

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH, CHENNAI**

ORIGINAL APPLICATION NO. 8 of 2021

IN THE MATTER OF: -

Meenavathanthai

.... Applicant

Versus

State of Tamilnadu and Ors.

.... Respondent

**ADDITIONAL REPORT FILED ON BEHALF OF STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**



Filed by:
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Senior Standing Counsel
MoEF & Cc.
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Counsel for Respondent no. 3

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

Original Application No.08 of 2021 (SZ)

Meenava Thanthai K.R. Selvaraj Kumar

Meenavar Nala Sangam

Registered under section 10 of the Tamil Nadu

Societies Act in Sl.No.205 of 2015 dated 26.06.2015

Rep by its President

M.R. Thiyagarajan, S/o. Late Rajalingam

Office at No/48, East Madha Chruch Street,

Royapuram, Chennai – 600013.

...Applicant

/Versus/

1. State of Tamil Nadu

Through Chief Secretary

Government of Tamil Nadu, Secretariat

Chennai – 600 009 and **3 others.**

... Respondents

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Report Filed on Behalf of State Environmental Impact Assessment Authority Tamilnadu Submitted to Hon'ble National Green Tribunal (Southern Zone) for the compliance of Order Dated 05th July 2023 in O.A. No. 08/2021(SZ).

Hon'ble National Green Tribunal (Southern Bench) in its order dated 05th July 2023 in O.A. No. 08/2021(SZ) has pronounced that,

“Let the matter be listed on 28.07.2023 for a final hearing. Meanwhile, the Learned Counsels are directed to compile all the Office Memorandums and the statutory orders pertaining to the medical colleges and hospitals from the year 2006”

As directed by the Hon'ble Court the following is respectfully submitted:

1. MoEF&CC Notification S.O.3252(E) dated 22nd December 2014:

The MoEF & CC vide the above notification has issued, among other things, the following amendment in the principal notification, in the Schedule, under Column (1), for item 8 relating to Building/Construction Projects/Area Development Projects and Townships and sub-items 8 (a) and 8 (b) and the entries relating thereto, specified there under, the following item, sub-items and entries shall be substituted, namely: -

(1)	(2)	(3)	(4)	(5)
“8	Building or Construction Projects or Area Development Projects and Township			
8(a)	Building and Construction Projects		Building and >20000 sq. mtrs. The term "built up area" for the purpose of this notification	The term "built up area" for the purpose of this notification Construction and < 1,50,000 the built up or covered area on all floors put together projects sq. mtrs. of including its basement and other service areas, which are built up area proposed in the building or construction projects.

				<p>Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain -water harvesting and may use recycled materials such as fly ash bricks.</p> <p>Note 2.- "General Conditions" shall not apply.</p>
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The copy of the said notification is submitted as Annexure I.

2. MoEF&CC Notification S.O.5736(E) dated 15th November 2018:

The MoEF & CC vide the above notification has issued, among other things, the following amendment in the principal notification,

- (i) in the said notification, for paragraph 14, the following shall be substituted, namely: -

“14 Local bodies such as Municipalities, Development Authorities and District Panchayats, shall stipulate environmental conditions while granting building permission, for the Building or Construction projects with built-up area $\geq 20,000$ sq. mtrs and in the Schedule, for item 8 and the entries relating thereto, specified there under, the following item and entries shall be substituted, namely: -

(1)	(2)	(3)	(4)	(5)
“8	Building or Construction projects or Area Development projects and Townships as well as for industrial sheds, educational institutions, hospitals and hostels for educational institutions			

8(a)	Building and Construction Projects		>50000 sq.mtrs and < 1,50,000 sq.mtrs of built up area	<p>Note-1: The term "built-up area" for the purpose of this notification is the built-up or covered area on all the floors put together including its basement and other service areas, which are proposed in the buildings or construction projects.</p> <p>Note 2: The projects or activities shall not include industrial sheds, educational institutions, hospitals and hostels for educational institutions.</p> <p>Note 3: General Conditions shall not apply.</p>
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The copy of the said notification is submitted as Annexure II.

The above notification, MoEF&CC Notification S.O.5736(E) dated **15th November 2018 is sub judice** and has been stayed by Hon'ble High Court of Delhi in W.P.(C) 12517/2018 & CM APPL. 48579/2018 and W.P.(C) 12570/2018 & CM Appl. 48897/2018

3. MoEF&CC O.M. F. No 19-2/2013-IA-III dated 09th June 2015:

The MoEF & CC vide the above Office memorandum has issued, among other things, the following clarification regarding the applicability of Environmental Clearance for Hospital component:

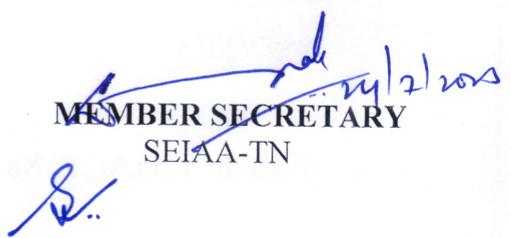
Sub: Clarification regarding Gazette Notification No. S.O. 3252 (E) dated 22.12.2014 on applicability of Environment Clearance-reg.

Vide Gazette Notification No. S.O. 3252 (E) dated 22.12.2014, the Ministry of Environment, Forest and Climate Change has exempted the School, College and Hostel for educational institution from obtaining prior Environment Clearance under the provisions of the EIA Notification, 2006 subject to Sustainable Environmental Management.

The Ministry is in receipt of representation from various educational institutions regarding issuing clarification on status of universities, and other educational institutions. The matter has been further examined in the Ministry and it is clarified that the Notification No. S.O. 3252 (E) dated 22.12.2014 provides exemption to buildings of educational institutions including universities from obtaining prior Environment Clearance under the provisions of the EIA Notification, 2006 subject to sustainable environmental Management. In case of medical universities/institutes the **component of Hospitals will continue to require prior Environment Clearance.**

The copy of the said notification is submitted as Annexure III.

4. In a similar case in **O.A. No. 62/2020(SZ) the Hon'ble National Green Tribunal (Southern Bench) has pronounced the final judgement vide orders dated 07.07.2022** and the copy is submitted as Annexure IV.


MEMBER SECRETARY
SEIAA-TN

Item No.7:-**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI***(Through Video Conference)***Original Application No. 08 of 2021 (SZ)**

IN THE MATTER OF:

Meenava Thanthai K.R. Selvaraj Kumar,
Meenavar Nala Sangam,
Rep. by its President,
M.R. Thiyagarajan.

... Applicant(s)

Versus

State of Tamil Nadu
Through the Chief Secretary
Government of Tamil Nadu
Secretariat, Chennai and Ors.

...Respondent(s)

Date of hearing: 05.07.2023.**CORAM:****HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s):

Mr. G. Stanly Hebzon Singh.

For Respondent(s):

Dr. D. Shanmuganathan for R1.

Ms. Aarti represented

Mr. S. Sai Sathya Jith for R2.

Mr. G.M. Syed Nurullah Sheriff for R3.

Mr. K. Sridhar for R4.

ORDER

1. Let the matter be listed on 28.07.2023 for a final hearing. Meanwhile, the Learned Counsels are directed to compile all the Office Memorandums and the statutory orders pertaining to the medical colleges and hospitals from the year 2006.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.08/2021 (SZ)
05th July, 2023. Mn.




भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2615]

नई दिल्ली, सोमवार, दिसम्बर 22, 2014 / पौष 1, 1936

No. 2615]

NEW DELHI, MONDAY, DECEMBER 22, 2014/PAUSA 1, 1936

पर्यावरण वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 दिसम्बर, 2014

का.आ. 3252(अ).—एक प्ररूप अधिसूचना, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) की अपेक्षानुसार अधिसूचना, सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 (जिसे इसमें इसके पश्चात् मूल अधिसूचना कहा गया है) का और संशोधन करने के लिए, सं. का.आ. 2319 (अ) तारीख 11 सितम्बर, 2014 (जिसे इसमें इसके उक्त अधिसूचना कहा गया है) द्वारा, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में प्रकाशित की गई थी, उन सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है उक्त अधिसूचना के राजपत्र की प्रतियां जनता को उपलब्ध होने की तारीख से साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 11 सितम्बर, 2014 को उपलब्ध करा दी गई थीं;

और साठ दिन की विनिर्दिष्ट अवधि के भीतर उक्त अधिसूचना के संबंध में कोई आक्षेप या सुझाव प्राप्त नहीं हुए हैं;

अतः अब केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित उक्त पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात् :—

मूल अधिसूचना में अनुसूची में स्तंभ (1) के अधीन भवन/संनिर्माण परियोजनाएं/नगरीय और क्षेत्र विकास परियोजनाओं से संबंधित मद 8 और उपमद 8(क) तथा उपमद 8(ख) तद्विनिर्दिष्ट उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद, उपमदें और प्रविष्टियां रखी जाएंगी, अर्थात् :—

(1)	(2)	(3)	(4)	(5)
"8				भवन या संनिर्माण परियोजनाएं या नगरीय और क्षेत्र विकास परियोजनाएं
8(क)	भवन और संनिर्माण परियोजनाएं		>20000 वर्ग मीटर और < 1,50,000 वर्ग मीटर निर्मित क्षेत्र	इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" को, सभी तलों पर इकट्ठे निर्मित या आच्छादित क्षेत्र के रूप में परिभाषित किया गया है जिसके अंतर्गत बेसमेंट और अन्य सेवा क्षेत्र भी हैं जिनका भवन/संनिर्माण परियोजनाओं के लिए प्रस्ताव किया गया है। टिप्पण 1 : परियोजना या कार्यकलापों में औद्योगिक शेड, विद्यालय, महाविद्यालय, शैक्षिक संस्थाओं के लिए छात्रावास शामिल नहीं होंगे किंतु ऐसे भवन भरणीय पर्यावरणीय प्रबंधन ठोस और द्रव अपशिष्ट प्रबंधन, वर्षा जल संरक्षण का सुनिश्चय करेंगे और वे पुनः चक्रित सामग्रियों जैसे भस्म ईटों का उपयोग कर सकेंगे। टिप्पण 2 : "साधारण शर्तें" लागू नहीं होंगी।
8(ख)	नगरीय और क्षेत्र विकास परियोजनाएं		जो >50 हेक्टेयर के क्षेत्र और या >1,50,000 वर्ग मीटर क्षेत्र को कवर कर रही हैं	इस मद के अधीन आने वाली नगरीय और क्षेत्र विकास परियोजनाओं से पर्यावरण निर्धारण रिपोर्ट की अपेक्षा होगी और उनका निर्धारण श्रेणी "ख1" परियोजना के रूप में किया जाएगा। टिप्पण : "साधारण शर्तें" लागू नहीं होंगी।

[फा. सं. 19-2-2013-आई.ए. III]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण: मूल नियम भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और निम्नानुसार पश्चावर्ती संशोधन किए गए:—

1. का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007;
2. का.आ. 3067(अ), तारीख 1 दिसंबर, 2009;
3. का.आ. 695(अ), तारीख 4 अप्रैल, 2011
4. का.आ. 2896(अ), तारीख 13 दिसंबर, 2012;
5. का.आ. 674(अ), तारीख 13 मार्च, 2013;
6. का.आ. 2559(अ), तारीख 22 अगस्त, 2013;
7. का.आ. 2731(अ), तारीख 9 सितंबर, 2013;
8. का.आ. 562(अ), तारीख 26 फरवरी, 2014; और
9. का.आ. 1599(अ), तारीख 25 जून, 2014

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd December, 2014

S.O. 3252(E).—Whereas, a draft notification further to amend the notification number S.O 1555(E), dated the 14th September, 2006 (hereinafter referred to as the principal notification), was published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 in the Gazette of India ,Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 2319, (E) dated the 11th September, 2014 (hereinafter referred to as the said notification), 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 11th September, 2014;

And whereas, no objections or suggestions have been received in response to the said notification within the specified period of sixty days;

