

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE AT CHENNAI

Original Application No.168 of 2020

IN THE MATTER OF:

B. Madan Kumar Reddy,
S/O Chandra Reddy
Aged about 41 years,
R/O Momidi Village, Chillakur Mandal,
SPS Nellore District
Ph: 9440271261,
Email: madanreddy79@gmail.com. Applicant

-Vs-

The Government of India,
Represented by its Director,
Ministry of Environment,
Forest and Climate Change IA Division,
3rd Floor, Vayu Wing Indira Paryavaran Bhavan,
Jorbagh Road Aliganj, New Delhi - 110 003
Ph No. 011-24695132, Email: mefcc@gov.in
and 6 others. Respondents

COUNTER AFFIDAVIT FILED BY 5TH RESPONDENT

Date-13-11-2021

Madhuri Donti Reddy

**M/S MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNCIL FOR GOVERNMENT OF
ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

#S2, Royal Castle, 26, Gill Nagar Extension, Choolaimedu,
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COUNSEL FOR RESPONDENTS 2 TO 5

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
O.A.No.168 of 2021**

IN THE MATTER OF:

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Respondents

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It is certified that all the documents contained in the above annexure are true copies.

Date: 04.10.2021


ATTESTOR
O/e The Asst. Director of Mines & Geology
Nellore


DEPONENT
Asst. Director of Mines & Geology
SPSR Nellore Dist. (A.P)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE BENCH
AT CHENNAI**

Original Application No. 168 of 2021

(Under Section 18(1) read with Sections 14 & 15, of National Green Tribunal Act 2010)

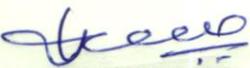
IN THE MATTER OF:

B. Madan Kumar Reddy,
S/O Chandra Reddy
Aged about 41 years,
R/O Momidi Village, Chillakur Mandal,
SPS Nellore District
Ph: 9440271261,
Email: madanreddy79@gmail.com. Applicant

-Vs-

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Represented by its Director,
Ministry of Environment,
Forest and Climate Change IA Division,
3rd Floor, Vayu Wing Indira Paryavaran Bhavan,
Jorbagh Road Aliganj, New Delhi - 110 003
Ph No. 011-24695132, Email: mefcc@gov.in
2. The State of Andhra Pradesh,
Represented by its Principle Secretary,
Industries and Commerce Department Secretariat,
Amaravati, Guntur District,
Andhra Pradesh. PhNO.0863-2442113,
Email: prisecy_inds@ap.gov.in
3. The Director of Mine & Geology Sri Anjaneya Towers,
D.No. 7-104, B-Block 5th & 6th Floors,
Ibrahimpatnam, Vijayawada
AndhraPradesh-521456,
Ph No. 0863-2442113, Email: sectiond78@gmail.com
4. The Deputy Director of Mines & Geology
D.No. 11/28, Lakshmi Villa,
Talapagiri Colony Buja Buja Nellore,
SPSR Nellore District - 524 004.
Ph No: 72073 17855, Email: ddmgnellore@gmail.com
5. The Assistant Director of Mines & Geology
Door No. 26-4-11, Opp.LIC Scanning Centre,
2nd Street, Vikram Nagar, Nellore-524 004.
Ph No: 91006 88837, Email: admgnlr1@gmail.com
6. M/s. Sri Kumaraswamy Silica Mines,
Rep by its Managing Partner,
Mr. Vemireddy Kumara Swamy,
Momidi Village, Chillakur Mandal SPSR Nellore District,
Andhra Pradesh-524412
Ph No: 08624-251012,
Email: silica@sksmine.com Respondents


ATTESTOR
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Nellore

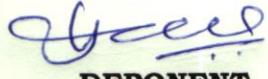

DEPONENT
Asst. Director of Mines & Geology
SPSR Nellore Dist. (A.P)

