

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

Ref. No. MCHI/CEO/14-15/093

September 29, 2014

**Subject: Suggestion to Draft Notification (amending clause 8 of EIA
Notification, vide S.O. 2319(E) dated 11th September, 2014.**

My Dear *Asstt. Ajay Tyagi ji*

Greetings from MCHI-CREDAI

Let us introduce our organisation to you Sir. MCHI-CREDAI is an apex body consisting of members from Real Estate Industry among Mumbai Metropolitan Region (MMR). This organisation formed in 1982, and it's the most prominent and the only recognized body of Real Estate Developers in Mumbai and MMR. We bring together members dealing in Real Estate Development on one common platform to address various issues facing the Industry. With a strong Membership of over 1800 leading Developers in Mumbai and the MCHI-CREDAI has expanded across MMR, having its own units in the region of Thane, Kalyan Dombivli, Mira Virar City, Raigad and Navi Mumbai.

MCHI-CREDAI is recognized by Government of Maharashtra and the Central Government and helps in meeting their objectives of providing housing, which is a basic necessity. We also work towards raising awareness among the General Public, Real Estate and Construction Industry while providing them with detailed information on new developments in and around Mumbai and MMR. We are also a Member of Confederation of Real Estate Developers' Associations of India (CREDAI) the apex body for Private Real Estate Developers in India and is also affiliated with leading Industry Associations like CII, FICCI, IMC and others.

With reference to above, I would like to file our say as under.

1. I congratulate the Ministry for removal fuzziness in Building construction projects and specifying only those categories of buildings where such NOC is required. This has cleared the way for not insisting NOC for religious buildings. Educational buildings, club houses, Govt/semi Govt operational buildings, purely parking lot buildings on independent plots, various projects such as pumping stations etc., sports complexes and the like buildings not covered therein.
2. However, Residential buildings within "Legally designated Urban Areas" cannot have major environmental impacts, as the local municipal bye laws takes care of various environmental related aspects. More so, once a city is accepted as

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development centre, no purpose remains by carrying out any impact study, as "any construction activity" is going to create some or the other impact on natural environment. However, in any "CITY" the development and other aspects take the "Captain's Role" and only "Mitigation Measures" remain to be implemented, which can be done by a "Check List and Post project monitoring" approaches at Local municipal level. Hence such projects must be removed from the List for "Environmental Clearance.). The buildings situated in Mufassil/Village areas where lesser regulatory regime exist, can be appraised for EIA clearance.

3. The column No. 5 in clause 8(a) and Note no. (i) shall therefore be redrafted/replaced as under.

"Note:

- (i) The projects/Activities covered are *residential buildings situated beyond legally designated urban areas, commercial buildings, hotels, hospitals, hostels, office blocks, and information technology/software development units/parks*"

We in MCHI-CREDAI, also request you that the committee may please give us some time to meet and to present our views & concerns as a group as the only recognized body of Real Estate developers in Mumbai Region. We are also enclosing our views & concerns along with annexure with this letter.

Expecting for your positive response

*With Best regards,**Yours Sincerely*
**S. S. Hussain**

To,
Shri Ajay Tyagi (I.A.S.)
Joint Secretary,
Ministry of Environment,
Govt of India
New Delhi

Encl: Annexure - Suggestion to Draft Notification (amending clause 8 of EIA Notification

Suggestion to Draft Notification (amending clause 8 of EIA Notification, vide S.O. 2319(E)

In response to the Constitution of High Level Committee under the Chairmanship of Shri T.S.R. Subramanian, Former Cabinet Secretary, Government of India, we have prepared the following few suggestions/recommendations for the necessary consideration of the Committee while going through various provisions of the relevant Environment & Forest Act in order to facilitate Environmental Clearances, NOCs and ease, the process of doing business, particularly in the Real Estate.

1. Any Residential, commercial or Retail project, (not involving industrial waste etc) proposed in A class Municipal Limits, where there exists an approved Development Plans under Regional Town Planning Act, and which has Fire, traffic, sewerage, storm water, and water supply systems in place, no Environmental Clearances should be insisted. All the prescribed conditions of environment should be incorporated in the Development Plan itself.
2. Residential, Commercial or Retail projects consuming more than one lac sq.mtrs. of FAR,/FSI should only require the Environmental Clearance if it is situated in any Municipal limits other than prescribed in clause 1 above.
3. Residential, Commercial or Retail projects consuming more than Twenty thousand sq.mtrs. of FAR,/FSI should only require the Environmental Clearance if it is situated outside any municipal limits.
4. There should be only one committee in place of existing three committees, SEAC, SEIAA and CZMA, which should give CRZ as well as Environmental Clearances.
5. In any Committees, only such people should be appointed who are willing to meet as frequently as is required to clear any proposal within 105 days as provided in the Act. OR there should be multiple Committees operating simultaneously to ensure that disposal is achieved in 105 days.
6. Construction upto plinth level should be allowed pending Environmental Clearance.
7. Any city (A category municipality and above) having Coastal Regulation Zone, should not be frozen to pre 1991 regulations. Provision of restricting development as prevailing on 19.2.1991 needs reconsideration. The CRZ authority should prescribe the norms of preserving the Coast for Local Body to incorporate in its Development plan. But uniform regulations needs to be applied to the entire city and city cannot have two or more sets of regulations to be applied and that too those prevailing on 1991. The process of development cannot be frozen on time.
8. Consent to Establish and Consent to Operate for Residential Complexes should not be required. The insistence of obtaining prior consent of the State Pollution Control Board with respect to residential projects, which is not contemplated under the Water and the Air Act, should be implemented.

9. Environment Clearances for Residential, Commercial and Retail project should be on concept plan and based on area of construction. Any change in design or layout or configuration, within the same area of construction should be permitted and should not require revised Clearance. Additional parameters, like generation of sewerage, ground water utilization, etc can also be prescribed, variation in which may require modified clearance.
10. Irrespective of the size of the project, the project proponent should be allowed to complete construction upto the basic exemption limit.
11. Validity of Clearances of Environment, should be for entire life of the project. And should not be for five years as it is present practice.
12. TOR for Residential, Commercial and retail projects should be standardized and published for project proponent to prepare its application. There should be no separate TOR for afore said kind of projects
13. Provisions of local regulations as approved by state governments should be accepted and plans prepared in accordance with Development Control Regulations, should not be asked to be modified. Any additional requirement to mitigate environment issues can be prescribed but local Development Regulations shall have to be accepted as basis on which all plans will have to be prepared. The committee, can suggest any modifications to local regulations, if they are found to be against environmental issues, to state government, but project proponent cannot be asked to modify plans which are not in accordance with local DCR