

F. No. 3-150/2017-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(IA- Division)

Indira Paryavaran Bhavan
3rd Floor, Vayu Wing,
New Delhi - 3

Date: 3rd April, 2018

OFFICE MEMORANDUM

Sub: Consideration of proposals for grant of ToR/EC to building construction projects – reg.

The Ministry of Environment, Forest and Climate Change 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 has published the provisions on "Integration of environmental conditions in building bye-laws" amending the Environment Impact Assessment Notification, 2006 vide Notification No. S. O. 3999 (E) dated 9th December, 2016. The Ministry, vide above Notification dated 9th December, 2016 has laid down the process and procedures along with the objective and monitorable environmental conditions to be followed at the level of Authority/Local Body for integrating the environmental clearance with building permission for different category of building/construction projects.

2. Hon'ble National Green Tribunal, Principal Bench at New Delhi vide order dated 8th December, 2017 in Original Application No.677 of 2016 (M.A. No.148/2017) in the matter of Society for Protection of Environment & Bio-diversity Vs MoEF&CC & others, challenging the Ministry's Notification dated 9th December, 2016, has directed this Ministry to re-examine its Notification dated 9th December, 2016 and take appropriate steps to delete, amend and rectify the clauses of the said Notification in light of this judgement.

Hon'ble Tribunal, vide the same order has also directed that till the time the Ministry comply with the above directions and notify the amended provisions of Regulations of 2006, it will not implement the impugned Notifications. However, once the amended regulations are notified, MoEF&CC/SEIAA/Local Authorities can give effect to that, without any further reference to the Tribunal.

3. This Ministry has filed a Civil Appeal No.2522/2018 in Hon'ble Supreme Court against the order dated 8th December, 2017 of Hon'ble Tribunal. Hon'ble Court, while hearing the matter on 23.03.2018, has directed as under:-

"It is agreed between the parties that there are pending applications before the Environmental Cell which may be forwarded to State Environment Impact Assessment Authority (SEIAA) or the Ministry of Environment, Forest and Climate Change, Indira Parayavaran Bhavan, New Delhi, as the case may be".

4. In the above context, following has been decided for compliance with immediate effect:-

- (i) All pending applications before the Environmental Cell shall be considered by the respective State Environment Impact Assessment Authority (SEIAA) in different States/UTs.
 - (ii) All proposals relating to category A of item 8(b) of the schedule to the EIA Notification, 2006, received in the Ministry in pursuance of the Notification dated 9th December, 2016, but not appraised so far by the sectoral Expert Appraisal Committee (EAC) in the Ministry, shall be considered by the respective SEAC/SEIAA in different States/UTs.
 - (iii) All building/construction projects/townships and area development projects, covered under item 8(a) &(b) of the schedule to the EIA Notification, 2006, shall continue to be dealt by the respective SEIAA/SEAC in different States/, as per the extant provisions contained in the EIA Notification, 2006.
 - (iv) For the transferred applications, the SEAC/SEIAA shall consider the remaining process/stages other than those already completed at the MOEF&CC. The process/stages already completed at the MOEF&CC shall not be started de-novo by the SEAC/SEIAA.
 - (v) The seniority of the applications being transferred to the SEAC/SEIAA shall be considered based on their date of application to the MOEF&CC.
5. This issues with approval of Competent Authority.


(Kushal Vashist)
Director

To,
The Chairmen/Member Secretaries, SEIAA/SEAC of All States/UTs.

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