

CHE/DP/3

2014-15

Tel. No.: 22793132

Fax No.: 22813947

GOVERNMENT OF MAHARASHTRA

No.ENV 2013/CR 39/TC-1

Environment Department,  
Mantralaya, Mumai-400 032.

Dated : 17<sup>th</sup> January, 2014.

C I R C U L A R

Sub : Requirement of Environmental Clearance for building  
projects – clarification regarding ...

The Ministry of Environment & Forests, Government of India issued EIA Notification on 14<sup>th</sup> September 2006 mandating prior Environmental Clearance for construction projects to ensure environmental aspects from planning phase till operation phase in sustainable and environmental friendly manners.

2. However, the Hon'ble High Court of Mumbai has passed order in various Writ Petitions (viz. WP No. 1916 of 2012, WP No. (L) 470 of 2013, WP No. 654 of 2013, WP No.(L) 852 of 2013, WP No. 2809 of 2012, WP No. 504 of 2012 granting relief to the redevelopment projects for residential buildings by allowing them to the extent of constructions below 20,000 m<sup>2</sup> for the 'Rehab.portion' without obtaining prior Environmental Clearance.

3. In view of the above development, Environment dept. vide letter dated 29/06/2013 issued directions to State Appraisal Committees to not to consider construction below 20,000 m<sup>2</sup> undertaken in such projects as a violation of EIA Notification subject to further Court orders. Meanwhile, Hon'ble Green Tribunal Bench at Pune, passed orders dated 26/09/2013 in the Appeal No. 72 and 73 of 2013 stating that the judgment of Hon'ble High Court of Bombay are rendered in peculiar circumstances in each case and the said judgment do not give a go-bye to the requirements as enumerated vide MoEF notification dated 14/09/2006 nor OM dated 12/12/2012 issued by MoEF has been quashed or held ultra vires.

4. Therefore, in view of orders of Hon'ble NGT, earlier circular dated 29/6/2013 was withdrawn and OM dated 31/10/2013 was issued by Environment Department, indicating that, if the construction plan above 20,000 m<sup>2</sup> is approved (for Residential / Commercial / Rental Housing Scheme / SRA / Industrial Construction etc.) by the Planning Authority and part Commencement Certificate below 20,000 m<sup>2</sup> issued for commencement of the construction work to the Project Proponent without making mandatory to obtain prior EC, then such construction will be treated as a violation of the provisions of the EIA Notification 2006 read with Office Memorandum No. J-11013/41/2006-IA.II (I) dated 12/12/2012.

5. Recently, Hon'ble High Court in its order given in the matter of WP (L) No. 2305 of 2013 dated 18/12/2013 again opined that all earlier orders have not been challenged in the Apex Court and the said orders are binding on all respondents including the State Government.

6. In view of the above order of Hon'ble High Court, redevelopment projects wherein rehabilitation of tenants in SRA / Dilapidated / Cess buildings is involved, construction of rehab component below 20,000 m<sup>2</sup> may not be considered as a violation of EIA notification of 2006 (amended time to time) and read with OM of MoEF dated 12/12/2012. However, it is desirable that in such cases all environmental concerns are addressed at the planning stage only. State Environmental Appraisal Committees' (SEACs) should ensure the compliance of above orders of Hon'ble High Court.

*R.A. Rajeev*  
(R.A. Rajeev)

Principal Secretary,

Copy to :

- 1) Additional Chief Secretary, Revenue Department – for information – It is requested to forward the above Circular to the Concerned Authorities comes under your jurisdiction.
- 2) Principal Secretary – I / II, Urban Development Department – for information – It is requested to forward the above Circular to the Planning Authorities comes under your jurisdiction.
- 3) Divisional Commissioner – Konkan / Nashik / Pune / Aurangabad / Amravati / Nagpur – for information and necessary action
- 4) Municipal Commissioner – Municipal Corporation of Greater Mumbai / Navi Mumbai Municipal Corporation / Thane Municipal Corporation / Pune Municipal Corporation / Pimpri-Chinchwad Municipal Corporation / Solapur Municipal Corporation / Sangli-Miraj-Kupwad Municipal Corporation / Kolhapur Municipal Corporation / Nashik Municipal Corporation / Aurangabad Municipal Corporation / Nagpur Municipal Corporation / Amravati Municipal Corporation / Ulhasnagar Municipal Corporation / Kalyan Dombivali Municipal Corporation / Nanded – Waghala Municipal Corporation / Bhiwandi-Nijampur Municipal Corporation / Akola Municipal Corporation / Malegaon Municipal Corporation / Mira-Bhyandar Municipal Corporation / Jalgaon Municipal Corporation / Dhule Municipal Corporation / Ahamadnagar Municipal Corporation / Vasai-Virar Municipal Corporation / Parabhani Municipal Corporation / Chandrapur Municipal Corporation / Latur Municipal Corporation – for information and necessary action
- 5) Managing Director, CIDCO – for information and necessary action
- 6) Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority – for information and necessary action
- 7) Vice-Chairman & Managing Director, Maharashtra State Road Development Corporation - for information and necessary action
- 8) Chief Executive Officer, Slum Rehabilitation Authority, Anant Kanekar Marg, Bandra (E), Mumbai – 400 051 – for information and necessary action
- 9) Member Secretary, Maharashtra Pollution Control Board, Sion (E), Mumbai – for information
- 10) Member Secretary, State Level Expert Appraisal Committee –II / III – for information and necessary action

मुहूर्तपूर्व महानगरपालिका  
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28 FEB 2014  
समय: ११, १२, १३, १४,  
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*6/3/14*

CHE (D.P.)

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*for info*  
*6/3/14*  
Jt. Ch. P. O. PS. to M.C.  
*WJ*

No. CHE/ 37224 /DP/Gen. dtd. 12/06/2014

Ch.E.(D.P.)

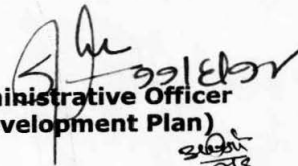
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A.E.(D.P.) ..... / S.E. (D.P.) .....

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**Administrative Officer**  
**(Development Plan)**

CHB/37224/DP/Gen dt 01-04-2014

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*Sanjiv*  
25/3/14

प्रमुख अभियंता  
(विकास नियोजन)

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*Sanjiv*  
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