

F. No. 22-23/2018-IA.III [E 115231]
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi - 110003

Dated: 5th July, 2022

OFFICE MEMORANDUM

Subject: Lifting of abeyance on Ministry's OMs, in pursuance to the Order dated 25/02/2022 of Hon'ble Supreme Court in Civil Appeals Nos. 2218-2219 of 2020 in the matter of Chamber of Small Industry Associations Vs Central Pollution Control Board & Others with Civil Appeal Nos. 2220-2221/2020, 2434/2020, 2462/2020, 3319-3321/2020 & 1656-4658 of 2022 - regarding.

The Ministry had issued Office Memoranda (OM) of even number dated 31st October 2019, and 30th December 2019 in compliance to the order of Hon'ble NGT in OA No. 1038/2018 dated 19th August, 2019 (published on 23rd August, 2019) pertaining to consideration of proposals for grant of Environment Clearance located in Critically Polluted Areas (CPAs) and Severely Polluted Areas (SPAs). Subsequently, vide OM dated 28th January 2021, the above mentioned OMs were kept under abeyance, in view of the Hon'ble Supreme Court order dated 22nd September, 2020 in the matter of Gujarat Chambers of Commerce and Industry Vs Central Pollution Control Board & Anr.[Civil Appeal No. 3319-3321/2020], wherein a stay was imposed on the operation of the impugned order of the Hon'ble NGT mentioned above.

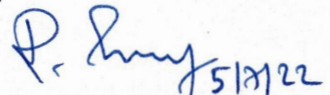
2. The Hon'ble Supreme Court vide its Order dated 25th February 2022 disposed of Civil Appeals Nos. 2218-2219 of 2020 in the matter of Chamber of Small Industry Associations Vs Central Pollution Control Board & Others with Civil Appeal Nos. 2220-2221/2020, 2434/2020, 2462/2020, 3319-3321/2020 & 1656-4658 of 2022, with a direction to all the appellants that they can represent their view point to the Hon'ble NGT in a form of presentation through the State level/appropriate Chamber of Commerce. Further, it was held that, in order to facilitate the exercise, the interim order of stay granted by the Court on 18.03.2020 on the operation of NGT Orders shall

continue to operate for next the Eight Weeks and all the contentions were left open to be agitated before the Tribunal.

3. In view of the Hon'ble Supreme Court order dated 25th February 2022 the matter has been examined in the Ministry and it has been decided to lift the abeyance imposed vide O.M. dated 28th January, 2021 on the Ministry's OMs dated 31st October 2019, and 30th December 2019.

4. In this regard, it is hereby directed that the Member Secretaries of concerned EACs/SEACs shall ensure that the environmental safeguards prescribed in the above said OMs, shall be explicitly stated in the Environmental Clearance (EC) letters for the projects/activities located in CPAs and SPAs.

5. This is issued with the approval of the Competent Authority.


(Sundar Ramanathan)
Scientist E

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DGF&SS (EF&CC)
5. PPS to AS(TK)/PPS to JS (SKB)
6. Website, MoEF&CC/Guard file