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, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:—

in the principal notification, in the Schedule, under Column (1), for item 8 relating to Building/Construction Projects/Area Development Projects and Townships and sub-items 8 (a) and 8 (b) and the entries relating thereto, specified there under, the following item, sub-items and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
“8				Building or Construction projects or Area Development projects and Townships
8 (a)	Building and Construction projects		>20000 sq.mtrs and < 1,50,000 sq. mtrs. of built up area	<p>The term “built up area” for the purpose of this notification the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects.</p> <p>Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks.</p> <p>Note 2.- “General Conditions” shall not apply.</p>
8	Townships and Area Development Projects		Covering an area of > 50 ha and or built up area > 1,50,000 sq. mtrs	<p>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project.</p> <p>Note.- “General Conditions” shall not apply.</p>

[F. No. 19-2/2013-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

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 was subsequently amended as follows:—

1. S.O. 1737 (E), dated the 11th October, 2007;
2. S.O. 3067 (E), dated the 1st December, 2009;
3. S.O. 695 (E), dated the 4th April, 2011;
4. S.O. 2896 (E), dated the 13th December, 2012;
5. S.O.674(E), dated the 13th March, 2013;
6. S.O. 2559 (E), dated the 22nd August, 2013 ;
7. S. O. 2731 (E), dated the 9th September, 2013;
8. S. O. 562(E), dated the 26th February 2014; and
9. S. O. 1599(E), dated the 25th June, 2014.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 4519]	नई दिल्ली, बृहस्पतिवार, नवम्बर 15, 2018/कार्तिक 24, 1940
No. 4519]	NEW DELHI, THURSDAY, NOVEMBER 15, 2018/KARTIKA 24, 1940

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 15 नवम्बर, 2018

का.आ.5736(अ).--भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितम्बर, 2006 का और संशोधन करने के लिए 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) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए का.आ. 1132(अ), तारीख 13 मार्च, 2018 द्वारा प्रकाशित किए गए थे, भारत के राजपत्र में उक्त अधिसूचना के प्रकाशन की तारीख से 60 दिनों की अवधि के भीतर, उन व्यक्तियों के जिनके उससे प्रभावित होने की संभावना थी, आक्षेप और सुझाव आमंत्रित किए गए हैं ;

और केंद्रीय सरकार द्वारा उक्त प्रारूप अधिसूचना के संबंध में प्राप्त सभी आक्षेपों और सुझावों पर सम्यक् रूप से विचार कर लिया गया है ;

अतः, अब केंद्रीय सरकार, पठित पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात् :-

(i) उक्त अधिसूचना में, पैरा 14 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :-

"14 स्थानीय निकाय यथा-नगरपालिका, विकास प्राधिकरण और जिला पंचायत भवन की अनुमति देते समय पर्यावरण परिस्थितियों को निर्धारित करेंगे, अधिसूचना का.आ. 5733(अ) तारीख 14 नवम्बर, 2018 में विनिर्दिष्ट भवन या निर्माण परियोजना के लिए निर्मित क्षेत्र \geq 20,000 वर्ग मीटर और $<$ 50,000 वर्ग मीटर होगा तथा औद्योगिक शेड, शैक्षणिक संस्थानों, अस्पतालों और शैक्षणिक संस्थाओं के लिए निर्मित क्षेत्र \geq 20,000 वर्गमीटर से $<$ 1,50,000 वर्ग मीटर होगा।"

(ii) अनुसूची में, मद 8 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :--

(1)	(2)	(3)	(4)	(5)
"8	भवन निर्माण और संनिर्माण परियोजनाओं या क्षेत्र विकास परियोजनाओं और नगरी के साथ औद्योगिक शेड, शैक्षणिक संस्थानों, अस्पतालों और शैक्षणिक संस्थानों के लिए छात्रावास			
8(क)	भवन निर्माण और संनिर्माण परियोजना		निर्मित क्षेत्र \geq 50,000 वर्गमीटर से $<$ 1,50,000 वर्गमीटर	<p>टिप्पण 1 : इस अधिसूचना में प्रयोजन के लिए "निर्मित क्षेत्र" पद, सभी तलों को एक साथ मिलाकर निर्मित या आच्छादित क्षेत्र, जिसके अंतर्गत उसका बेसमेंट भी है, जो भवन निर्माण तथा संनिर्माण परियोजनाओं में प्रस्तावित है।</p> <p>टिप्पण 2 : परियोजनाओं या क्रियाकलापों के अंतर्गत औद्योगिक शेड, औद्योगिक संस्थान, अस्पताल और शैक्षणिक संस्थानों के लिए छात्रावास नहीं आएंगे।</p> <p>टिप्पण 3: साधारण शर्तें लागू नहीं होगी।</p>
8(ख)	नगरी और क्षेत्र विकास परियोजनाओं के साथ-साथ शैक्षणिक संस्थाओं के लिए औद्योगिक शेड, शैक्षणिक संस्थाएं, अस्पताल तथा शैक्षणिक संस्थानों के लिए छात्रावास		निर्मित क्षेत्र का \leq 1,50,000 वर्गमीटर क्षेत्र और या आच्छादित क्षेत्र का \geq 50 हेक्टेयर	<p>इस मद के अधीन आच्छादित बोर्ड नगरी परियोजना और क्षेत्रीय विकास परियोजना के लिए पर्यावरण निर्धारण स्थिति और 'बी' परियोजना श्रेणी के रूप में आंकन।</p> <p>टिप्पण : साधारण शर्तें लागू नहीं होगी।</p>

[फा. सं. 3-49/2017-आई.ए.।।।-पीटी]

जिगमेट टकपा, संयुक्त सचिव

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3 उपखंड (ii) में का.आ. 1533(अ), तारीख 14 सितंबर, 2006 में प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित संख्याओं के द्वारा संशोधित किए गए :--

- का.आ. 1949(अ), तारीख 13 नवम्बर, 2006;
- का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007;
- का.आ. 3067(अ), तारीख 1 दिसम्बर, 2009 ;
- का.आ. 695(अ), तारीख 4 अप्रैल, 2011 ;
- का.आ. 156(अ), तारीख 25 जनवरी, 2012 ;
- का.आ. 2896(अ), तारीख 13 दिसम्बर, 2012 ;
- का.आ. 674(अ), तारीख 13 मार्च, 2013 ;
- का.आ. 2204(अ), तारीख 19 जुलाई, 2013 ;
- का.आ. 2555(अ), तारीख 21 अगस्त, 2013 ;
- का.आ. 2559(अ), तारीख 22 अगस्त, 2013 ;
- का.आ. 2731(अ), तारीख 9 सितम्बर, 2013 ;
- का.आ. 562(अ), तारीख 26 फरवरी, 2014 ;
- का.आ. 637(अ), तारीख 28 फरवरी, 2014 ;
- का.आ. 1599(अ), तारीख 25 जून, 2014;
- का.आ. 2601(अ), तारीख 7 अक्टूबर, 2014 ;
- का.आ. 2600(अ), तारीख 9 अक्टूबर, 2014 ;
- का.आ. 3252(अ), तारीख 22 दिसम्बर, 2014 ;
- का.आ. 382(अ), तारीख 3 फरवरी, 2015 ;
- का.आ. 811(अ), तारीख 23 मार्च, 2015 ;
- का.आ. 996(अ), तारीख 10 अप्रैल, 2015 ;
- का.आ. 1142(अ), तारीख 17 अप्रैल, 2015 ;
- का.आ. 1141(अ), तारीख 29 अप्रैल, 2015 ;
- का.आ. 1834(अ), तारीख 6 जुलाई, 2015 ;
- का.आ. 2571(अ), तारीख 31 अगस्त, 2015,

25. का.आ. 2572(अ), तारीख 14 सितम्बर, 2015, 30. का.आ. 3518(अ), तारीख 23 नवम्बर, 2016 ;
26. का.आ. 141(अ) 15 जनवरी, 2016, 31. का.आ. 3999(अ), तारीख 9 दिसम्बर, 2016 ;
27. का.आ. 648(अ) तारीख 3 मार्च, 2016 ; 32. का.आ. 4241(अ) तारीख 30 दिसम्बर, 2016 ; और
28. का.आ. 2269(अ) तारीख 1 जुलाई, 2016 ; 33. का.आ. 3611(अ) तारीख 25 जुलाई, 2018 ।
29. का.आ. 2944(अ) तारीख 14 सितम्बर, 2016 ;

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 15th November, 2018

S.O. 5736(E).—Whereas, a draft notification further to amend the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533(E) dated the 14th September 2006 was published in exercise of the powers conferred 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 the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 *vide* S.O. 1132(E) dated the 13th March, 2018, inviting objections and suggestions from all the persons likely to be affected there by, within a period of 60 days from the date of publication of the said notification in the Gazette of India;

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

Now, therefore, in exercise of 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), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the said notification, namely: -

- (i) in the said notification, for paragraph 14, the following shall be substituted, namely:-

“14 Local bodies such as Municipalities, Development Authorities and District Panchayats, shall stipulate environmental conditions while granting building permission, for the Building or Construction projects with built-up area $\geq 20,000$ sq. mtrs and $< 50,000$ sq. mtrs and industrial sheds, educational institutions, hospitals and hostels for educational institutions from built-up area $\geq 20,000$ sqm to $< 1,50,000$ sq.m as specified in Notification S.O. 5733(E) dated 14th November, 2018”.

- (ii) in the Schedule, for item 8 and the entries relating thereto, the following item and entries shall be substituted, namely: -

(1)	(2)	(3)	(4)	(5)
“8	Building or Construction projects or Area Development projects and Townships as well as for industrial sheds, educational institutions, hospitals and hostels for educational institutions			
8 (a)	Building or Construction projects		$\geq 50,000$ sq. mtrs. and $< 1,50,000$ sq. mtrs. of built-up area	Note-1: The term “built-up area” for the purpose of this notification is the built-up or covered area on all the floors put together including its basement and other service areas, which are proposed in the buildings or construction projects. Note 2: The projects or activities shall not include industrial sheds, educational institutions, hospitals and hostels for educational institutions. Note 3: General Conditions shall not apply.
8 (b)	Townships and Area Development projects as well as industrial sheds,		$\geq 1,50,000$ sq. mtrs. of built-up area and or covering an area ≥ 50 ha.	A project of Township and Area Development Projects covered under this item shall require an Environment Assessment Report and be appraised as Category ‘B ₁ ’ Project. Note: - General Conditions shall not apply.

	educational institutions, hospitals and hostels for educational institutions			
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[F. No. 3-49/2017-IA.III-Pt.]

JIGMET TAKPA, Jt. Secy.

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

- | | |
|--|---|
| 1. S.O. 1949 (E) dated the 13th November, 2006 | 18. S.O. 382 (E) dated the 3rd February, 2015; |
| 2. S.O. 1737 (E) dated the 11th October, 2007; | 19. S.O. 811 (E) dated the 23rd March, 2015; |
| 3. S.O. 3067 (E) dated the 1st December, 2009; | 20. S.O. 996 (E) dated the 10th April, 2015; |
| 4. S.O. 695 (E) dated the 4th April, 2011; | 21. S.O. 1142 (E) dated the 17th April, 2015; |
| 5. S.O. 156 (E) dated the 25th January, 2012; | 22. S.O. 1141 (E) dated the 29th April, 2015; |
| 6. S.O. 2896 (E) dated the 13th December, 2012; | 23. S.O. 1834 (E) dated the 6th July, 2015; |
| 7. S.O. 674 (E) dated the 13th March, 2013; | 24. S.O. 2571 (E) dated the 31st August, 2015; |
| 8. S.O. 2204 (E) dated the 19th July 2013; | 25. S.O. 2572 (E) dated the 14th September, 2015; |
| 9. S.O. 2555 (E) dated the 21st August, 2013; | 26. S.O. 141 (E) dated the 15th January, 2016; |
| 10. S.O. 2559 (E) dated the 22nd August, 2013; | 27. S.O. 648 (E) dated the 3rd March, 2016; |
| 11. S.O. 2731 (E) dated the 9th September, 2013; | 28. S.O. 2269(E) dated the 1st July, 2016; |
| 12. S.O. 562 (E) dated the 26th February, 2014; | 29. S.O. 2944(E) dated the 14th September, 2016; |
| 13. S.O. 637 (E) dated the 28th February, 2014; | 30. S.O. 3518 (E) dated 23rd November 2016; |
| 14. S.O. 1599 (E) dated the 25th June, 2014; | 31. S.O. 3999 (E) dated the 9th December, 2016; |
| 15. S.O. 2601 (E) dated the 7th October, 2014; | 32. S.O. 4241(E) dated the 30th December, 2016; |
| 16. S.O. 2600 (E) dated the 9th October, 2014 | and |
| 17. S.O. 3252 (E) dated the 22nd December, 2014; | 33. S.O. 3611(E) dated the 25th July, 2018. |

F. No. 19-2/2013-IA-III
 Government of India
Ministry of Environment, Forest and Climate Change
 (Impact Assessment Division)

Indira Paryavaran Bhawan
 Aliganj, Jor Bagh Raod
 New Delhi-110 003

Dated: 09th June, 2015

OFFICE MEMORANDUM

Sub: Clarification regarding Gazette Notification No. S.O. 3252 (E) dated 22.12.2014 on applicability of Environment Clearance-reg.

