

Minutes of the 288th meeting of the State Level Expert Appraisal Committee-I (SEAC-I) held on 14th February, 2025 through Video Conferencing.

Government of Maharashtra
STATE LEVEL EXPERT APPRAISAL COMMITTEE – 1

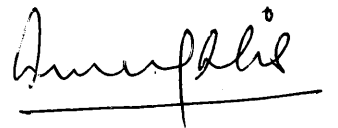
MINUTES OF MEETING

Meeting No: 288th

Date: 14/02/2025

Environment and Climate Change Department
Government of Maharashtra, First Floor, Dalamal House, JB Road,
Nariman Point, Mumbai 400021.


Member Secretary


Chairman

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Minutes of SEAC 1- 288th meeting

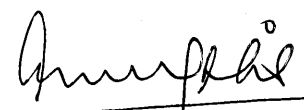
Date:14th February, 2025

The SEAC 1 committee meeting was held on 14th February, 2025 at 12.00 PM via video conferencing. The meeting was chaired by Mr. Kamlakar B. Phand Hon. Chairman and attended by the following members.

Sr. No.	Name	Designation	Remarks
1	Shri. Kamlakar B Phand	Hon. Chairman	Present
2	Shri. Kanhaiya M Shah	Member	Online
3	Shri. Dr. S. N. Patil	Member	Online
4	Prof. R. G. Chillawar	Member	Online
5	Shri. Moqtik Bawase	Member	Online
6	Shri. Chandrakant Vibhute	Member Secretary	Present

At the outset, the Chairman welcomed all Expert Members & Member Secretary/ Deputy Secretary, Environment and Climate Change Department.


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Discussion Item:

Implementation of Notification vide G.S.R. 703(E) dated: 12/11/2024 and G.S.R. 702 (E) dated: 12/11/2024 along with SOP issued vide Office Memorandum No. Q-15012/2/2022-CPW-Part (1)/e-240741 dated: 14/11/2024 & 14/01/2025 for streamlining the implementation of said Notification issued by MoEF & CC in appraisal of proposal at SEAC level.

Introduction:

The meeting was held to discuss the implementation of SOP issued vide Office Memorandum No. Q 15012/2/2022-CPW-Part (1)/e-240741 dated: 14/11/2024 & 14/01/2025 for streamlining the implementation of Notification vide G.S.R. 703(E) dated: 12/11/2024 and G.S.R. 702 (E) dated: 12/11/2024 issued by MoEF & CC issued by MoEF & CC in appraisal of proposal at SEAC level.

The committee invites the representative of Maharashtra Pollution Control Board (MPCB) Shri. Shankar Waghmare (Joint Director), Legal advisor Adv. Raghunath Mahabal for their expert advisee to effective implementation of said Notification & OM issued by MoEF& CC.

Deliberation:

Committee noted the following:

1. MoEF & CC vide notification dated: 12/11/2024 exempts the following categories of industrial plants from the application of subsection (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) i.e. for obtaining CTE separately.

a) All white categories industries classified by CPCB having pollution score up to 20 subjects to condition that such plant shall inform in writing to the SPCB or the pollution control Committee.

b) All industrial plants which have obtained prior EC as per the EIA Notification, 2006 amended thereafter time to time.

2. MoEF & CC vide OM dated: 14/11/2024 & 14/01/2025 issued SOP for streamlining the implementation of the Notification dated: 12/11/2024.

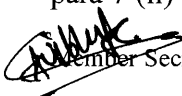
3. As mentioned in the said OMs, the projects/activities requiring prior EC, the exemption is provided for obtaining CTE is subject to obtaining necessary EC and the conditions of CTE, as may require will be integrated in the conditions of EC itself.

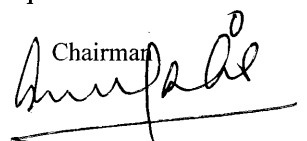
4. MoEF & CC set a procedure mentioned below to obtain comments from SPCB for various category projects mentioned in schedule attached with EIA Notification, 2006 and amended thereafter time to time.

A. Obtaining comments from the State Pollution Control Boards (SPCBs) / Pollution Control Committees (PCCs):

a) In all cases where TOR is applicable (i.e, Category A and B1 Projects except projects that apply for expansion under para 7 (ii) (a) of EIA Notification 2006 and category B2 projects), the concern regulatory authority i.e SEAC shall forward the ToR in parallel to the MPCB, through the PARIVESH portal with a request to upload their comments.

b) In all such cases where ToR is not applicable (i.e. projects that apply for expansion under para 7 (ii) (a) of EIA Notification 2006 and category B2 projects), a copy of the proposal that


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was submitted for seeking EC shall be forwarded to the Member Secretary, SPCB through PARIVESH, with a request to upload their comments.

c) In both the scenarios mentioned above, the SPCB shall carry out site inspection, if required, before furnishing their comments. The comments shall have the details of the project site, the feasibility of the project and the environmental safeguards prescribed for the concerned project.

