

F. No. IA3-22/22/2025-IA.III [E-280329]
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan
3rd Floor, Vayu Wing, Jor Bagh Road
Ali Ganj, New Delhi-3

30th October, 2025

OFFICE MEMORANDUM

Sub: Clarification on calculating the validity of EC granted excluding the time taken with regard to proceedings before NCLT or Courts - reg.

Environmental Clearances (EC) are granted under the provisions of EIA Notification, 2006 as amended from time to time. The term 'validity of EC' means the period within which, the Project Proponent attains commencement of production operations in the project or activity, or completion of all construction operations in case of construction projects.

2. Instances have been brought to the notice of the Ministry that, the implementation of the ECs granted to projects or activities have been stalled due to proceedings before National Company Law Tribunal (NCLT) or Courts. These proceedings often take significant time to get resolved and are not in the control of the project proponent. As a result of these proceedings, either the validity of the ECs get expired or the project proponent is left with a reduced duration for commencement of production operations in the project or activity, or completion of all construction operations in case of construction before the said EC expires. Such a duration is insufficient to start production operations, or completion of all construction operations in case of construction projects.

3. As per the provisions of EIA Notification 2006, in the event of the project or activity not starting production operations, or all construction operations not being completed in case of construction projects, within the validity of the EC granted, then the project has to apply *de novo* for the grant of EC which results in further delay for no fault on the part of the Project Proponent.

4. The matter has been examined in the Ministry and it has been decided that, EC validity as laid down under EIA Notification, 2006, as amended, needs to be rationalised with regard to the time lost in view of proceedings before NCLT or Courts. In this regard, the Ministry hereby clarifies that the following time period during which the project proponent was unable to implement the EC granted for the related Project/Activities shall be treated as a zero period for calculating the validity of the EC:

(a) Duration of stay orders of the competent Courts leading to non-implementation of the Projects/Activities for which EC had been duly granted and in respect of which the Project Proponent/Applicant shall provide necessary documentary evidence;

(b) Duration of pendency before NCLT till the Resolution Plan is approved by NCLT and Project/Activity is handed over to the successful Resolution Applicant (New Management/Bidder) and in respect of which the Project Proponent /Applicant shall provide necessary documentary evidence;

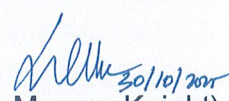
or

(c) Duration of pendency before NCLT till the Liquidator selects the new bidder following due process as part of the liquidation proceedings and NCLT approves the concerned sale or scheme and confirms the transaction of payment and in respect of which the Project Proponent /Applicant shall provide necessary documentary evidence.

5. However, in the event that the period lost in litigation or in NCLT proceedings, as mentioned above, is more than three years, the concerned State Pollution Control Board or Pollution Control Committee shall add appropriate environmental safeguards, as deemed appropriate, in the Consent to Operate (CTO) conditions based on the changes in the site conditions that may have taken place during this period and taking into account the need for installation of appropriate pollution control, prevention and abatement measures that may be necessitated.

6. The aforesaid provisions shall apply *mutatis mutandis* to Coastal Regulation Zone Clearances.

7. This is issued with the approval of the Competent Authority.


(Dr. J.D. Marcus Knight)
Scientist E

To

1. The Chairman, CPCB
2. The Chairman of all the Expert Appraisal Committees
3. The Chairperson/Member Secretaries of all the SEIAAs/SEACs.
4. The Chairpersons/Member Secretaries of all SPCBs/UTPCCs.
5. All the officers of IA Division

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to the Secretary (EF&CC)
4. PPS to the AS(AG)
5. PPS to the JS(RA)
6. Website of MoEF&CC/ Guard file