

## **Guidelines for the Assessment of Extra Days (ED) in excess of the Approval Period as per Clause 14.5 of Revenue Sharing Contracts (RSCs) and the Modalities for the Extension of Development Period for the Contract Areas awarded under the Discovered Small Field Bid Rounds.**

Article 14.5 of the Revenue Sharing Contract (RSC) for the DSF Bid Round 2016 and DSF-II mentions that *"Subject to the provisions of all applicable laws and notifications on protection of environment, any new project or expansion or modernization projects for Petroleum Operations for which a proposal is submitted by the Contractor, the Government shall accord environmental clearance in accordance with the relevant notifications, rules, regulations and orders concerning Environmental Impact Assessment issued by the Ministry of Environment, Forests and Climate Change from time to time. However, wherever forest land is involved, the Contractor shall have to obtain approval of the Central Government through the State Government concerned under the Forest (Conservation) Act, 1980 and Rules made thereunder. In the event the Government or the State Government takes more than the time period stipulated under the applicable laws for providing such clearances, or where no specific time period is provided for grant of such clearance, more than 120 (one hundred and twenty) days ("Approval Period"), then the days taken by the Government or State Government in addition to the Approval Period to grant such approval ("Extra Days") shall be taken into account in determining all time periods provided for discharge of obligations of the Contractor under the Contract and such time periods, if already determined, shall stand extended by the number of extra days."*

1.0. The purpose of assessment and grant of ED is to provide relief to the operator in completion of Committed Work Programme within the given time frame, which got hampered due to non-availability of various government clearances. The grant in ED would result in extension of "Development Period" as defined in RSC in such a way that the time lost is duly compensated.

2.0. In the following paragraphs, the general procedure for submission of applications for ED, the templates for their assessment and extension of Development Period on account of grant of ED are detailed.

### **(I) General procedure for submission of applications for Extra Days:**

Following procedure shall be adopted for submission of applications for grant of ED, in addition to the requirements already stated in approved SOPs for grant of ED.

- a) Date of complete/ proper application to the approving authority: Zero date.
- b) Application for amendments/ modifications and/ or substitution in the existing/ already granted EC or any other clearances/ permission will not be construed as submission of application unless accepted by the approving authority concerned.
- c) Extra Days will be granted till the validity of the Development Period. Delays beyond the validity date of Development Period, if any, would need to be regularised otherwise and not by way of grant of Extra Days.

- d) Delays due to operational hazards like complications during drilling, stuck-up, equipment failure, accidents etc. will not be considered for grant of Extra Days.
- e) Delays arising as a result of ignorance of law/rules/orders/circulars/policy decisions shall not be accepted for grant of ED.
- f) Delays in getting permissions for creating necessary infrastructure, support facilities, construction activities like Road, jetty etc. will be considered.
- g) While working out the admissibility of delays as ED, emphasis will be on the lost period of time for work due to such delays.
- h) Operator to apply to DGH for grant of ED within 60 days from the date of grant of clearance or receipt of clearance whichever is earlier. If application for ED is submitted beyond the 60 days period, then the period over and above the allowable 60 days shall be deducted from the applicable ED.
- i) Complete application should be submitted by the Operator to DGH along with the supporting documents required for assessment of ED, containing, inter-alia, the following information.
  - (i) Details of time taken by the approving authority, at various stages, compared with the norm time provided for various clearance stages if any.
  - (ii) In case of any missing details in the application or supporting documents, DGH will inform the Operator and the operator shall submit the requisite information/documents within 15 days of receipt of communication from DGH. Additional time taken by the Operator, if any, for submission of requisite documents shall be deducted from the applicable ED. **A check list and support information to be submitted by the operator is at Annexure - A**
- j) Assessment of the case for ED would be initiated in DGH only after receipt of complete information / documents.

**(II) Templates for calculation of ED:**

The validity of time frame of Development Period would be clearly indicated by the DSF Section, including the overlapping period and EDs granted earlier, prior to forwarding the proposal to MDC for assessing of ED, which will be assessed till the validity of the respective Development Period.

The following templates have been drawn for actual assessment of ED for environmental clearance which includes TOR, PH, EC including CRZ clearance. The templates also cover the assessment procedure for CTE/ CTO, Forest Clearance, Wildlife clearance as well as Defence related clearances.