B) Payment of requisite fees:

a) Once the copy of the ToR or the proposal that was submitted for seeking EC (in cases where ToR is not applicable) is forwarded to the Member Secretary, SPCB through PARIVESH, the Member Secretary, SPCB shall raise the demand for applicable fee within seven days which shall be paid by the project proponent through the prescribed payment gateway of SPCB or in the interim through the method prescribed by the SPCB.

b) Once the fee payment receipt is uploaded by the project proponent on PARIVESH, comments shall be uploaded by the SPCB within the prescribed timeframe mentioned below, as the case may be.

C) Timeframe prescribed for the SPCBs/PCCs to provide their comments:

a) In all cases where TOR is applicable, the comments shall be uploaded on the PARIVESH portal by the SPCB within thirty days from the date on which the fee payment receipt is uploaded by the project proponent on PARIVESH.

b) In all such cases the proposal that was submitted for seeking EC (in cases where ToR is not applicable), the comments shall be uploaded on the PARIVESH portal by the SPCB within fifteen days from the date on which the fee payment receipt is uploaded by the project proponent on PARIVESH.

D) Non-receipt of comments within prescribed timeframe:

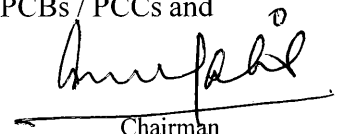
a) In case the comments are not received within the prescribed timeframe, a representative from the SPCB shall be invited to the next SEAC for furnishing comments. However, within this period, SPCB may also provide their comments on PARIVESH.

b) In the event that the representative from the SPCB does not participate in the SEAC or their comments are not provided within the prescribed timeframe, it shall be deemed that the concerned SPCB has no objection/comments to offer and the SEAC may take the decision on merit stipulating environmental safeguards in the form of conditions as applicable for the establishment of the Project/Activity, based on the details submitted by the project proponent as a part of EC application.

E. The Projects which have already been granted EC after 12th November, 2024 but for which CTE has not been granted: Such projects shall obtain the environmental safeguards required for the establishment of the Project/Activity, from the SPCB within 30 days of this OM, after payment of requisite fees. The same shall be appended to the EC later and the project proponent shall file six monthly compliance for the safeguards also, along with the EC conditions.

F. The Projects / Activities exempted from obtaining CTE as per the procedure mentioned in the para-4 of said OM, shall be required to obtain CTO separately from the SPCBs / PCCs and


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any other statutory authorization /permission, wherever required as per the prevailing rules and regulations.

During discussion following points raised:

1.As mentioned in the OM dated 14/11/2024 & 14/01/2025, the comments of SPCB should be sought by forwarding the ToR or EC proposal to SPCB through PARIVESH portal. However, it is observed that SPCB is not under purview of PARIVESH portal. Therefore, unless and until SPCB comes under the purview of PARIVESH portal it is meticulous job to implement the procedure mentioned in said OM, as concern SEAC needs to transfer each and every ToR/EC proposal physically to SPCB & concern SPCB also needs to submit their comments physically to the SEAC. Therefore, committee is of opinion that it is better to implement the procedure mentioned in said OM once the required changes made on PARIVESH portal. Till then, the proposal/ToR application received to the SEAC should appraised as per existing procedure.

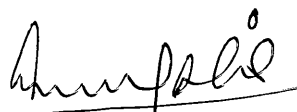
2.Adv. Mahabal, Legal Advisor present for the meeting opine that, once the "Act/Rule/Notification" issued by Government, it is the duty of each Government Agency working under Act/Rule/Notification to implement the said Act/Rule/Notification issued by the Government. Therefore, instead of pointing out lacunas or necessary changes are yet not made in PARIVESH portal, *in letter and spirit of law* of the Notification, OM's issued by Government needs to be implemented from the date of its issuance. *If there is grey area in interpretation, then the interpretation should be in favour of environment following precautionary principle.* Legal advisor also opines that in case of the proposals pending before SEAC which were submitted before issuance of said Notifications are going to appraise after the date of issuance of said Notification, therefore, the procedure mentioned in said Notification and OM's needs to be followed while appraising the said proposals.

3. Representative of MPCB present in the meeting submitted that it is better if the SEAC should execute the procedure mentioned in said OM's for implementation of Notification dated:12/11/2024 issued by MoEF & CC, after the necessary changes are being made in PARIVESH portal. Till then, the ongoing process of appraisal of proposal needs to be continued by SEIAA/SEAC. However, SPCB will follow any directions issued by SEIAA/SEAC with respect to effective implementation of said Notification & SOPs issued by MoEF & CC.

After pursuing the Notification, provision mentioned in OM's issued for implementation of said Notification, Legal as well as expert opinion from the invitee, committee is of opinion that in the *letter and spirit of the law*, though necessary changes are yet not done in PARIVESH portal by MoEF & CC, it is necessary to implement the Notification/OM's issued by MoEF & CC from the date of its issuance. Therefore, committee decided to set following procedure for effective implementation of SOPs issued dated: 14/11/2024 & 14/01/2025 with respect to implementation of Notification dated:12/11/2024 issued by MoEF & CC.

i) In all cases where standard ToR is applicable while issuing standard ToR, specific condition that "PP to submit report/comments from MPCB with respect to Notification dated:12/11/2024 in the format prescribed in **Annexure-II** & include the details of the same in separate chapter of the same in EIA report" is to added.


