

MAHARASHTRA POLLUTION CONTROL BOARD

☎ : 24010437/4701/24020781
24037124/5273/24044489
Fax : 24024068
Visit us on :
<http://mpcb.mah.gov.in>

Kalpataru Point, 2nd 3rd&4th Floor,
Sion Matunga Scheme Rd.No.8
Opp. Cine Planet cinema,
Near Sion Circle, Sion (E),
Mumbai – 400 022.

No.BO/P&L Divn./B- 3753

Date: 19/06/2012

CIRCULAR

To.
Joint Director (Water Pollution Control)/Joint Director (Air Pollution Control)/Principal
Scientific Officer /Chief Accounts Officer/Asstt.Secretary(Tech.)/ Joint
Director(PAMS)/ Regional Officer(HQ),
Maharashtra Pollution Control Board,
Mumbai

Regional Officer
Maharashtra Pollution Control Board,
Mumbai/Navi Mumbai/ Thane/Kalyan/Raigad/
Pune/ Aurangabad/ Nagpur/Nashik/Kolhapur/
Amravati/ Chandrapur.

Sub-Regional Officer,
Maharashtra Pollution Control Board,
Mumbai-I/Mumbai-II/Mumbai-III/Thane-I/Thane-II/Tarapur-1/Tarapur-II/ Navi Mumbai-
I/ Navi Mumbai-II/Taloja/Kalyan-I/Kalyan-II/Kalyan-III/Raigad-I/ Raigad-II/ Raigad-
III/Mahad/Kolhapur/Sangli/Ratnagiri/Chiplune/Pune-I/Pune-II/Pimpri-Chinchwad/
Satara/ Solapur/Aurangabad-I/Aurangabad-II/ Aurangabad-III/Nanded/Nashik/
Ahmednagar/ Jalgaon-I/Jalgaon-II/Nagpur-I/Nagpur-II/Nagpur-
III/Chandrapur/Amravati-I/ Amravati-II/ Akola/ Parbhani/ Latur/Bhandara, MPCB – for
information and necessary action.
(By e.Mail)

Sub : Validity period for commissioning of the project in the
Consent to Establish.

Ref : 1. MPCB's Circular No.MPCB/PCI-III/B-3532, dtd.1/6/2009.
2. Minutes of 2nd CAC Meeting held on 29/5/2012.

While discussing the application for Consent to Establish afresh application of
M/s.Lenzing Modi Fibres India Pvt.Ltd., Plot No.M-1 & M-2, Additional MIDC,
Patalgana, Dist: Raigad with regard to the validity period of consent to establish
granted in October, 2005, it was decided to review all the cases of consent to
establish granted by the Board after 14/09/2006 in view of specific provision
contained in clause-9 of the EIA Notification, 2006 about the validity of Environmental
Clearance (EC).

The Board has examined the whole issue in respect of the validity period of
the consent to establish vis-à-vis the validity of Environmental Clearance(EC)
provision contained in clause-9 of the EIA Notification,2006 in the 2nd CAC Meeting of
the Board held on 29/5/2012. It was observed that though EIA Notification
dtd.14/09/2006 has introduced a new concept of the validity of Environmental
Clearance long back, the MPC Board had issued circular in respect of validity period
of consent to establish on 1/6/2009, prescribing the condition that in case, the project
is not commissioned within the validity period given in the consent to establish, the
project proponent will be required to apply afresh with necessary fees for consent to
establish and this change in the validity period of the consent to establish is to be
implemented w.e.f. 1/6/2009.


After due deliberations, the CAC has come to the conclusion that since, a number of projects after obtaining consent to establish are not taking effective steps to establish their unit as per the Environmental Clearance granted to them by the Competent Authority and therefore, after lapse of the period prescribed in the EIA Notification, 2006, such consent to establish becomes automatically redundant and infructuous. It was, therefore, decided that the validity period prescribed in the EIA Notification, 2006 for grant of Environmental Clearance should become applicable to the consent to establish granted after 14/09/2006 for the validity of consent to establish in the cases where Environmental Clearance has been obtained. Accordingly, the consent to establish granted to the projects requiring Environmental Clearance shall be valid for the following periods in respect of the following projects :

- i) Ten years for River Valley projects.
- ii) Maximum of thirty years in case of project life as estimated by the Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects.
- iii) Five years for all other projects and activities.

It was further decided that the projects requiring Environmental Clearance granted consent after 14/09/2006 shall be directed to make afresh application for the consent to establish in case they have not commissioned their project within the validity period as stated above granted to them upto commissioning of the project.

All the Regional Officers are therefore directed to identify the units, which have not commissioned their project/s within the validity period laid down under the EIA Notification, 2006 after obtaining consent to establish after 14/09/2006 and to direct them to obtain afresh consent to establish with necessary fees for consent to establish. The said circular may be circulated to the officers under their control.

This circular is issued in supercession of earlier circular No. MPCB/PCI-III/B-3532, dtd.1/6/2009 as per decision taken in the 2nd Consent Appraisal Committee Meeting held on 29/5/2012.


(Milind Mhaiskar)
Member Secretary

Copy submitted to: Hon'ble Chairman, MPCB, Mumbai – for favour of information.

Copy to:

1. Sr.Law Officer(P&L Divn.), MPCB, Mumbai – for information.
2. Statistical Officer, MPCB, Mumbai – for information.
3. I/c Law Officer/All Asstt.Law Officers, Policy & Law Divn, MPCB, Mumbai- for information & necessary action..
4. Asstt.System Officer, EIC Section, MPCB, Mumbai – for information and necessary action – He is instructed to place the said circular on the website of the Board in the link of various Standing Orders/Circulars issued by the Board.