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To,
Shri Gopal Shetty,
Hon'ble Member of Parliament, Lok Sabha.
North Mumbai.

Sub: Request / clarification for streamlining of process for granting of Environmental Clearance (EC) in the State of Maharashtra.

Respected Sir,

This is with reference to our earlier letters addressed to you and further to the concerns raised by various stakeholders with regards to the process of granting EC, in the state of Maharashtra, we hereby submit the followings: -

1. As per the Notification dated 14th September 2006, issued by the Ministry of Environment and Forests, as published in the Gazzete of India, Extraordinary Part II, Section3, subsection (ii), para no 7 (i) – Stage 2(i) – for Scoping mentions that
.... ***"All projects and activities listed in Category 'B' in item 8 of the Schedule (Construction / Township / Commercial Complexes /Housing) shall not require Scoping and will be appraised based on Form 1 / Form 1A and the conceptual plan". (Copy enclosed as "Annexure 1").***
2. Further, as per Circular dated No 23/3/2007-IA-III, by the Ministry of Environment and Forests, Government of India, it is mentioned that the project proponent need to submit conceptual plan in the first state along with Form 1, 1-A, for Environment Impact Assessment Authority (EIAA) to indicate the conditions to be complied with for according Environmental Clearance and after the approval of the schemes / building plan and compliance of environmental conditions thereafter to seek for environment clearance from Impact Assessment Authority.
(Copy enclosed as "Annexure 2").
3. Further, as per Office Memorandum vide No. 21 -270/2008-IA-III issued by Ministry of Environment and Forests, Government of India dated 19th June 2013, for EC for buildings and real estate projects, vide clause 2(iii) mentions that to avoid duplication of work and to speed up process of scrutiny, SEIAA / SEAC may only focus on thrust area of environmental sustainability viz. Environmental impact on mainly Project Land, Waste Water Management, Air Quality, green belt, Energy, Waste Management, Environment Management plan, while appraising the for granting EC, ***"The SEIAA / SEAC need not Focus on the other issues which are normally looked after by the concerned local bodies / State Government Department/ SPCBs." (Copy enclosed as "Annexure 3").***
4. Further vide Office Memorandum vide F.No.IA3-22/10/2022-IA-III issued by the Ministry of Environment, Forest and Climate Change (Impact Assessment Division) dated 5th May 2022, it clarifies in para no 7, that any addition, alteration, modification in the conceptual plan for which prior EC was granted other than permissible changes as mentioned therein, can be dealt with accordingly as per the provisions of the Office Memorandum dated 7th July 2021. ***(Copy enclosed as "Annexure 4").***

Thus, from the above, it clears the intention of the Ministry of Environment, Government of India, that for the ease of doing business, to avoid duplication of work and for the subsequent amendments, the EC is to be granted on filing Form 1 / Form 1 A and Conceptual Plan only and not to peruse for other NOCs handled by other governmental authorities.

Maharashtra Chamber of Housing Industry

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VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

5. However to say that in Maharashtra, as per the Circular dated 30th Jan 2014 issued by Environment Department, Government of Maharashtra, the EC is granted based on the approved plans / LOI/ IOD / concession documents and insisting to obtain upfront all the applicable NOCs from various other governmental authorities like CFO NOC from Fire Department, Sewerage NOC, SWD remarks, Tree NOC, Power NOC, NOC from High Rise Committee, Height NOC from Airport Authority of India, Traffic NOC and numerous other NOCs & studies. **(Copy enclosed as "Annexure 5")**.
6. Further Government of Maharashtra has issued letter vide SEIAA-2022/C.R.74/SEIAA Environment and Climate Change Department dated 25.01.2023, to all the planning authorities to insist the FSI area, non-FSI Area, Total BUA & RG area in IOD/IOA/Concession document / Plan Approval for the building construction projects. However, as the EC is to be obtained on the Conceptual Plan as per the directions of Central Government, need to ask for area bifurcation does not arise.
7. Further, Government of Maharashtra has issued Standard Operating Procedure (SOP) Vide no. SEIAA-2022/C.R. 30/SEIAA dated 12th April 2023, implementation of EIA, under Role of SEIAA/SEAC, clause (d) (ii) & (iii), **SEIAA / SEAC to require inputs from Local Planning Authority / Competent Authority regarding Key Environment Consideration and also requires the Project Proponent to submit various NOCs like HRC NOC / Ministry of Defence NOC / clearance of civil aviation NOC / CRZ NOC/ Wetland NOC/ Fire Safety NOC which are under the purview of other governmental authorities. (Copy enclosed as "Annexure 6")**.
8. However, in the Mumbai Metropolitan region, due to constraint of open and vacant land, majority of the projects are either re-development or Slum rehabilitation schemes. This involves upfront huge amount of capital investment for vacating the land by way of compensation to tenants / landlords / slum dwellers, etc and payment of premiums / fees to development Authorities for obtaining various approvals for obtaining IOD /IOA.

But in case for applying of EC, the Developer has to obtain of various NOCs as mentioned in point no.7 above and pay upfront premiums / fees, that may have been required at the later stage of Project. **As most of such approvals are being taken care by other planning departments during the project life cycle i.e. from issue of Commencement certificate till applying for Occupation Certificate**, involving huge capital outflow upfront, makes the project not only less viable / unviable and but also time consuming.

From the above circulars / notifications/ Office Memorandums, where on the one hand, the Minister of Environment & Forest, Government of India, in the process of ease of doing business insist on getting clearance of EC on Form 1/1A & Conceptual Plan only, while on the other hand the Environment Department, Government of Maharashtra insist for entire sets of IOD / IOA / along with NOCs & other studies already under the purview of other planning authorities.

Accordingly in the interest of stake holders at large, as the projects are getting delayed due to obtaining of various NOCs sought by SEAC/SEIAA, Maharashtra and huge upfront capital investment, and ease of doing business and avoiding duplication of work, we hereby plead your good selves to please get the matter clarified through the concerned ministry / department for streamlining the process of granting of EC in the State of Maharashtra, especially in Mumbai Metropolitan Region on Form 1 / 1A & Conceptual Plan only.

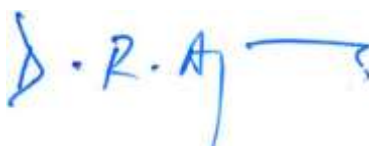
We hope that our above submission will be considered, and accordingly necessary positive action will be taken in this regard.

Thanking You and looking forward to your continuous support.

Yours sincerely,
For **CREDAI-MCHI**



Dominic Romell
President



Dhaval Ajmera
Hon. Secretary