. The Public Interest Litigations and the Writ Petition are accordingly disposed of restraining MCGM from executing the works required to lay down the coastal road. While upholding the Notification dated 30th December 2015 amending CRZ-2011, but holding that the clearance granted under CRZ-2011 by MCZMA, EAC

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and MoEF are illegal for the reasons given herein above, we quash the approval granted by MCZMA on 4th January, 2017, the approval granted by EAC on 17th March 2017 and the final approval granted by MoEF on 11th May, 2017. We further declare that MCGM cannot proceed with the works without obtaining an environmental clearance under EIA Notification. Further, permission under Wildlife (Protection) Act, 1972 would also be obtained by MCZMA.

185. Petitions are allowed in above terms with costs made easy.

N.M.JAMDAR, J. **CHIEF JUSTICE**

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VOLUME III

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE

APPEAL NO. 9 OF 2016 (WZ)

Dileep B. Nevatia …Appellant

Versus

Union of India & Ors. …Respondents

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S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (C) Nos.17471-17476/2019

(Arising out of impugned final judgment and order dated 16-07-2019 in WPL No. 560/2019 16-07-2019 in PILL No. 39/2019 16-07-2019 in PILL No. 44/2019 16-07-2019 in PILL No. 40/2019 16-07-2019 in PILL No. 36/2019 16-07-2019 in PILL No. 25/2019 passed by the High Court Of Judicature At Bombay)

MUNICIPAL CORPORATION OF GREATER MUMBAI Petitioner(s)

VERSUS

WORLI KOLIWADA NAKHWA MATSYA VYAVASAY SAKHARI SOCIETY LTD. & ORS. Respondent(s)

(IA No. 108088/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 108954/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH
SLP(C) No. 18122-18127/2019 (IX)
(FOR ADMISSION and I.R. and IA No.108786/2019-PERMISSION TO FILE PETITION (SLP))

SLP(C) No. 18141-18146/2019 (IX)
(FOR ADMISSION and I.R. and IA No.108820/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.108817/2019-PERMISSION TO FILE PETITION (SLP)

Date : 17-12-2019 These matters were called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

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Mr. Mahesh Agarwal, Adv.
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Mr. Aditya Mehta, Adv.
Mr. Bhuvan Mishra, Adv,
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Ms. Madhusmita Bora, AOR
Mr. Pawan Kishore, Adv.
Mr. Dipankar Singh, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pheroze Mehta, Adv.
Ms. Madhusmita Bora, AOR
Mr. Pawan Kishore Singh, Adv.
Mr. Dipankar Singh, Adv.

Mr. Colin Gonsalves, Sr. Adv.
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Ms. Suhasini Sen, Adv.
Mr. S.S. Rebello, Adv.
Mr. D.L. Chidananda, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, AOR

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for both sides.

We are of the considered view that the judgment of the High Court needs to be stayed having regard to the factor of balance of convenience; *prima facie* case and irreparable damage/injury.

The petitioners are free to reclaim the land, build the road thereon and secure the road. They shall however not carry out any other development work until further orders of this Court.

List on 08.04.2020.

[CHARANJEET KAUR]
A.R.-CUM-P.S.

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

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पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 4 अप्रैल, 2011

का.आ. 695(अ).—केन्द्रीय सरकार ने, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा (3) की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन जारी की गई भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का0आ0 1533(अ) , तारीख 14 सितंबर, 2006, द्वारा निदेश दिया था कि उसके प्रकाशन की तारीख से ही, नई परियोजनाओं या क्रियाकलापों का अपेक्षित संनिर्माण या उक्त अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार या आधुनिकीकरण, प्रक्रिया और या प्रौद्योगिकी में परिवर्तन सहित क्षमता में परिवर्धन करते हुए भारत के किसी भाग में, यथास्थिति, केन्द्रीय सरकार से या केन्द्रीय सरकार द्वारा इसमें विनिर्दिष्ट प्रक्रिया के अनुसार उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा केवल पूर्व पर्यावरण अनापत्ति के पश्चात् ही किया जाएगा;

और, उक्त अधिसूचना में प्रयुक्त " निर्मित क्षेत्र" पद के संबंध में स्पष्टीकरण का उपबंध करने और अधिसूचना के भिन्न-भिन्न पैराओं को पारस्परिक रूप से संगत बनाने के लिए भी तथा ऐसे अनाशयित परिवर्तनों को प्रत्यावर्तित करने के लिए जो राजमार्ग परियोजना से संबंधित पर्यावरणीय समाघात निर्धारण अधिसूचना, 2006 की अनुसूची में विशेषकर मद संख्या 7(च) के सामने प्रविष्टि में का.आ. 3067(अ), तारीख 1 दिसंबर, 2009 द्वारा संशोधन करते समय अधिसूचना में किए गए थे और उक्त अधिसूचना में उपयुक्त संशोधन करने के इस प्रयोजन के लिए विनिश्चय किया गया है ।

और उक्त पर्यावरण (संरक्षण) नियमों का नियम 5 का उपनियम (3) का खंड (क) यह उपबंधित करता है कि जब कभी केन्द्रीय सरकार यह विचार करती है कि किसी उद्योग पर या

किसी क्षेत्र में किन्हीं प्रक्रियाओं या प्रचालन को चलाने पर, प्रतिषेध या निर्बंधन अधिरोपित करना चाहिए तो वह ऐसा करने के लिए अपने आशय की सूचना देगी;

और उक्त पर्यावरण (संरक्षण) नियमों का नियम 5 का उपनियम (4) यह उपबंधित करता है कि उपनियम (3) में किसी बात के होते हुए भी, केन्द्रीय सरकार को जब कभी यह प्रतीत होता है कि ऐसा करना लोकहित में है, वह उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्ति दे सकेगी;

अतः, अब, केन्द्रीय सरकार, उक्त पर्यावरण (संरक्षण) नियमों, के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित उक्त पर्यावरण (संरक्षण) अधिनियम की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में,-

(I) पैरा 6 में "सभी मामलों में पर्यावरणीय अनापत्ति मांगने के लिए कोई आवेदन," शब्दों के पश्चात् "परियोजना प्रस्तावक द्वारा" किया जाएगा ।

(II) पैरा 7, के खंड (i) के उप पैरा II क्रम (2) विस्तारण के उप पैरा (i) के अंतिम वाक्य में "अनुसूची की मद 8 में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (संनिर्माण, नगरी/ वाणिज्यिक, काम्पलैक्स/आवासन)" के स्थान निम्नलिखित शब्द रखे जाएंगे, अर्थात्:-

"अनुसूची की मद 8(क) में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (निर्माण और संनिर्माण परियोजना)" ।

(III) अनुसूची में,-

(i) मद 1(क) के सामने ,-

स्तंभ (5) में की प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् –

" साधारण शर्तें लागू होंगी ।

टिप्पणः

(i) ऐसे खान पटटे के नवीकरण के प्रक्रम पर पूर्व पर्यावरणीय अनापत्ति भी अपेक्षित है जिसके लिए आवेदन, नवीकरण की तारीख से एक वर्ष पूर्व किया जाना चाहिए ।

(ii) खनिज पूर्वेक्षण छूट प्राप्त है ।"

(ii) मद 7(च) के सामने ,-

स्तंभ (4) में की प्रविष्टि के स्थान पर " (i) सभी राज्य राजमार्ग परियोजनाएं; और" के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

" (i) सभी नई राज्य राजमार्ग परियोजनाएं " ।

(iii) मद 8(क) के सामने,-

स्तंभ (5) में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"इस अधिसूचना के प्रयोजन के लिए निर्मित क्षेत्र को "बेसमेंट (बेसमेंटों) सहित, समस्त मंजिलें एक साथ रखे जाने पर निर्मित या आच्छादित क्षेत्र और अन्य सेवा क्षेत्र जो निर्माण/संनिर्माण परियोजनाओं में प्रस्तावित किए गए हैं" के रूप में परिभाषित है ।"

(IV) परिशिष्ट 5 के पैरा 3 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात्:-

" 3 जहां कोई लोक परामर्श आज्ञापक नहीं है वहां आकलन, विहित आवेदन प्ररूप-1 और पर्यावरणीय समाघात निर्धारण रिपोर्ट के आधार पर अनुसूची की मद 8 से भिन्न सभी परियोजनाओं और क्रियाकलापों की दशा में किया जाएगा । अनुसूची की मद 8 की दशा में इसके विलक्षण परियोजना चक्र को ध्यान में रखते हुए संबंधित पर्यावरणीय निर्धारण समिति या राज्य पर्यावरणीय निर्धारण समिति प्ररूप-1, प्ररूप-1क, धारणा योजना और पर्यावरणीय समाघात निर्धारण रिपोर्ट [केवल 8(ख) के अधीन सूचीबद्ध परियोजनाओं के लिए अपेक्षित] के आधार पर परियोजनाओं या क्रियाकलापों का आकलन करेंगी और पर्यावरणीय अनापत्ति को प्रदान करने के संबंध में परियोजना पर या अन्यथा सिफारिशें करेंगी तथा पर्यावरणीय अनापत्ति के लिए शर्तें भी नियत करेंगी" ।

[फा. सं. 3-101/2010-आईए. III]
डा. नलिनी भट्ट, वैज्ञानिक 'जी'

टिप्पण: मूल नियम, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में अधिसूचना सं. का0आ0 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और का0आ0 1737(अ), तारीख 11 अक्तुबर, 2007 और का0आ0 सं. 3067(अ), तारीख 1 दिसंबर, 2009 द्वारा संशोधित किए गए थे ।

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 4th April, 2011

S.O. 695(E).— Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S.O. 1533(E), dated the 14th September, 2006 issued under 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, the Central Government directed that on or from the dates 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 the said notification entailing the capacity addition with change in process and or technology shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act in accordance with the procedure specified therein;

And whereas, it has been decided to provide clarification with regard to the term "built up area" used in the said Notification and also to make various paras of the Notification mutually consistent and to restore the unintentional changes, which got into the Notification while making amendment vide S.O. 3067 (E) dated 1st December, 2009, in particular the entry against item no. 7(f) in the schedule to the EIA Notification, 2006 relating to highway projects and for this purpose to issue suitable amendments in the said Notification.

And whereas, clause (a) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules provides that, whenever the Central Government considers that

prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall given notice of its intention to do so;

And whereas, sub-rule (4) of rule 5 of the said Environment (Protection) Rules provides that, notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3);

Now therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the said Environment (Protection) Act, read with clause (d) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules, the Central Government hereby makes the following amendments in the said Notification, namely:-

In the said notification, -

(I) In para 6, for the existing words "An application seeking prior environmental clearance in all cases shall be made", the following words shall be substituted, namely:-

"An application seeking prior environmental clearance in all cases shall be made by the project proponent".

(II) In para 7, in sub-para 7 in clause (i), sub para II, stage (2) – scoping, sub para (i), in the last sentence, for the words "activities listed as Category 'B' in item 8 of the schedule (Construction / Township / Commercial Complexes / Housing)", the following words shall be substituted, namely:-

"Activities listed as Category 'B' in item 8(a) of the schedule (building and construction projects)".

(III) In the Schedule, -

(i) against item 1(a), -

in column (5), for the entries, the following entries shall be substituted, namely:-

"General conditions shall apply.

Note:

(i) Prior environmental clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal.

(ii) Mineral prospecting is exempted."

(ii) against item 7(f), -

in column (4), for the entry "(i) All State Highway Projects; and" the following entry shall be substituted, namely:-

"(i) All New State Highway Projects".

(iii) against item 8(a), -

in column (5), for the entry, the following entry shall be substituted, namely:-

"The built up area for the purpose of this Notification is defined as "the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building / construction projects"."

(IV) In Appendix V, for para 3, the following para shall be substituted, namely:-

"3. where a public consultation is not mandatory, the appraisal shall be made on the basis of prescribed application Form-1 and EIA report, in the case of all projects and activities other than item 8 of the schedule. In the case of item 8 of the schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise projects or activities on the basis of Form-1, Form-1A, conceptual plan and the EIA report [required only for projects listed under 8(b)] and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance".

[F. No. 3-101/2010-IA. III]
Dr. NALINI BHAT, Scientist 'G'

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O. 1737(E), dated the 11th October, 2007 and S.O. No. 3067(E) dated 1st December, 2009.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2491 OF 2013

Dr. Umesh Kulkarni .... Petitioner
Vs.
Union of India & Others .... Respondents

Mr. Saket Mone with Mr. Abhishek Salian i/by Vidhii Partners for the Petitioner.
Mr. R.V. Govilkar with Mr. Jaydeep Deo for Respondent No.1-UoI.
Mr. L.T. Satelkar, AGP, for Respondent No.2-State.

CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.

DATE : FEBRUARY 03, 2020

P.C:

1. Having heard both sides, we find that the petition raises arguable questions. **Rule**. The respondent Nos.1 and 2 waive service.

2. We have heard the petitioner's Advocate on the point of interim relief.

3. We place the petition for interim relief on **28-2-2020**. It shall be listed on the supplementary board. The ad-interim order passed on this petition on 28-8-2013 to continue till 2-3-2020.

(R.I. CHAGLA, J.) (S.C. DHARMADHIKARI, J.)

मुंबई महानगर प्रदेश विकास प्राधिकरण
MUMBAI METROPOLITAN REGION
DEVELOPMENT AUTHORITY

No. ED/MTHL/BNHS/Reply on report/16 Date: 03/03/2016

To,

The Director,
Bombay Natural History Society,
Hornbill House, S.B. Singh road,
Mumbai 400 023

(K/A: Shri. Deepak Apte)

Project: Mumbai Trans Harbour Link (MTHL)
Sub: Implementation of mitigation measures and Environment Management Plan (EMP) for the project.

Ref: 1) Minutes of the meeting of the State Wild Life Board held on 22 June 2015.
2) BNHS report submitted vide their letter dated 23.09.2015
3 Minutes of the meeting of the State Wild Life Board held on 04 Dec 2015.
4) In-Principle Forest clearance (stage-I) awarded by MoEF vide their order dated 22.01.2016
5) CRZ approval vide MoEF & CC letter dated 25.01.2016
6) Meeting held in MMRDA office with Director, BNHS on 23.02.2016

Sir,

The MTHL project connecting Sewri - Nhava sea link is proposed to be implemented on EPC basis with loan assistance from JICA. The JICA is in the last phase of project appraisal and MMRDA is in an advance stage of inviting the bids for MTHL project. The status of the project was discussed with you in the meeting held at MMRDA on 23.02.2016 as referred in sr. no. (6) above, Based on the discussion, following points are observed.

2. As suggested by the State Wild Life Board and the Forest Advisory Committee (FAC), MMRDA requested BNHS to suggest mitigation measures for conservation of Flamingo birds and surrounding environment. Accordingly, BNHS submitted their report vide referred letter no. 2 dated 23.09.2015. In the report, BNHS proposed mitigation measures and shifting of the alignment at Sewri end to possible extent on the Southward side. The issue was deliberated in the FAC meeting held on 24.11.2015. The Forest Advisory Committee advised to take the approval of State Board of Wild Life (SBWL) to the mitigation measures suggested by BNHS.

