

**S. S. Hussain** I.A.S. (Ex)  
Chief Executive Officer

Ref. No. MCHI/CEO/14-15/141

December 29, 2014

**Sub: Construction of development projects located within 10 kms of National Park and Sanctuaries seeking environmental clearance under EIA Notification, 2006 - clarification regarding**

**Ref: Office Memorandum of MoEF & CC Dtd 26<sup>th</sup> September 2014  
Office Memorandum of MoEF & CC Dtd 4<sup>th</sup> September 2014  
Office Memorandum of MoEF & CC Dtd 20<sup>th</sup> August 2014**

Dear

As you aware that Supreme Court order of 2006 directed the MoEF to notify eco-sensitive zones around protected areas. The MoEF gave all state governments till July 2013 to submit proposals for eco-sensitive areas around national parks and wildlife sanctuaries. In August this year, the MoEF reminded state governments of a circular where prior clearance from the standing committee of the NBW was mandatory for development activity with the 10km eco-sensitive zone. The Sanjay Gandhi National Park (SGNP) then informed the MCGM's building proposal department of the same.

In context to that Mr. Vikas Gupta, Chief Conservator of Forest and Director of Sanjay Gandhi National Park has sent a letter with a directive to the Municipal Commissioners of Mumbai and Thane Municipal Corporations about not to sanction real estate projects with an area over 20,000 square meters within a 10 kms radius of the Sanjay Gandhi National Park unless a green clearance has been obtained from the national Board of Wild Life (NBWL). This directive will impact on all ongoing and proposed real estate projects in Mumbai's eastern and western suburbs and much of Thane district.

These directives by the forest department was issued on the basis of the 2006 Supreme Court order in a case filed by Goa Foundation against indiscriminate mining around forest areas. The letter of Mr Gupta reiterated that as per Supreme Court ruling and subsequent orders issued by the MoEF & CC, "building and other construction projects having built-up area more than 20,000 square meters will need the clearances of the NBWL." It also stated that, "it comes to our notice that most projects were bypassing the NOC requirement as the planning agencies never cared to implement the MoEF & CC orders. But now the NBWL has become stricter about projects obtaining its clearance."

Earlier this year, the forest department had submitted a proposal demarcating the eco-sensitive zone along with the boundary of SGNP. The proposal recommends a buffer area of 0.1 km to 2.0 km from the boundary of the national park. However, as MoEF &

CC is yet to notify the proposal, all construction with an area of over 20,000 square meters, requires a NOC from the NBWL.

Therefore, with reference to the above updates of MoEF & CC, our members were surprised and not very clear by the directives issued by the authority. They feel and understand claim that they are already required to take more than 60 NOC's, which significantly delays projects. This will further affect on the entire residential developments laid down in that region which is also likely to affect hundreds of investors.

This would also be against the principle and desire of the Government to ease Business of Development in the State. The Hon'ble Chief Minister already announced, during Winter Assembly Session at Nagpur that, the State Government and its authorized agencies will give approvals for Residential Projects within 7 days of receiving the Project proposals from the Builders, which will affect on the Property Prices and it will come down by 15-20%. This can work as a good incentive and scenario for the Builders' fraternity. State Government also take further initiative in Industrial sector which is a most remarkable step for the positive development. The MIDC is directed to cut down the number of permissions required to start an Industry to just 5 instead of 67 permissions from the State Govt. and 19 permissions from the Central Govt. Our Chamber welcomes this decision of 5 permissions, which is needed for MIDC Estates for Land Allotment, permission to Mortgage, Building Plan Approval, Building Completion Certificate and Final NOC etc.

Hence, on behalf of MCHI-CREDAI members, I would like to request you to please apprise us of the entire process about the NOC of NBWL in order to clarify and inform our Members for necessary awareness of the Directions/Rules in this regard. It would also bring the desired clarity about the Process to be followed.

Your



S. S. Hussain

To,  
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