

January 19, 2021

Ref. No. MCHI/PRES/20-21/106

To,  
Smt. Manisha Mhaiskar (I.A.S.)  
Principal Secretary  
Environment Department  
Government of Maharashtra  
Mantralaya, Mumbai.

**Sub: Procedure adopted by Government of Maharashtra for Grant of Environmental Clearance (EC) under EIA Notification 2006.**

**Reference:**

1. EIA Notification 2006 dated 14<sup>th</sup> September 2016
2. Gazette Notification of MoEF dated 1<sup>st</sup> December 2009
3. Office Memorandum issued by MoEF dated 19<sup>th</sup> June 2013 and 10<sup>th</sup> November 2015
4. Circular issued by Government of Maharashtra dated 30<sup>th</sup> January 2014
5. Office Memorandum issued by Government of India dated 18<sup>th</sup> November 2020

**Respected Madam**

Reference is requested to the above and the EIA Notification issued by the Government of India on 14<sup>th</sup> September 2006 wherein APPENDIX 5 - 'PROCEDURE PRESCRIBED FOR APPRAISAL', Sr.no.3 inter alia provides the procedure for grant of EC to approved scheme / approved plans. The said provision is extracted below for your kind perusal.

3. *Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance. As and when the applicant submits the approved scheme / building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.*

The aforesaid provision was superseded by subsequent Gazette Notification dated 1<sup>st</sup> December 2009 issued by the Government of India which is extracted below for your kind perusal.

3. *Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA Report, in the case of all projects and activities other than Item 8 of the Schedule. In case of Item 8 of the Schedule, considering its unique Project Cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A & Conceptual Plan and make recommendations on the Project regarding grant of Environmental Clearance or otherwise and also stipulate the conditions for environmental clearance.*

It is submitted that based on the above stipulation, the recommendation for grant of EC by the SEAC is to be considered by the SEIAA based on conceptual plans. It is further submitted that there is no stipulations for obtaining approved plans or otherwise for grant of EC.

Subsequently, the MoEF has further issued Office Memorandums dated 19<sup>th</sup> June 2013 and 10<sup>th</sup> November 2015 (copies attached) further elaborating the procedure to be followed while appraising a proposal and grant of EC. It is therefore clear that the proposal for appraisal by SEAC and subsequent grant of EC by the SEIAA has to be based on Form 1, Form 1A and the Conceptual Plans only.

However, Government of Maharashtra vide its circular dated 30<sup>th</sup> January 2014, in complete contravention and contrast to the Office Memorandums and Gazette Notifications issued by the Government of India, insists that the IOA/IOD/Concession document has to be obtained by the Project proponent prior to the grant of EC. The relevant provision of the said circular of the Government of Maharashtra is as under:-

4. *In view of the above, all planning authorities / building plan approving authorities are hereby informed that all building proposals under preview of EIA Notification 2006 should first be considered as per the prevailing rules of concerned authority & IOD/IOA/concession document or any other form of documents as applicable should first be issued clarifying its conformity with local planning rules and provisions there under before its submission for Environmental Clearance. This should be issued stipulating condition of obtaining prior environment clearance to the project before initiating any construction unless specified by any other circulars / OM issued, if any.*

Accordingly for grant of EC, the SEIAA insists that the Project Proponent must obtain approved plans/concession approval from the planning authority prior to the case being considered by the SEIAA for grant of EC.

Moreover, the MoEF has vide its Office Memorandum dated 18<sup>th</sup> November 2020 has further reiterated its earlier OM's dated 19<sup>th</sup> June 2013 and 10<sup>th</sup> November 2015 and has directed the SEAC & SEIAA to strictly adhere to the time lines for grant of EC including the requirement for appraisal by SEAC and subsequent EC by the SEIAA. The relevant provision of the OM dated 18<sup>th</sup> November 2020 is reproduced for your perusal.

- a. *All EAC meetings shall be held at least twice a month to cut down the period of EC approval. There shall not be gap of more than 15 days between two EAC meetings.*
- b. *All the fresh EC proposals which have been submitted up to 10 days before EAC meeting shall be taken up in the meeting. The Project Proponent shall be asked to submit the presentation also along with the EC application and other documents. However all the cases where ADS/EDS were raised and information submitted by project Proponent even 2 days before the meeting shall be taken up.*

In view of the above, it is requested that the Government of Maharashtra amend its circular dated 30<sup>th</sup> January 2014 and issue directions to the newly constituted SEAC/SEIAA to not insist for IOA/IOD/CC for grant of EC and further to strictly adhere to the above cited binding OMs including with respect to the stipulated time lines as contained therein for appraisal and grant of EC to projects submitted by the Developers.

Thanking you,

Yours Faithfully,  
**For CREDAI-MCHI**



**Deepak Goradia**  
President



**Pritam Chivukula**  
Hon. Secretary