3. In this regards, the SBWL during the meeting held on 04.12.2015 accepted the mitigation measures suggested by BNHS with some modifications keeping the original alignment unchanged. The FAC also accepted the mitigation measures recommended by SBWL in its meeting held on 31.12. 2015. Thereafter, MoEF has awarded **in-principle** approval vide letter

dated 22.01.2016 to diversion of 47.417 ha forest land falling in the MTHL project subject to fulfillment of certain conditions stipulated therein.

The mitigation measures suggested by BNHS are incorporated in the Forest Clearance with the following modifications;

a) Realigning the route of the bridge:

The original alignment as proposed by MMRDA is approved. All the Wildlife Mitigation measures as proposed by BNHS in their report dated 23/09/2015 are approved for original alignment of MTHL.

However, it is to mention that, as was discussed with BNHS to explore the realignment of the route of MTHL near Sewri end, MMRDA had requested JICA Consultants vide T.O. letter dated 08.01.2016 to check the feasibility of change in alignment at Sewri mudflats, so as to reduce the impact of the mudflats to possible extent. JICA Consultants reported on 13.01.2016 that, according to geometric design standards of MTHL, sharp curve radius cannot be applied around Sewri area since it is acceleration and deceleration area of Sewri interchange ramps for the design speed of 100 kmph.

However, MMRDA once again requested JICA Consultants by email dated 20.01.2016 to check the feasibility to shift the alignment towards South to possible extent by reducing the design speed to 80 kmph or 60 kmph and applying minimum radius criteria. In reply, JICA Consultants again communicated on 21.01.2016 that the project is designed for certain design speed and it is almost impossible to apply the smaller radius at this stage. Hence now the alignment remains as per the approvals of SBWL/MoEF.

b) Suggestion from BNHS on maximizing the span length in Mudflats:

The distance between the supporting pillars shall remain 50 m as currently proposed by MMRDA, as it was seen that increase in span actually has larger footprint on mudflats.

c) Construction period at both ends passing through mud flats & mangroves should not exceed 15-18 months:

Construction of jetty on both the ends passing through mudflats and mangroves must not exceed 30 months and construction of actual span must not exceed more than further 12 Months.

The modifications at (b) & (c) mentioned above were generally acceptable to BNHS as was discussed during the SBWL meeting held on 04.12.2015

4. MoEF & CC while giving Forest Clearance to the project, has laid down a specific condition to be fulfilled by MMRDA. It says that, "**The State government/ MMRDA shall implement the mitigation measures recommended by the BNHS as modified by the State Board for Wild Life, at the project cost**".

5. For compliance of the conditions mentioned by MoEF while giving Forest and CRZ clearance, MMRDA seeks the help of BNHS for implementing mitigation measures in scientific

manner. The conditions laid by MoEF related to Birds & Habitat conservation are enclosed as **Annexure-I** for ready reference.

6. It will be grateful if BNHS provides guidance to MMRDA for implementation of mitigation measures or in the alternative, advise about appropriate organizations for implementing / executing the activities in which BNHS itself may not be in position to assist.

Yours faithfully,

Encl: Annexure-I

(Sanjay Khandare)
Addl. Metropolitan Commissioner, MMRDA
&
Chairman - Environmental Cell

Copy for information to:

i) **The Principal Secretary to the Hon. CM, GOM**, Chief Minister Secretariat, Mantralaya, Mumbai 32.

ii) **The Secretary (Forests)**, Revenue & Forest Department, Mantralaya, Mumbai – 32.

Annexure-1

Mumbai Trans Harbour Link

List of points where BNHS can provide guidance / assistance in implementing mitigation measures for conservation of Birds and marine environment related to the MTHL project:

Sr. No.	Actvity
1	Implementation along with the MMRDA in carrying out detailed habitat quality monitoring of mudflats, migratory birds, marine flora and fauna and surveillance study.
2	Help to create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
3	To give inputs for preservation of flora and fauna of the area in accordance with the plan prepared by the **Chief Wildlife Warden** of the State Attention will be particularly given to providing safe crossing and corridors for wildlife species and protecting sensitive habitat like wetlands, grasslands and woodlands from degradation. Where canopy continuity is required for particular species; special measures shall be prescribed by the CWLW for providing crossing points. Where certain trees used for nesting/rookeries of species like birds of prey, herons, storks, hornbills, etc., are to be destroyed, alternative structure shall be provided and the trees transplanted
4	To assist MMRDA. in setting of effluent treatment plant as recommended by SBWL and MoEF.
5	To share expert's opinion with MMRDA on adopting safeguards to be placed so as to mitigate the disturbance to flamingos habitat.
6	To undertake training programmes for construction personnel regularly so as to cause minimum disturbance birds, due to construction activities.
7	To give inputs to develop a **nature interpretation centre** in the appropriate place to create awareness about importance of conservation of flora and fauna and migratory birds. It will also be centre for training and workshops at school & college level.
8	To share expert's opinion with MMRDA to minimize the damage to the mudflats before commencement of the construction work near the mudflats.
9	To assist MMRDA for inclusion of its member in Environmental Committee. This committee will ensure third party monitoring of implementation of ecological compliances. The structure of the committee will comprise experts from National Institute of Oceanography: Representative of BNHS; renowned expert in ornithology, Director, Fisheries Institute, Versova, Andheri: Head of Coastal Engineering, IIT, Mumbai and Representative of Environment Dept and Maharashtra Pollution control Board. The officer of MMRDA will act as a Member Secretary to coordinate the quarterly meetings of the committee during construction phase.
10	To share expert's opinion with MMRDA in providing lighting on the MTHL bridge so as to minimize the likely impacts to the migratory birds.

---XXX---

F. No. 8-89/2013-FC
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003

Dated: 22nd January, 2016

To

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Maharashtra,
Nagpur.

Sub: Diversion of 47.4170 ha of forest land in favour of the Executive Engineer (MTHL), MMRDA, Bandra Kurla Complex, Bandra (E), Mumbai for six laning of Mumbai Trans Harbour Link Road in Raigad & Thane district in the State of Maharashtra.-regarding.,

Sir,

I am directed to refer to the Government of Maharashtra letter No. FLD-1313/CR-206/F-10 dated 30th September 2013 on the above mentioned subject seeking prior approval of Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys the **'in-principle'** approval for diversion of 47.4170 ha of forest land in favour of the Executive Engineer (MTHL), MMRDA, Bandra Kurla Complex, Bandra (E), Mumbai for six laning of Mumbai Trans Harbour Link Road in Raigad & Thane district in the State of Maharashtra, subject to fulfillment of the following conditions:-

i. Legal status of the diverted forest land shall remain unchanged
ii. Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency.
iii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale.
iv. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
v. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.

vi. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.

vii. All the funds received from the User Agency under the project, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned.

viii. The user agency shall take prior permission from Hon'ble National Green Tribunal before issue of order for diversion of forest land in accordance with the Hon'ble Mumbai High Court, Nagpur Bench orders dated 27/4/2005 and 7/6/2006 in Writ Petition No. 1277/2000 as per which permission of Hon'ble High Court is necessary for taking up projects and activities in forest areas within 10 Km from protected areas. in accordance with Accordingly, this condition may be stipulated in the in-principle approval.

ix. The state government/user agency shall take prior permission from Hon'ble High Court for Mangrove cutting before issue of order for diversion of the forest land in accordance with Hon'ble Mumbai High Court order dated 27/1/2010 in PIL 87 of 2006.

x. The state government/MMRDA shall implement the mitigation measures recommended by the BNHS as modified by the State Board for Wild Life, at the project cost. The state government shall identify the recommendations which are to be implemented by the state forest department, if any, and cost of such activities shall be deposited with Ad-hoc CAMPA. For the activities to be taken up by MMRDA they shall submit an undertaking to the effect that the the activities will be taken up at the project cost.

xi. Final notification for declaration of the area of 16.90 sq. km. in Thane creek of Thane district as sanctuary shall be issued before grant of Stage II approval. MMRDA shall contribute in establishment and management of the sanctuary, modalities for which shall be worked out by the state government.

xii. Maharastra Forest Department, through its Mangroves and Marine Biodiversity Conservation Foundation shall prepare a Mangroves and Marine Biodiversity Conservation Plan which shall be implemented at the project cost.

xiii. Non-forest land to be transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act.

xiv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.

xv. No labour camp shall be established on the forest land.

xvi. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.

xvii. The boundary of the diverted forest land, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.

xviii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

xix. The forest land shall not be used for any purpose other than that specified in the proposal.

xx. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.

xxi. No damage to the flora and fauna of the adjoining area shall be caused.

xxii. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.

xxiii. Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.

xxiv. The User Agency shall raise strip plantation on either sides of the road and central verge at the project cost, as per IRC specification, with maintenance of 7-10 years. The User Agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either sides of the road before final clearance.

xxv. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.

xxvi. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.

xxvii. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designate dumping sites and in no case the muck/debris shall be allowed to roll down the hill slopes.

xxviii. The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.

xxix. The User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.

xxx. The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 and 05th February, 2013, in support thereof;

xxxi. The User Agency will assist the State Government in preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State. Attention will be particularly given to providing safe crossing and corridors for wildlife species and protecting sensitive habitat like wetlands, grasslands and woodlands from degradation. Where canopy continuity is required for particular species, special measures shall be prescribed by the CWLW for providing crossing points. Where certain trees used for nesting/rookeries of species like birds of prey, herons, storks, hornbills, etc., are to be destroyed, alternative structure shall be provided and the trees transplanted.

xxxii. The User Agency shall not collect any toll from the vehicles carrying forest officers on duty.

xxxiii. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.

xxxiv. The User Agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Officer of the Ministry regularly.

xxxv. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time in the interest of conservation, protection and development of forests & wildlife.

xxxvi. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Till receipt of the said final/Stage-II approval of the Central Government from this Ministry, transfer of the said forest land to the User Agency shall not be affected by the State Government.

Yours faithfully,

(Sandeep Sharma)
Assistant Inspector General of Forests (FC)

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur.
2. The Nodal Officer, Office of the PCCF, Govt. of Maharashtra, Nagpur.
3. The Add. PCCF (Central) Regional Office, Nagpur.
4. User Agency
5. Guard file/Monitoring Cell.

(Sandeep Sharma)
Assistant Inspector General of Forests (FC)

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

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The Gazette of India

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

सा.का.नि. 1203(अ).—आर्द्रभूमि, जो जलीय चक्र का अत्यावश्यक भाग हैं, उच्चतर उत्पादक पारिस्थितिकी प्रणालियां हैं जो समृद्ध जैवविविधता का आधार हैं तथा हमारी समृद्ध सांस्कृतिक विरासत का भाग होने के कारण कई महत्वपूर्ण मनोरंजक, सामाजिक और सांस्कृतिक कार्यकलापों का समर्थन करते हुए जल भंडारण, जल शुद्धिकरण, बाढ़ अल्पीकरण, अपरदन नियंत्रण, भूजल का पुन:भरण, सूक्ष्म जलवायु का विनियमन, दृश्यभूमि के सौन्दर्य बौध को बढ़ाना जैसी पारिस्थितिकी प्रणाली सेवाओं की व्यापक रेंज प्रदान करता है।

और, अधिकतर आर्द्रभूमि, अपवहन और भरणस्थान, प्रदूषण (घरेलू और औद्योगिक बहि:स्राव का निस्सारण, ठोस अपशिष्टों का निपटान), जल विज्ञान संबंधी परिवर्तन (जल अपनयन और अंतर्वाह तथा बहिवाह परिवर्तन) के माध्यम से भूमि सुधार और अवक्रमण के कारण गंभीर रूप से संकटस्थ स्थिति में हैं और उनके प्राकृतिक संसाधनों के अत्यधिक दोहन के परिणामस्वरूप जैव विविधता की हानि और आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी प्रणाली सेवाओं में विघटन हुआ है;

और, संविधान के अनुच्छेद 51क के खंड (छ) में यह बताया गया है कि भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह प्राकृतिक पर्यावरण की, जिसके अंतर्गत वन, झील, नदी और वन्यजीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणिमात्र के प्रति दयाभाव रखे;

और पर्यावरण (संरक्षण) अधिनियम, 1986 पर्यावरण को संरक्षण प्रदान करने तथा उसमें सुधार लाने के लिए एक व्यापक विधान है, जिसमें अन्य बातों के साथ-साथ आर्द्रभूमि और उससे जुड़े मामले भी सम्मिलित हैं।

और, राष्ट्रीय पर्यावरण नीति, 2006 में आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी सेवा को मान्यता दी गई है और सभी आर्द्रभूमि के लिए एक विनियामक तंत्र स्थापित करने की आवश्यकता पर बल दिया गया है, जिससे उनकी ऐसी पारिस्थितिकी स्थिति को बनाए रखा जा सके, जो अंततोगत्वा उनके एकीकृत प्रबंध में सहायक हो;

और, भारत, आर्द्रभूमि संबंधी रामसर अभिसमय का हस्ताक्षरकर्ता है, तथा अपने अधिकार क्षेत्र के भीतर सभी आर्द्रभूमियों के संरक्षण और बुद्धिमतापूर्ण उपयोग के लिए प्रतिबद्ध है।

और केन्द्रीय सरकार ने तारीख 4 दिसंबर, 2010 की सं.सा.का.नि. 951(अ) द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010, प्रकाशित किए हैं;

और आर्द्रभूमि का संरक्षण और युक्तियुक्त उपयोग राज्य और राष्ट्रीय अर्थव्यवस्था को सारवान प्रत्यक्ष और अप्रत्यक्ष आर्थिक लाभ प्रदान कर सकता है तथा केन्द्रीय सरकार विभिन्न क्षेत्रों के लिए विकास आयोजना तथा निर्णय लेने की प्रक्रिया में आर्द्रभूमि जैवविविधता तथा पारिप्रणाली सेवाओं की पूर्ण श्रृंखला को मुख्य धारा में लाने के लिए प्रतिबद्ध है;

और, राज्य सरकारें और संघ राज्य क्षेत्र प्रशासनों को इसी प्रकार से अपने विकासात्मक कार्यक्रमों तथा आर्थिक कल्याण में आर्द्रभूमि पारिस्थितिकी प्रणाली सेवाओं और जैव विविधता संबंधी मूल्यों पर विचार करने और इस बात को संज्ञान में लेने की आवश्यकता है कि आर्द्रभूमि पारिस्थितिकी प्रणाली के दो मुख्य पारिस्थितिकी घटक भूमि और जल, भारतीय संविधान के अनुसार राज्य के विषय के रूप में सूचीबद्ध हैं;

और केन्द्रीय सरकार ने देश में आर्द्रभूमियों के प्रभावी संरक्षण और प्रबंधन के लिए आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को अधिक्रांत करना आवश्यक समझा है;