Vide Gazette Notification No. S.O. 3252 (E) dated 22.12.2014, the Ministry of Environment, Forest and Climate Change has exempted the School, College and Hostel for educational institution from obtaining prior Environment Clearance under the provisions of the EIA Notification, 2006 subject to Sustainable Environmental Management.

The Ministry is in receipt of representation from various educational institutions regarding issuing clarification on status of universities, and other educational institutions. The matter has been further examined in the Ministry and it is clarified that the Notification No. S.O. 3252 (E) dated 22.12.2014 provides exemption to buildings of educational institutions including universities from obtaining prior Environment Clearance under the provisions of the EIA Notification, 2006 subject to sustainable environmental Management. In case of medical universities/institutes the component of Hospitals will continue to require prior Environment Clearance.

The Guidelines to be followed for building projects to ensure sustainable environmental management in pursuance of Notification No. S.O.3252 (E) of 22nd December 2014 under EIA Notification 2006 are at Annexure-I.

This issues with the approval of the Competent Authority.

Manoj
 9.6.15
 (Manoj Kumar Singh)
 Joint Secretary

Copy to:-

1. All the officers of IA Division
2. The Chairperson/Member Secretaries of all the SEIAAs/SEACs.
3. The Chairman of all the Expert Appraisal Committees
4. The Chairman, CPCB
5. The Chairpersons/Member Secretaries of all SPCBs/UTPCCs.
6. IT Consultant, MoEFCC for uploading into the website.

Copy for information:

1. PS to MOS (Independent Charge).
2. PPS to Secretary (EF&CC).
3. All Divisional Head.
4. Website, MoEF&CC
5. Guard File.

**GUIDELINES TO BE FOLLOWED FOR BUILDING AND CONSTRUCTION PROJECTS
TO ENSURE SUSTAINABLE ENVIRONMENTAL MANAGEMENT
IN PURSUANCE OF NOTIFICATION No. S.O. 3252 (E) OF 22nd DECEMBER, 2014
UNDER ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION, 2006**

[INDUSTRIAL SHED AND EDUCATIONAL INSTITUTIONS]

The Notification dated 22nd December, 2014 has taken out the industrial shed*, school, college, hostel for educational institution from the requirement of prior Environment Clearance (EC) under EIA Notification, 2006 and stipulated that such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks. These Guidelines will be applicable to all buildings and constructions which come under the ambit of Notification No. S.O. (E) 3252 of 22nd. December 2014. To ensure sustainable environment management these guidelines as suited will be applicable on the projects under Item 8 (a) of EIA Notification in addition to the conditions stipulated in the EC.

Land, Air, Noise, Water, Energy, Biological, Socio-economic, and Solid & other Waste Management are the main environment facets to be considered in relation to pre, during & post building construction, therefore, it is necessary to ascertain the baseline data of these environmental facets.

The project proponent should file the information about description of project as per points described below prior to start of the project. Information pertaining to compliance on other points be filed at six monthly interval to the respective State Pollution Control Board and the Regional Office of the Ministry of Environment, Forests and Climate Change.

The compliance of the following will be ensured by the respective State Pollution Control Board before giving 'Consent-to-Operate' to industries and by the Local Urban Bodies and the Development Authorities while giving the 'Occupancy Certificate' to the buildings and constructions. These Certificates should be submitted by the above authorities to the Regional Office of MoEFCC. Ministry of Environment, Forest and Climate Change can assess/evaluate/monitor the compliance of conditions enumerated in the Guidelines through verification by Regional Offices or deputed organisations / person.

S. No.	Environmental Parameters	Implementation and monitoring parameters to be included in local by-laws.
a.	Pre-requisites	<p>Brief description of the project</p> <p>01.Name of the Project, Survey number, Village, Taluka, District, State to be mentioned with Google Earth Image and GPS Co-ordinates of the plot to be submitted.</p> <p>02.Location & distance from nearby landmark places / services to be mentioned.</p> <p>03.Total Built-up area (FSI and Non- FSI) should be mentioned with detailed calculations certified by local planning and sanctioning authority.</p> <p>04.Form 1, Form 1A and Consolidated statement as per Environment Notification dated September 14, 2006 to be submitted to local planning and sanctioning authority, Regional Office, MoEFCC and SPCB</p>
b.	Environment Impacts on Project Land	<p>05.The building layout, set-back/side margin, podium, basement ventilation etc. is prepared based on local building bye-laws and is approved by local competent authorities. The Project Proponent shall obtain all necessary clearance/ permission from all relevant agencies including Town Planning Authority before commencing the work.</p> <p>06.Provisional fire NOC to be obtained from local CFO (Chief Fire Officer)</p> <p>07. "Consent-to-Establish and Consent-to-Operate" shall be obtained as required from State Pollution Control Board as provided in the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974</p> <p>08.The project proponent shall put in place a credible enforcement mechanism for compliance of energy conservation measures with its allottees, as projected, in perpetuity. This would be monitored by the designated Energy Conservation/ efficiency Authority in the State.</p> <p>09.Soil and ground water samples will be tested to ascertain that there is no</p>

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threat to ground water quality by leaching of heavy metals and other toxic contaminants.

10. Top fertile soil to be preserved and to be later used in landscape.
11. The excavation/demolition debris must be disposed off in designated landfill areas or to be used within site for levelling purpose. Under no circumstance, the debris will be disposed in river bed/lakes etc.
12. Undertaking to be given by project proponent that occupancy will be given only after drainage and water connections are in place.
13. Dust/smoke prevention measures such as wheel washing, water sprinkler, screening, barricading and debris chute must be installed.
14. This should comply with the provisions of eco-sensitive zone regulations, coastal zone regulations, heritage areas (identified in the master plan or issued separately as specific guidelines), water body zones (in such zones, no construction is permitted in the water-spread and buffer belt of 30 m minimum around the FTL [full tank level]), various hazard prone area regulations, and others if the site falls under any such area.
15. The site planning should take into account heat island effect, size and density of the built-up areas cause heat island effect, wherein higher air temperatures are created in the dense urban areas as against the low-rise surrounding built-up areas. The solar access in the morphology of clusters can be understood in terms of utilization of direct (and not reflected or diffused) solar radiation, mainly for day lighting and heat gain. This defines the minimal distances between the buildings and the relations between built-up volume and open spaces.
16. The proportion of open spaces and built-up edges should be designed such that it ensures winter solar access and summer ventilation.

c. Water

17. Proponent shall obtain permission for ground water withdrawal from State Ground Water Authority.
18. Storm water control and its re-use as per CGWB and BIS standards for various applications.
19. The natural flow of existing storm water channel should not be altered or diverted.
20. Keeping in view the use of large quantities of water in curing, measures for reducing water demand during construction should be followed. Curing water should be sprayed on concrete structures; free flow of water should not be allowed for curing. After liberal curing on the first day, all concrete structures should be painted with curing chemical to save water. Concrete structures should be covered with thick cloth/gunny bags and then water should be sprayed on them. This would avoid water rebound and will ensure sustained and complete curing. Ponds should be made using cement and sand mortar to avoid water flowing away from the flat surface while curing.
21. The developer should ensure groundwater and municipal water meet the water quality norms as prescribed in the Indian Standards for various applications (Indian Standards for drinking [IS 10500-1991], irrigation applications [IS 11624-1986]).
22. The use of potable water during construction should be minimized.
23. Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.
24. Source of water to be identified.
25. Water treatment measures such as filtration, softeners, RO etc should be implemented.
26. Low flow fixtures and sensors to be used to promote water conservation.
27. Water meters to be installed to monitor consumption of water.
28. Water balance table/chart should be prepared.

d. Waste Water Treatment

29. Sewage treatment plant of capacity capable of treating 100% waste water to be installed on site.
30. Tertiary treatment such as dual media filter, activated carbon filter and ozonization/ chlorination to be provided so that the treated water

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		<p>characteristics are as per Central Pollution Control Board (CPCB) norms.</p> <p>31. If STP and pump room are installed in basement, adequate ventilation as per NBC air changes norms should be provided.</p> <p>32. Treated waste water to be recycled for flushing and gardening.</p>
e.	Drainage Pattern	<p>33. Excess treated water disposal plan to be submitted.</p> <p>34. Total paved area of the site under parking, roads, paths or any other use should not exceed 25% of the site area or net imperviousness of the site not to exceed the imperviousness factor as prescribed by the NBC 2005 (BIS 2005b), whichever is more stringent.</p> <p>35. The final disposal point for excess treated water discharge will be municipal sewer for areas where sewerage network is present.</p> <p>36. In areas where sewerage network is absent, the excess treated water can be used for agriculture or can be disposed off as per CPCB rules.</p> <p>37. Storm water disposal plan to be submitted.</p> <p>38. The final disposal point for storm water will be municipal storm drain for areas where storm water network is present.</p> <p>39. In areas where storm water network is absent, the storm water surface runoff can be disposed off in nearby natural water streams/ nallas.</p>
f.	Ground Water	<p>40. Hydro-geological survey for ground water analysis shall be submitted.</p> <p>41. Aquifer capacity and Ground water yield shall be determined.</p> <p>42. Rain water harvesting plan shall be submitted indicating the number of recharge pits and bores and total rain water to be harvested.</p> <p>43. Rain water to be harvested and as a safety precaution, rainwater on-line filters be provided as per NBC norms.</p>
g.	Solid Waste Management	<p>A} During construction phase:</p> <p>44. Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority. The Rules on the Solid Waste Management including Construction Waste issued by the MoEFCC as amended will be applicable.</p> <p>45. Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.</p> <p>46. Any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.</p> <p>47. Miscellaneous site debris such as broken tiles etc shall be used on site for leveling /backfilling purpose.</p> <p>48. Packaged STP /mobile toilets shall be provided for labour camp.</p> <p>49. Polymer bags used for cement and gypsum shall be handed over to authorized recyclers.</p> <p>50. Cardboard boxes and other packaging material will be handed over to authorized recyclers.</p> <p>B} Post construction phase:</p> <p>51. Organic waste composter (OWC) or Vermiculture pits shall be installed on site for biodegradable waste treatment (capacity calculated at 0.3kg/tenement/day) The manure generated shall be used for landscaping.</p> <p>52. The non-biodegradable waste or e-waste shall be handed over to authorized recyclers.</p> <p>53. STP sludge shall be removed using filter press or centrifuge mechanism. The dried sludge cakes shall be used as manure in landscaping.</p> <p>54. Minimize waste generation; streamline waste segregation, storage, and</p>

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disposal; and promote resource recovery from waste.

55. Resource recovery from waste: Employ resource recovery systems for biodegradable waste as per the Solid Waste Management and Handling Rules, 2000 of the MoEFCC. Make arrangements for recycling of waste through local dealers.
56. Use of covering sheets should be done for trucks to prevent dust dispersion from the trucks and washing of tyres when trucks with soil / debris coming on road.
57. Hazardous Waste Management: Products, such as paints, cleaners, oils, batteries, and pesticides that contain potentially hazardous ingredients require special care when being disposed. Improper disposal of household hazardous wastes can include pouring them down the drain, on the ground, into storm sewers, or in some cases putting them out with the trash.

The hazardous wastes from construction and demolition activities are centering oil, formwork oil, tar and tar products (bitumen, felt, waterproofing compounds, etc.), wood dust from treated wood, lead containing products, chemical admixtures, sealants, adhesive solvents, Explosives and related products and equipment used in excavation, acrylics, and silica, etc.

h. Air Quality and Noise Levels.

