



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ PUNJAB POLLUTION CONTROL BOARD

No. 259

Dated. 9/6/2026

Subject: Clarification for uniform application by the officers of the Board in respect of the Projects covered under item 8(a) and item 8(b) of the EIA notification 2006 while dealing with consent application under Water Act, 1974 and Air Act, 1981.

Office Order

The Ministry of Environment, Forest and Climate change, Government of India has notified the EIA notification SO 1533 dated 14.09.2006 prescribing the requirement of prior Environmental Clearance for the projects and activities specified in the schedule appended there to.

2. The projects specified under category 8(a) Building and Construction Projects $\geq 20,000$ Sqm and $< 1,50,000$ Sqm of built-up area and under category 8 (b) Township and Area Development Projects covering an area of ≥ 50 Ha and built-up area $\geq 1,50,000$ sqm require prior Environmental Clearance from the Competent Authority.

3. The official record reveals that in reference to a clarification raised by the Regional office, MoEF&CC, Chandigarh vide letter dated 2.11.2018 regarding item 8 projects under EIA notification, 2006, the MoEF&CC, Delhi vide letter dated 25.03.2019 has informed the Regional office, MoEF&CC, Chandigarh that as on date, the projects with land area less than 50 Ha but built up area more than $>20,000$ sqm may be appraised as per the provisions of the schedule 8(a) of EIA notification, 2006 as amended from time to time. However, the clarification has been simply given without referring to the definition of built-up area as given in the EIA notification, 2006 or other relevant facts.

4. The Punjab Pollution Control Board has written letter no. 10949 dated 09.05.2023 and letter no. 18427 dated 27.05.2025 to the MoEF&CC to clarify the position with regard to the provisions of Item 8 of the schedule appended to EIA notification, 2006. It was also informed to the MoEF&CC that till the clarification is received, the Board may continue to deal with the consent cases as per the following view point:

In case, there is plotted project and if the built-up area of the individual plot in the project is $> 20,000$ sqm and the total built-up area of that project is also $< 1,50,000$ sqm, then the project is not covered under EIA notification, 2006. Hence, consent to establish under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 be granted to the such projects without condition of obtaining environmental clearance under the provisions of EIA Notification, 2006.

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The clarification from MoEF&CC has not yet been received. In the absence of such clarification, various offices of the Board are attempting different opinions, while dealing with consent applications of the cases falling under Item 8 of the schedule appended to EIA Notification, 2006.

6. The examination of the case from legal angle has revealed that the Hon'ble Supreme Court of India while considering EIA Notification dated 14.09.2006 in Writ Petition (Civil) no. 202 of 1995 vide order dated 03.12.2010 (I.A No. 2609-2610 of 2009) has observed as under:

- a. *Item 8(a) deals with Building and Construction projects and the threshold mark that would bring the project within the ambit of the notification is equal to or more than 20,000 square metres and less than 1,50,000 square metres of 'built-up area'. It is further clarified that the aforementioned figures relate to built-up area for covered construction; in case of facilities open to the sky, the built-up area would be the activity area. Item 8(b) deals with Townships and Area Development projects and the threshold mark for the project to come within the ambit of the notification is an area equal to or more than 50 hectares or built-up area of more than 1,50,000 square metres. (Para 47 of order dated 03.12.2010).*
- b. *In the schedule to the notification "Building and Construction projects" and "Townships and Area Developments projects" are enumerated separately, the former in item 8(a) and the latter in item 8(b). This would normally suggest that the notification treats those two kinds of projects separately and differently. It would, therefore, be reasonable to say that an "Area Development project" though involving a good deal of construction would yet not be a "Building and Construction project". (Para 53 of order dated 03.12.2010).*
- c. *It is extremely difficult to accept the contention that the categorization under items 8 (a) and 8 (b) has no bearing on the nature and character of the project and is based purely on the built-up area. A building and construction project is nothing but addition of structures over the land. A township project is the development of a new area for residential, commercial or industrial use. A township project is different both quantitatively and qualitatively from a mere building and construction project. Further, an area development project may be connected with the township development project and may be its first stage when grounds are cleared, roads and pathways are laid out and provisions are made for drainage, sewage, electricity and telephone lines and the*

a/b



whole range of other civic infrastructure. Or an area development project may be completely independent of any township development project as in case of creating an artificial lake, or an urban forest or setting up a zoological or botanical park or a recreational, amusement or a theme park. (Para 55 of order dated 03.12.2010).