**1. Template for Calculation of Extra Days (ED) in Environmental Clearance (EC).**

**A. Terms of Reference (TOR).**

No.	Activity	Date	Duration of	Duration of
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		<b>DD/MM/YYYY</b>	<b>pendency with MOEFCC (No. of days.</b>	<b>pendency with Operator (No. of days.</b>
1.	Submission of complete Application to MoEFCC for TOR	Zero date (i)		
2.	Queries raised by MoEFCC on TOR application, if any	(ii)	(ii)-(i)= (a)	
3.	Response by operator to query	(iii)		(iii)-(ii)=(b)
4.	Consideration of appln by EAC	(iv)		
5.	Queries by EAC, if any	(v)	(v)-(iii)= (c)	
6.	Response by operator to EAC query	(vi)		(vi)-(v) =(d)
7.	Issue of TOR by MOEFCC	(vii)	(vii)-(vi)= ( e)	
8.	Total no of days.		(a)+(c)+(e) = (f)	(b)+(d)=(g)

#### **B. Public Hearing/ Consultation (PH) (If required)**

<b>No.</b>	<b>Activity</b>	<b>Date DD/MM/YYYY</b>	<b>Duration of pendency with SPCB (No. of days)</b>	<b>Duration of pendency with Operator (No. of days)</b>
1.	Submission of complete application for PH with draft EIA report to State Pollution Control Board (SPCB)	Zero Date (ix)		
2.	Queries raised by SPCB, if any	(x)	(x)-(ix)= (h)	
3.	Response by operator	(xi)		(xi)-(x)=(i)
4.	Public Hearing Districts. (i) (ii) (iii)	(xii) Last date of PH		
5.	Issuance of Proceedings of PH by SPCB	(xiii)	(xiii)-(xi)= (j)	
6.	Total no. of days.		(h)+(j) = (k)	(i)

#### **C. Appraisal by EAC and Grant of Environmental Clearance (EC).**

<b>No.</b>	<b>Activity</b>	<b>Date DD/MM/YYYY</b>	<b>Duration of pendency with MOEFCC (No. of days)</b>	<b>Duration of pendency with Operator (No. of days)</b>
1.	Submission of complete	Zero date (xv)		

	application to MOEFCC after PH.			
2.	Queries from MoEFCC, if any.	(xvi)	(xvi)-(xv)= ( L)	
3.	Response by operator	(xvii)		(xvii)-(xvi)=(m)
4.	EAC meeting	(xviii)		
5.	Queries after EAC meeting, if any.	(xix)	(xix)-(xvii)= (n)	
6.	Response by operator.	(xx)		(xx)-(xix)=(o)
7.	Issuance of EC by MOEFCC.	(xxi)	(xxi)-(xx)= (p)	
8.	Total no. of days.	(xxii)	(L)+(n)+(p)=(q)	(m) +(o)=(r)

**D: Coastal Regulation Zone (CRZ) Clearances (if any part of the contract area falls under CRZ area as per CRZ notification):**

No.	Activity	Date DD/MM/YYYY	Duration of pendency with State Coastal Zone Management Authority (SCZMA) (No. of days)	Duration of pendency with Operator (No. of days)
1.	Submission of complete appln to SCZMA for CRZ clearance.	(xxiii)		
2.	Query from SCZMA.	(xxiv)	(xxiv)-(xxiii)= (s)	
3.	Response of operator to the queries	(xxv)		(xxv)-(xxiv)= (t)
4.	Consideration for CRZ clearance by SCZMA	(xxvi)		
5.	Recommendation of SCZMA for CRZ clearance to MOEFCC.	(xxvii)	(xxvii)-(xxv)= (u)	
6.	Total no of days	(xxviii)	(s)+(u)= (v)	(t)

**E: Final Analysis (TOR +PH +EC), if no CRZ clearance is involved.**

Pending with MOEFCC + SPCB: (f)+(k)+(q)= (y)

Norm days as per EIA notification 2006

Activity	Norm Days
Grant of TOR	=30 days
PH	=45 days
EAC	=60 days

Grant of EC =45 days

Total norm days for EC = 30+45+60+45=180 days.