A) During construction phase:

58. The diesel required for operating DG sets shall be stored in underground tanks and clearance from Chief Controller of Explosives shall be taken, as applicable.
59. Ambient noise levels should conform to residential standards both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/ SPCB.
60. Burning of waste to be banned.
61. The construction site DG to be maintained regularly so that the smoke emission and noise levels are as per permissible norms.
62. Regular P.U.C check for all construction machinery coming on site be done.
63. Noise cancellation and insulation devices such as mufflers, barricades etc to be used to avoid noise propagation to adjoining areas.

B) Post construction phase:

64. DG to be regularly maintained so that the smoke emission and noise levels are as per permissible norms. It shall be at least 6 meters away from the boundary.
65. Air quality monitoring to be done quarterly.
66. STP and water pumps, air blowers etc should be installed with noise cancellation devices or suitable acoustical enclosures to be given so that the noise levels as per NBC norms are maintained.

C) During Construction & Operation

67. The provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder be complied for control of noise pollution during construction and operation.
68. Setting up the barriers: National Building Code 2005 suggests that design solutions such as barrier blocks should be used to reduce external LA10 noise levels to at least 60-70 dB (A) at any point 1.0 m from any inward looking façade. Green belts and landscaping could act as an effective means to control noise pollution. In case of railway tracks, a minimum distance of 50m to 70m may be provided between the buildings and the tracks.

i. Energy

69. Appropriate processes and material be used to encourage reduction in carbon foot print.
70. Use of glass be reduced by up-to 40% to reduce the electricity consumption and load on air-conditioning. If necessary, use high quality double glass with special reflective coating in windows.
71. Solar water heater to be provided adequately.

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72. Common area lighting should be Solar / LED.
73. Install energy meters to monitor overall consumption, and timer-switch for all common area lighting, and other consumption of measurable energy.
74. Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 3rd November, 2009.
75. Wherever possible recycled materials having low embodied energy be used.
76. Use of light coloured, reflective roofs having an SRI (solar reflectance index) of 50% or more should be promoted. The dark coloured, traditional roofing finishes have SRI varying from 5% to 20%.
77. Optimize use of energy systems in buildings that should maintain a specified indoor environment conducive to the functional requirements of the building by following mandatory compliance measures (for all applicable buildings) as recommended in the Energy Conservation Building Code (ECBC) 2007 of the Bureau of Energy Efficiency, Government of India. The energy systems include air conditioning systems, indoor lighting systems, water heaters, air heaters, and air circulation devices.
78. Use the concept of passive solar design of buildings using architectural design approaches that minimize energy consumption in buildings by integrating conventional energy-efficient devices, such as mechanical and electrical pumps, fans, lighting fixtures, and other equipment, with the passive design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design, and thermal mass.
79. The building should be oriented optimally based on Sun-path and engineering analysis to curtail excessive solar radiations.
80. Lighting systems should comply with the ECBC 2007 and applicable to interior spaces of buildings, exterior building features, including facades, illuminated roofs, architectural features, entrances, exits, loading docks, and illuminated canopies, exterior building grounds etc. except emergency lighting and lighting in dwelling units.
81. All the point light sources installed in the building for general lighting shall be LEDs or LEDs or equivalent. All the linear light sources installed in the building for general lighting shall be T-5 or at least 4 Star BEE rated TFLs or equivalent. The installed interior lighting power shall not exceed the LPD (Lighting Power Density) value as recommended by ECBC 2007.
82. Automatic Lighting shutoff control be installed: Interior lighting/Exterior Lighting systems shall be equipped with an automatic control device in accordance with ECBC 2007. Occupancy sensors that shall turn the lighting off within 30 minutes of occupant leaving the space. It should also have option for manual turning on lights when the space is occupied. ECBC requires controls in day lit areas that are capable of reducing the light output from luminaries by at least half and Controlling of exterior lighting with photo-controls where lighting can be turned off after a fixed interval.
83. The tapping of renewable sources of energy for lighting, heating, cooling and ventilation needs, deserve special attention. For captive solar power generation, a minimum of 15 percent of sanctioned load is the requirement.
84. Solar photovoltaic (SPV) systems are direct energy conversion systems that convert solar radiation into electric energy. SPV systems should be installed to reduced use of conventional sources of energy. Roof tops of buildings as well as other exposed areas such as of parking shades should be utilized for installation of SPV systems.
85. Hot water requirement in buildings should be met through use of various types of solar water heating systems, viz. flat plate collector; single glazed double glazed; evacuated tube collectors; and Water heating with solar concentrators.
86. The Project Proponent should ensure regular energy audit.
 - i. To validate the predicted energy consumption, thermal comfort, and visual comfort criteria by an energy auditor approved by the BEE, Government of India.

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		<p>ii. To ascertain continued safety in the operation of the electrical and mechanical systems of the building through proper maintenance by the owner or the occupants.</p> <p>87. This will be ensured in the contract document by providing for the commissioning of all electrical and mechanical systems by the respective supplier or builder. Moreover, the respective facility management group, assigned by the owner or the occupants themselves, will carry out the maintenance facilities.</p> <p>88. Energy conservation measures like installation of CFLs/LEDs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Used CFLs and TFLs should be properly collected and disposed off /sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible.</p>
j.	Traffic Movement System	89. Width of driveways, parking provision, ramp width and slope to be kept as per local bye laws.
k.	Provisions for Differently able	<p>90. The Project Proponent should provide at least the minimum level of accessibility for persons with disabilities.</p> <ul style="list-style-type: none"> • Ensure accessibility and usability of the facilities in the building by employees, visitors and clients with disabilities. • Ensure access to facilities and services by adopting appropriate site planning to eliminate barriers as per the recommended standards (NBC 2005 [BIS 2005f]). • Layout and designing of interior and exterior facilities as per principles of universal design such as prescribed by the National Building Code of India, building management policies and procedures, provision of auxiliary aids & appliances, and staff training in disability awareness.
l.	Green Belt/Green Cover	<p>91. Provide minimum 1 tree for every 80 sq.mt of plot area.</p> <p>92. Wherever trees are cut or transplanted, compensatory plantation in the ratio of 1:3 to be done in the premise.</p> <p>93. Native species of trees to be planted.</p> <p>94. Vegetation to provide as shading and promote evaporative cooling. In hot and dry climates, evaporative cooling through appropriately sized wet surfaces or fountains have a desirable effect. It should be planned for maximum benefit.</p> <p>95. The project should have detail proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale.</p>
m.	Disaster/Risk Assessment Plan	<p>96. Fire tender movement plan to be submitted.</p> <p>97. Firefighting system to be provided as per the fire NOC.</p> <p>98. Turning radius to be kept as per Fire NoC or as prescribed in the local by-laws.</p> <p>99. Public address system to be installed as per the Fire Safety norms.</p> <p>100. Place of assembly to be indicated.</p>
n.	Socio Economic Impact and CSR	<p>101. Biodegradable and non-biodegradable waste bins to be provided for every household to promote waste segregation at source.</p> <p>102. Importance of environment and various environment drives to be initiated.</p> <p>103. Importance of maintenance of environment infrastructure to be showcased by issuing pamphlets etc.</p> <p>104. Provision for health care, medical kit, crèche, First-Aid room shall be given during construction phase for the construction workers.</p> <p>105. Adequate shelter for resting hours, crèche, clean and potable drinking water to be provided to construction workers.</p> <p>106. All local labour welfare laws must be complied.</p> <p>107. Concerns of the communities being affected by the Project are to be responded on priority, and all possible CSR is to be rendered to make the responses effectively beneficial..</p>

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- o. Environment Management Plan (EMP)
108. Detailed environment management plan comprising of estimated capital cost and O&M cost for the following environment infrastructure should be submitted:
- a. Sewage Treatment Plant
 - b. Landscaping
 - c. Rain Water Harvesting
 - d. Power backup for environment infrastructure.
 - e. Environment Monitoring
 - f. Solid Waste Management
 - g. Solar and Energy Conservation
109. Environment Monitoring Cell with defined functions and responsibility shall be set up and its details be submitted.
-

END NOTE:

Industrial Shed*: The word 'industrial shed' implies building (whether RCC or otherwise) which is being used for housing plant and machinery of industrial units and shall include godowns and buildings connected with production related and other associated activities of the unit in the same premise.

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Item No.07:

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 62 of 2020 (SZ)*(Through Video Conference)*

IN THE MATTER OF

Trustee,
Environment Protection and
ANTI Pollution Group Trust



...Applicant(s)

Versus

1. **Union of India,**
Rep. by its Secretary,
Ministry of Environment and Forests and Climate Change,
Indira paryavaran Bhawan,
Jorbagh Road,
New Delhi – 110 003.
2. **The Chief Secretary to Government of Tamil Nadu,**
Government Secretariat, Fort St. George,
Chennai,
Tamil Nadu – 600 009.
3. **The Principal Secretary to Government of Tamil Nadu,**
Health and Family Welfare Department,
Government Secretariat, Fort St. George,
Chennai,
Tamil Nadu – 600 009.
4. **The Secretary to Government of Tamil Nadu,**
Department of Environment,
Government Secretariat, Fort St. George,
Chennai,
Tamil Nadu – 600 009.
5. **State Environment Impact Assessment Authority Tamil Nadu,**
Rep. by its Member Secretary,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.
6. **Indian Medical Association, Tamil Nadu State Branch,**
Rep. by its Secretary,
IMA TN State Headquarters Building,
Doctors Colony, 1st Main Road,
Chennai – 600 045.

7. The Chairman,

Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai,
Tamil Nadu – 600 032.

...Respondent(s)

Date of Judgment: 07.07.2022

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Mr. Meyyappan represented
Mrs. Me. Saraswathy for R1 & R5
Dr. D. Shanmuganathan for R2, R3 & R4
M/s. AAV Partners, Mr. Anand David,
M/s. R. Bavadharani, Mr. N. Zahid Ahmed &
M/s. Sonali J for R6
Mr. S. Sai Sathya Jith for R7

JUDGMENT

1. The above case was originally Suo - Motu taken by the Principal Bench of National Green Tribunal, New Delhi on the basis of the letter petition as O.A. No. 894 of 2019 (PB). The allegation in the application was that lot of Medical and Dental Colleges in Salem are operating in violation of environmental laws without obtaining necessary authorisation under the Bio Medical Waste Management Rules, 2016 and without obtaining environment clearance under the EIA Notification, 2006 and Consent to Establish/Consent to Operate under the Water (Prevention and Control of Pollution), Act, 1974 and Air (Prevention and Control of Pollution), Act, 1981.
2. The Principal Bench of National Green Tribunal, New Delhi by order dated 30.10.2019 had directed the Tamil Nadu Pollution Control Board to look into the matter and to file an action taken report and posted the case to 28.02.2020 for further consideration.
3. The matter was taken up on 28.02.2020 on that day, this Tribunal had

considered the report submitted by the Tamil Nadu Pollution Control Board filed on 27.12.2019 and extracted the chart giving status of conclusion in Para (2) of the order which reads as follows:-

SI No	Name and Address of the Facility	Status of EC		Status of consent Validity	Status of BMW Authoriza tion Validity	Action taken by the Board
		Built-up (Sq.M)	EC Required/ Not Required			
1	M/s.Vinayaka Mission Super Specialty Hospital Private Limited, NH-47, Sankari Road,Veerapandi Post, Salem.,636308	More than 20000 Sq.M	EC Required	-	-	A case has been filed under the provision of Environment al (Protection)Act, 1986 inHon'ble Judicial Magistrate, Salem - C.C.No. 148/2014
2	M/s.Annapoorna Medical College & Hospital, Sankarf Main Road, NH- 47, Veerapandi unioi Salem,636008	More than 20000 Sq.M	EC Required	-	-	Direction has been issued and levied performancebank guarantee. Recommend ed to levy interim
3	M/s.Vinayaga Mission's Sankarachariya-Dental college, S.F.No.211/213,3 B,212/ 1B9..etc.,Veerapan di Village, Salem South Talukand Salem District.,636308	11906.3 6Sq.M	EC Not Required	Consent order issued withvalidity upto 31.03.20 22	BMW Authorisation issued with validity upto 31.03.20 22	Nil
4	M/s.Penang International Dental College Ninayaga Mission Research Foundation SF.Nos,97/2A2(F), Etc. Veerapandi Village, Salem South Taluk and Salem District.,6363	11004.0 7 Sq.M	EC Not Required	Consent order issued withvalidity upto 31.03.20 29	Not Applicable-Since itis an academ ic facility only	Nil

