

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION NO. 695
TO BE ANSWERED ON 05.02.2026

Retrospective environmental clearances

695. SHRI MUKUL BALKRISHNA WASNIK:

SMT. RANJEET RANJAN:

SHRI HARIS BEERAN:

SMT. PHULO DEVI NETAM:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) the number of postfacto or retrospective environmental clearances granted since 2021, year-wise and State/UT-wise;
- (b) the details of penalties collected from such cases, if any;
- (c) the year-wise and State/UT-wise details of projects granted clearance despite being flagged by the Ministry's own Expert Appraisal Committees;
- (d) whether Government has conducted any assessment of ecological and economic consequences of regularising such projects; and
- (e) if so, the findings thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI KIRTI VARDHAN SINGH)

(a) to (e) The Government of India has issued Environment Impact Assessment (EIA) Notification, 2006 under the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986. As per the provision of EIA Notification, 2006, construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the 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 said Act, in accordance with the procedure specified in the EIA Notification.

As per the provisions laid down in the Environment Impact Assessment (EIA) Notification, 2006, as amended, the proposals are appraised by the Expert Appraisal Committee (EAC) or State Level Expert Appraisal Committee (SEAC) considering all the environmental implications involved in the project including the issues raised in Public Consultation. Based on the recommendation of the EAC/SEAC, projects are further considered by the Ministry or State Environmental Impact Assessment Authority (SEIAA) for approval for grant of Environmental Clearance (EC) or otherwise.

Projects or activities that have started the construction work on site or have expanded the production capacity and /or project area beyond the limit specified in the environmental clearance or change of scope without obtaining prior-EC under the EIA Notification, 2006 are considered as Violation proposals. To bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment, the Ministry issued Notification No. S.O. 804(E) dated 14th March, 2017, providing a one-time opportunity for such proposals for regularization. Subsequently, in compliance with a direction of the National Green Tribunal, the Ministry issued a Standard Operating Procedure (SOP) by Office Memorandum dated 7th July, 2021, setting out the process for identification and handling of violation cases.

Both the 2017 Notification (S.O. 804(E) dated 14th March 2017) and the 2021 Standard Operating Procedure (OM dated 7th July 2021) provide for action against project proponents under Section 15 of the *Environment (Protection) Act, 1986*, in cases where prior environmental clearance was permissible but the same had not been obtained and also require appraisal of the Environmental Impact Assessment (EIA) report and Environmental Management Plan (EMP) by the Expert Appraisal Committee. This appraisal includes assessment of ecological damage and corresponding remediation plan and natural & community resource augmentation plan as part of the EIA/EMP review process. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite EC is accorded by the Regulatory Authority concerned. Such clearance becomes effective from the date of its issue and is subject to the implementation of both standard and specific environmental conditions, including the implementation of the remediation plan and community& natural resource augmentation plan for past violations, as safeguards to mitigate and manage environmental impacts. In addition, as per the Standard Operating Procedure (SoP) dated 7th July 2021, penalty is also imposed on violation cases, to the extent of 1% of the total project cost. Further, in case, such a project/activity has commenced operations, an additional penalty of 0.25 % of the total turnover during the period of violation is provided for.

The Hon'ble Supreme Court vide judgement dated 16.05.2025 in W.P. (C) 1394 of 2023 titled Vanashakti vs. Union of India struck down the above mentioned Notification and OM. However, the Hon'ble Supreme Court vide judgement dated 18.11.2025 has recalled the judgement dated 16.05.2025 and has directed that the writ petitions and the appeal are restored to file with the directions to the Registry to place the matter before the Chief Justice of India on the administrative side for obtaining the necessary orders.

The Year-wise and State-wise details of the projects that have been accorded EC by the Ministry at the central level under the Notification no. S.O. 804(E) dated 14th March 2017 and SoP dated 07th July 2021 and amount recommended by the EAC for implementation of remediation plan and natural & community resource augmentation plan is **annexed**.

Annexure

Year-wise and State-wise details of the projects that have been accorded EC by the Ministry at the central level under the violation category since 2021 under notification no 804 (E) dated 14.03.2017 and SoP dated 07.07.2021 and amount recommended by EAC for implementation of Remediation Plan (R.P) & Natural & Community Resource Augmentation Plan (NCRAP)

States/UTs	2021		2022		2023		2024		2025	
	No. of ECs granted	Cost for R.P & NCRAP In (Lakhs)*	No. of ECs granted	Cost for R.P & NCRAP In (Lakhs)*	No. of ECs granted	Cost for R.P & NCRAP In (Lakhs)*	No. of ECs granted	Cost for R.P & NCRAP In (Lakhs)*	No. of ECs granted	Cost for R.P & NCRAP In (Lakhs)*
Chhattisgarh					1	23.16				
Daman and Diu	2	69.38								
Goa					1	60.00				
Gujarat	2	119.62	1	13.28						
Haryana			2	63.07	2	71.72				
Himachal Pradesh	2	26.00	1	8.13						
Jharkhand	2	1,688.68	4	4,289.43	1	56.44			1	318.08
Karnataka	2	184.16								
Maharashtra	5	869.07			3	2699.99				

Orissa	1	4,921.00	1	1,480.83	2	176.22				
Rajasthan	1	19.00								
Tamil Nadu	1	61.40	1	355.9			1	606.94		
Telangana	4	3,397.72	1	464.50	2	373.54	1	127.00		
West Bengal	1	5,375.00	1	5,183.97						
Total	23	16,731.03	12	11,859.11	12	3,461.07	2	733.94	1	318.08

*Cost for implementation of Remediation Plan (R.P) & Natural & Community Resource Augmentation Plan (NCRAP)