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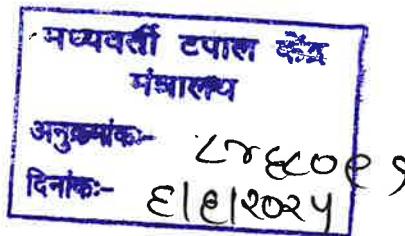
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Naman Shah

**PROCUREMENT CONVENOR**  
Nimish Ajmera

**WOMEN'S WING CHAIRPERSON**  
Jesal Shah

To,  
Smt. Jayashree Bhoj (I.A.S.),  
Secretary  
Environment Department,  
2nd Floor, Room No. 217,  
Annex Building, Mantralaya,  
Mumbai- 400 032.



**Subject:** Request for Implementation of Office Memorandum dated 22.09.2023 in respect of the scope of SEAC/SEIAA appraisal and ensuring non-overlap with scope which come under the purview of other authorities

**Reference**

- OM vide no. F. No. IA3-19/73/2023-IA.III dated 22.09.2023 issued by MOEF
- OM vide no. 22-154/2015-1A.III dated 10.11.2015 issued by MOEF
- OM vide No. 21-270/2008-IA.III dated 19.06.2013 issued by MOEF

Respected Madam,

The concept of environmental clearance was introduced with a view to ensuring environmentally positive development, since both development and environmental enhancement are critical for the nation. Accordingly, it has been long-held practice that conceptual plan should be used for the purpose of environmental appraisal and works should commence only after obtaining environmental clearance.

Further, to improve the efficiency of the environmental clearance process, Ministry of Environment and Forests (MOEF) has issued Office Memorandum (OM) dated 22.09.2023, 10.11.2015 and 19.06.2013. This OM provides clarity and direction concerning the scope of appraisal by the State Expert Appraisal Committee (SEAC) and the State Environment Impact Assessment Authority (SEIAA), particularly as it pertains to issues already under the statutory domain of local bodies and authorities.

The OM dated 10.11.2015 specifically states that:

#### Maharashtra Chamber of Housing Industry

Maker Bhavan II, 4<sup>th</sup> Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.  
Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: [www.mchi.net](http://www.mchi.net)

4. The requirement of environment clearance for buildings and construction projects should focus on environmental concerns and avoid duplication of efforts considering that such projects will be covered by the local civic authorities and under the provisions of the relevant master plan, building control regulations and safety regulations. The instructions issued vide this Ministry's earlier Office Memorandum No.21-270/2008-1A.III dated 19<sup>th</sup> June, 2013 should be followed in letter and spirit.

- (i) Timelines stipulated in the EIA Notification, 2006 shall be strictly adhered to by SEIAA and SEAC while processing the proposals for TOR/EC for the building and construction projects and township and area development projects. SEAC will make appropriate recommendations within sixty days of the receipt of the complete proposal from the project proponents. SEIAA shall consider the recommendations of the SEAC and convey its decision to the applicant within forty five days of the receipt of the recommendations. MoEF will regularly review the progress in disposal of cases by SEIAAs with the view to ensuring meeting of these timelines.
- (ii) In order to meet the stipulated timelines, to avoid duplication of work, and to speed-up the process of scrutiny, SEIAA/SEAC should only focus on the following thrust areas of environmental sustainability while appraising the 'Building and Construction' and 'Township and Area Development' projects.
  - a. Brief Description of the Project in terms of location and surroundings.
  - b. Environmental Impacts on Project Land and its surrounding developments and vice-versa.
  - c. Water Balance Chart with a view to promote waste water treatment, recycle, reuse and water conservation.
  - d. Waste Water Treatment and its details including target standards.
  - e. Alterations in the natural slope and drainage pattern and their environmental impacts on the surroundings.

- f. Ground water potential of the site and likely Impacts of the project.
- g. Solid Waste Management during construction and post construction phases.
- h. Air Quality and Noise Levels; likely impacts of the project during construction and operational phases.
- i. Energy requirements with a view to minimize power consumption and promote use of renewal energy sources.
- j. Traffic Circulation System and connectivity with a view to ensure adequate parking, conflict free movements, Energy efficient Public Transport.
- k. Green Belt/Green cover and the Landscape Plan.
- l. Disaster/Risk Assessment and Management Plan,
- m. Socio Economic Impacts of the project and CSR.
- n. EMP during construction and operational phases.
- o. Any other related parameter of the project which may have any other specific impact on environmental sustainability and ecology.

8. The SEIAA/SEAC need not focus on the other issues which are normally looked after by the concerned local bodies/ State Government Departments/SPCBs.

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Further, the OM dated 22.09.2023 states that:

This is regarding DO letter dated 08.08.2022 of Hon'ble Member of Parliament Shri Gopal Shetty (copy enclosed) regarding appraising of building construction projects on the basis of Form 1/1-A & Conceptual Plans only for grant of Environmental Clearance as per EIA, Notification, 2006.

2. In this regard, it would be relevant to mention that the provisions contained in clause 8(v) of EIA Notification, 2006, as amended and Ministry's OM number IA3-22/10/2022-IA-III dated 05.05.2022 as well as the latest amendments carried out in para 3 of Appendix-V of EIA Notification, 2006 vide Notification S.O. 156(E) dated 25.01.2012 lay down the salient features of the statutory framework for appraisal for building construction projects. Copies of aforesaid OM and Notification dated 25.01.2012 are enclosed for kind reference.
3. Needless to mention that the provisions of EIA Notification, 2006, as amended, specially those mentioned above, need to be kept in mind while appraising building construction projects.

The said OM clearly states that matters falling under the jurisdiction of local development or municipal authorities should NOT be focused on by the SEAC / SEIAA. This clearly covers municipal approval of plans and related permissions.

Inspite of the intent of the Act and the aforesaid OM, we submit that the process of obtaining environmental clearance in our state has become extremely slow and cumbersome. Currently, cases submitted as far back as 2023 have not yet been finally cleared. Further, despite the being aware that the local bodies grant approval in phases (linked to payment of various premiums), since 2021, additional practice has been started of limited environmental clearance to the plans that are already approved, which is a significant variance to the Act's requirement to consider 'conceptual plan'. In fact, the process should entail grant of environmental clearance, followed by approval of plan by the concerned authorities, and not the other way round.

In light of the above, it is respectfully submitted that:

1. The above-referenced Office Memorandum be immediately and formally adopted and implemented across all SEAC/ SEIAA proceedings in the state/jurisdiction;
2. Appraisal be conducted on basis of 'Conceptual Plan' and there be no restriction of EC to the extent of the plans approved by the municipal authorities.
3. Mechanisms be established to monitor and redress deviations from the defined scope of appraisal as per the OM.

This action will bring much-needed regulatory clarity, reduce the burden on both project proponents and statutory authorities, and uphold the principle of division of powers among different statutory agencies. It is pertinent to mention that many other states are already following the same practice in the EC grant process.

We trust the Department will give due consideration to this representation and take appropriate steps for the effective enforcement of the OM in question.

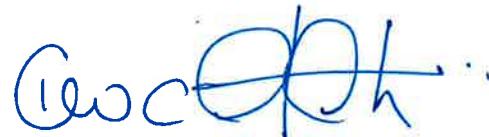
Yours sincerely,  
For CREDAI-MCHI



**Dominic Romell**  
President



**Dhaval Ajmera**  
Hon. Secretary



**Keval Valambhia**  
Chief Operations Officer  
Mob: +91 98709 85061