5	M/s.Vinayaka Mission'shomoeopathic Medical College & Hospital S.F.Nos. 88/1B1 B, etc., Veerapandi Village, Salem South Taluk and Salem District,636308	6612.96 Sq.M	EC Not Required	Consent order issued with validity upto 31.03.2020	BMW Authorizationon issued with validityupto 31.03.2020
6	M/s.Sivaraj Homoeopathic MedicalCollege And Research Institute SiddharKovil Mail Road, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District,636307	45.9 Sq.M	EC Not Required	Consent order issued with validity upto 31/03/2026	BMW Authorizationon issued with validityupto 31/03/2026
7	M/s.Sivaraj Siddha Medical College, SiddharKovil Main Road, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District,636307	4981.5 Sq.M	EC Not Required	Consent order issued with validity upto 31/03/2026	BMW Authorizationon issued with validity upto 31/03/2026
8	M/s.Sivaraj Naturopathy and Yoga Medical College, SiddharKovil Main Road, Thumbathulipatty, Perumampatty Post, Salem West Taluk, SalemDistrict, 636307	3740.6 Sq.M	EC Not Required	Consent order issued with validity upto31/03/2028	Not Applicable-Since it is an academic facility only

4. Thereafter, this Tribunal had passed the following order:-

“3. A perusal of the above shows:

- Against Serial No.01, it is mentioned that EC is required and prosecution has been initiated for not doing so;

- *Against Serial No.02, it is mentioned that environmental compensation has been recommended;*
- *With regard to the remaining, no adverse action has been mentioned though Consent to Establish and Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 were not earlier taken but have now been taken.*

4. In view of the above, let further action be taken for violations, including assessment and recovery of compensation. In view of violations noticed in respect of large number of establishments, it will be appropriate that the State of Tamil Nadu ascertains the status of compliance of the Rules throughout the State by all such establishments within three months from today and furnish a further report before this Tribunal by email at judicial-ngt@gov.in.

The same may now be looked into by the NGT Southern Bench at Chennai. For this purpose, the proceedings will stand transferred to the NGT Southern Bench and may now be listed for further hearing before the NGT Southern Bench on 10.07.2020.

5. A copy of this order be sent to the Tamil Nadu State PCB by email for compliance.

5. It is on that basis after receipt of the records, this Tribunal re-numbered the case as O.A. No. 62 of 2020 (SZ) and taken up on 24.12.2020 and Suo – Motu impleaded Ministry of Environment, Forests and Climate Change (Moef&CC), Regional Office, New Delhi as additional respondent and directed to issue notice to the respondents no. 1, 5, 6 and additional 8th respondent by e-mail.

6. The Tamil Nadu Pollution Control Board wanted some time to file their report. So this Tribunal had directed the Tamil Nadu Pollution Control Board State Environment Impact Assessment Authority- Tamil Nadu, Ministry of Environment, Forests and Climate Change to file their further action taken reports regarding the violations noted by them in respect of EIA Notification, 2006 Bio-Medical Waste Management Rules, 2016.

7. The matter was taken up on 01.03.2021 and on that day, this Tribunal had considered the action taken report submitted by the Tamil Nadu Pollution Control Board dated 19.02.2021 and received on 23.02.2021 and extracted in Para (6) of the order which reads as follows:-

It is submitted that the Hon'ble NGT (PB) has passed order dated 28.02.2020 and directed inter alia that:

“In view of the above, let further action be taken for violations, including assessment and recovery of compensation. In view of violations noticed in respect of large number of establishments, it will be appropriate that the State of Tamil Nadu ascertains the status of compliance of the Rules throughout the State by all such establishments within three months from today and furnish a further report before this Tribunal by email at judicial-ngt@gov.in. The same may now be looked into by the NGT Southern Bench at Chennai. For this purpose, the proceedings will stand transferred to the NGT Southern Bench and may now be listed for further hearing before the NGT Southern Bench.”

3. It is submitted that the Hon'ble NGT (SZ) has passed order dated 24.12.2020 and directed inter alia that:

“That is how the matter has been taken by this Tribunal for further consideration. The matter was taken up on 17.11.2020 and same was adjourned by notifications as there was no sitting and thereafter, on 08.12.2020 the matter was adjourned to today by notification.

Considering the fact that there are violations of EIA Notification as well, we feel that Ministry of Environment Forests and Climate Change (MoEF & CC), New Delhi also to be impleaded as additional 8th respondent. So, Ministry of Environment Forests and Climate Change (MoEF & CC), New Delhi is Suo-Motu impleaded as additional 8th respondent. Office is directed to carry out the amendment.

The learned counsel appearing for the Pollution Control Board submitted that enquiries have already been initiated by the regulators with the concerned Medical and Dental Institution for further action to be taken for their violation and if some time is granted, they may be able to come with the further action taken report in this regard.

The Registry is directed to communicate this order to the above Officials and other official respondents and also to the Tamil Nadu State Pollution Control Board immediately through e-mail so as to enable them to comply with the direction”.

5. It is respectfully submitted that, there are 8 Numbers of private medical colleges in Salem District as reported below:

1. M/s. Vinayaga Missions Kirupananda Variyar Medical College & Hospital,
2. M/s. Annapoorna Medical College & Hospital
3. M/s. Vinayaka Mission's Sankarachariya Dental College.
4. M/s. Penang International Dental College – A Vinayaga Mission Research Foundation
5. M/s. Vinayaka Missions Homoeopathic Medical College & Hospital
6. M/s. Sivaraj Siddha Medical College
7. M/s. Sivaraj Homoeopathic Medical College And Research Institute
8. M/s. Sivaraj Naturopathy And Yoga Medical College

6. It is respectfully submitted that the present status of the Medical college and Hospitals in Salem District is submitted below:

ABSTRACT OF THE MEDICAL COLLEGE AND HOSPITALS IN SALEM

S.No	Name and Address of the Facility	Status of EC		Status of consent Validity	Status of BMW Authorization Validity	Action taken by the Board
		Built-up	EC Required/			

		(Sq.M)	Not Required			
1	M/s. Vinayaka Mission Super Speciality Hospital P Ltd, NH-47, Sankari Main Road, Veerapandi, Salem-636308.	More than 20000 Sq.M	EC Required and not obtained	Environmental Clearance has not been obtained. It is reported that the unit has filed application before SEIAA to be obtain EC.	Authorization not obtained since Environmental Clearance and consent of the Board have not been obtained	A case has been filed by the Board under the provision of Environmental (Protection) Act, 1986 before the Hon'ble Judicial Magistrate, Salem C.C.No. 148/2014 for EC violation. The next hearing is posted on 15/02/2021
2	M/s. Annapoorna Medical College Hospital, NH-47, Sankari Main Road, Veerapandi, Salem-636308.	More than 20000 Sq.M	EC Required and not obtained	Environmental Clearance has not been obtained. It is reported that the unit has filed application before SEIAA to be obtain EC.	Authorization not obtained since Environmental Clearance and consent of the Board have not been obtained	The unit has remitted Rs.8,55,000/- towards Environmental Compensation for not complying direction of the Board. A case has been filed by the Board under the provision of Environmental (Protection) Act, 1986 before the Hon'ble Judicial Magistrate, Salem for EC violation and it is to be admitted.
3	M/s. Vinayaka Mission Sankarachariyar Dental College, S.F.No.211/2B, 3B, 212/1B9., etc Veerapandi Village, Salem South Taluk, Salem District – 636308	11906.3 6Sq.M	EC Not Required	Consent order issued with validity upto 31.03.2022	BMW Authorisation issued with validity upto 31.03.2022	Nil
4	M/s. Penang Internation Dental College /Vinayaka Mission Rsearch Foundation, S.F.No.97/2A2(p),	11004.0 7 Sq.M	EC Not Required	Consent order issued with validity upto 31.03.2029	Not applicable since it is an academic facility only and not generating any Bio medical	Nil

	<i>etc</i> <i>Veerapandi Village, Salem South Taluk, Salem District – 636308</i>				<i>waste.</i>	
5	<i>M/s. Vinayaka Missions Homeopathic Medical College & Hospital, S.F.No.1B1B, Veerapandi Village, Salem South Taluk, Salem District – 636308.</i>	<i>6612.96 Sq.M</i>	<i>EC Not Required</i>	<i>Consent order issued with validity upto 31.03.2080</i>	<i>BMW Authorization issued with validity upto 31/03/2022</i>	<i>Nil</i>
6	<i>M/s. Sivarai Homeopathic Medical College and Research Institute, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District – 636307.</i>	<i>2845.9 Sq.M</i>	<i>EC Not Required</i>	<i>Consent order issued with validity upto 31/03/2026</i>	<i>BMW Authorisation issued with validity upto 31/03/2026</i>	<i>Nil</i>
7	<i>M/s. Sivaraj Siddha Medical College, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District – 636307.</i>	<i>4981.5 Sq.M</i>	<i>EC Not Required</i>	<i>Consent order issued with validity upto 31/03/2026</i>	<i>BMW Authorisation issued with validity upto 31/03/2026</i>	<i>Nil</i>
8	<i>M/s. Sivaraj naturopathy and Yoga Medical College, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District – 636307.</i>	<i>3740.6 Sq.M</i>	<i>EC Not Required</i>	<i>Consent order issued with validity upto 31/03/2028</i>	<i>Not Applicable- Since it is an academic facility only and not generating any Bio Medial waste</i>	<i>Nil</i>

7. It is further submitted that, the Board has taken necessary action against the two Medical Colleges located in the Salem District for the violations. There is no violation in respect of the remaining six Medical Colleges.

8. Thereafter, this Tribunal had passed the following order:-

“7. Since, Ministry of Environment, Forests and Climate Change (MoEF &CC) was already made as a party to the original proceedings and by mistake, this Tribunal again directed them to be impleaded as 8th respondent as per order dated 24.12.2020. Since it is a duplication, order directed Suo-Motu to implead Ministry of Environment, Forests and Climate Change (MoEF &CC) as additional 8th respondent as per order dated 24.12.2020 is recalled.

8. The Ministry of Environment, Forests and Climate Change (MoEF &CC) wanted some time for filing their statement as to what is the nature of action taken by them in respect of the alleged violations noted by the Tamil Nadu Pollution Control Board (TNPCB).

9. Originally the matter was taken up on in the year 2019. Almost nearly one year and three months have lapsed. But, however Ministry of Environment, Forests and Climate Change (MoEF &CC) is made as a party, after the matter has been transferred to this Tribunal so as to ascertain the nature of action taken by them in this regard.

10. The Tamil Nadu Pollution Control Board (TNPCB) cannot take action against the erring units for proceedings with the project without getting environment clearance and State Environment Impact Assessment Authority (SEIAA) alone can take action for violation of this nature.

11. The counsel appearing for the respondents wanted some more time for filing their independent responses.

12. The Regional Office of Ministry of Environment, Forests and Climate Change (MoEF &CC), Chennai and State Environment Impact Assessment Authority (SEIAA) are directed to file their statement regarding the nature of action taken against the erring Medical College who have constructed without Environment Clearance before the next hearing date.

9. The matter was taken up on 07.07.2021 and on that day, this Tribunal had considered independent report submitted by the Ministry of Environment, Forests and Climate Change (MoEF&CC), Integrated Regional Office, Chennai, dated nil, e-filed on 30.06.2021 and extracted in Para (6) of the order which reads as follows:-

Inspection Report based on the direction given by Hon’ble NGT (SZ) vide Order dated 24.12.2020 in OA. No. 62 of 2020

Back ground

Vide Orders dated 24.12.2020 and 01.03.2021 in OA. No. 62 of 2020 Hon’ble NGT (SZ) has directed the State Environmental Impact Assessment Authority (SEIAA) and Ministry of Environment, Forests and Climate Change (MoEF& CC), Integrated Regional Office, Chennai are also to submit the independent reports regarding the violations alleged for the

non-compliance of EIA Notification 2006 as well as Bio Medical Waste Management (BMW) Rules, 2016 and other environmental laws (Copy of the Order is at Annexure-I).

The allegation in the application was regarding the non compliance of Bio Medical Waste Management Rules, 2016 by Medical and Dental Colleges which are operating in Salem District without requisite Environmental Clearance/Consent to Establish/Consent to Operate.