और, अब, केंद्रीय सरकार ने पर्यावरण (संरक्षण) अधिनियम, 1986 की उपधारा (1) और उपधारा (2) के खंड (v) और धारा 3 की उपधारा (3) के साथ पठित धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जनसाधारण की जानकारी के लिए, जिनके उससे प्रभावित होने की संभावना है, सा.का.नि. 385 (अ) तारीख 31 मार्च, 2016 द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 का प्रारूप प्रकाशित किया था; और यह सूचना दी गई थी कि केंद्रीय सरकार द्वारा उक्त प्रारूप नियमों पर, उस तारीख से, जिसको इस राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दी जाती है, साठ दिन की अवधि की समाप्ति के पश्चात् विचार किया जाएगा;

और, केन्द्रीय सरकार को प्रारूप आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 के संबंध में राज्य सरकारों, संघ राज्य क्षेत्रों राज्यों और इसके संगठनों, व्यक्तियों और सिविल समाज संगठनों से सुझाव तथा आक्षेप प्राप्त हुए हैं;

और, ऐसे आक्षेपों और सुझावों पर, जो ऊपर उल्लिखित प्रारूप नियमों के संबंध में प्राप्त हुए हैं, पर राज्य सरकारों और राज्य क्षेत्र प्रशासनों के परामर्श से केन्द्रीय सरकार द्वारा सम्यक रूप से विचार किया गया;

अत: अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) और उप-धारा (3) के साथ पठित धारा 25 और धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया था या करने का लोप किया गया था, आर्द्रभूमि के संरक्षण और प्रबंधन के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. **संक्षिप्त नाम और प्रारंभ**.—

(1) इन नियमों का संक्षिप्त नाम आर्द्रभूमि (संरक्षण और प्रबंध) नियम, 2017 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—

(1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से पर्यावरण (संरक्षण) अधिनियम, 1986 अभिप्रेत है;

(ख) "प्राधिकरण" से यथास्थिति राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्रधिकरण, अभिप्रेत है;

(ग) "समिति" से नियम 6 में निर्दिष्ट राष्ट्रीय आर्द्रभूमि समिति अभिप्रेत है;

(घ) "पारिस्थितिकीय गुण" से पारिस्थितिकी प्रणाली घटकों, प्रक्रियाओं तथा सेवाओं का ऐसा संकलन अभिप्रेत है जो आर्द्रभूमियों की विशिष्टता चित्रित करता है;

(ङ) "एकीकृत प्रबंधन योजना" से कोई ऐसा दस्तावेज अभिप्रेत है जिसमें आर्द्रभूमि का युक्तियुक्त उपयोग के लिए कार्यनीतियों और कार्रवाइयों का वर्णन किया गया है तथा इस योजना में स्थल प्रबंधन के उद्देश्य; उद्देश्यों को प्राप्त करने के लिए अपेक्षित प्रबंधन कार्रवाइयां, वे घटक, जो विभिन्न स्थल विशिष्टताओं को प्रभावित करते हैं, या प्रभावित कर सकते हैं; पारिस्थितिकीय स्वरूप में परिवर्तनों का पता लगाने के लिए और प्रबंधन की प्रभाविता के मापन के लिए अपेक्षित मानीटरी और कार्यान्वयन प्रबंधन कार्यान्वयन के लिए संसाधन सम्मिलित हैं;

(च) "रामसर अभिसमय" से 1971 में ईरान के रामसर में हस्ताक्षरित आर्द्रभूमि संबंधी अभिसमय अभिप्रेत है;

(छ) "आर्द्रभूमि से कोई क्षेत्र या कच्छ पंक, पीटभूमि या जल; प्राकृतिक या कृत्रिम, स्थायी या अस्थायी, जल जो ठहरा है या बहते, ताजे, खारे या लवणीय, जिसके अंतर्गत समुद्री जल का जिसकी गहराई ज्वार की स्थिति छह मीटर से अधिक की न हो अभिप्रेत है, परंतु इसमें नदी जल मार्ग, धान के खेत, पेयजल प्रयोजनार्थ विशिष्ट रूप से मानव निर्मित जल निकाय/जलाशय, मत्सयपालन, नमक उत्पादन और सिंचाई प्रयोजनों के लिए विशिष्ट रूप से निर्मित संरचनाएं सम्मिलित नहीं हैं;

(ज) "आर्द्रभूमि परिसर" से दो या दो से अधिक पारिस्थितिकीय और जलीय समीपस्थ आर्द्रभूमियां तथा जिनमें उनसे जुड़े नाले/वाहिकाएं सम्मिलित हो सकती हैं, अभिप्रेत हैं;

(झ) "आर्द्रभूमियों का युक्तियुक्त उपयोग" से सतत विकास के संदर्भ में पारिप्रणाली दृष्टिकोण के माध्यम से प्राप्त पारिस्थितिकीय गुणों का रख-रखाव अभिप्रेत है;

(ञ) "प्रभावित जोन" से आर्द्रभूमि या आर्द्रभूमि परिसर के आवाह-क्षेत्र का वह भाग जिस पर विकासात्मक कार्यकलापों के कारण पारिप्रणाली ढांचे, तथा पारिप्रणाली सेवाओं में प्रतिकूल परिवर्तन पड़ता है।

(2) उन सभी शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं है, किंतु अधिनियम में परिभाषित है, वही अर्थ होंगे जो उनके उस अधिनियम में हैं।

3. नियमों का लागू होना.—ये नियम निम्नलिखित आर्द्रभूमियों या आर्द्रभूमि परिसरों को लागू होंगे, अर्थात्:-

(क) रामसर अभिसमय के अधीन 'अंतरराष्ट्रीय महत्व की आर्द्रभूमि' के रूप में वर्गीकृत आर्द्रभूमियां;

(ख) केन्द्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन द्वारा यथा अधिसूचित आर्द्रभूमियां।

परंतु ये नियम समय-समय पर यथा संशोधित भारतीय वन अधिनियम, 1927, वन्यजीव (संरक्षण) अधिनियम, 1972, वन (संरक्षण) अधिनियम, 1980, राज्य वन अधिनियम तथा तटीय विनियमन जोन अधिसूचना, 2011 के अंतर्गत आने वाले क्षेत्रों में पड़ने वाली आर्द्रभूमियों को लागू नहीं होंगे।

4. आर्द्रभूमियों में क्रियाकलापों पर निर्बंधन.—(1) आर्द्रभूमि का संरक्षण और प्रबंध, आर्द्रभूमि प्राधिकरण द्वारा यथा अवधारित 'युक्तियुक्त उपयोग' के सिद्धांत के अनुसार किया जाएगा।

(2) आर्द्रभूमि के भीतर, निम्नलिखित क्रियाकलापों को प्रतिषिद्ध किया जाएगा, अर्थात्:-

(i) किसी भी किस्म के अतिक्रमण सहित गैर-आर्द्रभूमि उपयोग हेतु परिवर्तन;

(ii) किसी उद्योग को स्थापित करना और विद्यमान उद्योगों का विस्तार करना;

(iii) निर्माण और विध्वंस अपशिष्ट प्रबंधन नियम, 2016 के अंतर्गत आने वाले निर्माण और विध्वंस अपशिष्ट का विनिर्माण या हथालन या भंडारण या निपटान; परिसंकटमय रसायन के विनिर्माण, भंडारण और आयात नियम, 1989 या परिसंकटमय सूक्ष्म जीवों आनुवंशिक रूप से निर्मित जीवों या कोशिकाओं का उपयोग, आयात, निर्यात और भंडारण संबंधी नियम, 1989 या परिसंकटमय अपशिष्ट (प्रबंधन, हथालन और सीमापारीय संचलन) नियम 2008 के अंतर्गत आने वाले परिसंकटमय पदार्थ; ई-अपशिष्ट (प्रबंधन) नियम, 2016 के अंतर्गत आने वाला ई-अपशिष्ट;

(iv) ठोस अपशिष्ट का पाटन;

उद्योगों, शहरों, कस्बों, गांवों और अन्य मानव बस्तियों से अशोधित अपशिष्ट और बहिस्रावों का निस्सारण;

(v) किसी स्थायी प्रकृति का किसी निर्माण सिवाय नाव घाटों के, पचास मीटर के भीतर इन नियमों के प्रारंभ की तारीख से पिछले दस वर्षों में प्रेक्षित बाढ़ के औसतन उच्च स्तर से गणना की जाएगी; और

(vi) अवैध शिकार।

परंतु केन्द्रीय सरकार प्राधिकरण की सिफारिश पर किसी कार्यकलाप के विलोपन के लिए राज्य सरकार या संघ राज्य क्षेत्र प्रशासन से प्राप्त प्रस्तावों पर विचार कर सकेगी।

5. आर्द्रभूमि प्राधिकरण.—(1) केन्द्रीय सरकार, प्रत्येक राज्य में राज्य आर्द्रभूमि प्राधिकरण का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-

(i) राज्य सरकार के पर्यावरण/वन विभाग का भारसाधक मंत्री या आर्द्रभूमि के विषय से संबंधित कार्य कर रहे भारसाधक मंत्री - अध्यक्ष;

(ii) राज्य का मुख्य सचिव या समतुल्य अपर मुख्य सचिव – उपाध्यक्ष;

(iii) पर्यावरण विभाग का भारसाधक सचिव – पदेन सदस्य;

(iv) वन विभाग का भारसाधक सचिव – पदेन सदस्य;

(v) शहरी विकास विभाग का भारसाधक सचिव – पदेन सदस्य;

(vi) ग्रामीण विकास विभाग का भारसाधक सचिव – पदेन सदस्य;

(vii) जल संसाधन विभाग का भारसाधक सचिव – पदेन सदस्य;

(viii) मत्स्यकी विभाग का भारसाधक सचिव – पदेन सदस्य;

(ix) सिंचाई और बाढ़ नियंत्रण विभाग का भारसाधक सचिव – पदेन सदस्य;

(x) पर्यटन विभाग का भारसाधक सचिव – पदेन सदस्य;

(xi) राजस्व विभाग का भारसाधक सचिव – पदेन सदस्य;

(xii) निदेशक, राज्य सुदूर संवेदी केन्द्र – पदेन सदस्य;

(xiii) मुख्य वन्यजीव वार्डन – पदेन सदस्य;

(xiv) सदस्य सचिव, राज्य जैवविविधता बोर्ड – पदेन सदस्य;

(xv) सदस्य सचिव, राज्य प्रदूषण नियंत्रण बोर्ड – पदेन सदस्य;

(xvi) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय का अपर प्रधान मुख्य संरक्षक – पदेन सदस्य;

(xvii) आर्द्रभूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी, भू-दृश्य योजना और सामाजिक-आर्थिक क्षेत्र में से प्रत्येक का एक विशेषज्ञ जिसे राज्य सरकार द्वारा नामनिर्दिष्ट किया जाए; और

(xviii) पर्यावरण/वन विभाग या आर्द्रभूमियों से संबंधित विभाग में अपर सचिव/ संयुक्त सचिव/निदेशक - सदस्य सचिव।

(2) केन्द्रीय सरकार, प्रत्येक राज्य क्षेत्र के लिए संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-

(i) संघ राज्य क्षेत्र का प्रशासक या मुख्य सचिव – अध्यक्ष;

(ii) पर्यावरण विभाग का भारसाधक सचिव – उपाध्यक्ष;

(iii) वन विभाग का भारसाधक सचिव – पदेन सदस्य;

(iv) शहरी विकास विभाग का भारसाधक सचिव – पदेन सदस्य;

(v) ग्रामीण विकास विभाग का भारसाधक सचिव – पदेन सदस्य;

(vi) जल संसाधन विभाग का भारसाधक सचिव - पदेन सदस्य;

(vii) मत्स्यकी विभाग का भारसाधक सचिव - पदेन सदस्य;

(viii) सिंचाई और बाढ़ नियंत्रण विभाग का भारसाधक सचिव - पदेन सदस्य;

(ix) पर्यटन विभाग का भारसाधक सचिव - पदेन सदस्य;

(x) राजस्व विभाग का भारसाधक सचिव - पदेन सदस्य;

(xi) निदेशक, सुदूर संवेदी केन्द्र - पदेन सदस्य;

(xii) सदस्य सचिव, संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति - पदेन सदस्य;

(xiii) सदस्य सचिव, संघ राज्य क्षेत्र जैव-विविधता बोर्ड - पदेन सदस्य;

(xiv) मुख्य वन्यजीव वार्डन - पदेन सदस्य;

(xv) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय के अपर प्रधान मुख्य वन संरक्षक - पदेन सदस्य;

(xvi) आर्द्रभूमि पारिस्थितिकी, जल-विज्ञान, मत्स्यकी, भू-दृश्य योजना और सामाजिक-आर्थिक क्षेत्रों से एक-एक विशेषज्ञ जिसे संघ राज्य क्षेत्र प्रशासन द्वारा नामनिर्दिष्ट किया जाए; और

(xvii) पर्यावरण/वन विभाग या आर्द्रभूमि हथालन विभाग में अपर सचिव/संयुक्त सचिव/निदेशक - सदस्य सचिव।

(3) राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, तीन से अधिक, यदि अपेक्षित हों, अन्य सदस्यों, का सह-चयन, कर सकेंगे।

(4) राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, निम्नलिखित शक्तियों का प्रयोग करेगा और निम्नलिखित कृत्यों का पालन करेगा, अर्थात् :—

(क) इन नियमों के प्रकाशन की तारीख से तीन मास के भीतर राज्य या संघ राज्य क्षेत्र की सभी आर्द्रभूमियों की सूची तैयार करना;

(ख) इन नियमों के प्रकाशन की तारीख से छह मास के भीतर अधिसूचित की जाने वाली आर्द्रभूमियों की सूची तैयार करना; अन्य सुसंगत राज्य अधिनियमों के अधीन तैयार/अधिसूचित आर्द्रभूमियों की किसी विद्यमान सूची को संज्ञान में लेना;

(ग) इन नियमों के अधीन विनियमन हेतु उनके संक्षिप्त दस्तावेज़ों के आधार पर अभिज्ञात आर्द्रभूमियों की संस्तुति करना;

(घ) इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर सभी आर्द्रभूमियों की व्यापक डिज़ीटल सूची तैयार करना और उक्त प्रयोजन से केन्द्रीय सरकार द्वारा विकसित की जाने वाले डेडीकेटिड बेब पोर्टल पर इसे अपलोड करना; और इस सूची को प्रत्येक दस वर्ष में अद्यतन किया जाएगा;

(ङ) अधिसूचित आर्द्रभूमियों के भीतर विनियमित और अनुज्ञात किए जाने वाले कार्यकलापों और उनके प्रभाव क्षेत्र की विस्तृत सूची विकसित करना;

(च) विनिर्दिष्ट आर्द्रभूमियों के लिए प्रतिषिद्ध कार्यकलापों की सूची में बढ़ोतरी, यदि कोई हो, की सिफारिश करना;

