

Dated: 8 February 2024

To,
City Presidents

Copy to:

1. National Office Bearers
2. State Presidents

Dear All,

Sub: Clarification of Order passed by Supreme Court on the OM of July 7, 2021 which provides a SoP for “violation” cases

1. As you are aware that that Ministry of Environment and Forest and Climate Change (“**MoEF & CC**”) had issued an office memorandum dated July 7, 2021 (“**the OM**”) laying down detailed Standard Operating Procedure (“**SoP**”) for dealing with “**violation**” and “**non-compliance cases**” under which our members have been applying for their respective projects for grant of Environmental Clearances (“**ECs**”). A copy of the OM is enclosed with this letter for your ready reference as “**Annexure A**”

2. Vanshakti (a NGO) had challenged the OM before the Hon’ble Supreme Court (“**SC**”) by filing a Writ Petition (Civil) No.1394 of 2023 (“**the Writ**”) in which the SC had stayed the OM by an order dated January 2, 2024 (“**Interim Order**”). A copy of the order dated January 2, 2024 is enclosed herewith for your ready reference as “**Annexure B**”. Pursuant to the Interim Order MoEF & CC issued an office memorandum dated January 8, 2024 whereby all proposals for under the OM were kept in abeyance (“**January 2024 OM**”). A copy of the office memorandum dated January 8, 2024 is enclosed herewith for your ready reference as “**Annexure C**”

3. Thus, in view of the Interim Order no proposals under the OM could be considered by the competent authorities.

4. CREDAI, along with its chapter CREDAI MCHI in interest of its members, had filed an application for intervention and modification of the Interim Order since all the proposals of its members under the OM were deferred / rejected. CREDAI’s IA No.25309 of 2024 seeking modification of Interim Order sought following reliefs:

QUOTE

(a) Pass an order clarifying and/or modifying the Interim Order dated January 2, 2024 passed in Writ Petition (C) No. 1394 of 2024, to the extent that cases under Paragraph 11 (B) of the OM dated July 7, 2021 (Annexure “A/1” hereto), which are (i) Prior EC Category 2 and (ii) Revised EC categories, should be considered in accordance with law without applying the office memorandum dated January 8, 2024 (Annexure “A/2” hereto);

AND

Contd../-

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(b) Direct SEIAA and SEAC to consider all applications under Paragraph 11 (B) of the OM dated July 7, 2021 (Annexure "A/1" hereto), which are (i) Prior EC Category 2 and (ii) Revised EC categories, expeditiously and in accordance with law without applying the office memorandum dated January 8, 2024 (Annexure "A/2" hereto);

Pass such other order/ orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case;

UNQUOTE

5. By an order dated February 2, 2024 ("**Clarification Order**") the SC has clarified the Interim Order and stated that Interim Order will not come in the way of competent authorities in considering proposals for modifications / alterations in the ECs if the area of the projects had any prior valid EC prior to July 7, 2021 and such applications would be strictly considered in accordance with law as it existed prior to July 7, 2021. A copy of SC's order dated February 2, 2024 is enclosed herewith for your ready reference as "**Annexure D**".

6. In view of the Clarification Order all proposals of the members, who had EC for their project before July 7, 2021 can be considered by the competent authorities.

7. We request all of you to circulate this to all our members and in case of any doubts, considering that the matter is still pending before the SC, please reach out to us for any clarification.

Best Regards,
CREDAI Environment Committee