

F. No.Z-11013/22/2017-IA.II (M)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-3

Dated: 16th March, 2018

OFFICE MEMORANDUM

Sub: Compliance of the order dated 14th March, 2018 of Hon'ble High Court of Judicature at Madras in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017 - reg.

The Ministry has issued a Notification number S.O.804(E) dated 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one-time opportunity to submit the request in this regard within 6 months.

2. Pursuant to the Ministry's Notification number S.O.1030(E) dated 8th March, 2018 regarding consideration of proposals by the Expert Appraisal Committee or the SEAC/SEIAA depending upon the categorization of projects/activities (A or B) listed in the schedule to the Environment Impact Assessment Notification, 2006, the Ministry has issued Office Memorandum on 15th March, 2018 (copy enclosed) to operationalize the same.

3. Hon'ble High Court of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017, has directed as under:


"24. In this view of the matter, considering that sub-clause (i)(d) of Stage III of paragraph 7(i) of parent notification as contained in item No. 8(a) of the Schedule being housing projects, we deem it necessary to clarify that projects and project proponents falling under category alone shall be governed by the 'public consultation' clause in the parent notification.

25. With regard to the prayer of MOEF for extension of time for submission of proposals by project proponents, we are of the view that it will serve the ends of justice if time is extended by 30 (thirty) days from the date of delivery of this order in open court."

4. In view of the above orders of Hon'ble High Court, following directions are being issued for compliance with immediate effect: -

- i. The project proponent, who have not submitted the proposals within six months window i.e. up to 13th September, 2017 in pursuance of this Ministry's Notification S.O.804 (E) dated 14th March, 2017, are required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.

- ii. (The project proponent, who have submitted the proposals on the Ministry's portal after 13th September, 2017, are also required to submit the proposals afresh within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.
 - iii. The projects/activities pertaining to all sectors, shall be considered as per the directions of Hon'ble High of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017.
 - iv. The directions issued vide this Ministry's OM dated 15th March, 2018 shall continue to apply.
5. This issues with approval of the competent authority.


(Sharath Kumar Pallerla)
Scientist F/Director

To,

1. The Chairman of all the SEAC/SEIAA of States/UTs
2. The Member Secretary of all the SEAC/SEIAA of States/UTs

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS for Environment, Forest and Climate Change
3. PPS to Secretary (EF&CC)
4. PPS to AS (AKJ)/AS (AKM)
5. PS to JS (GB)/JS (JT)
6. All officers in IA Division
7. Website, MoEF&CC
8. Guard File