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Prakash Baviskar

Ref. No. MCHI/PRES/19-20/035

September 11, 2019

To,
Shri Anil Diggikar (IAS)
Principal Secretary
Environment Department
Govt. of Maharashtra
Mantralaya, Mumbai.

11/9/19
लिपिक
प्रधान सचिव कार्यालय
पर्यावरण विभाग, मंत्रालय, मुंबई

Sub: Considering Violation Cases submitted after Violation Window Closure in accordance with law and/or by opening another Violation Window.

Respected Sir,

Union of India has made a provision for grant of ex post facto environmental clearance for project proponents, who have commenced, continued or completed a project without obtaining clearance under the Environment (Protection) Act, 1986, vide its Notification dated 14.03.2017. This notification is an attempt to balance development on one hand and environment protection on the other.

As per the said Notification dated 14.03.2017, the projects or activities which were in violation as on the date of that Notification were eligible to apply for Environment Clearance within 6 months from the date of the said Notification that is upto 13.09.2017.

In the meanwhile, the said Notification was the subject matter of Writ Petition No. 11189 of 2017 before the Hon'ble Madras High Court. The Hon'ble Ms. Indira Banerjee - Chief Justice and the Hon'ble Mr. Justice M. Sundar - Coram passed an Order in the said Writ Petition on 13.10.2017.

A procedure for handling such violations was prescribed and the authority was passed on to the State for further action on such cases. However, there was lack of clarity as to what method would be adopted for regularising the projects under violation leading to anxiety among the project proponents. To clarify this The Government of Maharashtra vide Circular dated 03.04.2018 issued guidelines regarding appraisal of violation cases leaving only about '10 days' for project proponents who were waiting for such guidelines to file their application in the violation window. The Standard Operating Process for assessment for environmental damage and estimation of remediation cost came to be issued later on 18.03.2019.

However, during this whole phase of procedural delays and confusion, many project proponents were unable to comply with filing within this short time frame. Additionally, extensive technical preparations were required for filing for which such short 10 days leftover period was way too less.

Therefore, in the best interest of the environment and on the principles set earlier by the MoEF for handling such violations, we sincerely request you to please open a 3-month window for filing for violation cases who might have missed to do so earlier. This will ensure that such cases of violation projects do not continue to operate without remedy and that they do not cause further damage to the environment. It will also ensure that after due process and once the EC is granted in such cases, the home buyers who are stuck to get delivery of their homes, eventually get their home.

We may be given an opportunity to meet you in person to discuss the above as per convenient day, date and time.

Thanking you,

Your sincerely,
For CREDAI-MCHI



Nayan A. Shah
President



Bandish Ajmera
Hon. Secretary



Sanjiv Chaudhary MRICS
Chief Operating Officer