Net no of days recommended for ED: (y)-180 = days.

#### **F. Final Analysis, if CRZ clearance is involved.**

Pending with MOEFCC+SPCB+ SCZMA: (y) +(v)= (z)

Norm time under CRZ notification: 60 days

Norm days as per EIA notification 2006+ CRZ notification = 180+60 =240 days.

Recommended for ED for EC+CRZ Clearance= (z)-240 = days.

#### **2. Template for Calculation of Extra Days (ED) for Consent to Establish (CTE) / Consent to Operate (CTO) from State Pollution Control Board (SPCB):**

No.	Activity	Date DD/MM/YYYY	Duration of pendency with SPCB (no. of days)	Duration of pendency with Operator (no. of days)
1.	Submission of complete application for CTE to SPCB/UT	(i)		
2	Acceptance of complete application by SPCB/ UT	(ii)		
3.	Queries if any by SPCB / UT	(iii)	(iii)-(i)or(ii)=(a)	
4.	Response by operator	(iv)		(iv)-(iii)= (b)
5.	Issuance of CTE by SPCB/ UT.	(v)	(v)-(iv)=c	
6.	Total no of days.	(vi)	(a)+(c)=d	(b)

Norm days as per Water and Air Act=120 days

Net Allowable ED: d-120 = days

#### **3. Template for Calculation of Extra Days (ED) for Forest Clearance:**

##### **(i) Forest Clearance - Stage I/ In Principle Clearance:**

No.	Activity	Date DD/MM/YYYY	Duration of pendency with State Govt./MoEFCC (No. of days)	Duration of pendency with Operator (No. of days)
1.	Submission of proposal by	Zero date		

	operator in relevant form to NO (Nodal Officer, Forest Dept., State Govt.) with requisite information and documents complete in all respects.	(i)		
2.	Queries from NO, if any	(ii)	(ii) - (i) = (a)	
3.	Response to queries by operator	(iii)		(iii) - (ii) = (b)
4	NO to forward the proposal, after due process, to State Govt.	(iv)		
5	Receipt of Status of proposal from State Govt. by operator.	(v)		
6.	Proposal forwarded to RO, MOEFCC/Central MOEFCC (depending on forest area to be diverted)	(vi)		
7.	Queries, if any raised by RO, MOEFCC/ MOEFCC	(vii)	(vii) - (iii) = c	
8	Response to queries by operator	(viii)		(viii) - (vii) = d
9	RO, MOEFCC/ MOEFCC to inform approval to State Govt.	(ix)		
10.	State Govt to inform operator of stage-I FC.	(x)	(x) - (viii) = e	
<b>11.</b>	<b>Total days</b>		<b>(f) = (a) + (c) + (e)</b>	<b>(g) = (b) + (d)</b>

**(ii) Forest Clearance - Stage II:**

<b>No.</b>	<b>Activity</b>	<b>Date DD/MM/YYYY</b>	<b>Duration of pendency with State Govt./MoEFCC (no. of days)</b>	<b>Duration of pendency with Operator (no. of days)</b>
1.	Receipt of Stage I clearance from NO/ DFO , State Forest Dept. by operator	(xi)		
2.	Communication of NPV and other levies to be paid by DFO to operator	(xii)	(xii) - (xi) = (h)	
3.	Submission of compliance report of conditions stipulated in Stage I by operator to NO/ DFO	(xiii)		(xiii) - (xii) = (l)

4.	Queries, if any, from DFO on compliance status.	(xiv)	(xiv)-(xiii)=(j)	
5.	Response to query by operator to DFO	(xv)		(xv)-(xiv)=(k)
6.	Further query, if any, by CF (Conservator of Forest) to operator	(xvi)	(xvi)-(xv)=(L)	
7.	Response by operator	(xvii)		(xvii)-(xvi)=(m)
8.	Further query, if any, by NO to operator	(xviii)	(xviii)-(xvii)=(n)	
9.	Response by operator	(xix)		(xix)-(xviii)=(o)
10.	Further query, if any, by State Govt to operator	(xx)	(xx)-(xix)=(p)	
11.	Response by operator	(xxi)		(xxi)-(xx)=(q)
12.	Further query, if any, by RO/MOEF to operator	(xxii)	(xxii)-(xxi)=(r)	
13.	Response by operator	(xxiii)		(xxiii)-(xxii)=(s)
14.	Approval of MOEFCC to be informed to Operator by State govt.	(xxix)		
15.	Informed to operator by State Govt.	(xxx)	(xxx)-(xxiii)=(t)	
16.	Total No. of days		(h)+(j)+(L)+(n) +(p)+(r)+(t)=(u)	(l)+(k)+(m)+(o)+(q)+ (s)=(v)