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ii) In all cases where **TOR** proposals are referred to SEAC, in addition to other specific & standard ToR, the condition "PP to submit report/comments from MPCB with respect to Notification dated:12/11/2024 in the format prescribed by SEAC in **Annexure-II** & include the details of the same in separate chapter of the same in EIA report" is to added in specific condition.

iii) In cases, where the proposals were submitted for seeking EC (in cases where ToR is not applicable), the EC application along with all documents will be forwarded by Member Secretary, SEAC to MS, MPCB through email to obtain their report/comments from MPCB in the prescribed format mentioned in **Annexure-I**.

iv) MS, MPCB to create separate desk or made separate arrangement i.e. develop/create website/portal for processing the proposals forwarded by SEAC & ensure that the timeline mentioned in the Notification dated: 12/11/2024 issued by MoEF & CC is adhered strictly till the necessary changes are being made in PARIVESH portal by MoEF & CC.

v) MS, MPCB to submit requisite fee structure as well as the details of payment gateway of MPCB for processing the proposals by SEAC as per Notification dated:12/11/2024 to MS, SEAC.

vi) MS, MPCB to ensure that Officer not below the Rank of Sub-Regional Officer, should be asked to carry out the necessary site visit with respect to the project site, feasibility of the project in proposed location including details of the environmental safeguards proposed for the project are adequate/ sufficient for the pollution load being generated in the project site along with geo-tagged photographs and submit the report in the format attached herewith **Annexure-II**.

vii) MS, MPCB to ensure that Report/comments through the concerned Regional Officer will reach to SEAC as per the timeline prescribed above.

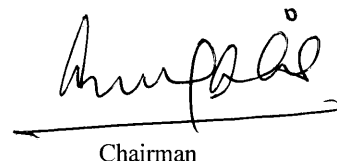
viii) SEAC, after receipt of the Report/Comment from MPCB, appraise the proposals as per the provisions of EIA Notification, 2006 and amended from time to time thereafter.

In view of the above discussion, committee decided to forward the above decision of committee to SEIAA for the confirmation of the same. Once, confirmed from SEIAA, same is communicated to MS, MPCB for effective implementation of the Notification dated: 12/11/2024.

Decision-

In view of the above discussion, committee decided to forward the above decision of committee to SEIAA for the confirmation of the same. Once, confirmed from SEIAA, same is communicated to MS, MPCB for effective implementation of the Notification dated: 12/11/2024.


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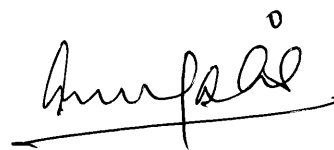
Annexure-I

1. ToR/EC application No.
2. SEAC Meeting No.: -
3. Details of PP/Applicant:
4. Details of Industry (Industrial Unit & Plant Details/ Mining)
5. Applied in Category – New/ Expansion
6. Earlier EC/Consent details, if any-
7. Name of the Planning Authority
8. Gross Capital Investment (Lakhs) with affidavit/annual report /architect certificate
9. Area Statement- a) Total Plot/mining area- b) Total built up area: c) Total Green belt area existing/proposed: -

List of necessary documents to be attached -

1. Letter from SEAC to obtain comment as per Notification dated: 12/11/2024.
2. ToR letter / EC application along with all documents uploaded on PARIVESH portal.
3. CA Certificate/ Balance Sheet/ Capital Investment.
4. Industry/Mining registration details.
5. Land Ownership documents.
6. Previous EC Consent Copy along with details of previous show cause/ closure Notices received to the industry/project, if any.


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Annexure II


Site Visit Report

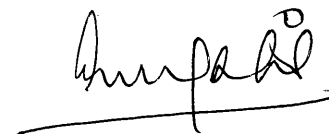
1.	EC/ToR application No. received from SEAC to the project	
2.	Project details with location, Plot area, Green belt area (Existing/proposed)	
3.	Details of previous EC/ Consents received to the project along with closure/show-cause notice received, if any	
4.	Date of site visit with geo tagged photographs	
5.	Details of the project site along with applicability CEPI/ESA/ESZ/CRZ Notification to the project site	
6.	Details of environmental safeguards proposed to handle the Air/Water/Noise/Soil & Other pollution load arise due to the proposed project	
7.	Status of CETP in the vicinity of project site; details of Membership of CETP obtained/Zero Liquid Discharge (ZLD) proposed	
8.	Comments on feasibility of proposed project on proposed site with specific recommendation, if any, with respect to proposed product, manufacturing process, proposed pollution control devices, ZLD to be implemented or not etc.	

Signature:

Name:

Designation:


Member Secretary


Chairman