

F.No.IA3-22/10/2022-IA.III [E177258]
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

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3rd Floor, Vayu Wing, Jor Bagh Road
Ali Ganj, New Delhi-3

27th September 2022

OFFICE MEMORANDUM

Subject: Procedure for transfer of proposals from Central Level to State Level and vice versa - reg.

The State Environmental Impact Assessment Authorities (SEIAAs)/State Expert Appraisal Committees (SEACs) have been constituted in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) act, 1986 for decentralisation of the Environment Clearance (EC) process for expeditious clearances at the State level. All projects or activities under Category 'B' in the Schedule of the EIA Notification are appraised at the respective SEIAAs/SEACs of the States/UTs.

2. The EIA Notification 2006 has been amended from time to time to streamline the EC process. As the SEIAAs/SEACs have gained substantial experience in appraising projects over time, the threshold levels of category B projects have been accordingly increased from time to time so as to delegate more projects to SEIAAs.

3. At the time of issue of such amendments in EIA Notification 2006, there could be a possibility that certain projects under various stages of consideration (Scoping/ Appraisal) at the Central level were categorized as category 'B' projects before the final decisions were taken at the Central level.

4. Further, the EIA Notification, 2006 was amended vide Notification no. S.O. 1886 (E) dated 20/04/2022, wherein it is inter-alia stated that Category 'B' projects which are inordinately delayed at the SEIAA level, beyond the stipulated timeline as laid down in this notification and also meet the criteria as laid down in this regard from time to time, shall be considered at the Central level as Category 'B' projects.

5. In this regard, the Ministry deems it necessary to clarify the process for handling such proposals, as mentioned at para 3 and 4 above. The procedures for the same is as below:

A. Procedure for transferring category B proposals from SEIAAs subsequent to change in threshold arising due to amendments in EIA Notification 2006 from time to time

6. The Member Secretaries of the Expert Appraisal Committees (EACs) are hereby directed to transfer the proposals to SEIAA, subsequent to categorization of such proposals as category 'B' project due to amendments in the EIA Notification 2006 issued from time to time, in case they are in the following stages of consideration (Scoping/ Appraisal) at the Central level:

- i. Submission stage (ToR/EC)
- ii. Placed in agenda for ToR but not considered even once by EAC
- iii. Placed in agenda for EC but not considered even once by EAC .

7. The concerned Member Secretaries, while transferring the proposal online to the concerned SEIAAs shall inform the Project Proponent also regarding the same.

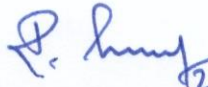
8. The proposals which have been considered/ appraised once by EAC either for ToR or EC, but final decision has not been taken, shall continue to be appraised at the Central level only, till final disposal for ToR/EC, even after the amendments in the EIA Notification are issued from time to time regarding delegation of projects to SEIAAs.

B. Procedure for considering category B proposals at the Centre which are inordinately delayed at SEIAAs

9. With regard to projects that are inordinately delayed at the SEIAA level for grant of EC, the Ministry shall consider them at the Central level on a case to case basis based on the following criteria:

- i. This provision is applicable only for EC applications which are inordinately delayed at the SEIAA level.
- ii. The project proponent is eligible to make a request to the Ministry for consideration at the Central level if the recommendations of SEAC has not been communicated to the project proponent, within 210 days of the receipt of the complete application excluding the time taken for the project proponent to submit the essential and additional details sought.
- iii. In case of Central/State Government Projects where larger issue of public interest is involved , the project proponent is eligible to make a request to the Ministry for consideration at the Central level if the recommendations of SEAC has not been communicated to the project proponent, after the expiry of 105 days and within 210 days of the receipt of the complete application excluding the time taken for the project proponent to submit the essential and additional details sought , for reasons to be recorded in writing and upon a reference made to that effect by the Central Government or State Government.

- iv. The application shall not be pending with the project proponent for want of information/details/documents at the time when the project proponent is applying for consideration at the Centre.
 - v. The application shall be accompanied by an endorsement from the concerned Secretary, Environment of the State Government Department or concerned Joint Secretary of the Central Government Ministry to which the project pertains to, recommending the aforesaid application of the Project Proponent.
10. The projects which qualify all the above criteria mentioned at para 9 above shall be considered at the Central level on a case to case basis as per the following procedure:
- i. A detailed report shall be sought from SEIAA to ascertain the factual status of the project proposal and the reason for delay.
 - ii. If legitimate reason is found on the part of SEIAA, then the proposal shall be considered at the Central level, subject to approval of the Hon'ble Minister of Environment Forest and Climate Change, Government of India.
 - iii. An alert through PARIVESH shall be sent to SEIAA/SEAC to maintain status-quo of the proposal and not consider it further for appraisal as soon as decision is taken to take up the Project at the Central level.
 - iv. In the SEIAA ranking, one mark shall be deducted for every inordinately delayed proposal which is considered at the central level.
 - v. Such proposals, once considered at the Central level, shall not be sent back to SEIAA till the final decision is taken on such proposal by the Ministry.
11. The project proponent of the inordinately delayed projects shall apply online on PARIVESH in the prescribed format through the provision created for this purpose.
12. This is issued with the approval of 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 IA 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. Sr.PPS to Secretary (EF&CC)
4. Sr.PPS to AS(TK) / AS (NPG)
5. Sr.PPS to JS (SKB)
6. Website, MoEF&CC
7. Guard file.