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Government of India
Ministry of Environment & Forests

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Dated the 8th June, 2011

OFFICE MEMORANDUM

Sub: Applications received for prescribing TORs / grant of EC involving land claimed to be owned by different project proponents – Procedure to be followed – Regarding.

The Environment Impact Assessment (EIA) Notification, 2006 requires various projects / activities listed there under to obtain requisite prior environmental clearance under the provisions thereof. Accordingly, Ministry of Environment & Forests / State Environment Impact Assessment Authorities (SEIAAs) have been receiving proposals for prescribing TORs / grant of EC in respect of the projects / activities to be undertaken by various project proponents. Instances have come to the notice of this Ministry where different project proponents have submitted their applications for prescribing TORs / grant of EC for the same site and / or sites involving common land in part or in full. Since the issue of Land is primarily concern of the State Governments and in order to avoid any litigation at a later date in such cases, it has been decided that the following procedure will be followed:

(a) Cases involving common land where no project has been prescribed TORs / granted EC

If, more than one proposal is received for the same land or having land overlapping with other project(s), in part or in full, all such projects will be kept on hold. A written communication will be sent to the Chief Secretary of the concerned State where the project(s) is located, requesting the State Government for specific comments on various contentions made and consequent advice in the matter. In the meantime, all such proposals will be delisted from the pending list. Only after a formal advice is received regarding the land from the State Government, the proposal(s), if any, in whose favour the advice has been given by the State Government, will be considered by the EAC on merits, recommendations made and decision taken.

(b) Cases involving common land where one of the project has already been prescribed the TORs

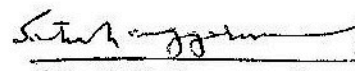
If, a proposal for prescribing TORs is a received involving land in part or in full for which TORs have already been prescribed to some other project, in such a situation the project received for TOR will be kept on hold. A written communication will be sent to the Chief Secretary of the concerned State where the project(s) is located, requesting the State Government for specific comments on various contentions made and consequent advice in the matter. The project for which TORs have already been

prescribed will also not be appraised for grant of EC and will be kept pending. In case the project has already been recommended by EAC and is awaiting approval of the Competent Authority and issuance of the EC letter, the letter granting EC will also be kept on hold. Only after a formal advice is received regarding the land from the State Government, the proposal(s), if any, in whose favour the advice has been given by the State Government, will be considered by the EAC on merits, recommendations made and decision taken.

(c) Cases involving common land where one of the project has already been granted EC

If, a proposal for prescribing TORs / grant of EC is received involving land in part or in full for which EC has already been granted to some other project, in such a situation the project so received for TOR/EC will be kept on hold. A written communication will be sent to the Chief Secretary of the concerned State where the project(s) is located, requesting the State Government for specific comments on various contentions made and consequent advice in the matter. Separately, a communication will also be sent to the proponent(s) to whom the EC has already been issued, informing about the claim of the land made by the other proponent(s) and mentioning that any further implementation of the project will need to be at the precise location and the boundaries of the plot for which EC had been applied for and in case of any change, EC would need to be amended. The project implementation at this juncture would also be at the risk and cost of the project proponent. Only after a formal advice is received regarding the land from the State Government, the proposal(s), if any, in whose favour the advice has been given by the State Government, will be considered by the EAC on merits, recommendations made and decision taken and at the same time appropriate action will be taken in respect of the proposal(s) for which EC has already been granted.

This issues with the approval of the Competent Authority.


(Dr. S.K. Aggarwal)
Director

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:-

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to SS(JMM)
4. Advisor (NB)
5. Website, MoEF
6. Guard File