COUNTER FILED BY 5TH RESPONDENT

I, K.Srinivasa Rao, Son of K.Brahmaiah, aged about 55 years, Occ: Asst. Director of Mines and Geology Nellore, do hereby solemnly affirm and sincerely state as follows:-

1. I am the deponent herein and as such I am well acquainted with the facts of the case.
2. This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.
3. It is submit that the pursuant to the filing of 2nd renewal application in time by M/s Kumaraswamy Silica Mines, the Director of Mines & Geology, Ibrahimpatnam, vide Notice No.6111/R3-1/2016 dated 03.02.2017 **(Annexure-I)** has decided in principle to grant 2nd renewal of quarry lease for Silica Sand in favour of M/s Kumaraswamy Silica Mines for a further period of 20 years with effect from 04.09.2015 over an extent of 136.945 Hectares (335.39 Acres) in Sy.No.695/22 & 696 of Momidi Village, Chillakur Mandal, SPSR Nellore District subject to submission of Scheme of Mining Plan approved by the Deputy Director of Mines & Geology, Environmental Clearance issued by MoEF & CC, CFE&CFO from the APPCB, etc...
4. It is submit that the DMG, Ibrahimpatnam vide Proceeding No. 6111/R3-1/2016, dt.29.06.2017 **(Annexure-II)** has issued orders accepting part surrender of the area of 17.49 Acres in Sy.No.696 of Momidi Village while retaining an extent 320.90 Acres in Sy.No.695/22 of Momidi Village, Chillakur Mandal, SPSR Nellore District in favour of M/s Kumaraswamy Silica Mines.
5. It is submit that the compliance with the LOI (i.e., Notice dated 03.02.2017) M/s Kumaraswamy Silica Mines has submitted Scheme of Mining approved by the DDM&G, Nellore, vide Letter No. 888/MS/SS/NLR/2020, dated 24.09.2020 **(Annexure-III)** to the DM&G, Ibrahimpatnam and also


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 O/o the Asst. Director of Mines & Geology
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submitted a copy of the Approved Mining Scheme to this office. Further they have also submitted EC vide File No.23-238/2018-IA.II(V), dt. 16.04.2020 of the MoEF & CC, Govt of India (**Annexure-IV**), Consent for Establishment (CFE) of the Zonal Office, APPCB, Vijayawada vide Order No. N-493/APPCB/ZO-VJA/CFE/RED/2020, dt. 12.06.2020 (**Annexure-V**) for a validity of 7 years from the date of issue and Consent for Operations (CFO) of the Zonal Office, APPCB, Vijayawada vide Order No. N-493/APPCB/ZO-VJA/CFO/W&A/2020, dt. 16.07.2020 (**Annexure-VI**) for a validity up to 30.04.2025 vide their letter dated 20.07.2020.

6. It is submit that from the above, it is clear that M/s Kumaraswamy Silica Mines is having required and valid statutory licenses/clearances like Mining Scheme approved by the DDM&G, Nellore, EC granted by the MoEF & CC, New Delhi, CFE & CFO issued by the APPCB, Vijayawada and by virtue of the same the quarrying operations which were stopped by this Respondent's Office with effect from 29.05.2015 for non-submission of EC from MoEF & CC and subsequently this Respondent's Office has issued permits for available stock in the leased area as per the instructions of the Director of Mines & Geology, Hyderabad vide Memo No. 13522/R2-1/2011, dated 09.01.2015 (**Annexure-VII**). Further the lease holder has submitted statutory clearances i.e., AMP, EC, CFE & CFO and resumed operations with effect from 03.08.2021 for extraction of Silica Sand in the subject area.

7. It is submitted that, the Director of Mines and Geology, Ibrahimpatnam, Vijayawada has sanctioned 10 (ten) instalments for payment of arrear amount of Rs. 97,01,614/- starting w.e.f. December'2020 to an instalment amount of Rs. 9,70,162/- per month payable on or before 15th of every month. In this connection it is submitted that the lessee has paid eight (8) instalments of arrears as on 03.09.2021 and remaining two (2) instalments to be paid. Further also the Director of Mines & Geology, Ibrahimpatnam has granted 10



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(ten) equal monthly instalments for payment of Interest amount of Rs.18,30,330/- and the 1st instalment amount shall be paid on or before 01.07.2021. In this connection the lessee has paid one instalment of Interest as on 03.09.2021 and remaining nine (9) instalments to be paid.

