

No.J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan
C.G.O. Complex, Lodhi Road
New Delhi-110003

Dated: 27th June, 2013

OFFICE MEMORANDUM

Subject: Consideration of proposals for TORs / Environment Clearance / CRZ Clearance involving violation of the Environment (Protection) Act, 1986 / Environment Impact Assessment (EIA) Notification, 2006 / Coastal Regulation Zone (CRZ) Notification, 2011 – reg.

1. This Ministry, vide OM of even number dated 12.12.2012 on the subject cited above, has circulated guidelines for considering proposals for Terms of Reference (ToR) / Environment Clearance (EC) / Coastal Regulation Zone (CRZ) Clearance involving violations under the Environment (Protection) Act, 1986 / Environment Impact Assessment Notification, 2006 / CRZ Notification, 2011.

2. The matter has been further examined. It is felt that in addition to these guidelines circulated vide aforesaid OM dated 12.12.2012, in case of violation cases, the Project Proponent needs to be restrained, through appropriate directions under Section 5 of the Environment (Protection) Act, 1986 from carrying out any construction or operation activity without the required clearance or beyond the level / capacity stated in the existing clearance, as the case may be, till it procures the requisite EC / CRZ Clearance for the same.

3. In view of the above, it has been decided to insert the following as sub-para (iv) below sub-para (iii) of para 5 of the aforesaid OM dated 12.12.2012:

“(iv) Directions under Section 5 of the Environment (Protection) Act 1986 will be issued by MoEF to the Project Proponent in respect of the violations and compliance of Project Proponent obtained to such directions especially with regard to:

- (a) In case the project is at construction stage and the violation is on account of carrying out construction without valid EC/CRZ Clearance or in contravention of the conditions stated in the EC/CRZ Clearance, the construction activities will need to be suspended at the existing level till EC/CRZ Clearance is obtained or the required amendment to EC/CRZ Clearance is obtained.
- (b) In case the project is in operation and the violation is on account of enhanced production beyond the capacity stated in the EC/CRZ Clearance, the production will need to be restricted to the capacity stated in the EC/CRZ Clearance till EC/CRZ Clearance is obtained for enhanced capacity. In case of operation without a valid EC/CRZ Clearance, the production will need to stop till the required EC/CRZ Clearance is obtained.

...contd.2/-

- (c) In case the violation is on account of carrying out modernization of existing project and/or change in product-mix in an existing manufacturing unit, the status quo as existing prior to such modernization and/or change in product-mix will be maintained till the required EC/CRZ Clearance is obtained for the modernization and/or change in product-mix.

In case of any violation to aforesaid directions, legal action as per the provisions of the Environment (Protection) Act, 1986 will be taken against the Project Proponent and the case of TOR/EC/CRZ Clearance summarily rejected.

4. This issues with the approval of the competent authority.


(Dr. P.B. Rastogi)
Director

Telefax: 011-2436 2434

To:

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3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

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