Report of the MoEF &CC, Integrated Regional Office, Chennai

Under the provisions of the EIA Notification, 2006, Environment Clearance for Building and Construction Projects is covered under entry 8 (a) of the Schedule to the EIA Notification, 2006. The entry 8(a) of the Schedule of EIA Notification 2006 as follows:

Building and Construction projects greater than 20000 sq. mtrs and less than 150000 sq. mtrs of built-up area falls in Category B, which requires prior Environmental Clearance from State Environment Impact Assessment Authority and greater than 150000 sq. mtrs of built-up area falls in Category A which requires prior Environmental Clearance from Central Government.

Thereafter vide Gazette Notification No. S.O. 3252 (E) dated 22.12.2014, the Ministry of Environment, Forest and Climate Change has exempted the School, College and Hostel for educational institution from obtaining prior Environment Clearance under the provisions of the EIA Notification, 2006 subject to Sustainable Environmental

Management. Vide F. No.19-2/2013-IA-III. The Ministry clarified that in case of medical universities/institutes the component of Hospitals will continue to require prior Environment Clearance.

Bio Medical Waste Management Rules, 2016 shall apply to all persons who generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form including hospitals, nursing homes, clinics dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, Ayush hospitals, clinical establishments, research or educational institutions, health camps, medical or surgical camps, vaccination camps, blood donation camps, first aid rooms of schools, forensic laboratories and research labs.

Observation:

As directed the area in question was inspected by Dr.C.Palpandi, Scientist 'C', Integrated Regional office of Ministry of Environment, Forest and Climate Change at Chennai on 7.5.2021 (Some of the photos taken during site visit is at **Annexure-II**). During the visit it is noticed that there are 8 Medical/Dental Colleges Buildings in Salem Districts and out of 8 only 2 projects were required to get prior Environmental Clearance from SEIAA, since the Construction area of these 2 projects are greater than 20000 sq. mtrs and less than 150000 sq. mtrs of built-up area.

Out of the total 8 projects 6 building are in need of getting clearance/permission under Bio Medical Waste Management Rules, 2016. The rest 2 projects do not require Environmental Clearances and clearances/permissions under Bio Medical Waste Management Rules, 2016 since these 2 buildings are used for educational purposes.

The present status of the 8 Buildings are as below in Table:

S.No	Name of facility	Built up area/status of EC	Present Status	Status of BMW Authorisation	Action taken
1.	M/s Vinayaka Mission Super Specialty	Greater than 20000 Sq.M.(1367	Presently ToR has been obtained from	BMW Authorization is required but not	TNPCB filed a complaint under Section
	Hospital, Sankari Main Road, Veerapandi, Salem-636308	00 Sq.M.) Prior EC is required but not obtained by the project proponent.	SEIAA under violation category and waiting for EC. Consent order from TNPCB can only be obtained after getting EC.	obtained since consent from TNPCB was not given due to the non obtainment of prior EC.	200 of CPR for offence under Section 15 & 16 of EPA Act, 1986 before the Hon'ble Judicial Magistrate Court, Salem
2.	M/s Annapoorana Medical College Hospital, Sankari Main Road, Veerapandi, Salem-636308.	Greater than 20000 Sq.M (103374.17 Sq.M.) Prior EC is required but not obtained by the project proponent.	Presently EC has been obtained from SEIAA under violation category after remittance of Environmental Compensation.	BMW Authorization is required but not obtained since consent from TNPCB was not obtained.	TNPCB filed a complaint under Section 200 of CPR for offence under Section 15 & 16 of EPA Act, 1986 before the Hon'ble Judicial Magistrate Court, Salem
3.	M/s Vinayaka Mission Sankaracharya Dental College Veerapandi, Salem-636308	Less than 20000 Sq.M Prior EC not required	EC not required. Consent from TNPCB obtained	BMW Authorization obtained	Nil

4.	M/s Penang International Dental College/ Vinagaya Mission Research Foundation Veerapandi, Salem-636308.	Less than 20000 Sq.M Prior EC not required	EC not required. Consent from TNPCB obtained	BMW Authorization is not required since it is an educational/academic institution and no bio medical waste is generating.	Nil.
5.	M/s Vinayaka Mission Homeopathic Medical College Veerapandi, Salem-636308	Less than 20000 Sq.M Prior EC not required	EC not required. Consent from TNPCB obtained	BMW Authorization obtained	Nil
6.	M/s Sivaraj Homeopathic Medical College and	Less than 20000 Sq.M	EC not required. Consent from	BMW Authorization obtained	Nil
	Research Institute Thumbathulipatt y, Perumampatty P.O, Salem 636307	Prior EC not required	TNPCB obtained		
7.	M/s Sivaraj Siddha Medical College, Thumbathulipatt y, Perumampatty P.O, Salem 636307	Less than 20000 Sq.M Prior EC not required	EC not required. Consent from TNPCB obtained	BMW Authorization obtained	Nil
8.	M/s Naturopathy and Yoga Medical College Thumbathulipatt y, Perumampatty P.O, Salem 636307	Less than 20000 Sq.M Prior EC not required	EC not required. Consent from TNPCB obtained	BMW Authorization is not required since it is an educational/academic	Nil

				institution and no bio medical waste is generating.	
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It is found that the 6 facility/building which does not require prior Environmental Clearance have taken all the necessary approvals from authorities and 2 institutions Viz. M/s Vinayaka Mission Super Specialty Hospital and M/s Annapoorana Medical College Hospital both having Built up areas of more than 20000 Sq.M have not obtained Prior EC from SEIAA as per EIA Notification 2006 under EP Act, 1986 and have not taken consent under the Water Act, 1974 and Air Act, 1981 and clearances/permissions under Bio Medical Waste Management Rules, 2016 from the Tamil Nadu Pollution Control Board. The prescribed authority for implementation of the provisions of these rules shall be the State Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories.

The 2 institutions Viz. M/s Vinayaka Mission Super Specialty Hospital and M/s Annapoorana Medical College Hospital had applied for Environmental Clearance under violation category and in line with MoEF Notification S.O. 804(E) dated 14.03.2017 and S.O. 1030(E) dated 08.03.2018.

M/s Vinayaka Mission Super Specialty Hospital obtained ToR on 23.11.2020 based on their Application submitted to SEIAA dated 16.10.14 and appraise letter dated 26.02.2020. (Copy of the ToR is at **Annexure-III**).

M/s Annapoorana Medical College Hospital Obtained ToR on 06.11.2019 and EC on 27.04.2021 based on their Application submitted to SEIAA dated 13.09.17 (Copy of the EC is at **Annexure-IV**)

As per MoEFCC Notification S.O. 1030(E) dated 08.03.2018:

The cases of violations will be appraised by the Expert Appraisal Committee at the Central level or State or Union territory level Expert Appraisal Committee constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.”;

In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants, and the collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or a environmental laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of the Council of Scientific and Industrial Research institution working in the field of environment.”;

. The Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, as the case may be, shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural

and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.”;

The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by the Expert Appraisal Committee for category A projects or by the State or Union territory level Expert Appraisal Committee for category B projects, as the case may be, and finalised by the concerned Regulatory Authority, and the bank guarantee shall be deposited prior to the grant of environmental clearance and released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after recommendation by regional office of the Ministry, Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee and approval of the Regulatory Authority.”.

Conclusion:

It is found that only 2 Institutions namely M/s Annapoorana Medical College Hospital and M/s Vinayaka Mission Super Specialty Hospital did not take necessary approvals like Prior EC, Consent and BMW Authorization.

In this regard the Tamil Nadu State Pollution Control Board has filed complaint under Section 200 of Criminal Procedure Code for offence under Section 15 & 16 of EAct, 1986 before the Hon'ble Judicial Magistrate Court, Salem against M/s Vinayaka Mission Super Specialty Hospital on 01.10.2014 (CNR.TNSA040015092014) and M/s

Annapoorana Medical College Hospital on 15.02.2021 (CNR.TNSA040006162021). Case details are furnished at **Annexure-V and VI**.

The present status of violations by these 2 Institutions are as follows:

M/s Annapoorana Medical College Hospital

After the due procedures as mentioned in MoEF Notification S.O. 804(E) dated 04.03.2017 and S.O. 1030(E) dated 08.03.2018 M/s Annapoorana Medical College Hospital has obtained Environmental Clearance vide SEIAA

TN/F.No.7143/EC/8(a)/760/2021 dated 27.04.2021 under violation category. During the site visit the project authority informed that in receipt of the EC, they had applied for consent from TNPCB under Water Act, 1974 and Air Act, 1981 which is required for obtaining authorization under Bio Medical Waste Management Rules, 2016.

M/s Annapoorana Medical College Hospital has paid an amount of Rs.61.10 Lakhs under CER to EMAT, Department of Environment on 05.8.2020 and Bank guarantee of Rs. 118.41 lakhs towards remediation plan and Natural Community Resource Augmentation plan on 6.8.2020.

2. M/s Vinayaka Mission Super Specialty Hospital.

After the due procedures as mentioned in MoEF Notification S.O. 804(E) dated 04.03.2017 and S.O. 1030(E) dated 08.03.2018 M/s Vinayaka Mission Super Specialty Hospital has obtained Terms of Reference from SEIAA vide SEIAA TN/F.No.3064/Violation/ToR-823/2020 dated 23.11.2020.

10. This Tribunal did not accept the contentions of the Tamil Nadu Pollution Control Board that only if there is any violation of conditions imposed, then only then can take appropriate action. They don't have power to take action in respect of construction without obtaining prior environmental clearance. This Tribunal observed that wherever there is any violation of environmental laws, they got power to take action. Thereafter, this Tribunal passed the following order:-

They have not mentioned about the environmental compensation, if any, imposed and recovered while considering the violation case under the notification referred to by them.

7. It is only mentioned in the report that the Tamil Nadu Pollution Control Board has filed a complaint under Environment (Protection) Act, 1986 before the Judicial Magistrate Court, Salem against M/s. Vinayaka Mission Super Speciality Hospital and M/s. Annapoorana Medical College, Hospital, Sankari Main Road, Veerapandi, Salem District.

8. As regards the other Institutions are concerned, it is not mentioned as to when these authorisations were obtained etc. They have also mentioned that certain Institutions do not require authorisation under Bio-Medical Waste Management Rules, 2016. But they have not given any details regarding the nature of activities that are being carried on by them and whether there is any possibility of generation of Medical Waste or other wastes for which permission is required has not been mentioned, except making sweeping statement stating no Bio-Medical Waste is generated by them.

9. The Tamil Nadu Pollution Control Board (TNPCB) is also directed to file a detailed report regarding the nature of activities that are being carried out in respect of Institutions where the Ministry of Environmental Forests and Climate Change (MoEF &CC) said that authorisation under the Bio-Medical Waste Management Rules, 2016 is not required.

10. The Tamil Nadu Pollution Control Board (TNPCB) is also directed to come with the report as to when these authorisations were obtained by them whether it is pursuant to the directions given by the Principal Bench of National Green Tribunal in one of the matters pending before that Bench in respect of implementation of Bio-Medical Waste Management Rules, 2016 in Pan India basis and if that be the case whether those directions were strictly complied with by the Tamil Nadu Pollution Control Board (TNPCB) in respect of issuance of authorisation as required under said rules and in compliance with the directions issued by the Principal Bench of National Green Tribunal.

11. The applicant is also at liberty to file their objections, if any, to the report submitted by the Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional Office, Chennai and also to the affidavit filed by the Ministry of Environment, Forests and Climate Change (MoEF & CC)

12. The above officials are directed to submit their further action taken report in view of the above observations made on or before 11.08.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.

13. The Registry is directed to communicate this order to the official respondents including Regional Office of Ministry of Environment, Forests and Climate Change (MoEF &CC), through e-mail immediately, so as to enable them to comply with the direction.

