

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ईआईए अधिसूचना, 2006 में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना के पैरा 11 में, उप-पैरा (3) के स्थान पर, निम्नलिखित उप-पैरा रखा जाएगा, अर्थात् :-

“(3) पूर्ववर्ती पट्टेदार में निहित पूर्व पर्यावरणीय अनापत्ति, अन्तरित पर्यावरणीय अनापत्ति की सभी शर्तों का अनुपालन करने के परिचय के साथ नए पट्टेदार द्वारा परिवेश पोर्टल पर आनलाईन रजिस्टर करने के अधीन रहते हुए, नए पट्टे के आरम्भ की तारीख से (उस तारीख से संगणित जिसको उक्त पर्यावरणीय अनापत्ति आरम्भ में अनुदत्त की गई थी) शेष वैधता अवधि के लिए खनन पट्टों के सफल बोली लगाने वाले को खान और खनिज (विकास और विनियमन) संशोधन अधिनियम, 2021 (2021 का 16) द्वारा यथासंशोधित खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) के निबंधनानुसार इसकी वैधता अवधि के दौरान अन्तरित की गई समझी जाएगी”।

[फा. सं. जैड-11013/47/2018-आई.ए. II(एम)]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र में अधिसूचना संख्या का.आ. 1533(अ), तारीख 14 सितम्बर, 2006 द्वारा प्रकाशित की गई और उसका अंतिम संशोधन अधिसूचना संख्या का.आ. 2339(अ), तारीख 16 जून, 2021 द्वारा किया गया।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 13th July, 2021

S.O. 2817(E).—WHEREAS, by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as the EIA Notification), the Central Government directed that on and from the date of its publication, the new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the EIA notification entailing capacity addition with change in process or technology and/or product mix shall be undertaken in any part of India only after obtaining prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the afore said Act, in accordance with the procedure specified therein;

AND WHEREAS, The Hon'ble Supreme Court *vide* judgment dated the 7th February, 2018 in Special Leave to Appeal (Civil) No. 32138 of 2015 in the matter of Goa Foundation versus M/s Sesa Sterlite Ltd., &Ors., inter alia, has directed to obtain fresh environmental clearance to those who are successful in obtaining fresh mining leases;

AND WHEREAS, the sub-section (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) provides that: “*Notwithstanding anything contained in sub-sections (2), (3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2020 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with*”;

AND WHEREAS, the sub-section (4) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) provides that: “*On the expiry of the lease period, the lease shall be put up for auction as per the procedure specified in this Act*”;

AND WHEREAS, *vide* the Mineral Laws (Amendment) Act, 2020 (2 of 2020), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) was amended and, inter alia, new section 8B relating to the provisions for transfer of statutory clearances was inserted;

AND WHEREAS, sub-section (2) of section 8B of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) provided that notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made there under, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years;

AND WHEREAS, sub-section (3) of section 8B of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) provided that notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease;

AND WHEREAS, pursuant to the aforesaid amendment to the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the EIA Notification 2006 was amended *vide* notification number S.O. 1224(E) dated the 28th March, 2020 wherein it was directed that the successful bidder of the mining leases, expiring under the provisions of sub-sections (5) and (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and selected through auction as per the procedure provided under that Act and the rules made thereunder, shall be deemed to have acquired valid prior environmental clearance vested with the previous lessee for a period of two years, from the date of commencement of new lease and it shall be lawful for the new lessee to continue mining operations as per the same terms and conditions of environmental clearance granted to the previous lessee on the said lease area for a period of two years from the date of commencement of new lease or till the new lessee obtains a fresh environmental clearance with the terms and conditions mentioned therein, whichever is earlier: Provided that the successful bidder shall apply and obtain prior environmental clearance from the regulatory authority within a period of two years from the date of grant of new lease;

AND WHEREAS, the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) was once again amended *vide* Mines and Minerals (Development and Regulation) Amendment Act, 2021 (16 of 2021) wherein section 8B was amended to provide that “Notwithstanding anything contained in this Act or any other law for the time being in force, all valid rights, approvals, clearances, licences and the like granted to a lessee in respect of a mine (other than those granted under the provisions of the Atomic Energy Act, 1962 and the rules made thereunder) shall continue to be valid even after expiry or termination of lease and such rights, approvals, clearances, licences and the like shall be transferred to, and vested; subject to the conditions provided under such laws; in the successful bidder of the mining lease selected through auction under this Act:”

AND WHEREAS, the Central Government deems it necessary to align the relevant provisions of the EIA Notification 2006 with the aforesaid amended Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957).

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, hereby makes following further amendments in the EIA Notification, namely:-

In the said notification, in paragraph 11, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:-

“(3) *The prior Environmental Clearance vested with the previous lessee shall be deemed to have been transferred during its validity period in terms of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) as amended by the Mines and Minerals (Development and Regulation) Amendment Act, 2021 (16 of 2021) to the successful bidder of the mining leases, from*

the date of commencement of new lease for the remaining validity period (calculated from the date from which the said Environmental Clearance was initially granted), subject to the new lessee registering online on PARIVESH portal along with an undertaking to comply with all the conditions of the transferred Environmental Clearance”.

[F. No. Z-11013/47/2018-IA.II(M)]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note : The principal notification was published in the Gazette of India, *vide* number S.O. 1533(E), dated the 14th September, 2006 and was last amended *vide* the notification number S.O. 2339(E), dated the 16th June, 2021.