Compliance with the Hon'ble Supreme Court Judgement passed in Common Cause Vs. Union of India and others dated 02.08.2017 reported in (2017) 9 SCC 499:

8. It is to submit, that while granting the Environmental Clearance to M/s Kumaraswamy Silica Mines vide File No.23-238/2018-IA.II(V), dt. 16.04.2020, the MoEF & CC, New Delhi, Government of India, under Standard Conditions / Statutory Conditions has imposed a condition to the effect that the State Government concerned shall ensure that mining operations shall not be commenced till the entire compensation levied, **if any**, for illegal mining paid by the project proponent through their respective Department of Mining & Geology in strict compliance of the Judgement of the Hon'ble Supreme Court dated 02.08.2017 in Writ Petition (Civil) No.114 of 2014 in the matter of Common Cause vs Union of India and others.

9. It is submit that the a perusal of the Judgement of the Hon'ble Supreme Court dated 02.08.2017 in Writ Petition (Civil) No.114 of 2014, reveals that on 6th November, 2009 notice was issued by the Hon'ble Supreme Court of India to the Central Empowered Committee (for short 'the CEC') to conduct an exhaustive fact-finding study of the illegal mining in Keonjhar, Sundargarh and other Districts of Orissa within six weeks

10. It is submit that the based on the CEC report and other facts of the case, the Hon'ble Supreme Court of India has imposed penalty on the respondents (mining lease holders) and instructed them to pay the amounts determined by CEC for illegal mining on or before 31st December, 2017 (Para.225). Here it is to submit that nowhere in the above Judgement, the Hon'ble Supreme Court of


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India has given directions for levy and collection of compensation in similar cases in other States. Further it is submitted that while discussing on the similar violations happened in rest of India, the Hon'ble Supreme Court India has observed that ***"Undoubtedly, there have been very serious lapses that have enabled large scale mining activities to be carried out without forest clearance or environment clearance and eventually the persons responsible for this will need to be booked but as mentioned above, the violation of the laws and policy need to be prevented in other parts of the country. The rule of law needs to be established. We are therefore of the view that it would be appropriate if an Expert Committee is set up under the guidance of a retired judge of this Court to identify the lapses that have occurred over the years enabling rampant illegal or unlawful mining in Odisha and measures to prevent this from happening in other parts of the country"***(Para.211 & 227 of the Judgement). From the above, it is clearly evident that the Hon'ble Supreme Court has no intention to apply this Judgement in other States without thoroughly enquiring into any such similar violations by mining lease holders. Relevant Para No's. 211, 225 & 227 of the Judgement are reproduced below for perusal.

"211. For the present, we do not propose to direct an investigation or inquiry by the CBI for the reason that what is of immediate concern is to learn lessons from the past so that rapacious mining operations are not repeated in any other part of the country. This can be achieved through the identification of lapses and finding solutions to the problems that are faced. Undoubtedly, there have been very serious lapses that have enabled large scale mining activities to be carried out without forest clearance or environment clearance and eventually the persons responsible for this will need to be booked but as mentioned above, the violation of the laws and policy need to be prevented in other parts of the country. The rule of law needs to be established. We are therefore of



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the view that it would be appropriate if an Expert Committee is set up under the guidance of a retired judge of this Court to identify the lapses that have occurred over the years enabling rampant illegal or unlawful mining in Odisha and measures to prevent this from happening in other parts of the country.

225. The amounts determined as due from all the mining lease holders should be deposited by them on or before 31st December, 2017. Subject to and only after compliance with statutory requirements and full payment of compensation and other dues, the mining lease holders can re-start their mining operations.