11. Thereafter, the matter was taken up on 02.09.2021 and at the request of the official respondent the matter has been adjourned for filing further reports. The matter was again taken up on 01.12 2021 and on that day this Tribunal had considered the action taken report submitted by the Tamil Nadu Pollution Control Board dated 09.09.2021, e-filed on 15.09.2021 and extracted in Para (4) of the order which reads as follows:-

“ACTION TAKEN REPORT FILED BY THE TAMIL NADU POLLUTION CONTROL BOARD

It is respectfully submitted that, there are 8 medical/dental colleges in Salem district, out of which the nature of activity of the 2 private medical colleges which are reported as not generating Bio medical waste are as follows:

a. M/s. Penang International Dental College - A Vinayaga Mission Research Foundation

The unit of M/s. Penang International Dental College / Vinayaga Mission Research Foundation located at S.F.No. 97/2A2(P) etc, Veerapandi Village, Salem South Taluk, and Salem District is a dental college involving only with course handling theory coaching and no practical coaching carried for the students. No trade effluent and No Bio Medical waste are generated from their premises. The unit has obtained consent to operate vide proc dated: 26.07.2019 valid for the period upto 31.03.2029. BMW authorization is not required since it is an educational institution and no bio medical waste is generated in the institution.

b. M/s. Sivaraj Naturopathy and Yoga Medical College

The unit of M/s. Sivaraj Naturopathy and Yoga Medical College located at SF No. 42/1, Thumbathulipatti Village, Salem West Taluk and Salem District is an existing Naturopathy and Yoga Medical College offering naturopathy and yoga course to students. No trade effluent and no Bio Medical waste are generated from their premises. The unit has obtained consent to operate vide proc dated: 23.11.2019 valid for the period upto 31.03.2028. BMW authorization is not required since it is an educational institution and no bio medical waste is generated in the institution.

. It is respectfully submitted that, out of 8 colleges, 4 colleges has obtained Bio medical Waste Authorization under Bio Medical Waste Management Rules 2016. The details of the consent and authorization issued to them are as follows:

S. NO	Name and Address of the Facility	Date of Comment	Date of Consent Issued	Date of Authorization Issued
1	M/s. Vinayaka Mission Sankarachariyar Dental College, S.F.No.211/2B, 3B, 212/1B9., etc Veerapandi Village, Salem South Taluk, Salem District – 636 308.	02-06-2008	Consent order issued on 01-08-2019 with validity upto 31/03/2022	BMW Authorization issued on 27-11-2019 with validity upto 31/03/2022
2	M/s. Vinayaka Missions Homeopathic Medical College & Hospital, S.F.No.1B1B, Veerapandi Village, Salem South Taluk, Salem District – 636 308.	05-05-2009	Consent order issued on 20-11-2019 with validity upto 31/03/2028	BMW Authorization issued on 28-11-2020 with validity upto 31/03/2028

3	M/s. Sivaraj Homeopathic medical College and Research Institute, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District – 636 307.	02-07-2007	Consent order issued on 23-11-2019 with validity upto 31/03/2026	BMW Authorization issued on 27-11-2019 with validity upto 31.03.2026.
4	M/s. Sivaraj Siddha Medical College, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District – 636 307.	04-06-2007	Consent order issued on 23-11-2019 with validity upto 31/03/2026	BMW Authorization issued on 27-11-2019 with validity upto 31.03.2026.

7. It is respectfully submitted that the TNPCB has filed a complaint against the remaining 2 medical colleges M/s. Vinayaga Missions Kirupananda Variyar Medical College & Hospital & M/s. Annapoorna Medical College & Hospital under Section 200 of CrPC for offence under Section 15 & 16 of EP Act, 1986 before the Hon'ble Judicial Magistrate Court, Salem for violations of EIA Notification, 2006 and the case is still pending with the JMC Court, Salem.

12. The Ministry of Environment, Forests and Climate Change, Regional Office, Chennai also filed a status report dated nil, e-filed on 22.10.2021 which reads as follows:-

“Status report based on the directions given by Hon'ble NGT (SZ) vide Orders dated 07.07.2021 and 02.09.2021 in the matter of O.A No. 62 of 2020

It is pertinent to mention here that, the MoEF&CC, New Delhi had issued an O.M. Vide F. No. 22-221/2020-IA.III dated 7.7.2021 on Standard Operating Procedure (SOP) for identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble NGT in O.A. No, 34/2020 and the same is circulated to all the regulating authorities including SEIAA/SEACs of all States. In view of the above and since the violation observed is under the category B (Building and Construction projects greater than 20000 sq.mtrs and less than 150000 sq. mtrs of build-up area falls in Category B, which require prior Environmental Clearance from SEIAA), the Integrated Regional Office of MoEF&CC, Chennai has requested SEIAA vide letter dated 4.8.2021 ;' to comply the Order of Hon'ble NGT in line with the OM No. 22-221/2020-IA.III dated 7.7.2021 of the Ministry on Standard Operating Procedure (SOP) for identification and handling of violation cases and intimate the action taken against the violators to this office (copy of the said letter is enclosed as Annexure-I).

Thereafter, subsequent remainders have also been sent to SEIAA vide letters dated on 24.08.2021 & 24.09.2021 (Copies enclosed as Annexure-II & III). The response in this regard is still awaited. On receipt of the reply/action taken report from the SEIAA, the same will be submitted to the Hon'ble NGT.

It is submitted that the IRO, MoEF&CC, Chennai is not entrusted with powers under Section 5 of Environment (Protection) Act.”

13. Thereafter, this Tribunal had passed the following order:-

“6. In the report submitted by the MoEF&CC, Integrated Regional Office, Chennai, they have only mentioned that they were awaiting reply from the SEIAA, Tamil Nadu for filing further report and they have also mentioned that the Integrated Regional Office, MoEF&CC, Chennai is not entrusted with powers under Section 5 of the Environment (Protection) Act, 1986.

7. If they are not having power, it is for the MoEF&CC, New Delhi to consider as to how they will have to take action, if there is any violation found and make arrangement to delegate the power to some responsible regulators to implement the same. They cannot simply say that no such powers with them. Whenever violation is found by the Regional Office, it is for them to inform the MoEF&CC, New Delhi in detail about the violation, so that they can instruct the concerned departments or even direct the Regional Office regarding the further action to be taken in this regard.

8. The learned counsel appearing for the Tamil Nadu Pollution Control Board wanted some time to file further report, as even in the earlier report mentioned above, they have stated that they will have to take further action in this regard and they will be able to file the report subsequently. They have not mentioned as to whether they have imposed the environmental compensation for the violation.

9. The SEIAA, Tamil Nadu is directed to file a further action taken report, if there is any violation found.

10. They are directed to submit the further report to this Tribunal on or before 23.12.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

14. Thereafter, the matter was adjourned either at the request of the parties or by notifications. On 21.04.2022, the matter was adjourned for the purpose for getting additional report to be filed by the Tamil Nadu Pollution Control Board.

15. The matter was taken up on 01.07.2022 and on that day, at the request of the Tamil Nadu Pollution Control Board, the matter was adjourned for filing their further action taken report and posted the case to today (07.07.2022) for consideration of further report.

16. When the matter came up for hearing today, we have received a report submitted by the Tamil Nadu Pollution Control Board signed by the officer on 06.07.2022, e-filed on the same date which reads as follows:-

2. It is respectfully submitted that, as per the Hon'ble NGT (PB), New Delhi in its order dt.15.07.2019 in O.A.710-713 of 2017 directed that the compensation regime suggested by the Central Pollution Control Board has to be adopted. Hence environmental compensation is worked out to the ERRING units as per the guidelines prescribed in the G.O.Ms.NO.77, Environment and Forest (EC-2) Department dated 28.10.2020 as follows:

$$EC = HR \times T \times S \times R \times N$$

Where,

HR – Health Risk factor

T – Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of violation.

HR to the HCF is calculated as below

Assessment of Environmental Compensation to the Medical College and Hospitals, Salem District is as follows:

I. M/s. Sivaraj Homoeopathic Medical College and Research Institute

The unit of M/s. Sivaraj Homoeopathic Medical College And Research Institute located at SF No. 43/3A Part, Thumbathulipatti Village, Salem West Taluk and Salem District an existing Homoeopathic Medical College And Research Institute.

Show cause notice was issued to this unit vide Proc. dated 12.11.19 for operating the college without obtaining consent orders of the Board under the Water (P&CP) Act 1974 , as amended & Air (P &CP) Act, 1981 as amended and without obtaining authorization under the Bio-Medical Waste Management Rules, 2016, as amended.

The built-up area is less than 20,000Sq.M. Hence, there is no violation under the provisions of the EIA Notification, 2006.

Subsequently, the unit has applied and obtained CTO vide Proc. No. F.2333SLM/OS/DEE/TNPCB/SLM/W&A/2019 Dt: 23/11/2019 for Beds – 25 Nos, Out patients – 20 Nos/Day, In patients – 25 Nos & Educational Institution for Students with total build-up area of 2845.9 Sq.m with a validity upto 31.03.2026. Also, the unit has obtained Bio Medical Waste Authorization vide Proc.No.F.2333SLM/BMW/OS/DEE/TNPCB/SLM/2016 Dt:27/11/2019 with a validity upto 31.03.2026.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Improper segregation	20
3.	On –site storage not provided or not adequate	10
4.	Score for each other violation of BMW Rules, 2016	
	a. Annual report	5
	b. Maintenance of records	5
	c. Bar code system	5
	d.Duties of the occupier	
Total Health Risk Score		55

Since, the unit is a bedded ayush hospital, **T Factor is 0.5**

Since, the no of beds is **25** which is between 10 to 50, **S Factor is 0.3**

R factor is 250

N = Number of days for which violation took place (from 12.11.2019 to

27.11.2019) =**16** days.

Therefore EC = 55 x 0.5 x 0.3 x 250 x 16 =Rs.33,000/-

II. M/s. Sivaraj Siddha Medical College

M/s. Sivaraj Siddha Medical College is an existing medical college with hospital and located at Thumbathulipatti Village, Salem West Taluk, Salem District. The unit was issued with Show Cause notice vide Proc. Dt. 12.11.2019 for not obtaining consent of the Board under Water (P&CP) act 1974, as amended and under Air (P&CP) act 1981, as amended and not obtaining authorization

under the Bio Medical Waste Management (BMW) Rules, 2016 amended. Subsequently, the unit has applied and obtained CTO vide Proc. No. F.2332SLM/OS/DEE/TNPCB/SLM/W&A/2019 Dt: 23/11/2019 for Beds – 75 Nos, Out patients – 50 Nos/Day & educational Institution for Students with total build-up area of 4981.4 Sq.m with a validity upto 31.03.2026. Also, the unit has obtained Bio Medical Waste Authorization vide Proc. No. F.2332SLM/BMW/OS/DEE/TNPCB/ SLM/2016 Dt:27/11/2019 with a validity upto 31.03.2026.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Improper segregation	20
3.	On –site storage not provided or not adequate	10
4.	Score for each other violation of BMW Rules, 2016	
	a. Annual report	5
	b. Maintenance of records	5
	c. Bar code system	5
	d. Duties of the occupier	
Total Health Risk Score		55

Since, the unit is a bedded ayush hospital, **T** Factor is **0.5**

Since, the no of beds are **75** which is between 50 to 100, **S** Factor is **0.5**

R Factor is **250**

N = Number of days for which violation took place (from 12.11.2019 to 27.11.2019) = **16**days.

$$\text{Therefore EC} = 55 \times 0.5 \times 0.5 \times 250 \times 16 = \text{Rs.55,000/-}$$

III. M/s. Vinayaga Mission's Sankarachariyar Dental College

M/s. Vinayaga Mission's Sankarachariyar Dental College is an existing dental college with hospital located at S.F.No. 211/1 etc, Veerapandi village, Salem South Taluk and Salem District.

Show cause notice was issued to the unit vide Proc dated 07.05.2019 for operating the unit without obtaining CTO under the both the Acts & without having valid BMW authorization for handling of the Bio medical wastes.

The built-up area is less than 20,000Sq.M. Hence, there is no violations under the provisions of EIA Notification,2006.

Subsequently, the unit has applied and obtained CTO vide Procs.No. F.1963SLM/OM/DEE/TNPCB/SLM/W&A/2019 Dt: 01/08/2019 for Dental College students – 560 Nos, Out Patient – 100 Nos/Day with a validity upto 31.03.2022.

