

## MADRAS HIGH COURT DISPOSES OFF PILS AGAINST TP SOLAR LIMITED



The Madras High Court, Madurai Bench by way of its Order dated 28.11.2023 has vacated the interim order dated 06.11.2023 imposed against TP Solar Limited's (TPSL) Solar PV Cells and Modules Manufacturing Plant (Project) from carrying on with industrial activities at the site in Tirunelveli District, Tamil Nadu. While doing so, the Madras High Court has disposed of the Public Interest Litigations (PILs) that were filed challenging the establishment of the Project with following due procedure as envisaged under the Environment Impact Assessment Notification, 2006 (EIA Notification 2006) and held as follows:

1. As far as the manufacturing activities specified in items 5(a) to 5(k) are concerned under the EIA Notification 2006, only certain specific identified manufacturing activities have been incorporated in the EIA Notification 2006 for grant of prior Environmental Clearance. The manufacturing activity of solar cells and modules is not mentioned under the said item. Moreover, the said activity does not fall even under in any of the items from 1 to 7 of the Schedule.
2. In so far as Item 8 of the Schedule of the EIA Notification 2006 is concerned, the said entry by its plain reading applies to 'Building and Construction Projects' or 'Townships and Area Development Projects'. Indisputably, the Project does not fall within either of the two categories.
3. Therefore, TPSL cannot be blamed/faulted for proceeding with its construction activity because if the EIA Notification 2006 is literally considered, then in that case, TPSL's Project may not even require Environmental Clearance.

The High Court further noted that the EIA Notification 2006 as well as the subsequent amendments are ambiguous and anomalous in as much as a building and construction project below 1,50,000 sq. mtrs would require an Environmental Clearance and a project above 1,50,000 sq. mtrs. would not require Environmental Clearance.

In this backdrop and while noting that TPSL's Project is otherwise compliant with the applicable laws and cannot be faulted for going ahead with the Project, the High Court, considering the magnitude/size of the Project has directed TPSL to nonetheless apply for Environment Clearance to the State Level Environmental Assessment Authority (SEIAA) and the SEIAA has in turn been directed to take a decision on TPSL's Application within 4 weeks.

TP Solar Limited was represented by Mr. C.S. Vaidyanathan Sr. Adv. and Mr. Satish Parasaran Sr. Adv. who were instructed by the team of SKV Law Offices led by Mr. Shri Venkatesh (Managing Partner), Mr. Suhael Buttan (Counsel), Ms. Himangi Kapoor (Senior Associate), Mr. Nikunj Bhatnagar (Associate) and Mr. Aayush Sinha (Associate).

The link to access the Order is [here](#)