(छ) आर्द्रभूमियों की अधिकारिता के भीतर उनके संरक्षण और युक्तियुक्त उपयोग के लिए कार्यनीतियां पारिभाषित करना; यदि पारिस्थितिक प्रणाली के कार्यकलापों (जल भण्डारण, भू-जल संभरण, बाढ़-प्रतिरोधक जैसे) और मूल्य (मनोरंजन और सांस्कृतिक जैसे) का अनुरक्षण किया जाता है या उसमें अभिवृद्धि की जाती है; तो इन पारिस्थितिक प्रणाली को प्रबंधित करने के लिए एक सिद्धांत, जो संरक्षण के साथ संगत वहनीय उपयोगों को समावेशित करता है (जैसे जीवन-निर्वाह स्तर हेतु मछली पकड़ना या जलीय वनस्पति की पैदावार करना) का विवेकपूर्ण उपयोग करना;

(ज) प्रत्येक अधिसूचित आर्द्रभूमियों के लिए एकीकृत प्रबंधन योजना का पुनर्विलोकन करना (केन्द्रीय सरकार के समन्वयन से सीमा-पारीय आर्द्रभूमियों सहित), और इन योजनाओं के भीतर आर्द्रभूमियों, जो पारिस्थितिकीय स्वरूप के अनुकूल हैं, के पारम्परिक उपयोगों को जारी रखना और उसमें समर्थन देने पर विचार करना;

(झ) उन मामलों में, जहां अधिसूचित आर्द्रभूमियों या आर्द्रभूमि परिसरों की सीमा के भीतर भूमि क्षेत्र का निजी भू-धारण अधिकार है, उन्हें बढ़ावा देने के लिए कार्यकलापों के माध्यम से पारिस्थितिकीय स्वरूप को बनाये रखने के लिए कार्यतंत्रों हेतु सिफारिश करना;

(ञ) विद्यमान राज्य/संघ राज्य क्षेत्र स्तर की विकास योजनाओं और कार्यक्रमों के साथ प्रबंध योजना के कार्यान्वयन के अभिसरण के लिए कार्यतंत्रों की पहचान करना;

(ट) इन नियमों और अन्य सुसंगत अधिनियमों, नियमों और विनियमों का प्रवर्तन सुनिश्चित करना और अर्द्ध-वार्षिक आधार पर (प्रत्येक कैलेन्डर वर्ष के जून और दिसम्बर पर) एक सूचना तंत्र के माध्यम से ऐसी अधिसूचित आर्द्रभूमियों की स्थिति पर संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या केन्द्रीय सरकार को सूचना देना;

(ठ) विभिन्न संगत विभागों और अन्य संबंधित अभिकरणों के माध्यम से युक्तियुक्त उपयोग के सिद्धांत के आधार पर एकीकृत प्रबंधन योजनाओं के क्रियान्वयन का समन्वयन करना;

(ड) राज्य या संघ राज्य क्षेत्र प्रशासन के भीतर सभी आर्द्रभूमि विनिर्दिष्ट प्राधिकरणों के लिए नोडल प्राधिकरण के रूप में कार्य करना;

(ढ) संबंधित क्रियान्वयन अभिकरणों को आर्द्रभूमियों के संरक्षण और सतत प्रबंधन हेतु आवश्यक निदेश जारी करना;

(ण) आर्द्रभूमियों के मूल्यों और क्रियाकलापों के संबंध में पणधारियों और स्थानीय समुदायों के बीच जागरूकता के संवर्धन हेतु उपाय करना; और

(त) स्वप्रेरणा से या राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा यथानिर्दिष्ट अन्य मामले पर सलाह देना।

(5) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का संबंधित विभाग, प्राधिकरण के लिए नोडल विभाग और सचिवालय के रूप में सभी आवश्यक सहायता प्रदान करेगा और कार्य करेगा।

(6) प्राधिकरण, इन नियमों के प्रकाशन के नब्बे दिन के भीतर :

(क) संक्षिप्त दस्तावेज़ों और प्रबंध योजनाओं का पुनर्विलोकन करने तथा आर्द्रभूमि प्राधिकरण द्वारा निर्दिष्ट किसी तकनीकी विषय पर सलाह देने के लिए एक तकनीकी समिति का, और

(ख) जनता द्वारा प्राधिकरण को की गईं शिकायतों की सुनवाई करने और उन्हें अग्रेषित करने के लिए एक कार्यतंत्र उपलब्ध कराने हेतु चार सदस्यों से मिलकर बनी एक शिकायत समिति का गठन करेगा।

(7) उप-नियम (6) में निर्दिष्ट समितियां अपने कृत्यों के निष्पादन के लिए प्रत्येक तिमाही में कम से कम एक बार बैठक करेंगी ।

(8) प्राधिकरण की वर्ष में कम से कम तीन बार बैठक होगी।

(9) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा नामनिर्दिष्ट प्राधिकरण के गैर-अधिकारिक सदस्यों का कार्यकाल अधिकतम तीन वर्ष की अवधि का होगा।

6. राष्ट्रीय आर्द्रभूमि समिति का गठन.—(1) केन्द्रीय सरकार, एक राष्ट्रीय आर्द्रभूमि समिति का गठन करेगी, जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—

(i) सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – अध्यक्ष;

(ii) आर्द्रभूमि संबंधी कार्य देख रहे विशेष सचिव या अपर सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – उपाध्यक्ष;

(iii) अपर महानिदेशक, वन्यजीव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – पदेन सदस्य;

(iv) आर्द्रभूमियों संबंधी कार्य देख रहे सलाहकार या संयुक्त सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय – पदेन सदस्य;

(v) संयुक्त सचिव, पर्यटन मंत्रालय, भारत सरकार – पदेन सदस्य;

(vi) संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय, भारत सरकार – पदेन सदस्य;

(vii) संयुक्त सचिव, कृषि और किसान कल्याण मंत्रालय, भारत सरकार – पदेन सदस्य;

(viii) संयुक्त सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय भारत सरकार – पदेन सदस्य;

(ix) संयुक्त सचिव, शहरी विकास मंत्रालय, भारत सरकार - पदेन सदस्य;

(x) संयुक्त सचिव, ग्रामीण विकास मंत्रालय, भारत सरकार - पदेन सदस्य;

(xi) अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड - पदेन सदस्य;

(xii) निदेशक, भारतीय प्राणि सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;

(xiii) निदेशक, भारतीय वनस्पति सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;

(xiv) निदेशक, अंतरिक्ष अनुप्रयुक्ति केंद्र, अहमदाबाद या वैज्ञानिक एफ - पदेन सदस्य;

(xv) सदस्य केन्द्रीय जल आयोग - पदेन सदस्य;

(xvi) सलाहकार, नीति आयोग - पदेन सदस्य;

(xvii) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के तीन प्रतिनिधि, चक्रानुक्रम आधार पर, प्रत्येक दो वर्ष के कार्यकाल के लिए;

(xviii) आर्द्र भूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी क्षेत्र, भू-दृश्य योजना और सामाजिक अर्थशास्त्र के क्षेत्रों में से प्रत्येक का एक-एक विशेषज्ञ; और

(xix) आर्द्रभूमि से संबंधित कार्य करने वाले निदेशक/अपर निदेशक/संयुक्त निदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - सदस्य सचिव।

(2) राष्ट्रीय आर्द्रभूमि समिति, यदि अपेक्षित हो, तीन से अनधिक अन्य सदस्यों को सहयोजित कर सकेगी।

(3) राष्ट्रीय आर्द्रभूमि समिति निम्नलिखित कृत्यों का पालन करेगी, अर्थात्:—

(क) आर्द्रभूमियों के संरक्षण तथा बुद्धिमत्तापूर्ण उपयोग के लिए समुचित नीतियों और कार्रवाई सम्बन्धी कार्यक्रमों के विषय में केंद्रीय सरकार को सलाह देना;

(ख) आर्द्रभूमियों के एकीकृत प्रबंधन के लिए बुद्धिमत्तापूर्ण उपयोग के सिद्धान्त पर आधारित मानदंड और मार्गदर्शक सिद्धांत तैयार करना;

(ग) प्राधिकरण द्वारा इन नियमों के क्रियान्वयन की निगरानी करना;

(घ) नियम 4 के उप नियम (2) में यथानिर्दिष्ट प्रतिषेधित क्रियाकलापों के लिए राज्य सरकारों या संघ राज्य क्षेत्र प्रशासनों से प्राप्त पुनरीक्षित प्रस्तावों के संबंध में केन्द्रीय सरकार को सलाह देना;

(ड.) रामसर अभिसमय के अधीन अंतर्राष्ट्रीय महत्व की आर्द्रभूमियों को अभिहित किये जाने की सिफारिश करना;

(च) अधिसूचित किये जाने के लिए सीमापार आर्द्रभूमियों की सिफारिश करना;

(छ) रामसर स्थलों और सीमापार आर्द्रभूमियों के एकीकृत प्रबंध की प्रगति का पुनर्विलोकन करना;

(ज) आर्द्रभूमियों से संबंधित मुद्दों पर अंतर्राष्ट्रीय अभिकरणों के समन्वय के संबंध में सलाह देना; और

(झ) किसी अन्य मामले पर स्वप्रेरणा से सलाह देना या केंद्रीय सरकार को निर्दिष्ट करना।

(4) समिति के गैर-सरकारी सदस्यों को कार्यकाल तीन वर्ष से अनधिक का नहीं होगा।

(5) समिति प्रत्येक छह मास में कम से कम एक बार बैठक करेगी।

7. **राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को शक्तियों और कार्यों का प्रत्यायोजन.**—(1) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का सम्बद्ध विभाग इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर अधिसूचित किये जाने हेतु अभिज्ञात प्रत्येक आर्द्रभूमि के लिए एक संक्षिप्त दस्तावेज तैयार करेगा, जिसमें निम्नलिखित का उपबंध होगा:—

(क) निर्देशांकों सहित यथार्थ डिजिटल मानचित्रों द्वारा समर्थित और जमीनी सत्यापन द्वारा विधिमान्य आर्द्रभूमि का सीमांकन;

(ख) इसके प्रभाव क्षेत्र का सीमांकन और डिजिटल मानचित्र में संकेतित उसका भूमि उपयोग और आच्छादित भूमि क्षेत्र;

(ग) पारिस्थितिक-स्वरूप का विवरण;

(घ) पूर्वत: विद्यमान अधिकारों तथा विशेषाधिकारों का लेखा;

(ड.) आर्द्रभूमि तथा इसके प्रभाव क्षेत्र के भीतर अनुज्ञप्त स्थल-विशिष्ट क्रियाकलाप की सूची;

(च) आर्द्रभूमि और उसके प्रभाव क्षेत्र के भीतर विनियमित किये जाने वाले स्थल-विशिष्ट क्रियाकलापों की सूची; और

(छ) विनियमों के प्रवर्तन की रीति;

(2) प्राधिकरण, संक्षिप्त दस्तावेज के आधार पर, आर्द्रभूमियों को अधिसूचित किये जाने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगा।

(3) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन संबंधित और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् प्राधिकरण द्वारा की गयी सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर राजपत्र में आर्द्रभूमियों को अधिसूचित करेगी।

(4) (क) केन्द्रीय सरकार सीमा-पार आर्द्रभूमियों के मामले में, संक्षिप्त दस्तावेज, जिसमें उप-नियम (1) में यथा सूचीबद्ध सूचना दी गई हो, को तैयार करने में संबद्ध राज्य सरकार और संघ राज्यक्षेत्र प्रशासनों के साथ समन्वय करेगी।

(ख) संक्षिप्त दस्तावेज के आधार पर, राष्ट्रीय आर्द्रभूमि समिति आर्द्रभूमि को अधिसूचित किये जाने के लिए केन्द्रीय सरकार को सिफारिशें करेगी।

(ग) केन्द्रीय सरकार संबद्ध और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् समिति द्वारा की गई सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर आर्द्रभूमियों को राजपत्र में अधिसूचित करेगी।

(5) (क) केंद्रीय सरकार आर्द्रभूमियों से संबंधित सूचना के लिए एक समर्पित वेब पोर्टल का सृजन करेगी।

(ख) केंद्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन अपनी अधिकारिता में की आर्द्रभूमियों के विषय में, सभी संबंधित सूचना अपलोड करेगी।

[फा. सं. जे-22012/78/2003-सीएस(डब्ल्यू) पार्ट.V]

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

G.S.R. 1203(E).—Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;

And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;

And whereas clause (g) of article 51A of the Constitution stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

And whereas the Environment (Protection) Act, 1986 is a comprehensive legislation to provide protection and improvement of the environment, including *inter-alia*, wetlands, and for matters connected therewith;

And whereas the National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management;

And whereas India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory;

And whereas the Central Government has published the Wetlands (Conservation and Management) Rules, 2010, vide number G.S.R. 951(E), dated the 4th December, 2010;

And whereas conservation and wise use of wetlands can provide substantial direct and indirect economic benefits to state and national economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in development planning and decision making for various sectors;

And whereas the State Governments and Union Territory Administrations need to take into account wetland ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution;

And whereas the Central Government considered it necessary to supersede the Wetlands (Conservation and Management) Rules, 2010 for effective conservation and management of wetlands in the country;

And whereas the Central Government had, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986, published the draft Wetlands (Conservation and Management) Rules, 2016, vide number G.S.R. 385 (E) dated 31st March, 2016 for information of the public likely to be affected thereby; and notice was given that the said draft rules would be taken into consideration by the Central Government after expiry of a period of sixty days from the date on which copies of the Gazette notification is made available to the public;

And whereas the Central Government has received the suggestions and objections from the State Governments, Union Territories and its organisations, individuals and civil society organisations on the draft Wetlands (Conservation and Management) Rules, 2016;

And whereas the suggestions and objections received in response to the above mentioned draft rules have been duly considered by the Central Government in consultation with State Governments and Union Territory Administrations.

Now, therefore, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for conservation and management of wetlands, namely:—

1. Short title and commencement.—

(1) These rules may be called the Wetlands (Conservation and Management) Rules, 2017.

(2) These shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—

(1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Environment (Protection) Act, 1986;

(b) "Authority" means the State Wetlands Authority or Union Territory Wetlands Authority, as the case may be;

(c) "Committee" means the National Wetlands Committee referred to in rule 6;

(d) “ecological character” means the sum of ecosystem components, processes and services that characterise the wetlands;

(e) “integrated management plan” means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;

(f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;

(g) “wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;

(h) “wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;

(i) “wise use of wetlands” means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;

(j) “zone of influence” means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.

3. Applicability of rules.—These rules shall apply to the following wetlands or wetlands complexes, namely:**—**

(a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;

(b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

4. Restrictions of activities in wetlands.—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

(2) The following activities shall be prohibited within the wetlands, namely,-

(i) conversion for non-wetland uses including encroachment of any kind;

(ii) setting up of any industry and expansion of existing industries;

(iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;

(iv) solid waste dumping;

(v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;

(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,

(vii) poaching.