227. We would also like to hear learned counsel for all the parties with regard to setting up of an Expert Committee presided over by a retired judge of this Court to identify the lapses that have occurred over the years that have enabled rampant illegal and unlawful mining in Odisha and to recommend preventive measures not only to the State of Odisha but generally to all other States where mining activities are proceeding on a large scale. For the present, we pass no direction with regard to any investigation by the CBI.”

11. It is submit that the pursuant to the request made by the DM&G, Ibrahimpatnam in Letter No.911/P/2014 dated 24.08.2018, the Government of Andhra Pradesh vide Letter No.20034/38/M.II/2018 dated 29.08.2018 to the Secretary to Government of India, Ministry of Mines, New Delhi, while quoting and discussing pertinent paragraphs in the above Judgement, has taken a stand to the effect that the Judgement of Hon'ble Supreme Court of India dated 02.08.2017 in WP (Civil) No. 114/2014 pertaining to “Common Cause Vs. Union of India and Ors” is applicable only to the illegal or unlawful mining projects without EC or FC for Manganese and Iron Ore Projects of Orissa State and the parties mentioned in the said writ petition. Further the AP State


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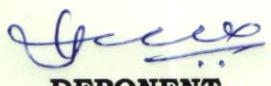
Government is of the view that for non-possessing of an EC or dispatch of mineral(s) in excess of quantity as specified in EC, the action should be as envisaged under Environment (Protection) Act, 1986, but not under MMD&R Act, 1957. At the most, the MoEF & CC can issue notice to stop the mining/quarry operations. Hence, the AP State Government is opined that for the violations committed under E(P) Act/ Notification shall be penalised under the same Act only, but cannot be insisted by Ministry of Environment, Forest for payment under Section 21(5) of MMD&R Act, 1957 for violation of EIA Notification, 2006.

12. It is submit that the State Government requested the Secretary, Ministry of Mines, Govt of India, New Delhi to kindly address the MoEF & CC to consider the issuance of ToR / EC on pending applications of the lease holders in pursuance of Notification S.O.No. 804 (E), dated 08.03.2018 and S.O.No. 1030(E), dated 08.03.2018 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) and to withdraw the notices which are issued to the lease holders by interpreting and linking of Environment (Protection) Act, 1986 with action under Section 21(5) of the M&M(D&R) Act, 1957 and issue necessary orders in the matter immediately.

13. It is submitted that the Government of Telangana State vide Letter No.1173/M(I)(1)/2018-1, dated 06.04.2018 to the Secretary to Government of India, Ministry of Mines, New Delhi, has also taken a similar stand on the implementation of Hon'ble Apex Court Judgement dated 02.08.2017.

14. It is submit that the Director of Mines & Geology, Ibrahimpatnam vide Letter No.911/P/2014, dated 19.06.2018 informed the Member Secretary, APPCB, Vijayawada that if the mining / quarry lease holder violate the provisions of M&M(D&R) Act, 1957 and APMMC Rules 1966, Department of Mines & Geology would initiate action against such errant mineral concessionaires. The DMG also informed that if there is any violation of


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provisions of Environment Impact Assessment Notification, 2006, and subsequent amendments thereof, by any of the lease holders the DMG requested the Member Secretary, APPCB, to initiate action against such mining/quarry lease holders directly at their end and further informed that the Department of Mines & Geology would co-operate in furnishing the necessary information regarding mining/quarry leases in existence, if required.

