

NHAI withdraws clearance petition from apex court

[Mihir Mishra](#) : New Delhi, Bhopal, Fri Feb 08 2013, 02:28 hrs

The National Highways Authority of India (NHAI) has initiated the process of withdrawing the petition from the Supreme Court seeking to delink environmental and forest clearances for linear projects. This comes after a slew measures and clearances by the environment and forest ministry, which is part of the solution proposed by the Prime Minister's Office (PMO) last month.

"The petition for exemption on linear projects will now be filed by the Ministry of Environment and Forests. They filing it makes much more sense than us, as they are the nodal ministry. We are taking back the petition immediately clearing way for them to file it," said a senior NHAI official.

The official further explained that they had filed two petitions. One was for amending the Forest Rights Act (FRA) removing any intervention from Gram Sabhas on diversion of forest land for linear projects and second was on delinking of environmental and forest clearances.

"The petition for amending FRA will automatically get cancelled, as the environment ministry has amended the act. The other petition will be withdrawn," said the official.

The environment ministry has announced the amendment of the FRA this week. According to the amendment, Gram Sabhas in forest areas have been stripped of their power to approve or reject proposals for the diversion of their forest lands for building roads, transmission lines, canals or other linear projects.

The other order of delinking the environmental and forest clearances can only be allowed by the Supreme Court, as the two were linked by the court order in 2011 in a case involving cement major Lafarge. The court had asked the Centre to make an interim arrangement for forest clearance until a national environment regulator was set up.

Following the order, the environment ministry went ahead linking the two clearances even to road widening projects. The linking delayed environment clearances for various projects and GMR Infrastructure in December terminated the concession agreement with NHAI for the 555-km Kishangarh-Udaipur-Ahmedabad project. The company won the contract in July 2011 but the project was not issued clearance even though it was approved in June 2012.