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

5. Wetlands Authorities.—(1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—

(i) Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands - Chairperson;

(ii) Chief Secretary of the State or Additional Chief Secretary equivalent - Vice Chairperson;

(iii) Secretary in-charge of the Department of Environment - Member *ex-officio*;

(iv) Secretary in-charge of the Department of Forests - Member *ex-officio*;

(v) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;

(vi) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;

(vii) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;

(viii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;

(ix) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;

(x) Secretary in-charge of the Department of Tourism - Member *ex-officio*;

(xi) Secretary in-charge of the Department of Revenue - Member *ex-officio*;

(xii) Director, State Remote Sensing Centre - Member *ex-officio*;

(xiii) Chief Wildlife Warden - Member *ex-officio*;

(xiv) Member Secretary, State Biodiversity Board - Member *ex-officio*;

(xv) Member Secretary, State Pollution Control Board - Member *ex-officio*;

(xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change - Member *ex-officio*;

(xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the State Government; and

(xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.

(2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—

(i) Administrator or Chief Secretary of the Union Territory - Chairperson;

(ii) Secretary in-charge of the Department of Environment - Vice Chairperson;

(iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;

(iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;

(v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;

(vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;

(vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;

(viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;

(ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;

(x) Secretary in-charge of the Departments of Revenue - Member *ex-officio*;

(xi) Director, Remote Sensing Centre - Member *ex-officio;*

(xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

(xiii) Member Secretary, Biodiversity Board of the UT - Member *ex-officio*;

(xiv) Chief Wildlife Warden - Member *ex-officio*;

(xv) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change- Member *ex-officio*;

(xvi) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the Union Territory Administration; and

(xvii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.

(3) The State Wetlands Authority or Union Territory Wetlands Authority may co-opt other members, not exceeding three in number, if required.

(4) The State Wetlands Authority or Union Territory Wetlands Authority shall exercise the following powers and perform the following functions, namely:-

(a) prepare a list of all wetlands of the State or Union Territory within three months from the date of publication of these rules;

(b) prepare a list of wetlands to be notified, within six months from the date of publication of these rules; taking into cognizance any existing list of wetlands prepared/notified under other relevant State Acts;

(c) recommend identified wetlands, based on their Brief Documents, for regulation under these rules;

(d) prepare a comprehensive digital inventory of all wetlands within a period of one year from the date of publication of these rules and upload the same on a dedicated web portal to be developed by the Central Government for the said purpose; the inventory to be updated every ten years;

(e) develop a comprehensive list of activities to be regulated and permitted within the notified wetlands and their zone of influence;

(f) recommend additions, if any, to the list of prohibited activities for specific wetlands;

(g) define strategies for conservation and wise use of wetlands within their jurisdiction; wise use being a principle for managing these ecosystems which incorporates sustainable uses (such as capture fisheries at subsistence level or harvest of aquatic plants) as being compatible with conservation, if ecosystem functions (such as water storage, groundwater recharge, flood buffering) and values (such as recreation and cultural) are maintained or enhanced;

(h) review integrated management plan for each of the notified wetlands (including trans-boundary wetlands in coordination with Central Government), and within these plans consider continuation and support to traditional uses of wetlands which are harmonized with ecological character;

(i) in cases wherein lands within boundary of notified wetlands or wetlands complex have private tenancy rights, recommend mechanisms for maintenance of ecological character through promotional activities;

(j) identify mechanisms for convergence of implementation of the management plan with the existing State/Union Territory level development plans and programmes;

(k) ensure enforcement of these rules and other relevant Acts, rules and regulations and on half-yearly basis (June and December of each calendar year) inform the concerned State Government or Union Territory Administration or Central Government on the status of such notified wetlands through a reporting mechanism;

(l) coordinate implementation of integrated management plans based on wise use principle through various line departments and other concerned agencies;

(m) function as nodal authority for all wetland specific authorities within the State or Union Territory Administration;

(n) issue necessary directions for conservation and sustainable management of wetlands to the respective implementing agencies;

(o) undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and

(p) Advise on any other matter *suo-motu*, or as referred by the State Government/Union Territory Administration.

(5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.

(6) The Authority shall, within ninety days of publication of these rules, shall constitute,—

(a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and

(b) a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;

(7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.

(8) The Authority shall meet at least thrice in a year.

(9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.

6. Constitution of National Wetlands Committee.—(1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—

(i) Secretary, Ministry of Environment, Forest and Climate Change, Government of India - Chairperson;

(ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India-Vice Chairperson;

(iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India - Member *ex-officio*;

(iv) Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member *ex-officio*;

(v) Joint Secretary, Ministry of Tourism, Government of India- Member *ex-officio*;

(vi) Joint Secretary , Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India- Member *ex-officio*;

(vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India- Member *ex-officio*;

(viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India- Member *ex-officio*;

(ix) Joint Secretary, Ministry of Urban Development, Government of India- Member *ex-officio*;

(x) Joint Secretary, Ministry of Rural Development, Government of India- Member *ex-officio*;

(xi) The Chairman, Central Pollution Control Board - Member *ex-officio*;

(xii) Director, Zoological Survey of India or Scientist F- Member *ex-officio*;

(xiii) Director, Botanical Survey of India or Scientist F- Member *ex-officio*;

(xiv) Director, Space Application Centre, Ahmedabad or Scientist F- Member *ex-officio*;

(xv) Member, Central Water Commission - Member *ex-officio*;

(xvi) Adviser, Niti Aayog - Member *ex-officio*;

(xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;

(xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socio-economics; and

(xix) Director/Additional Director/Joint Director dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member Secretary.

(2) The National Wetlands Committee may co-opt other members, not exceeding three in number, if required.

(3) The National Wetlands Committee shall perform the following functions, namely:-

(a) advise the Central Government on appropriate policies and action programmes for conservation and wise use of wetlands;

(b) evolve norms and guidelines for integrated management of wetlands based on wise use principle;

(c) monitor implementation of these rules by the Authority;

(d) advise the Central Government on proposals received from State Governments or Union Territory Administrations for omission of the prohibited activities as referred in sub-rule (2) of rule 4;

(e) recommend designation of wetlands of international importance under Ramsar Convention;

(f) recommend trans-boundary wetlands for notification;

(g) review progress of integrated management of Ramsar sites and transboundary wetlands;

(h) advise on collaboration with international agencies on issues related to wetlands; and

(i) advise on any other matter *suo-moto*, or as referred by the Central Government.

(4) The tenure of non-official members of the Committee shall not exceed three years.

(5) The Committee shall meet at least once in every six months.

7. Delegation of powers and functions to the State Governments and Union Territory Administrations.— (1) The concerned Department of the State Government or Union Territory Administration shall, within a period of one year from the date of publication of these rules, prepare a Brief Document for each of the wetland identified for notification, providing:—

(a) demarcation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;

(b) demarcation of its zone of influence and land use and land cover thereof indicated in a digital map;

(c) ecological character description;

(d) account of pre-existing rights and privileges;

(e) list of site-specific activities to be permitted within the wetland and its zone of influence;

(f) list of site specific activities to be regulated within the wetland and its zone of influence; and

(g) modalities for enforcement of regulation;

(2) Based on the Brief Document, the Authority shall make recommendations to the State Government or Union Territory Administration for notifying the wetlands.

(3) The State Government or Union Territory Administration shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Authority.

(4) (a) In case of trans-boundary wetlands, the Central Government shall coordinate with concerned State Governments and Union Territory Administrations to prepare the Brief Document containing information as listed in sub-rule (1).

(b) Based on the Brief Document, the National Wetlands Committee shall make recommendations to the Central Government for notification of the wetland.

(c) The Central Government shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Committee.

(5) (a) The Central Government shall create a dedicated web portal for information relating to wetlands.

(b) The Central Government, State Government and Union Territory Administration shall upload all relevant information and documents pertaining to wetlands in their jurisdiction.

[F. No. J-22012/78/2003-CS (W) Pt. V]

Dr. A. DURAISAMY, Scientist 'G'

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MAHARASHTRA POLLUTION CONTROL BOARD

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Deonar Gaon Road, Near Jain Mandir,
Govandi (E), Mumbai - 400088

Green / S.S.I

Consent No: SRO-MUMBAI I/CONSENT/1901000895 **Date: 14/01/2019**

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen Toubro Ltd,
(Floating RMC Plant)
Sewree Timber Pond ,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: Commissioning of the unit /5 year whichever is earlier.**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Ready Mix Concrete(Floating RMC)	4000	M^3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **0.00 M^3**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **1.20 M^3**.

(iii) **Trade Effluent :NIL**

(iv) **Trade Effluent Disposal:** The treated effluent is recycled into the process again.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100 mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100 mg/l.

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Sub Regional Office Mumbai I

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	NIL				

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 01.50 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable(Mixing) ... 01.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic ... 00.00 CMD
(iv) Industrial Washing, spraying` in mine pits or boiler feed ... 00.00 CMD

4. **CONDITIONS UNDER AIR ACT :**

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. **Control Equipment:**

a) Air Pollution Control;

(i) In-house measures;

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary of height Minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with tin sheets. Same may extend above with netlon clothing whenever required
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.
6. Industry has to be install fogger system, to suppress dust emissions inside RMC premises.

(ii) Raw material storage & handling;

Maharashtra Pollution Control Board

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The air pollution control devices shall be operated regularly.
8. Alternative power supply system should cover both the production and Air pollution control system.

6. Standards for Air Emission

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM_{10}	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter $PM_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1.	---	--	--

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
1.	--	--

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.

2) The industry should monitor stack emissions and ambient air quality regularly.

Maharashtra Pollution Control Board

8. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
NIL				

(ii) Treatment: - NIL

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

9. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air

Maharashtra Pollution Control Board

pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xi. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

10. **The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.**

11. **Operation of RMC plant shall be in day time only. The Day time is Reckoned in between 6 a.m. and 10 p.m. i.e from sun rise to sunset.**

12. **The consent is issued as per the NOC given by MMRC vide No. MMRC/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant.**

13. **The Board reserve right to revoke, amend or suspend the consent granted.**

14. **The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.**

15. **The consent is issued as per minutes of industry categorization Committee dt 13/12/2018.**

16. **The Capital investment of the industry is Rs. 395 Lakhs.**

For and on behalf of the
Maharashtra Pollution Control Board

(Sanjay R. Bhosale)
Sub Regional Officer, Mumbai-I

To,
M/s. Larsen Toubro Ltd,
(Floating RMC Plant)
Sewree Timber Pond,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	15000/-	TXN1810001259	13.10.2018

Copy Submitted to:-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

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Deonar Gaon Road, Near Jain Mandir,
Govandi (E), Mumbai - 400088

Green/S.S.I

Consent No: SRO-MUMBAI I/CONSENT/1901000915 **Date: 14/01/2019**

Consent to Establish under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen Toubro Ltd,
(RMC Plant-I)
Sewree Timber Pond ,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to operate is granted for a period up to: 31/12/2021**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Ready Mix Concrete	20000	M^3/M

3. CONDITIONS UNDER WATER ACT:

(i) The daily quantity of trade effluent from the factory shall be **4.00 M^3**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **1.20 M^3**.

(iii) **Trade Effluent :NIL**

(iv) **Trade Effluent Disposal:** The treated effluent is recycled into the process again.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**

Maharashtra Pollution Control Board Sub Regional Office Mumbai I

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	NIL				

(viii)**Other Conditions:** Industry should monitor effluent quality regularly.

4. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 01.50 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable(Mixing) ... 05.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic ... 00.00 CMD
(iv) Industrial Washing, spraying` in mine pits or boiler feed ... 00.00 CMD

4. **CONDITIONS UNDER AIR ACT :**

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. **Control Equipment:**

a) Air Pollution Control;

(i) In-house measures;

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary of height Minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with tin sheets. Same may extend above with netlon clothing whenever required
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.
6. Industry has to be install fogger system, to suppress dust emissions inside RMC premises.

(ii) Raw material storage & handling;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.

Maharashtra Pollution Control Board

3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The air pollution control devices shall be operated regularly.
8. Alternative power supply system should cover both the production and Air pollution control system.

6. Standards for Air Emission

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM $_{10}$	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter PM $_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1.	HSD	40	KL/M

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
1.	D. G. Set (600 KVA)	5

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.

2) The industry should monitor stack emissions and ambient air quality regularly.

8. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
		NIL		

Maharashtra Pollution Control Board

(ii) Treatment: - NIL

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

9. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

Maharashtra Pollution Control Board

xi. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

10. **The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.**

11. **Operation of RMC plant shall be in day time only. The Day time is Reckoned in between 6 a.m. and 10 p.m. i.e from sun rise to sunset.**

13. **The consent is issued as per the NOC given by MMRC vide No. MMRC/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant at.**

14. **The Board reserve right to revoke, amend or suspend the consent granted.**

15. **The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.**

16. **The Capital investment of the industry is Rs. 340 Lakhs.**

For and on behalf of the
Maharashtra Pollution Control Board

(Sanjay R. Bhosale)
Sub Regional Officer, Mumbai-I

To,
M/s. Larsen Toubro Ltd,
(RMC Plant-I)
Sewree Timber Pond,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	60000/-	TXN1812001429	13.12.2018

Copy Submitted to:-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-25505928
Fax : 022-25505926
Email : sromumbai1@mpcb.gov.in
Visit At : http://www.mpcb.gov.in

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Deonar Gaon Road, Near Jain Mandir,
Govandi (E), Mumbai - 400088

Green/S.S.I

Consent No SRO-MUMBAI I/CONSENT/1902000588 **Date: 14/02/2019**

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen Toubro Ltd,
(Floating RMC Plant PB2)
Sewree Timber Pond,
Near Gaddi Adda, F/South Ward,
Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: Commissioning of the unit /5 year whichever is earlier.**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Ready Mix Concrete(Floating RMC)	4000	M^3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **0.00 M^3**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **1.00 M^3**.

(iii) **Trade Effluent :NIL**

(iv) **Trade Effluent Disposal:** The treated effluent is recycled into the process again.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

Maharashtra Pollution Control Board

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	NIL				

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 01.20 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable (Mixing) ... 01.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic ... 00.00 CMD
(iv) Industrial Washing, spraying in mine pits or boiler feed ... 00.00 CMD

4. CONDITIONS UNDER AIR ACT :

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. **Control Equipment:**

a) Air Pollution Control;

(i) In-house measures;

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary of height Minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with tin sheets. Same may extend above with netlon clothing whenever required
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.
6. Industry has to be install fogger system, to suppress dust emissions inside RMC premises.

Maharashtra Pollution Control Board

(ii) Raw material storage & handling;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The air pollution control devices shall be operated regularly.
8. Alternative power supply system should cover both the production and Air pollution control system.

6. Conditions for D.G. Set

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.

b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.

c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.

e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.

f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.

g. D.G. Set shall be operated only in case of power failure

h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set

Maharashtra Pollution Control Board

7. Standards for Air Emission

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM_{10}	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter $PM_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

8. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1.	Diesel	45	Lit/Day
2.	Diesel	20	Lit/Day
3.	Diesel	05	Lit/Day

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
1.	D. G. Set	4.5
2.	D. G. Set	3.0
3.	D. G. Set	1.5

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.

2) The industry should monitor stack emissions and ambient air quality regularly.

9. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
		NIL		

(ii) Treatment: - NIL

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

Maharashtra Pollution Control Board

10. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xi. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.

Maharashtra Pollution Control Board

12. Operation of RMC plant shall be in day time only. The Day time is Reckoned in between 6 a.m. and 6 p.m. i.e from sun rise to sunset.

12. The consent is issued as per the NOC given by MMRC vide No. MMRC/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant.

13. The Board reserve right to revoke, amend or suspend the consent granted.

14. The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.

15. The consent is issued as per minutes of industry categorization Committee dt 13/12/2018.

16. The Capital investment of the industry is Rs. 395 Lakhs.

For and on behalf of the
Maharashtra Pollution Control Board

(Sanjay R. Bhosale)
Sub Regional Officer, Mumbai-I

To,
M/s. Larsen Toubro Ltd,
(Floating RMC Plant)
Sewree Timber Pond,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	15000/-	TXN1901001733	17.01.2019

Copy Submitted to:-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-25505928
Fax : 022-25505926
Email : sromumbai1@mpcb.gov.in
Visit At : http://www.mpcb.gov.in

First Floor, Kalpataru Point,
Sion Circle, Sion(E),
Mumbai- 400 022.

Green/S.S.I

Consent No: SRO-MUMBAI I/CONSENT/ 1908000709 **Date: 26/08/2019**

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen & Toubro Ltd,
(RMC Plant II)
CTS No. 145, Sewree Timber Pond,
Near Gaddi Adda, F/South Ward,
Sewree, Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: Commissioning of the unit /5 year whichever is earlier.**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Ready Mix Concrete	20000	M^3/M

(Captive purpose for Mumbai Trans Harbour Link project.)

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **3.00 M^3**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **1.20 M^3**.

(iii) **Trade Effluent:**

Treatment: The applicant shall provide comprehensive treatment system consisting of primary / secondary or tertiary treatment as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of the treated effluent to the following standards:

Sr. No	Parameter	Limits	
1	pH	Between	5.5 to 9.0
2	BOD,3 Days 27 degree C	Not to exceed	100 mg/l.
3	COD	Not to exceed	250 mg/l.
4	Oil & Grease	Not to exceed	10 mg/l.
5	Suspended Solids	Not to exceed	100 mg/l.
6	TDS	Not to exceed	2100 mg/l.

(iv) **Trade Effluent Disposal:** The treated effluent is recycled into the process again.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	NIL				

(viii)**Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose	...	01.50 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable(Mixing)	...	60.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic	...	00.00 CMD
(iv) Industrial Washing, spraying` in mine pits or boiler feed	...	00.00 CMD

4. CONDITIONS UNDER AIR ACT :

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. Control Equipment:

a) Air Pollution Control;

(i) In-house measures;

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary of height Minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with tin sheets. Same may extend above with netlon clothing whenever required
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
3. Internal work area shall be, cement concreted/Asphalted.

Maharashtra Pollution Control Board

4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.
6. Industry has to be install fogger system, to suppress dust emissions inside RMC premises.

(ii) Raw material storage & handling;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The air pollution control devices shall be operated regularly.
8. Alternative power supply system should cover both the production and Air pollution control system.

6. Standards for Air Emission

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM $_{10}$	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter PM $_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
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(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
--	--	--

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard

Maharashtra Pollution Control Board

in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.

2) The industry should monitor stack emissions and ambient air quality regularly.

8. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
NIL				

(ii) Treatment: - NIL .

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

9. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

Maharashtra Pollution Control Board

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xi. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

10. The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.

11. Operation of RMC plant shall be in day time only. The Day time is Reckoned in between 6 a.m. and 10 p.m.

13. The consent is issued as per the NOC given by MMRDA vide No. MMRDA/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant.

14. The Board reserve right to revoke, amend or suspend the consent granted.

15. The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.

16. The Capital investment of the industry is Rs. 70.59 Lakhs.

For and on behalf of the
Maharashtra Pollution Control Board

(T.G.Yadav)
Sub Regional Officer, Mumbai-I

Maharashtra Pollution Control Board

To,
M/s. Larsen Toubro Ltd,
(RMC Plant-II)
CTS No. 145, Sewree Timber Pond,
Near Gaddi Adda, F/South Ward,
Sewree, Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	5000/-	TXN1907001256	16.07.2019

Copy Submitted to:-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-25505928
Fax : 022-25505926
Email : sromumbai1@mpcb.gov.in
Visit At : http://www.mpcb.gov.in

Raikar Chambers, A- Wing, 216, 2nd floor,
Deonar Gaon Road, Near Jain Mandir,
Govandi (E), Mumbai - 400088

Green/S.S.I

Consent No: SRO-MUMBAI I/CONSENT/1807000700 **Date: 18/07/2018**

Consent to Establish under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen Toubro Ltd,
(RMC Plant-I)
Sewree Timber Pond ,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: Commissioning of the unit /5 year whichever is earlier.**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Ready Mix Concrete	20000	M^3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **0.00 M^3**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **1.20 M^3**.

(iii) **Trade Effluent :NIL**

(iv) **Trade Effluent Disposal:** The treated effluent is recycled into the process again.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

Maharashtra Pollution Control Board Sub Regional Office Mumbai I

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	NIL				

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 01.50 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable(Mixing) ... 01.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic ... 00.00 CMD
(iv) Industrial Washing, spraying` in mine pits or boiler feed ... 00.00 CMD

4. **CONDITIONS UNDER AIR ACT :**

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. **Control Equipment:**

a) Air Pollution Control;

(i) In-house measures;

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary of height Minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with tin sheets. Same may extend above with netlon clothing whenever required
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.
6. Industry has to be install fogger system, to suppress dust emissions inside RMC premises.

(ii) Raw material storage & handling;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.

Maharashtra Pollution Control Board Sub Regional Office Mumbai I

3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The air pollution control devices shall be operated regularly.
8. Alternative power supply system should cover both the production and Air pollution control system.

6. Standards for Air Emission

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM $_{10}$	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter PM $_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1.	HSD	40	KL/M

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
1.	D. G. Set (600 KVA)	5

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.

2) The industry should monitor stack emissions and ambient air quality regularly.

8. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
		NIL		

Maharashtra Pollution Control Board Sub Regional Office Mumbai

(ii) Treatment: - NIL

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

9. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous solid waste arising in the factory premises sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

Maharashtra Pollution Control Board
Sub Regional Office Mumbai

xi. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

10. **The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.**

11. **Operation of RMC plant shall be in day time only. The Day time is Reckoned in between 6 a.m. and 10 p.m. i.e from sun rise to sunset.**

13. **The consent is issued as per the NOC given by MMRC vide No. MMRC/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant at.**

14. **The Board reserve right to revoke, amend or suspend the consent granted.**

15. **The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.**

16. **The Capital investment of the industry is Rs. 340 Lakhs.**

For and on behalf of the
Maharashtra Pollution Control Board

(Sanjay R. Bhosale)
Sub Regional Officer, Mumbai-I

Maharashtra Pollution Control Board
Sub Regional Officer Mumbai I

To,
M/s. Larsen Toubro Ltd,
(RMC Plant-I)
Sewree Timber Pond,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	15000/-	TXN1805003000	26.05.2018

Copy Submitted to:-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-25505928
Fax : 022-25505926
Email : sromumbai1@mpcb.gov.in
Visit At : http://www.mpcb.gov.in

Raikar Chambers, A- Wing, 216, 2nd floor,
Deonar Gaon Road, Near Jain Mandir,
Govandi (E), Mumbai - 400088

Green/S.S.I

Consent No: SRO-MUMBAII/CONSENT/1807000702 **Date: 18/07/2018**

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen Toubro Ltd,
Sewree Timber Pond,
Near Gaddi Adda, F/South Ward
Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: Commissioning of the unit /5 year whichever is earlier.**

2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Cement product like Segment Box Girder	10000	M^3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **2.7 M^3**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **0.00 M^3**.

(iii) **Trade Effluent:**

Treatment: The applicant shall provide comprehensive treatment system consisting of primary / secondary or tertiary treatment as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of the treated effluent to the following standards:

Sr. No	Parameter	Limits	
1	pH	Between	5.5 to 9.0
2	BOD,3 Days 27 degree C	Not to exceed	100 mg/l.
3	COD	Not to exceed	250 mg/l.
4	Oil & Grease	Not to exceed	10 mg/l.
5	Suspended Solids	Not to exceed	100 mg/l.
21	TDS	Not to exceed	2100 mg/l.

Maharashtra Pollution Control Board Sub Regional Office Mumbai I

(iv) **Trade Effluent Disposal:** The treated effluent is recycled into the process again.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	--	--	--	--	--

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i) Domestic purpose	...	00.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable (Mixing)	...	00.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic	...	00.00 CMD
(iv) Industrial Washing, spraying in mine pits or boiler feed	...	27.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

4. **CONDITIONS UNDER AIR ACT:**

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. **Control Equipment:**

(i) Raw material storage & handling;

1. Storage silos of cement shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement shall be carried out with mechanical closed system only.
3. Alternative power supply system should cover both the production and Air pollution control system.

6. **Conditions for D.G. Set**

Maharashtra Pollution Control Board
Sub Regional Office Mumbai

b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.

c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.

e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.

f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.

g. D.G. Set shall be operated only in case of power failure

h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set

7. Standards for Air Emission

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM_{10}	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter $PM_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

8. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	255	KL/M

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
1	D. G. Set(720*1 KVA)	5.5
2	D. G. Set(500*2 KVA)	4.5
3	D. G. Set(320*1 KVA)	3.5

(iii)The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

Maharashtra Pollution Control Board Sub Regional Office Mumbai 1

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.

2) The industry should monitor stack emissions and ambient air quality regularly.

9. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
1	5.1 Used/Spent Oil	300	Lit/A	Authorized reprocessor

(ii) Treatment: - NIL

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

10. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous. solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

Maharashtra Pollution Control Board
Sub Regional Office Mumbai

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system With arrangement for measuring the flow. No effluent shall be admitted in the Pipes / sewers down- stream of the terminal manholes. No effluent shall find its Way other than in designed and provided collection System.

xi. Neither storm water nor discharge from other premises shall be allowed to mix With the effluents from the factory.

11. **The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.**

13. **The Capital investment of the industry is Rs. 300 Lakhs.**

14. **The consent is issued as per the NOC given by MMRC vide No. MMRC/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant at.**

15. **The Board reserve right to revoke, amend or suspend the consent granted.**

16. **The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.**

For and on behalf of the
Maharashtra Pollution Control Board

(Sanjay R. Bhosale)
Sub Regional Officer, Mumbai-I

Maharashtra Pollution Control Board
Sub Regional Officer Mumbai I

To,
M/s. Larsen Toubro Ltd,
Sewree Timber Pond ,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	15000	TXN1806001034	12/06/2018

Copy Submitted to :-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-25505928
Fax : 022-25505926
Email : sromumbai1@mpcb.gov.in
Visit At : http://www.mpcb.gov.in

Kalpataru Point, First Floor,
Sion Circle, Sion(E),
Mumbai- 400 022.

Green/S.S.I

Consent No: SRO-MUMBAI/CONSENT/ 1908000707 Date: 26/08/2019

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen Toubro Ltd,
CTS No. 145, Sewree Timber Pond,
Near Gaddi Adda, F/South Ward
Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

The Consent to Operate is granted for a period up to: 31.08.2022.

1. The Consent is valid for the manufacture of –

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Cement product like Segment Box Girder	10000	M^3/M

2. CONDITIONS UNDER WATER ACT:

(i) The daily quantity of trade effluent from the factory shall be **Nil**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **2.7 M^3**.

(iii) **Trade Effluent:** Nil

(iv) **Trade Effluent Disposal:** Nil.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

Maharashtra Pollution Control Board

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	--	--	--	--	--

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

3. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i) Domestic purpose	...	03.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable (Mixing)	...	00.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic	...	00.00 CMD
(iv) Industrial Washing, spraying in mine pits or boiler feed	...	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

4. CONDITIONS UNDER AIR ACT:

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. **Control Equipment:**

(i) Raw material storage & handling;

1. Storage silos of cement shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement shall be carried out with mechanical closed system only.
3. Alternative power supply system should cover both the production and Air pollution control system.

6. **Conditions for D.G. Set**

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.

b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.

c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night

Maharashtra Pollution Control Board

time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set

7. Standards for Air Emission

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM $_{10}$	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter PM $_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

8. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	10	KL/A

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
1	D. G. Set(625 KVA)	5.0

(iii)The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv)The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) The industry should monitor stack emissions and ambient air quality regularly.

Maharashtra Pollution Control Board

9. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
1	5.1 Used/Spent Oil	300	Lit/A	Authorized reprocessor

(ii) Treatment: - NIL

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

10. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous. solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air

Maharashtra Pollution Control Board

pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system With arrangement for measuring the flow. No effluent shall be admitted in the Pipes / sewers down- stream of the terminal manholes. No effluent shall find its Way other than in designed and provided collection System.

xi. Neither storm water nor discharge from other premises shall be allowed to mix With the effluents from the factory.

11. **The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.**

12. **The consent is issued as per the NOC given by MMRC vide No. MMRC/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant at.**

13. **The Board reserve right to revoke, amend or suspend the consent granted.**

14. **The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.**

15. **The Capital investment of the industry is Rs. 17.5 Cr.**

For and on behalf of the
Maharashtra Pollution Control Board

26/8/19

(T.G.Yadav)
Sub Regional Officer, Mumbai-I

To,
M/s. Larsen Toubro Ltd,
Sewree Timber Pond ,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	45000	TXN1907001599	19/07/2019
2	55000	TXN1908001382	22/08/2019

Copy Submitted to :-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-25505928
Fax : 022-25505926
Email : sromumbai1@mpcb.gov.in
Visit At : http://www.mpcb.gov.in

Raikar Chambers, A- Wing, 216, 2nd floor,
Deonar Gaon Road, Near Jain Mandir,
Govandi (E), Mumbai - 400088

Green / S.S.I

Consent No: SRO-MUMBAI I/CONSENT/1903000993 **Date: 16/03/2019**

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen Toubro Ltd,
(Floating RMC Plant PB2)
Sewree Timber Pond,
Near Gaddi Adda, F/South Ward,
Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Operate is granted for a period up to: 31/03/2022.**

2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Ready Mix Concrete(Floating RMC)	4000	M^3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **0.01 M^3**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **1.00 M^3**.

(iii) **Trade Effluent :NIL**

(iv) **Trade Effluent Disposal:** The treated effluent is recycled into the process again.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	NIL				

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 01.20 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable (Mixing) ... 01.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic ... 00.00 CMD
(iv) Industrial Washing, spraying in mine pits or boiler feed ... 00.00 CMD

4. **CONDITIONS UNDER AIR ACT :**

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. **Control Equipment:**

a) Air Pollution Control:

(i) In-house measures:

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary of height Minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with tin sheets. Same may extend above with netlon clothing whenever required
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.
6. Industry has to be install fogger system, to suppress dust emissions inside RMC premises.