15. It is submit that the pursuant to the Hon'ble Apex Court Judgement dated 02.08.2017, the Department of Mines & Geological Survey, Jharkhand, had issued Demand Notice No.1112/M, dated 05.10.2017 to M/s Hindalco Industries Limited to pay a sum of Rs. 103,00,80,703/- on or before 31.12.2017 for alleged illegal mining. Further the Department of Mines, Jharkhand stopped issuing Transit Challans to M/s Hindalco Industries Limited. Aggrieved by the demand notice and stoppage of permits, M/s Hindalco Industries Limited filed a writ petition W. P. (C) No.7286 of 2017 in the Hon'ble High Court of Jharkhand at Ranchi challenging the demand notice. The Hon'ble High Court of Jharkhand at Ranchi has issued an interim order dated 04.01.2018 **"No coercive action pursuant to the impugned demand dated 05.10.2017 shall be taken against the petitioner-company. The District Mining Office, Lohardaga shall issue Transit Challans, forthwith. The Secretary, Dept of Industry, Mines & Geology, Govt of Jharkhand, Ranchi-respondent no.2 shall ensure compliance of this direction and file its compliance report by Monday, i.e., 08.01.2018"**.

Further the above interim orders have been confirmed by the Hon'ble High Court of Jharkhand at Ranchi vide its orders dated 21.02.2018. The operating portion of the Judgement (Para.9) is reproduced hereunder for favour of kind perusal.

"In view of the interim orders and the compliance reports, during the pendency of these writ petitions transit challans for the petitioner companies shall not be stopped until the interim orders passed by this Court are varied, modified or recalled"


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 Assistant Geologist
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16. It is submit that the following is also pertinent to be mentioned here for favour of better appreciates of the subject issue.

“Illegal mining” has been defined under Rule 2(c) of the Minerals (other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 which were framed by Government of India, Ministry of Mines, under the powers conferred by Section 13 of the Mines & Minerals (Development & Regulation) Act, 1957, and the said Rule 2(c) is reproduced hereunder for of kind perusal.

Rule 2(c) “Illegal mining” means any reconnaissance or prospection or mining operation undertaken by any person or a company in any area without holding a mineral concession as required under sub-section (1) of Section 4

Explanation: - For the purpose of this clause,

(a) Violation of any rules, other than the rules made under Section 23C, within the mining lease area by a holder of a mining lease shall not include illegal mining; and

(b) Any area granted under a mineral concession shall be considered as an area held with lawful authority by the holder of such mineral concession, while determining the extent of illegal mining

Further in the Mines & Minerals (Development & Regulation) Amendment Act, 2021, in Section 21 of the Principal Act, after sub-section (6), the following Explanation has been inserted, namely:

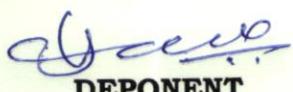
‘Explanation: - On and from the date of commencement of Mines & Minerals (Development & Regulation) Amendment Act, 2021, the expression “raising, transporting, or causing to raise or transport any mineral without any lawful authority” occurring in this section, shall mean raising, transporting, or causing to raise or transport any mineral by a person or company without prospection license, mining lease or composite license or in contravention of the rules made under section 23c’

From the above Act & Rule position, it is crystal clear that the mining operations conducted in a genuinely held mining/quarry lease shall not fall under the definition of illegal mining. It is also deduced from the above that the mining/quarrying conducted beyond the leases area or outside the leased area only fall under the definition of illegal mining/quarrying.

17. It is submit that the lessee and Co. is having required/valid Scheme of Mining, LOI, clearances under relevant Act and Rules. The lessee has complied with the Standard/Statutory conditions imposed by the MoEF&CC, New Delhi in their EC order pursuant to the Judgement of Hon'ble Supreme Court of India dated 02.08.2017 in WP (Civil) No. 114/2014 pertaining to "Common Cause Vs Union of India and Ors" by submitting an undertaking by way of Affidavit bearing Certificate No.IN-AP-01388880081702Q dated 11.09.2018. Further the lessee has submitted the CFE & CFO issued by the APPCB, Vijayawada. By virtue of all the above, the quarrying operations are being carried out for extraction of Silica Sand and the same is being dispatched under valid Transit Forms obtained after payment of advance Seigniorage Fee, DMF etc., The submission of undertaking before MoEF&CC has been reiterated by M/s Kumaraswamy Silica Mines in their Notarized Affidavit dated 17.07.2021 (**Annexure-VIII**) which has been submitted to the DM&G through this Respondent's Office letter dated 17.07.2021 (**Annexure-IX**). In the said Affidavit the lessee has also stated that they would abide by the outcome orders of the Hon'ble NGT, Chennai. Based on the Affidavit this office has issued dispatch permits as on 03.09.2021 for a total quantity of 40,500 MTs of Silica Sand for 2021-2022 duly collecting the Royalty for Rs. 40,50,000/-, Consideration amount of Rs. 40,50,000/-, DMF for Rs.12,15,000/- and MERIT for Rs. 81,000/- .