Also, the unit has obtained Bio Medical Waste Authorization vide Proc. No. JCEE-M/SMZ/TNPCB/F.1963SLM/BWA/OM /SLM/2016 Dt: 27/11/2019 with a validity upto 31.03.2022.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Improper segregation	20
3.	On –site storage not provided or not adequate	10
4.	Score for each other violation of BMW Rules, 2016	
	a. Annual report	5
	b. Maintenance of records	5
	c. Bar code system	5
	d. Duties of the occupier	
Total Health Risk Score		55

Since, the unit is a non bedded clinic, T Factor is **0.5**

Since, the unit is non-bedded clinic, S Factor is **0.15**

R = Factor is **250**

N=Number of days for which violation took place (from **06.05.2019 to 27.11.2019**) = **206** days.

Therefore EC = 55 x 0.5 x 0.15 x 250 x 206 = Rs. 2,12,438/-

IV. M/s. Vinayaka Mission's Homoeopathic Medical College & Hospital

The unit of M/s. Vinayaka Mission's- Homoeopathic Medical College & Hospital, SF No. 88/1B1B etc, Veerapandi Village, Salem South Taluk and Salem District is an existing Homoeopathic Medical College & Hospital.

Earlier, show cause notice has been issued to this unit vide Proc. dated 09.10.19 for operating the college without obtaining consent orders of the Board and without obtaining authorization under the Bio-Medical Waste Management Rules, 2016, as amended.

The built-up area is less than 20,000Sq.M. Hence, there is no violations under the provisions of EIA Notification,2006.

Subsequently, the unit has applied and obtained CTO vide Procs.No. F.2324SLM/OS/DEE/TNPCB/SLM/W&A/2019 Dt: 20/11/2019 for Students – 600 Nos, Bed – 46 Nos & Out Patient – 260 Nos/Day and renewed upto 31.03.2028.

Also, the unit has obtained Bio Medical Waste Authorization vide Proc. No. F.2324SLM/BWA/OS/DEE/TNPCB/SLM/2016 Dt: 27/11/2019 with a validity upto 31.03.2020 & renewed upto 31.03.2028.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Improper segregation	20
3.	On –site storage not provided or not adequate	10
4.	Score for each other violation of BMW Rules, 2016	
	a. Annual report	5
	b. Maintenance of records	5
	c. Bar code system	5
	d. Duties of the occupier	
Total Health Risk Score		55

Since, the unit is a bedded ayush hospital, **T Factor is 0.5**

Since, the no of beds are **46** which is between 10 to 50, **S Factor is 0.3**

R Factor is 250

N = Number of days for which violation took place (from 09.10.2019 to 27.11.2019) = 50 days.

$$\text{Therefore EC} = 55 \times 0.5 \times 0.3 \times 250 \times 50 = \text{Rs. 1,03,125/-}$$

V. M/s. Vinayaka Mission's Kirupananda Variyar Medical College & Hospitals

The unit is an existing M/s. Vinayaka Mission's Kirupananda Variyar Medical College & Hospitals, S.F.No.88/1B1 etc., Veerapandi Village, S.No.38, Nalrayanpatti village,

S.No.37/2C, Chinnaseeragapadi village, Salem South Taluk, Salem District.

The buildup area of the unit was more than 20000 sq.m and requires Environmental Clearance as per the EIA notification, 2006 as amended. The unit has not obtained the necessary Environmental Clearance. Also, the unit was in operation without obtaining the consent of the Board under the Water (P&CP) Act, 1974 as amended and the Air (P&CP) Act, 1981 as amended. Further the unit has not obtained authorization under the Bio Medical Waste Management Rules, 2016 as amended.

In view of the above said violations of the provisions of the EIA Notification 2006. Show cause notice has been issued to this unit vide Proc. dated 24.12.2013 for its EC violation under the provisions of the Environment (Protection) Act, 1986. To take credible action against the unit for the EIA violation, a case has been filed against the unit in Hon'ble Judicial Magistrate Court, Salem in CC.No.148/2014, by invoking powers under section 19 of the E (P) Act, 1986 and to take legal action under section 15 of the E (P) Act, 1986 Act for the period for which violation has taken place. The case is pending before the court.

The unit has obtained Environmental Clearance vide Letter dated 30.10.2021 from SEIAA. However, the unit has not applied for consent of the Board and authorization under the bio medical waste management Rules, 2016 as amended.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Score for each other violation of BMW Rules, 2016	
	Annual report	5
Total Health Risk Score		15

Since, the unit is a bedded hospital, *T Factor is 1.0*

Since, the no of beds more than 500, *S Factor is 1.5*

R Factor is 250

N = Number of days for which violation took place (from 23.12.2013 to 15.02.2022) = 2977 days

Therefore EC = 15 x 1 x 1.5 x 250 x 2977 = Rs. 1,67,45,625/-

VI. M/s. Annapoorna Medical College Hospital

The unit of M/s. Annapoorna Medical College and Hospital is located at Rakkipatti and Kadattur Agraharam, Salem South Taluk, Salem District.

Show cause notice was issued to the unit vide Proceeding dated 07.05.2019 for operating the unit without consent of the Board.

Further, direction under Water and Air Acts were issued to the unit vide Proceeding dated 07.02.2020 to comply the conditions stated therein.

Subsequently, the unit has been levied with Environmental Compensation of Rs. 8,55,000/- for the period upto 15.09.2019 for operating the hospital without obtaining authorization under the Bio-Medical Waste Management Rules, 2016 as amended. The unit has remitted the amount of Rs. 8,55,000/- vide Demand Draft No. 706890 dated 15.02.2020.

The built-up area of the unit was more than 20,000 m² and requires Environmental Clearance as per the EIA notification 2006 as amended.

A case has been filed in the Hon'ble Judicial Magistrate Court No. IV, Salem with respect to C.C.No. 66 of 2021 to take credible action against the unit on the violation by invoking powers under Section 19 of the E (P) Act, 1986 and to take legal action under Section 15 of the E (P) Act, 1986.

Subsequently, M/s. Annapoorna Medical College Hospital has obtained Environmental Clearance vide SEIAA Lr.No. SEIAA-TN/F.No. 7232/EC/8/718/2020 dated 30.09.2020 and submitted application for consent order of the Board after obtaining EC from the SEIAA.

Subsequently, the DEE, Salem has inspected the HCF on 29.11.2021 and reported that the HCF was in operation without obtaining bio medical waste authorization of the Board.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

Where,

HR – Health Risk Factor

T – Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation Factor

N – Number of days of Violation

HR to the HCF is calculated as below:

S.No.	Health Risk Score		
1.	Not applied for authorization		10
2.	Score of each other violation of BMW Rules, 2016	1. Operating without Consent of the Board. 2. Non submission of Annual Report	10
Total Health Risk Score			20

Since the unit is a bedded hospital, T factor is 1.0

Since the no. of beds is 730 which is more than 500, S factor is 1.5

R factor is 250

N= Number of days (from 31.12.2019 to 30.11.2021) = 701 days,

since EC was already levied upto 30.12.2019.

On account of incremental effect on environmental compensation charges, two times of the compensation charges has been taken into account since the unit is going to pay EC second time.

Therefore $EC = 20 \times 1 \times 1.5 \times 250 \times 701 \times 2 = \text{Rs. } 1,05,15,000/-$

The unit has obtained consent of the Board vide proc. dated 14.03.2022 with validity upto 31.03.2026.

4. It is respectfully submitted that as explained in Para (3) above, environmental compensation are calculated. The Consolidated statement is given below:

S.No	Name and Address of the Facility	Assessment of Environmental Compensation in Rs.
1.	M/s. Sivaraj Homoeopathic Medical College and Research Institute	33,000/-
2.	M/s. Sivaraj Siddha Medical College	55,000/-
3.	M/s. Vinayaga Mission's Sankarachariyar Dental College	2,12,438/-
4.	M/s. Vinayaka Mission's Homoeopathic College & Hospital	1,03,125/-
5.	M/s. Vinayaka Mission's Kirupananda Variyar Medical College & Hospitals	1,67,45,652/-
6.	M/s. Annapoorna Medical College and Hospital	1,05,15,000/-

The TNPC Board has issued directions to all the six units under Section 5 of Environment (Protection) Act, 1986 directed to

show cause as to why the Board shall not recover the Environmental Compensation against the unit for the non compliance of the provisions of the Bio-Medical Waste Management Rules, 2016 Sl. No. 1 to 5 were issued vide proceeding dated 12.05.2022. Sl. No. 6 was issued vide Proceeding dated 30.06.2022. On receipt of reply from the units, further action will be taken by the Board.

17. Heard, the counsel appearing for the respondents as there was no representation for the applicant. The counsel appearing for the Tamil Nadu Pollution Control Board submitted that they have already taken action.
18. The grievance in the letter petition was that most of the Medical and Dental Colleges in Salem District were operating without getting prior environmental clearance and without obtaining 'Consent to Establish' and 'Consent to Operate' and also authorisation required under various Waste Management Rules. In order to ascertain the same, a report was called from the Tamil Nadu Pollution Control Board wherein it was mentioned that certain Medical and Dental Colleges were not having environmental clearance and some of them did not require environmental clearance, but they have not obtained necessary authorisation or consent and certain actions are being taken.
19. As regards non-obtaining of environmental clearance concerned this Tribunal had directed the Ministry of Environment, Forest and Climate Change to file a report and they have mentioned that they have authorised for Tamil Nadu Pollution Control Board to take action against in this regard. It may mentioned here, if there is statutory mandate for prior environmental clearance for any construction or any activity and if it is done in violation of the same, that will amount to an environmental crime and also it will result in environmental degradation.
20. Further severe action was expected to be taken action against those Institution which are operating without necessary environmental clearance or Permission/consent/authorisization in this case, it is seen from the last report submitted by the Tamil Nadu Pollution Control Board that against some of

them they will imposed environmental compensation for non obtaining authorisation and as regards certain Institutions which have not obtained Environmental Clearance, they had filed a complaint under Environment (Protection) Act, 1986 before the Judicial Magistrate Court, Salem and it was pending in C.C. No. 148/2014 & C.C. No. 66/2021 and for not obtaining consent or authorisation they have imposed certain compensation. Some of the Institutions have deposited the amount. It appears that M/s. Annapoorna Medical College Hospital had obtained environmental clearance from State Environment Impact Assessment Authority by proceedings dated 30.09.2020. But they have operated without consent. Only subsequently they have obtained consent.

21. As regards M/s. Vinayaka Mission's Kirupananda Variyar Medical College & Hospitals subsequently they have obtained environmental clearance from State Environment Impact Assessment Authority by proceedings dated 30.10.2021. But they have not obtained consent from the Board. So on that basis environmental compensation was imposed. It is not known as to what is the nature of action taken against the units who have not obtained further consent. It is also seen from the last report that show cause notice has been issued to all the six units for recovery of compensation and also for non compliance of the directions. Since certain actions had been taken by the regulators and the same are pending consideration, we feel that there is no need to retain the case to monitor the action taken by the regulators. It is not possible to monitor perpetually as well.

22. Under such circumstances, we feel that the application can be disposed of with following directions:-

- i) The Ministry of Environment, Forests and Climate Change and the State Environment Impact Assessment Authority are directed to take appropriate action against those

Institutions who have not obtained necessary environmental clearance and operating the unit without prior environmental clearance, if they have not already obtained and for the past violation including imposition of environmental compensation apart from initiating prosecution/action under the statute.

ii) The Tamil Nadu Pollution Control Board is directed to take further action against those units who are operating without consent or authorisation under the Waste Management Rules, 2016 and Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Bio Medical Waste Management Rules, 2011 and to take further action for recovery of the compensation against the units against which they have already been imposed and issued show cause notice and complete the proceedings after providing opportunity to them and pass appropriate orders in accordance with law.

iii) The Tamil Nadu Pollution Control Board is directed to conduct periodical inspection of the Medical Colleges and Dental Colleges and other such Institutions in the District and other District also to ascertain as to whether they are complying with all Waste Management Rules, and having consent or authorisation required and if not, they are directed to take action against those Institutions including imposition of environmental compensation and initiating prosecution in accordance with law apart from taking other coercive steps as provided under the respective statute.

- iv) The Registry is directed to communicate this order to the official respondents and also to The Ministry of Environment, Forests and Climate Change, Regional Office Chennai and New Delhi, the State Environment Impact Assessment Authority – Tamil Nadu and the Chairman - Tamil Nadu Pollution Control Board for their information and compliance of direction.

23. With the above observations and directions, the Original Application is disposed of.

Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.62/2020
07.07.2022, Sr.

NGT