

**GOVERNMENT OF INDIA
ROAD TRANSPORT AND HIGHWAYS
LOK SABHA**

UNSTARRED QUESTION NO:2158

ANSWERED ON:11.03.2013

ENVIRONMENTAL CLEARANCE FOR NH PROJECTS .

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Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) the details of the National Highway projects which have been awaiting environmental clearance during the last three years and the current year, State/Union-Territory (UT)-wise along with the reasons therefor and the details of cost escalations in these projects;
- (b) whether the National Highways Authority of India (NHAI) proposes to compensate the aforesaid projects under Public-Private Partnership (PPP) and if so, the details thereof;
- (c) whether the proposed compensation will be given for a particular project under PPP and if so, the reasons therefor and the time by which a final decision is likely to be taken by the Government in this regard;
- (d) whether the Government is planning to approach the Apex Court for environment related issues; and
- (e) if so, the details thereof along with the details of the contractors who opted out of the highway projects due to delay in environmental clearance during the last three years and the current year?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

(SHRI SARVEY SATHYANARAYANA)

(a) Details of the National Highway projects awaiting environmental clearance during the last three years and the current year are placed at Annexure. As per the Model Concession Agreement

(MCA) for Build-Operate-Transfer (BOT) projects, Environment Clearance (EC) is a condition precedent and the appointed date for the project is declared only after receiving the EC. There is no cost escalation involved in the BOT projects.

(b) and (c) National Highways Authority of India (NHAI) follows the provisions as envisaged in respective concession agreements available at the website of NHAI at the URL <http://www.nhai.org/concessionagreement.htm>.

(d) and (e) NHAI had submitted two applications before the Hon'ble Supreme Court of India for seeking relief in the matter of no objection certificate (NOC) under the Forest Rights Act, 2006 in respect of widening of National Highway projects and in the matter of de-linking the environment clearance from forest clearance. Subsequently, NHAI has withdrawn the petition on 5.2.2013 as the Ministry of Environment & Forests (MoEF) has issued a circular in the month of February 2013 in the matter of requirement of the NOC under the Forest Rights Act, 2006 in respect of widening of National Highway projects. MoEF has also moved an application in the matter of de-linking the environment clearance from forest clearance before the Hon'ble Supreme Court of India.