18. It is submit that the Hon'ble Apex Court Judgement dated 02.08.2017 deals with illegal mining and mining without lawful authority pertaining to the respondent lease holders in Odisha State. This is evident from the Judgement


ASSESSOR
 O/o the Asst. Director of Mines & Geology
 Nellore

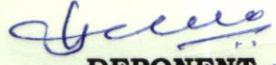

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itself wherein one finds the expression "State of Odisha" has occurred 78 times in the 56 Page Judgement and in fact M/s Kumaraswamy Silica Mines or The State of Andhra Pradesh was not a party in the said proceedings before the Hon'ble Supreme Court of India. Additionally, the Expert Committee referred in the Hon'ble Apex Court Judgement dated 02.08.2017 at Para No. 211 & 227 has not been constituted and submitted its report on illegal mining and mining without lawful authority in other States and in the absence of the same, the Department of Mines & Geology cannot issue demand notice to the lessee.

19. It is submit that the prevailing situation, especially in the absence of specific directions in Hon'ble Apex Court Judgement dated 02.08.2017 with regards to its applicability in other States, the only option available as on date vis-à-vis implementation of above Judgement is to obtain an undertaking in the form of Notarized Affidavit from the lessee to the effect that they would abide by the outcome of the report of Expert Committee as and when such committee is constituted and submitted report on this matter. Even the MoEF&CC, while recording the fact that mining has been conducted by the project proponent without prior EC, has issued EC by obtaining an undertaking to the effect that they would comply with the judgement of the Hon'ble Supreme Court in WP No.114/2014 dated 02.08.2017. Prior to obtaining EC, APPCB, Nellore under the directions of the MoEF&CC has initiated action against M/s Kumaraswamy Silica Mines by filing a case in the Hon'ble Court of 2nd Additional Judicial Magistrate of 1st Class, Nellore with C.C No. 456/18 under Section 19 of Environment (Protection) Act, 1986 and as per the Hon'ble Court orders dated 14.11.2018, a penalty of Rs. 1,00,000 (Rupees One lakh only) has been deposited by the party into the Government Treasury. Thus, credible action has been taken against M/s Kumaraswamy Silica Mines for conducting mining without EC as per E(P)Act, 1986.

20. It is submit that the Judgement dated 02.08.2017 at Para No. 211, 227 the lessee has been asked to submit a Notarized Affidavit to the effect that they


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 SPBR Nellore Dist. (A.P)

would abide by any action taken by the Department of Mines & Geology based on the report of Expert Committee headed by retired Supreme Court Judge. Accordingly, M/s. Kumaraswamy Silica Mines has also submitted a Notarised Affidavit dated 03.09.2021 to the effect that they would abide by any action that would be taken by the Department of Mines & Geology based on the report submitted by the Expert Committee. Viewed in any perspective this is the best available course which would serve the interest of justice.

