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Prakash Baviskar

Ref. No. MCHI/PRES/19-20/038

September 13, 2019

To

Shri Prakash Javadekar

Minister for Environment, Forest and Climate Change (IA Division),
Indira Paryavaran Bhavan,
Ali Ganj, Jor Bagh Road,
New Delhi - 110003.

Sub: Extension and validity of Environment Clearance granted for various development in Mumbai Region under Item 8 of category (a) and (b) of EIA Notification, 2006

Ref : Notifications issued vide S.O. No. 1141 (E) dated 29.04.2015, S.O. No. 2571 (E) dated 31.08.2015 and Office Memorandum F. No. 22-27/2015-IA-III dated 12.04.16 by MoEF &CC

Respected Sir,

With reference to above referred Subject and Notifications dated 29.04.2015, 31.08.2015 and Office Memorandum dated 12.04.2016 referred above where in Ministry of Environment, Forest and Climate Change (IA Division), Govt. of India had given Extension of validity for Environmental Clearance subject to condition compliances of Condition No. (i) to (iii) mentioned in the said OM dated 12th April 2016 (enclosed herewith for ready reference) which are as under:

- (i) The Environment Clearance of the projects which had not completed five (5) years on the date of publication of Notification ie 29.04.2015, there validity will stand automatically extended to seven (7) years.
- (ii) The Environment Clearance of the projects which have completed five (5) years on the date of publication of Notification ie. 29.04.2015 and the project proponents submitted application for extension of their validity within the validity period of five (5) years, the validity of such Environmental Clearance will also be extended to seven (7) years.
- (iii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification ie. 29.04.2015 and application of seeking extension of validity has not been submitted within the validity period by the project proponent, their extension of validity will be decided on case to case basis.

In this context, we would like to bring to your notice that from past 3 years or so, economy as a whole and real estate industry, in particular, is going through a turmoil and disruption due to demonetization, introduction of GST, RERA, etc. Due to this the developers i.e. Project Proponents are facing major liquidity issues in their cash flows, thereby resulting in delay in completion of their projects of Residential / Commercial / Industrial developments. As per the current practice, the Project Proponent has to apply for revalidation of their Environmental Clearance on completion of 7 years.

Also to inform you that Mumbai City Development Plan and Development Control Regulations was sanctioned by Govt. of Maharashtra on 25th March, 1991 and was valid for a period of 20 years as per MRTP Act, 1966. Since DP and DCR rules are required to be amended as per provisions of MRTP Act, on 25th February 2015 draft DP and DCR 2034 were published for Mumbai for inviting suggestions and objections from general public where in Permissible FSI and zoning of land were changed. However due to errors in the said DP and DCR 2034, Govt. of Maharashtra cancelled the same and after various drafts, finally DP/DCR 2034 was sanctioned on 8th May, 2018. Due to this uncertainty as well, since the year 2015 project Proponents could not complete their project on time.

Further, to inform you that since real estate industry is undergoing through slump and major slow down, various industry associations i.e. CREDAI-MCHI/ NAREDCO/ PEATA requested Govt. of Maharashtra to take necessary steps to revive the real estate industry in Mumbai Metropolitan Region including but not limited to requesting to reduce Development charges/Development cess/ Fungible premium/ additional FSI Premium for various developments. Pursuant to that, the Govt. of Maharashtra was kind enough to consider the same and through its Urban Development dept. have issued Notification dated 20th August, 2019 and given relief in payments of premium /Development charges, etc.

In view of above factors and prevailing recessionary situation in real estate, we here by request Ministry of Environment, Forest and Climate Change (IA Division), Government of India to look in to the matter and issue necessary directive for automatic extension of EC validity limit from existing 7 years to 15 years so that project proponent can complete their project by complying with various conditions of local planning authority and Environmental Clearance NOC without the need to apply for revalidation. The Policy shall also apply to the projects where the validity is already expired, but will be able to start the work after automatic extension is applied of 15 years from the date of issue of EC.

Hence, accordingly we kindly request you to grant the applicability of automatic extension of 15 years from the date of issue of EC to all the 3 categories as mentioned in the Office Memorandum F. No. 22-27/2015-IA-III dated 12.04.2016 (also reproduced at (i) to (iii) on page 1 of this letter) issued by Ministry of Environment, Forest and Climate Change (IA Division).

Thanking you,

Your sincerely,
For CREDAI-MCHI



Nayan A. Shah
President



Bandish Ajmera
Hon. Secretary



Sanjiv Chaudhary MRICS
Chief Operating Officer

Encl.: As above

F. No. 22-27/2015-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Ali Ganj, Jor Bagh Road
New Delhi- 110003.

Dated the 12th April, 2016

OFFICE MEMORANUDM

Subject: Notifications issued by the Ministry of Environment, Forest and Climate Change vide S.O. No. 1141 (E) dated 29.04.2015 and S.O. No. 2571 (E) dated 31.08.2015 under the provisions of the EIA Notification 2006 regarding extension of Validity of Environmental Clearance-Clarification regarding.

The undersigned is directed to inform that in respect of the subject mentioned above, the Ministry has decided to clarify the applicability of the Notifications as under:

- (i) The Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015, there validity will stand automatically extended to seven (7) years.
- (ii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and the project proponents submitted application for extension of their validity within the validity period of five (5) years, the validity of such environmental clearances will also be extended to seven (7) years.
- (iii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and application of seeking extension of validity has not been submitted within the validity period by the project proponent, their extension of validity will be decided on case to case basis.

This issues with the approval of the Competent Authority.


(Dr. Satish C. Garkoti)
Scientist 'F'

To

1. All ~~the~~ Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs / SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

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2. PPS to Secretary (EFCC)
3. PPS to SS(SK)
4. PS to JS(MKS)/PS to JS(BS) / ~~PS to JS(GB)~~
5. Website of MoEFCC
6. Guard File