### (iii) Final analysis for Forest Clearance:

Pendency for forest clearance= Total no. of days of pendency for Stage – I Clearance with State Govt/ MOEFCC+ Total no. of days of pendency for Stage-II Clearance with State Govt/MOEFCC = W =(f)+(u) days.

After having assessed the no of days the case was pending with State Govt. + MOEFCC, as per template above, the norm days as stipulated in Forest (Conservation) Rules would need to deducted for finalising the net no of days of ED. The norm days vary in Forest diversion cases based on extent of forest area to be diverted (0-5 ha, 5-40 ha, 40-100 ha and more than 100 ha).

Following table provides the norm days in various slabs for Stage I and Stage II Clearances.

#### Stage-I Clearance

#### Time Lines (Norm days) for Processing of Forest Clearance Proposals in the State Govt./Union Territory administration

<b>Level</b>	<b>Upto 5ha. (days)</b>	<b>More than 5 to 40 ha.* (days)</b>	<b>More than 40 to 100 ha. (days)</b>	<b>More than 100ha. (days)</b>
Nodal Officer	10	10	10	10
DCF	30	30	45	60
District Collector for FRA				
CF	10	10	30	30
Nodal Officer / PCCF	10	20	25	30
State Govt.	30	30	30	30
Transit Period	20	20	20	20
<b>Total, days</b>	<b>110</b>	<b>120</b>	<b>160</b>	<b>180</b>

**Timelines (Norm days) for Processing of Proposals Received by Central Govt (includes RO & MOEF)**

<b>Level</b>	<b>Upto 5 ha. (days)</b>	<b>More than 5 to 40 ha.* (days)</b>	<b>More than 40 to 100 ha. (days)</b>	<b>More than 100ha. (days)</b>
Pre-inspection by MoEF/ RO to examine completeness	5	5	10	10
Site Inspection by RO	-	-	-	45
FAC	-	-	30	30
REC	-	30	-	-
Approval by Competent authority (CA)	20	30	30	30
Communication of approval of Competent Authority	5	5	5	5
Transit Period	-	5	-	10
<b>Total, days</b>	<b>30</b>	<b>75</b>	<b>75</b>	<b>130</b>

\*Including the proposals seeking diversion of forest land up to 5 ha for mining and regularisation of encroachments. Diversion of forest land for oil and gas sector activities under Forest (Conservation) Act, 1980 is covered under mining.

**Stage –II Clearance:**

<b>No.</b>	<b>From</b>	<b>To</b>	<b>Days</b>
1.	Nodal Officer	DFO	5
2.	DFO	User Agency	10
3.	User Agency	DFO	30*
4.	DFO	CF	15



5.	CF	Nodal Officer	15
6.	Nodal Officer	State Govt./UT	15
7.	State Govt/UT	MoEF&CC/RO	15
8.	MOEF&CC/RO	State Govt./UT	20
<b>Total, No. of days</b>			<b>95</b>

#### 4. Template for Calculation of Extra Days (ED) for Wildlife Clearance:

No.	Activity	Date DD/MM/YYYY	Duration of pendency with State Govt/MoEFCC (no. of days)	Duration of pendency with Operator ( no. of days)
1.	Submission of complete application for wildlife clearance to State Govt./Chief Wildlife Warden	(i)		
2.	Queries from wildlife Department, if any	(ii)	(ii) - (i) = (a)	
3.	Response of operator to queries	(iii)		(iii)-(ii)=(b)
4.	Consideration of proposal by State Board for Wildlife (SBWL) and recommendation to National Board for Wildlife (NBWL)	(iv)	(iv) –(iii) = (c)	
5	Queries from NBWL, if any	(v)		
6.	Response to queries by operator	(vi)		(vi)-(v) =(d)
7.	Consideration by NBWL and recommendations to State Govt	(vii)		
8.	Issuance of clearance letter by State Govt to operator	(viii)	(viii) –(vi)=(e)	
9.	Total No of days		(a)+(c)+(e)=(f)	(b)+(d)

After having assessed the no of days the case for Wildlife Clearance was pending with State Govt + MOEFCC, as per template above, the norm days as stipulated in guidelines for Wildlife Clearance would need to deducted for finalising the net no of days of ED.