Maharashtra Pollution Control Board

(ii) Raw material storage & handling;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The air pollution control devices shall be operated regularly.
8. Alternative power supply system should cover both the production and Air pollution control system.

6. Conditions for D.G. Set

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.

b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.

c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.

e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.

f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.

g. D.G. Set shall be operated only in case of power failure

h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set

Maharashtra Pollution Control Board

7. **Standards for Air Emission**

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM $_{10}$	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter PM $_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

8. **Standards for Stack Emissions:**

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1.	Diesel	45	Lit/Day
2.	Diesel	20	Lit/Day
3.	Diesel	05	Lit/Day

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
1.	D. G. Set (500 KVA)	4.5
2.	D. G. Set (250 KVA)	3.0
3.	D. G. Set (35 KVA)	1.5

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.

2) The industry should monitor stack emissions and ambient air quality regularly.

9. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
		NIL		

(ii) Treatment: - NIL

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

Maharashtra Pollution Control Board

10. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xi. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.

Maharashtra Pollution Control Board

12. Operation of RMC plant shall be in day time only. The Day time is Reckoned in between 6 a.m. and 6 p.m. i.e from sun rise to sunset.
12. The consent is issued as per the NOC given by MMRC vide No. MMRC/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant.
13. The Board reserve right to revoke, amend or suspend the consent granted.
14. The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.
15. The consent is issued as per minutes of industry categorization Committee dt 13/12/2018.
16. The Capital investment of the industry is Rs. 395 Lakhs.

For and on behalf of the
Maharashtra Pollution Control Board

(Sanjay R. Bhosale)
Sub Regional Officer, Mumbai-I

Maharashtra Pollution Control Board Sub Regional Office Mumbai I

To,
M/s. Larsen Toubro Ltd,
(Floating RMC Plant)
Sewree Timber Pond,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	45000/-	TXN1903000329	05.03.2019

Copy Submitted to:-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-25505928
Fax : 022-25505926
Email : sromumbai1@mpcb.gov.in
Visit At : http://www.mpcb.gov.in

Raikar Chambers, A- Wing, 216, 2nd floor,
Deonar Gaon Road, Near Jain Mandir,
Govandi (E), Mumbai - 400088

Green/S.S.I

Consent No: SRO-MUMBAI I/CONSENT/1902000589 **Date: 14/02/2019**

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to

M/s. Larsen Toubro Ltd,
(Floating RMC Plant PB2)
Sewree Timber Pond,
Near Gaddi Adda, F/South Ward,
Mumbai -400015.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Operate is granted for a period up to: 28/02/2022.**

2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Ready Mix Concrete(Floating RMC)	4000	M^3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **0.00 M^3**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **0.01 M^3**.

(iii) **Trade Effluent :NIL**

(iv) **Trade Effluent Disposal:** The treated effluent is recycled into the process again.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

Maharashtra Pollution Control Board

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	NIL				

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 00.20 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable (Mixing) ... 01.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic ... 00.00 CMD
(iv) Industrial Washing, spraying in mine pits or boiler feed ... 00.00 CMD

4. **CONDITIONS UNDER AIR ACT :**

(i) The applicant shall install a comprehensive control system consisting of control equipment as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

5. **Control Equipment:**

a) Air Pollution Control;

(i) In-house measures;

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
3. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
4. Industry has to be install fogger system, to suppress dust emissions inside RMC premises.

(ii) Raw material storage & handling;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
4. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.

Maharashtra Pollution Control Board

5. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
6. The air pollution control devices shall be operated regularly.
7. Alternative power supply system should cover both the production and Air pollution control system.

6. Conditions for D.G. Set

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.

b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.

c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.

e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.

f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.

g. D.G. Set shall be operated only in case of power failure

h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set

7. Standards for Air Emission

Ambient air quality at a distance of 10 mtr from source OR the plant Boundary, whichever is nearer, shall meet the following standards

Particulate Matter PM $_{10}$	**Not to Exceed**	**100**	**$\mu g/m^3$**
Particulate Matter PM $_{2.5}$	**Not to Exceed**	**60**	**$\mu g/m^3$**

8. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1.	HSD	45	Kg/Hr
2.	HSD	20	Kg/Hr
3.	HSD	5	Kg/Hr

Maharashtra Pollution Control Board

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in mt
1.	D. G. Set (500 KVA)	4.5
2.	D. G. Set (250 KVA)	3.0
3.	D. G. Set (40 KVA)	1.5

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(v) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.

2) The industry should monitor stack emissions and ambient air quality regularly.

9. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
NIL				

(ii) Treatment: - NIL

a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment, the production process connected to it shall be stopped.

10. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. Solid waste – The nonhazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

Maharashtra Pollution Control Board

iii. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

iv. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment provided for without previous written permission of the Board.

v. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vi. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

vii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

viii. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

ix. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

x. Separate drainage system shall be provided for collection of trade and sewage Effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xi. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. **The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding Classification of Industries dated 07th March 2016.**

12. **Operation of RMC plant shall be in day time only. The Day time is Reckoned in between 6 a.m. and 6 p.m. i.e from sun rise to sunset.**

12. **The consent is issued as per the NOC given by MMRC vide No. MMRC/MTHL-PIU/MPCB/114/07-18, dtd 17/07/2018 for establish and operation of batching plant.**

Maharashtra Pollution Control Board

13. The Board reserve right to revoke, amend or suspend the consent granted.

14. The consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies as may deemed fit necessary.

15. The consent is issued as per minutes of industry categorization Committee dt 13/12/2018.

16. The Capital investment of the industry is Rs. 395 Lakhs.

For and on behalf of the
Maharashtra Pollution Control Board

(Sanjay R. Bhosale)
Sub Regional Officer, Mumbai-I

To,
M/s. Larsen Toubro Ltd,
(Floating RMC Plant)
Sewree Timber Pond,
Near Gaddi Adda,F/South Ward
Mumbai -400015.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date
1	45000/-	TXN1901002108	19.01.2019

Copy Submitted to:-
1. Chief Account officer, MPCB, Sion, Mumbai-22.,
2. Regional Officer, MPCB, Mumbai.

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022- 27576034
Fax : 022- 27576034
Email : sroraigad1@mpcb.gov.in
Visit At : http://mpcb.gov.in

Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date:* 15th */April/2019*

Consent No: MPCB/SROR-1/CONSENT/ 1904000660

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
(Marine on Dumb Barge "FREIGHT-75")
Sr. No. – 84, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

Maharashtra Pollution Control Board Sub Regional Officer Raigad-I

1. **The Consent to Establish is granted for a period up to: commissioning of the unit or 5 years whichever is earlier .**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete (Captive Marine Plant-II)	5000	M3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **3.5 M³**.
(ii) The daily quantity of sewage effluent from the factory shall not exceed **3.0 M³**.
(iii) **Trade Effluent Treatment –**
The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	**pH**	Between	5.5 to 9.0
2.	**Oil & Grease**	Not to Exceed	10 mg/l
3.	**Suspended Solids**	Not to Exceed	100 mg/l
4.	**BOD- 3 days**	Not to Exceed	30 mg/l
5.	**COD**	Not to Exceed	150 mg/l
6.	**TDS**	Not to Exceed	2100 mg/l

Maharashtra Pollution Control Board

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose	...	04.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable	...	04.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg		00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed	...	00.00 CMD
(vi) Gardening/Agriculure/	.....	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

Maharashtra Pollution Control Board

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	25	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

Maharashtra Pollution Control Board

8. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.

10. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and

Maharashtra Pollution Control Board
Regional Officer Raigad-I

Maharashtra Pollution Control Board

air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 160 Lakhs.

14. You shall collect plant washing effluent properly and treat in ETP cited at Sr. No. 82, Vill- Gavan, Tal – Panvel, Dist- Raigad. There shall not be any discharge in Marine water area.

15. You shall follow all conditions stipulated in CRZ clearance and MbPT clearance.

16. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Maharashtra Pollution Control Board Sub Regional Officer Raigad-1

Sachin Adkar 15/4/19

(Sachin Adkar)
Sub Regional Officer Raigad- 1

To,
M/s. Daewoo TPL JV
(Marine on Dumb Barge "FREIGHT-75")
Sr. No. – 84, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1904001030	10.04.2019	Online

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022- 27576034
Fax : 022- 27576034
Email : sroraigad1@mpcb.gov.in
Visit At : http://mpcb.gov.in

Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date:* 18 */Feb./2019*

Consent No: MPCB/SROR-1/CONSENT/ 1902000870

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
Sr. No. – 194, Ulwe Reti Bunder, Targhar,
Vill- Gavan, Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Operate is granted for a period up to: 31.01.2022.**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Storage and Disbursement of Cement (Only for RMC Captive Plant purpose)	10000	M3/M

Maharashtra Pollution Control Board Sub Regional Officer Raigad-I

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **Nil.**

(ii) The daily quantity of sewage effluent from the factory shall not exceed **0.8 M³**

(iii) **Trade Effluent Treatment –**

The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	**pH**	**Between**	**5.5 to 9.0**
2.	**Oil & Grease**	**Not to Exceed**	**10 mg/l**
3.	**Suspended Solids**	**Not to Exceed**	**100 mg/l**
4.	**BOD- 3 days**	**Not to Exceed**	**30 mg/l**
5.	**COD**	**Not to Exceed**	**150 mg/l**
6.	**TDS**	**Not to Exceed**	**2100 mg/l**

Maharashtra Pollution Control Board

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	**Suspended Solids**	**Not to Exceed**	**100 mg/l**
2.	**BOD 3 days 27°C**	**Not to Exceed**	**100mg/l**

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i)	Domestic purpose ...	01.00 CMD
(ii)	Water gets Polluted & Pollutants are Biodegradable ...	00.00 CMD
(iii)	Water gets Polluted, Pollutants are not Biodegradable/For Mfg	00.00 CMD
(iv)	Industrial Cooling, spraying in mine pits or boiler feed ...	00.00 CMD
(vi)	Gardening/Agriculure/	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

Maharashtra Pollution Control Board

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board
Regional Officer Raigad-I

Maharashtra Pollution Control Board

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	**Diesel**	**20**	**Lit/Hr**

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	**DG Set (500 KVA)**	**3.5 mtr.**

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

Maharashtra Pollution Control Board

8. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.

10. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

Maharashtra Pollution Control Board

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 150 Lakhs.

14. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Sachin Adkar 18/2

(Sachin Adkar)
Sub Regional Officer

To,
M/s. Daewoo TPL JV
Sr. No. – 194, Ulwe Reti Bunder, Targhar,
Vill- Gavan, Tal- Panvel, Dist.- Raigad.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1902000722	07.02.2019	Online

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022- 27576034
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Email : sroraigad1@mpcb.gov.in
Visit At : http://mpcb.gov.in

Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I

Date: 30 / Oct. /2018

Consent No: MPCB/SROR-1/CONSENT/ 1810001765

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
Sr. No. – 194, Ulwe Reti Bunder, Targhar,
Vill- Gavan, Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: commissioning of the unit or 5 years whichever is earlier .**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Storage and Disbursement of Cement (Only for RMC Captive Plant purpose)	10000	M3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **Nil.**

(ii) The daily quantity of sewage effluent from the factory shall not exceed **0.8 M³.**

(iii) **Trade Effluent Treatment –**

The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	pH	Between	5.5 to 9.0
2.	Oil & Grease	Not to Exceed	10 mg/l
3.	Suspended Solids	Not to Exceed	100 mg/l
4.	BOD- 3 days	Not to Exceed	30 mg/l
5.	COD	Not to Exceed	150 mg/l
6.	TDS	Not to Exceed	2100 mg/l

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 01.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable ... 00.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg 00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed ... 00.00 CMD
(vi) Gardening/Agriculture/ ..... 00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(a) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(b) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board
Sub Regional Office Ratnagiri

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	20	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

Web Copy - Not Official Publication

8. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. **Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.**

10. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

Maharashtra Pollution Control Board

x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 150 Lakhs.

14. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Sachin Adkar 30/10/18

(Sachin Adkar)
Sub Regional Officer

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

To,
M/s. Daewoo TPL JV
Sr. No. – 194, Ulwe Reti Bunder, Targhar,
Vill- Gavan, Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1810001687	18.10.2018	Online

MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE RAIGAD-I

Tel No. 27576034
Fax No. 2756 2132

Raigad Bhavan, 6th floor
Sec-11, C.B.D.Belapur
Navi Mumbai 400 614.

No. MPCB/SROR-I/TB/ 267 Date: 22/10/2018

To,
M/s. Daewo TPL JV
S. No. 84, Shivaji Nagar Interchange,
Vill. Gavan, Tal – Panvel,
Dist – Raigad.

Sub: - Refusal of consent under section 27 of the Water (Prevention & Control of Pollution) Act. 1974 and of the Air (Prevention & Control of Pollution) Act. 1981.

Ref: - 1. Your application for renewal of consent Vide No. MPCB-CONSENT-0000057160.
2. Query letter issued dtd. 28.09.18 & 09.10.2018.

Sir,

This office is in receipt of your application for Consent to Establish under section 25 of the Water (Prevention & Control of Pollution) Act. 1974 and of the Air (Prevention & Control of Pollution) Act. 1981 and Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008 to your unit.

Field Officer of this office in his processing mentioned that, you have not submitted the reply for query letter till date. Also, you have not obtained permission from MBPT and CRZ authority.

In view of this, your application for Consent to Establish is hereby Refused under Section 27 of the Water (Prevention & Control of Pollution) Act. 1974 and of the Air (Prevention & Control of Pollution) Act. 1981.

Yours Faithfully

Sachin Adkar 22/10/18
(Sachin Adkar)
Sub-Regional Officer

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022- 27576034
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Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date:* 30 */Octomber/2018*

Consent No: MPCB/SROR-1/CONSENT/ 1810001768

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
(Marine on Deck Cargo Barge "Shaivi")
Sr. No. – 84, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: commissioning of the unit or 5 years whichever is earlier .**
2. **The Consent is valid for the manufacture of –**

Savin.

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete (Captive Marine Plant)	5000	M3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **3.5 M³**.
(ii) The daily quantity of sewage effluent from the factory shall not exceed **4.0 M³**.
(iii) **Trade Effluent Treatment –**
The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	pH	Between	5.5 to 9.0
2.	Oil & Grease	Not to Exceed	10 mg/l
3.	Suspended Solids	Not to Exceed	100 mg/l
4.	BOD- 3 days	Not to Exceed	30 mg/l
5.	COD	Not to Exceed	150 mg/l
6.	TDS	Not to Exceed	2100 mg/l

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Paramcters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 04.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable ... 04.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg 00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed ... 00.00 CMD
(vi) Gardening/Agriculure/ ..... 00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board
Sub Regional Officer Kalyan-I

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	25	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

Maharashtra Pollution Control Board

8. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. **Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.**

10. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 160 Lakhs.

14. You shall collect plant washing effluent properly and treat in ETP cited at Sr. No. 82, Vill- Gavan, Tal – Panvel, Dist- Raigad. There shall not be any discharge in Marine water area.

