

GOVERNMENT OF MAHARASHTRA

Tel. No.: 22793132

No.NGT- 2017/CR-45/SEIAA
Environment Department,
Mantralaya, Mumai-400 032.
Dated : 29 January, 2018.

C I R C U L A R

Sub : Clarification regarding appraisal of cases for grant of Environment Clearance under provisions of the EIA Notification dtd. 14.9.2006 in light of the order passed by Hon'ble NGT, WZ, Pune and opinion given by the Law & Judiciary Department.

The Ministry of Environment Forest and Climate Change, Government of India had made several amendments in the Environment Impact Assessment Notification, 2006 by issuing notification dtd 9th December, 2016.

The said notification dtd. 9th December, 2016 was challenged before the Hon'ble National Green Tribunal, Principal Bench, New Delhi by filling Original Application Nos. 677 of 2016, 01 of 2017, 07 of 2017 and 55 of 2017, which has been decided by the Hon'ble Tribunal by passing an order dtd. 8.12.2017.

The Environment Department, Government of Maharashtra has obtained legal opinion from the Law & Judiciary Department, Government of Maharashtra on following two points w.r. to the order dtd. 8.12.2017 passed by the Hon'ble Tribunal :

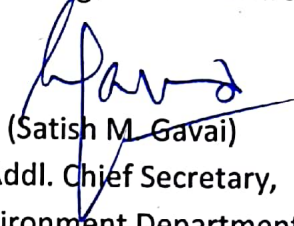
- (a) whether the provisions of the EIA Notification dtd. 14.9.2006 amended prior 9th December, 2016 stands applicable and can be implementable by SEACs and SEIAA now?
- (b) whether the SEIAA / SEAC can appraise applications for grant of prior Environment Clearance received from the project proponents as per the provisions of EIA Notification, 2006 amended prior 9th December, 2016 till further notification is issued by the Ministry of Environment Forest and Climate Change, Government of India in compliance with the aforesaid Judgement?

The Law & Judiciary Department has opined that (related paras of the opinion are reproduced hereunder) :

- (a) *"the un-amended provisions of EIA Notification, 2006 are in force and can be implemented by SEACs and SEIAA,*
- (b) *Pre-9th December, 2016 amendment, Notification 2006 can be implemented by authorities concerned assuming that paragraph no.14 (which was inserted by 2016 amendment) is not at all inserted.*
- (c) *Regarding substitution of item no.8 and entries relating thereto in the schedule to the Notification 2006, the SEIAA/SEAC can appraise the applications for grant of prior environmental clearance, in accordance with un-amended provisions of the Notification 2006."*

Considering above opinion given by the Law & Judiciary Department, concerned SEACs / SEIAA are directed to implement provisions of the EIA Notification dtd. 14.9.2006, until further orders of the M.o.E.F. & C.C. , G.o.I. w.r. to the amendment in the Notification dtd. 9.12.2016 in terms of the Judgement passed by the Hon'ble Tribunal dtd. 8.12.2017.

All Municipal Corporations, Municipal Councils and all Special Planning Authorities in Pune and Kokan Division to take note that they **shall not process** any permission to building and construction projects $\geq 20,000$ sq.m. and $< 1,50,000$ sq.m. BUA by integrating environmental clearance conditions w.r. to the amendment dtd. 9.12.2016 in the EIA Notification 2006. The powers originally vested with the SEACs / SEIAA under provisions of the EIA Notification dtd. 14.9.2006 are in force in the light of the aforesaid Judgement. Hence, all concerned local bodies / Authorities are directed to inform concerned Project Proponents to apply online to the website www.ecmpcb.in for grant of Environment Clearance.


(Satish M. Gavai)
Addl. Chief Secretary,
Environment Department

Copy forwarded to :

- 1) Addl. Chief Secretary to Chief Minister, Maharashtra State – for information.
- 2) Chairman, State Environment Impact Assessment Authority / State Level Expert Appraisal Committee – I/ II/ III – for information.
- 3) P.S. to Hon'ble Minister (Environment) – for information.
- 4) P.S. to Hon'ble State Minister (Environment) – for information.

Copy to :

- 1) Additional Chief Secretary, Revenue Department – for information – It is requested to forward the above Circular to the Concerned Authorities 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 under your jurisdiction.
- 3) Member Secretary, State Level Expert Appraisal Committee – I/ II/ III, 15th Floor, New Administrative Building, Mantralaya – for information and necessary action.
- 4) Divisional Commissioner – Konkan / Nashik / Pune / Aurangabad / Amravati / Nagpur – for information and necessary action.
- 5) 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 / Panvel 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

- 6) Managing Director, CIDCO / MIDC – for information and necessary action.
- 7) Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority – for information and necessary action.
- 8) Vice-Chairman & Managing Director, Maharashtra State Road Development Corporation - for information and necessary action.
- 9) Chief Executive Officer, Slum Rehabilitation Authority, Anant Kanekar Marg, Bandra (E), Mumbai – 400 051 – for information and necessary action
- 10) Member Secretary, Maharashtra Pollution Control Board, Sion (E), Mumbai – for information .