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Nainesh Shah

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I.A.S. (Retd.)

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Parag Munot

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Sandeep Runwal
Lakshman Bhagtani

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Pujit Aggarwal
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Munish Doshi
Navin Makhija
Rushank Shah
Deepak Gundecha
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Sunil Mantri
Pravin Doshi
Mohan Deshmukh
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Late Lalit Gandhi
Late Babubhai Majethia

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Suraj Parmar
President, Kalyan-Dombivli
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Ref. No. : MCHI/PRES/15-16/168

o/c

January 20, 2016

Hon'ble Shri Devendra Fadnavis
Chief Minister
Government of Maharashtra,
Mantralaya,
Mumbai - 400 032.

Sub: Key Issues related with the Environment Clearances in Maharashtra.

Respected Sir,

We the body of Real Estate developers are facing various issues related with the Environment Clearance (EC). The Ministry of Environment & Forest (MOEF) has issued Office Memorandum (OM) dated dt.19th June 2013 & 10th November 2015 and the Notification dated 22/08/2013 issued the guidelines for granting of Environment Clearance (EC) by SEAC and SEIAA. The following are the key issues faced by our members.

- 1(A) At present about 300 numbers of cases are pending with the SEAC-2 and about 80 to 90 cases are pending in SEIAA for grant of Environment Clearances.
- (B) Generally, SEAC-2 committee conducted one or two meetings per month. The minutes are finalised & signed in the next committee meeting and thereafter the same are available to the project proponent. After receipt of minutes, project proponent submits the compliance report for the points raised in the meeting to the committee and the case again heard in next meeting only if the slot is available in the agenda. Thus the time required for obtaining initial EC from SEAC-2 is minimum 6 months from the submission of the proposal in the committee.
- (C) After getting initial clearance from the SEAC-2 the proposal forwarded to SEIAA i.e. Authority. In the authority, the committee has insisted to submit the approval from the planning authority for the proposal. In the authority some suggestions are given which are differing from the sanctioned plans. Once again the approval from planning authority has required to be obtained from the planning authority and due to this the time required to obtaining final EC from SEIAA is again minimum 4 months. Hence total time required for obtaining final clearance for the Environmental Clearance from the Mantralaya is minimum 10 months.
- (D) After obtaining the final clearance from the committee the project proponent have to obtain the Consent For Establishment from the MAHARASHTRA POLLUTION CONTROL BOARD (MPCB) before starting of actual project work on site. The time required for obtaining Consent for Establishment from MSCB is again minimum 2 to 3 months.

MCHI-CREDAI

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- (E) Here we have seen that before start of any project on site the time involved only for obtaining Environment Clearance is about 12 to 13 months. This is contradictory to the parameters of the EASE OF DOING BUSINESS Concept. Therefore, our request to Hon. Chief Minister to give necessary instructions to the ministry to increase the numbers of meeting per month and minutes shall be made available to the project proponent on the same day so that the compliances shall be submitted in the same committee meeting also the proposal shall be heard and grant the clearance on the basis of conceptual plans as submitted by the architect and project proponent in the committee.
- (F) As per the EIA Notification SEAC will have to make recommendation within 60 days from the date of receipt of the building project from the Project Proponent and thereafter SEIAA shall consider the recommendation of SEAC shall consider the recommendation of SEAC and convey the recommendation to the Project Proponent within 45 days. Thus the time required as per the EIA notification is about 60 to 105 days. This time period shall bring down to 30 days. To achieve number of meetings of SEAC and SEIAA will have to be increased and the minutes shall be made available on the same day of the meeting.
- 2 The conceptual plans for the residential project or Township proposal as certified by the Architect shall be accepted by the Committee for the clearance. The plans shall be confirmed with the DC Regulations with full potential of the project.
 - 3 The modifications up to limit of +/- 20% in the original environment parameters like Water, Sewage, Green Belt coverage, Energy and Power then only amendments or revised Environment Clearance shall not be insisted however, if such modifications are more than above mentioned limit then fresh Environment Clearance shall be made mandatory.
 - 4 As mentioned in the MOEF's Office Memorandum Dtd. 19th June 2015 and 10th November 2015 the SEAC /SEIAA Committees shall focus only on the TOR submitted by the Project Proponent for his project. However it is seen that, these committee members are focus on the planning issues or issues related with DCR which are normally looked after by Planning Authority. Thereafter Committee Members are insisting on to change the plans which are already approved by Planning Authority confirming with the provisions of DC Regulations in force and there is always conflict between the Committee Members and the consultants, architect and the Project Proponent. And therefore there is delay in granting of EC from the Committee.

In view of the above, we hereby request your good-self to issue instructions to the Environment Department:

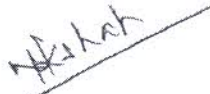
1. To increase the number of meetings of the Committee per month.
2. To available the Minutes of the meeting on the same day of meeting.
3. For the long pendency of the proposals, if required the proposal shall be sent to MOEF for one more additional SEAC Committee for grant of rapid EC to the projects so that the parameter of Ease of doing business will be achieved.
4. To accept the conceptual plans for the residential project or Township proposal as certified by the Architect and signed by the project proponent for the clearance.
5. Minor modification upto 20% need not undergo changes in EC.
6. To follow the office memorandums/guidelines issued by MOEF for grant of clearance.

Looking forward for your positive cooperation please.

Yours faithfully,
For MCHI-CREDAI



Dharmesh Jain
President



Nainesh Shah
Hon. Secretary



S. S. Hussain (I.A.S. Retd.)
C.E.O.