15. You shall follow all conditions stipulated in CRZ clearance and MbPT clearance.

16. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Sachin Adkar 30/10/18

(Sachin Adkar)
Sub Regional Officer Raigad- 1

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

To,
M/s. Daewoo TPL JV
(Marine on Deck Cargo Barge "Shaivi")
Sr. No. – 84, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1810002904	30.10.2018	Online

MAHARASHTRA POLLUTION CONTROL BOARD

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Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date: 28 /November/2018*

Consent No: MPCB/SROR-1/CONSENT/ 1811001297

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
(Marine on Deck Cargo Barge "Shaivi")
Sr. No. – 84, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Operate is granted for a period up to: 30.10.2021.**
2. **The Consent is valid for the manufacture of –**

Sachin

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete (Captive Marine Plant)	5000	M3/Al

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **3.5 M³**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **4.0 M³**.

(iii) **Trade Effluent Treatment –**

The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below

Sr. No.	Parameter	Concentration	Limit
1.	**pH**	Between	5.5 to 9.0
2.	**Oil & Grease**	Not to Exceed	10 mg/l
3.	**Suspended Solids**	Not to Exceed	100 mg/l
4.	**BOD- 3 days**	Not to Exceed	30 mg/l
5.	COD	Not to Exceed	150 mg/l
6.	TDS	Not to Exceed	2100 mg/l

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body. for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose ... 04.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable ... 04.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg 00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed ... 00.00 CMD
(vi) Gardening/Agriculure/ ..... 00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board

Sawin-

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	25	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

8. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. **Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.**

10. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.

iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.

vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and

Maharashtra Pollution Control Board

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air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. **This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.**
12. **Board reserves right of revoke, suspend or amend the consent issued.**
13. **The Capital investment of the industry is Rs. 160 Lakhs.**
14. **You shall collect plant washing effluent properly and treat in ETP cited at Sr. No. 82, Vill- Gavan, Tal – Panvel, Dist- Raigad. There shall not be any discharge in Marine water area.**
15. **You shall follow all conditions stipulated in CRZ clearance and MbPT clearance.**
16. **This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.**

Sachin Adkar

(Sachin Adkar) 28/11/18
Sub Regional Officer

Maharashtra Pollution Control Board
Sub Regional Office Raigad

To,
M/s. Daewoo TPL JV
(Marine on Deck Cargo Barge "Shaivi")
Sr. No. – 84, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1811001340	20.11.2018	Online

MAHARASHTRA POLLUTION CONTROL BOARD

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Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date:* 16 */August/2018*

Consent No: MPCB/SROR-1/CONSENT/ 1808000660

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: commissioning of the unit or 5 years whichever is earlier .**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete - I (Captive Plant)	10000	M3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **Nil.**

(ii) The daily quantity of sewage effluent from the factory shall not exceed **7.0 M³.**

(iii) **Trade Effluent Treatment –**

The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	**pH**	Between	5.5 to 9.0
2.	**Oil & Grease**	Not to Exceed	10 mg/l
3.	**Suspended Solids**	Not to Exceed	100 mg/l
4.	**BOD- 3 days**	Not to Exceed	30 mg/l
5.	**COD**	Not to Exceed	150 mg/l
6.	**TDS**	Not to Exceed	2100 mg/l

Maharashtra Pollution Control Board Sub Regional Officer Raigad-I

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose	...	08.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable	...	08.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg		00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed	...	00.00 CMD
(vi) Gardening/Agriculure/	.....	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	25	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

8. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. **Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.**

10. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.

iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.

vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and

Maharashtra Pollution Control Board

Sub Regional Office, Kolhapur

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air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 160 Lakhs.

14. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Sachin Adkar

(Sachin Adkar)
Sub Regional Officer Raigad- 1

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

To,
M/s. Daewoo TPL JV
MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	7614041	14.08.2018	State Bank of India

MAHARASHTRA POLLUTION CONTROL BOARD

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Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date: 30 /Octomber/2018*

Consent No: MPCB/SROR-1/CONSENT/ 1810001764

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
Sr. No. – 82, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Operate is granted for a period up to: 30.09.2021.**
2. **The Consent is valid for the manufacture of –**

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Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete - I (Captive Plant)	10000	M3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **7.5 M³**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **7.0 M³**.

(iii) **Trade Effluent Treatment –**

The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	pH	Between	5.5 to 9.0
2.	Oil & Grease	Not to Exceed	10 mg/l
3.	Suspended Solids	Not to Exceed	100 mg/l
4.	BOD- 3 days	Not to Exceed	30 mg/l
5.	COD	Not to Exceed	150 mg/l
6.	TDS	Not to Exceed	2100 mg/l

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii)**Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose ...	08.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable ...	08.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg	00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed ...	00.00 CMD
(vi) Gardening/Agriculture/	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board

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d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	50	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.
2	DG Set (200 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

8. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
	Industry shall not generate any type of Hazardous Waste.			

(ii) Treatment: - NIL

9. **Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.**

10. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and

Maharashtra Pollution Control Board

air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 160 Lakhs.

14. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Sachin Adkar 30/10/18

(Sachin Adkar)
Sub Regional Officer Raigad- 1

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

To,
M/s. Daewoo TPL JV
Sr. No. – 82, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1810001538	16.10.2018	Online

MAHARASHTRA POLLUTION CONTROL BOARD

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Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I

Date: 06 /~~Sept.~~ Oct /2018

Consent No: MPCB/SROR-1/CONSENT/ 1810003241

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
Sr. No. – 83, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Establish is granted for a period up to: commissioning of the unit or 5 years whichever is earlier .**
2. **The Consent is valid for the manufacture of –** Gacin-

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete - II (Captive Plant)	5000	M3/M

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **Nil.**

(ii) The daily quantity of sewage effluent from the factory shall not exceed **3.5 M³.**

(iii) **Trade Effluent Treatment –**

The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	**pH**	Between	5.5 to 9.0
2.	**Oil & Grease**	Not to Exceed	10 mg/l
3.	**Suspended Solids**	Not to Exceed	100 mg/l
4.	**BOD- 3 days**	Not to Exceed	30 mg/l
5.	**COD**	Not to Exceed	150 mg/l
6.	**TDS**	Not to Exceed	2100 mg/l

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose ...	04.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable ...	05.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg	00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed ...	00.00 CMD
(vi) Gardening/Agriculure/	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(a) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(b) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board
Sub Regional Office Kalyan-I

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	40	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.
2	DG Set (200 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

Gujarat Pollution Control Board

8. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. **Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.**

10. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

Maharashtra Pollution Control Board
Sub Regional Office

Vasai-

x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 160 Lakhs.

14. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Sachin Adkar 6/10/18

(Sachin Adkar)
Sub Regional Officer

Maharashtra Pollution Control Board

To,
M/s. Daewoo TPL JV
Sr. No. – 83, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1809002423	24.09.2018	Online

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-27576034
Fax : 022-27576034
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Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date: 03 / Dec. /2018*

Consent No: MPCB/SROR-1/CONSENT/ 1812000315

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
Sr. No. - 83, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Operate is granted for a period up to: 30.11.2021.**
2. **The Consent is valid for the manufacture of –**

Gavan

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete - II (Captive Plant)	5000	M3/M

Maharashtra Pollution Control Board Sub Regional Officer Raigad-I

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **4.5 M³**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **3.5 M³**.

(iii) **Trade Effluent Treatment –**

The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below

Sr. No.	Parameter	Concentration	Limit
1.	pH	Between	5.5 to 9.0
2.	Oil & Grease	Not to Exceed	10 mg/l
3.	Suspended Solids	Not to Exceed	100 mg/l
4.	BOD- 3 days	Not to Exceed	30 mg/l
5.	COD	Not to Exceed	150 mg/l
6.	TDS	Not to Exceed	2100 mg/l

Maharashtra Pollution Control Board Sub Regional Officer Raigad-I

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose	...	04.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable	...	05.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg		00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed	...	00.00 CMD
(vi) Gardening/Agriculure/	.....	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m. and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	40	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.
2	DG Set (200 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

8. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. **Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.**

10. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.

ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.

iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.

v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.

vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.

vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.

viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

Maharashtra Pollution Control Board Sub Regional Office Nagpur

x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 160 Lakhs.

14. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Sachin Adkar 3/12/18

(Sachin Adkar)
Sub Regional Officer

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

To,
M/s. Daewoo TPL JV
Sr. No. – 83, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1812000016	01.12.2018	Online

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022- 27576034
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Sub Regional Office Raigad-1,
Raigad Bhavan 6th Floor,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date:* 04 */May /2019*

Consent No: MPCB/SROR-1/CONSENT/ 19050005 29

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Daewoo TPL JV
(Marine on Dumb Barge "FREIGHT-75")
Sr. No. – 84, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Operate is granted for a period up to: 30.04.2022.**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete (Captive Marine Plant-II)	5000	M3/M

Maharashtra Pollution Control Board — Regional Officer Raigad-1

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **3.5 M³**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed 3.0 M³.

(iii) **Trade Effluent Treatment –**

The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	**pH**	Between	5.5 to 9.0
2.	**Oil & Grease**	Not to Exceed	10 mg/l
3.	**Suspended Solids**	Not to Exceed	100 mg/l
4.	**BOD- 3 days**	Not to Exceed	30 mg/l
5.	**COD**	Not to Exceed	150 mg/l
6.	**TDS**	Not to Exceed	2100 mg/l

Maharashtra Pollution Control Board

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic purpose ...	04.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable ...	04.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable/For Mfg	00.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed ...	00.00 CMD
(vi) Gardening/Agriculure/	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

Maharashtra Pollution Control Board

d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	25	Lit/Hr

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA)	3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc, and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

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Sub Regional Officer Raigad-I

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8. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal

Industry shall not generate any type of Hazardous Waste.

(ii) Treatment: - NIL

9. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.

10. Industry shall comply with following additional conditions:

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and

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air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 160 Lakhs.

14. You shall collect plant washing effluent properly and treat in ETP cited at Sr. No. 82, Vill- Gavan, Tal – Panvel, Dist- Raigad. There shall not be any discharge in Marine water area.

15. You shall follow all conditions stipulated in CRZ clearance and MbPT clearance.

16. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

Sachin Adkar 4/5/19

(Sachin Adkar)
Sub Regional Officer Raigad- 1

To,
M/s. Daewoo TPL JV
(Marine on Dumb Barge "FREIGHT-75")
Sr. No. – 84, MTHL project, Vill- Gavan,
Tal- Panvel, Dist.- Raigad.

Maharashtra Pollution Control Board
Sub Regional Officer Raigad-I

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	15,000/-	TXN1905000189	03.05.2019	Online

Maharashtra Pollution Control Board

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022- 27576034
Fax : 022- 27576034
Email : sroraigad1@mpcb.gov.in
Visit At : http://mpcb.gov.in

Sub Regional Office Raiga d-1,
Raigad Bhavan 6th Floor ,
Sector-11, CBD Belapur
Navi Mumbai - 400614

Green/S.S.I *Date: 29th/May/2019*

Consent No: MPCB/SROR-1/CONSENT/ 1905001683

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....

CONSENT is hereby granted to,

M/s. Thakur – Mhatre (JV),
Sr. No. – 92/2/1 & 92/2/2, Vill- Gavhan,
Tal- Panvel, Dist.- Raigad.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. **The Consent to Operate is granted for a period up to: 30.04.2022.**
2. **The Consent is valid for the manufacture of –**

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Rady Mix Cement Concrete	90	/M3/Hr.

3. **CONDITIONS UNDER WATER ACT:**

(i) The daily quantity of trade effluent from the factory shall be **2.0 M³**.
(ii) The daily quantity of sewage effluent from the factory shall not exceed **0.8 M³**.
(iii) **Trade Effluent Treatment –**
The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Sr. No.	Parameter	Concentration	Limit
1.	pH	Between	5.5 to 9.0
2.	Oil & Grease	Not to Exceed	10 mg/l
3.	Suspended Solids	Not to Exceed	100 mg/l
4.	BOD- 3 days	Not to Exceed	30 mg/l
5.	COD	Not to Exceed	150 mg/l
6.	TDS	Not to Exceed	2100 mg/l

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(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening /plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Sr. No.	Parameters		Limit
1.	Suspended Solids	Not to Exceed	100 mg/l
2.	BOD 3 days 27°C	Not to Exceed	100mg/l

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**
Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

(viii) **Other Conditions:** Industry should monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i)	Domestic purpose ...	01.00 CMD
(ii)	Water gets Polluted & Pollutants are Biodegradable ...	02.50 CMD
(iii)	Water gets Polluted, Pollutants are not Biodegradable/For Mfg	00.00 CMD
(iv)	Industrial Cooling, spraying in mine pits or boiler feed ...	00.00 CMD
(vi)	Gardening/Agriculure/	00.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :

The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

(i) In-house measures ;

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
   - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
   - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.

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- Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.

3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) Standards for Emission of Air Pollutants :

The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10 Not to Exceed 100 µg/m3
Particulate Matter PM 2.5 Not to Exceed 60 µg/m3

(*a*) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
(*b*) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

6. Conditions for D.G. Set :

a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.

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d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper sitting and control measures.
e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
g. D.G. Set shall be operated only in case of power failure
h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) **The applicant shall observe the following fuel pattern:-**

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	100	Lit/Day

(ii) **The applicant shall erect the chimney(s) of the following specifications:-**

Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (225 KVA)	Above roof 3.5 mtr.

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

(iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

(vi) **Other Conditions:**

1) The industry should not cause any nuisance in surrounding area.
2) Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise pollution.
3) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

Maharashtra Pollution Control Board
Sub Regional Officer Kalyan-1

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8. **CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:**

(i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
Industry shall not generate any type of Hazardous Waste.				

(ii) Treatment: - NIL

9. **Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipment's, the production process connected to it shall be stopped.**

10. **Industry shall comply with following additional conditions:**

i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and

Maharashtra Pollution Control Board

air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

11. This consent should not construed as exemption from obtaining necessary NOC/permissions from any other Government Agencies as may deemed fit necessary.

12. Board reserves right of revoke, suspend or amend the consent issued.

13. The Capital investment of the industry is Rs. 55 Lakhs.

14. This consent is issued pursuant to the provision of Notification No. MPCB/AS(T)/TB/B-4363 dtd. 07.11.2016.

15. Industry shall submit an irrevocable Bank Guarantee of Rs 10,000/- (Rupees Ten Thousand) in favor of " Regional Officer, Maharashtra Pollution Control Board, Raigad " valid up to One year ", towards compliance of consent conditions.

Sachin Adkar 29/5

(Sachin Adkar)
Sub Regional Officer

To,
M/s. Thakur – Mhatre (JV),
Sr. No. – 92/2/1 & 92/2/2, Vill- Gavhan,
Tal- Panvel, Dist.- Raigad.

Received Consent fee of –

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	3,000/-	TXN1905001949	22.05.2019	Online

Maharashtra Pollution Control Board