Following table provides the norm days for wildlife clearance.

**Indicative timelines (Norm days) for various agencies involved in Wildlife Clearance:**

No	From	Days	Comments
1.	DFO/Wildlife Warden	5 30	1.Initial Scrutiny 2. After receipt of complete proposal
2.	Chief Wildlife Warden	20	
3.	Consultation with State Board for Wildlife (SBWL) and Recommendation of State Government	30*	The activity involves decision of the State Government, consultation with SWBL and thereafter recommendation of the State Government to MOEFCC enclosing the copy of the minutes of the SBWL Therefore, this stage may take upto 90 days (3 months), as the SBWL is chaired by the Hon'ble Chief Minister
4.	MOEFCC	5 30	1.Initial Scrutiny 2.After receipt of complete proposal for NBWL
5.	Consultation with Standing Committee of National Board for Wildlife		Meetings of Standing Committee of National Board for Wildlife are ordinarily convened once in 3 months

**5. Template for details of ED already granted in the Contract Area:  
(For the purpose of assessing overlapping period)**

No.	ED granted for EC/EC+CRZ/CTE/CTO/FC/WL/MOD	From DD/MM/YYYY	To DD/MM/YYYY	Total no. of days.
1.				
2.				
3.				
4.				
5.				
6.	Total no of days			

**Note:**

1. The operator shall indicate the Policy under which ED has been sought.
2. ED would be assessed up to end of the Development Period.
3. ED would be considered for delayed period and overlapping period on account of earlier grants of ED would be deducted in assessment during subsequent period.
4. Normally ED would be considered after completion of the clearance process. However, in specific cases where Development Period as defined in RSC is expiring, the case for grant

of interim ED can be examined by DGH with the approval of the competent authority. In such cases, the contractor shall submit an undertaking that he will be solely responsible for the implications if final ED/clearance is not granted due to any reason.

5. If additional queries are raised, at any stage during the clearance process, then the operator may include them at appropriate places by providing date of query from approving/ clearing authority and date of submission of information/reply by the operator. This would be part of ED calculation.
6. All the supporting documents should be attached with the application for ED.

### **(III) Extension of Development Period on account of grant of Extra Days**

The purpose of assessment and grant of ED is to provide relief to the operator in completion of committed Work Programme within the given time frame, which was hampered due to non-availability of various clearances. The grant in ED would result in extension of Development Period in such a way that the time lost is duly compensated.

After assessment of ED, following procedure will be followed for restructuring of **Development Period:**

- (i) When ED is granted before expiry of the Development Period, the same will be effective from the end of respective period.
- (ii) When ED is granted after expiry of the Development Period, irrespective of whether clearance is granted before or after the expiry of Development Period, same will be effective from the date of grant of ED and interim period between the end of Development Period and the date of grant of ED will be regularised by the competent authority.

**Check list and Support Information for Assessment of Extra Days.**

**Name of the Contract Area:**

**Operator:**

1. Brief note on Extra days.
2. Agency / Department / Ministry where the delay occurred with reasons for delay.
3. Period of Delays: Mention specific dates & total duration of claimed period, date of application, date of receipt of permission / sanction / approval. Mention only the period (s)/ duration of pendency with the authorities concerned with whom the case was under examination / consideration (exclude all other periods).
4. Contract / Policy / Provisions under which ED has been claimed. Please mention relevant Article of RSC and/or relevant policy provision (attach the copies).
5. Compliance to stipulated conditions under contract / policy.
6. Details of earlier grants of ED in the contract area with specific dates & duration.
7. Overlapping periods of earlier grants with the present claimed duration.
8. Documentary evidences in support of claim.