- d. *The essential difference between items 8(a) and 8(b) lies not only in the different magnitudes but in the difference in the nature and character of the projects enumerated there under. (Para 56 of order dated 03.12.2010).*

7. Now therefore, in order to ensure uniformity while processing consent applications of residential and commercial projects under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and in light of the observations of the Hon'ble Supreme Court of India, it has been decided that all the concerned officers/offices of the Board shall follow the procedure prescribed below till the receipt of clarification from MoEF&CC and or further orders in this regard:

1. Building & Construction Projects covered under Item 8(a)-

- i. In cases where the built-up area of the project $\geq 20,000$ sq. mtr. and $< 1,50,000$ sq. mtr., the project shall be treated as covered under Item 8(a) of the EIA Notification, 2006.

2. Township / Area Development / Plotted Development Projects covered under Item 8(b)-

- i. In cases where the total project area is ≥ 50 Ha and/or total built-up area (on actual basis or on FAR basis) of the project is $\geq 1,50,000$ sq. mtr, then the project shall be undertaken only after obtaining prior Environmental Clearance from the competent authority under Item 8(b) of the EIA Notification, 2006.
- ii. In cases where the total project area is less than 50 hectares and total built-up area (on actual basis or on FAR basis) of the entire project is more than 20,000 sqm but less than 1,50,000 sq. mtr.; and no individual building / plot within the project exceeds 20,000 sq. mtr. built-up area, such projects shall not require prior Environmental Clearance from the competent authority but have to obtain Consent to establish of the Board.
- iii. In cases where the total project area is less than 50 hectares & total built-up area (on actual basis or on FAR basis) of the entire project is more than 20,000 sqm but less than 1,50,000 sq. mtr, however, built-up area of any



individual building / plot is $\geq 20,000$ sq. mtr., then such individual building/plot shall only be undertaken after obtaining prior Environmental Clearance from the competent authority under applicable provisions of Item 8(a) of EIA Notification, 2006.

8. However, while granting consents in pursuance to this office order, a condition in the consents(CTE/CTO) may be imposed to the effect that in-case any clarification to the contrary is received by the Board from the MoEF&CC, GOI, then the project proponent will be liable to obtain Environmental Clearance in accordance with such clarification and the Board shall not be liable for any construction activity carried out and or finances incurred by the project proponent on the basis of consent to establish/consent to operate issued by the Board prior to receipt of such clarification.

9. The project that have already obtained Environmental Clearance under the EIA notification, 2006 are required to comply with the conditions of Environmental Clearance granted to such projects.

10. This order will come into force with immediate effect and will supersede all earlier communications in this regard (if any).

Dated: 09.06.2026

Place: Patiala

Endst. no. 11400-04

o/c Chairperson
Dated 9/6/2026

A copy of the above is forwarded to the following for information and immediate necessary action:

1. The Chief Environmental Engineer, Punjab Pollution Control Board, Patiala/ Ludhiana/ Jalandhar/ Bathinda/ PBIP.
2. The Senior Environmental Engineer, Punjab Pollution Control Board, HQ-I/II/III, Zonal Office, Patiala-I/II, Ludhiana-I/II, Jalandhar, Amritsar and Bathinda.
3. The Senior Law Officer/ Administrative Officer, Punjab Pollution Control Board, Head Office, Patiala.
4. The Environmental Engineer, Punjab Pollution Control Board, EPS/Mega/HQ-I/II/III/Patiala/Ludhiana-1/2/3/4/Batala/Sangrur/Jalandhar-1/2/Amritsar/Hoshiarpur/SAS-Nagar/ Roopnagar/Bathinda/Faridkot/Fatehgarh Sahib/ Moga/Sri Mukatsar Sahib/ Tarn-Taran Sahib.
5. The Environmental Engineer (Computer), Punjab Pollution Control Board Patiala for uploading on website of the Board.

o/c Member Secretary