21. It is submit that the Government vide Memo No. 8610/MI(1)/2016-1, dated 23.01.2017 (**Annexure-X**) has disposed the Revision Application duly set-aside the Demand Notice dated 24.06.2016 issued by the Deputy Director of Mines and Geology, Guntur and remitted back the case to the Deputy Director of Mines and Geology, Guntur with a direction to arrive at the illegally excavated quantity correctly with proper documentary evidence in the deleted area, in the existing leased area and also in the encroached area by taking the measurement in each area separately keeping in view of the above observations and raise a fresh demand notice after giving reasonable opportunity to the lessee. In this connection the Survey and Inspection was started on 25.08.2021 by Technical Staff of this Respondent's Office and Office of the Deputy Director of Mines & Geology, Nellore, in that part this Respondent has requested the Tahsildar, Chillakur Mandal on 01.09.2021 to provide the services of Mandal Surveyor for fixing of Revenue boundaries so as to complete the Survey of the subject lease area, but as on date the same has not been fixed. After completion of Survey and Inspection the necessary action will be taken as per rules in force.

22. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above Original Application No.168 of the 2021 and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.



ATTESTOR
Geologist
O/o the Asst. Director of Mines & Geology
Nellore



DEPONENT
Asst. Director of Mines & Geology
SPSR Nellore Dist. (A.P)

Solemnly affirmed at Nellore

BEFORE ME

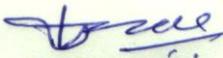
District Andhra Pradesh on
this the 4th day of October, 2021
and signed his name in
my presence

ADVOCATE, Nellore DISTRICT

VERIFICATION

I, K.Srinivasa Rao, Son of K.Brahmaiah, aged about 55 years, Occ: Asst. Director of Mines and Geology Nellore, do hereby verify that the contents of Paras of Counter Affidavit are based on record and information are true to the best of my knowledge and belief.

Hence, verified on the 4th day of October 2021 at SPSR Nellore District


DEPONENT
Asst. Director of Mines & Geology
SPSR Nellore Dist. (A.P)

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES & GEOLOGY::IBRAHIMPATNAM**

Letter No.6111/R3-1/2016

Dated:03.02.2017.

From
Sri B.Sreedhar, I.A.S.,
Director of Mines & Geology (FAC),
5th & 6th Floors, B-Block,
Sri Anjaneya Towers,
Ibrahimpatnam, Vijayawada.

To
The Director,
Ministry of Environment, Forests &
Climate Change,
Impact Assessment Division,
Indira Paryavaran Bhavan,
New Delhi – 110 003.

Sir,

Sub:- MINES AND QUARRIES – Silica Sand Mining Project of M/s Shri Kumara Swamy Silica Mines located at SPSR Nellore District, Andhra Pradesh – Regarding.

- Ref:-
1. Renewal of application dt.01.08.2014 filed by M/s. Sri Kumara Swamy Silica Mines, Mg.Partner: Sri V. Kumara Swamy Reddy.
 2. Letter No.J-11015/19/2014-IA.II(M), dated.04.01.2017 from Ministry of Environment, Forests & Climate Change, Impact Assessment Division, New Delhi.
 3. Govt. Memo No.8610/M.I(1)/2016, Ind. & Comm. (M.I) Dept., Govt. of Andhra Pradesh, dt.23.01.2017.

I invite kind attention to the subject and references cited. Through the reference 1st cited, M/s Sri Kumara Swamy Silica Mines filed application for grant of 2nd renewal of mining lease for Silica Sand over an extent of 136.945 Hectares (335.39 Acres) in Sy.Nos.695/22 & 696 of Momidi Village, Chillakur Mandal, SPSR Nellore District for a further period of 20 years w.e.f. 04.09.2015 under Rule 24A(1) of MC Rules, 1960. The said application was received by the Asst. Director of Mines and Geology, Nellore on 01.08.2014 alongwith required documents.

Through the reference 2nd cited, the Director, Ministry of Environment, Forests & Climate Change, Impact Assessment Division, New Delhi requested to inform whether the mine area of M/s Sri Kumara Swamy Silica Mines located at SPSR Nellore District, Andhra Pradesh has a valid lease and the status of orders of the Revision Authority may also be indicate. In case, the evaded penalty is paid, the copy of receipt and date of payment may also be submitted.

In this connection, it is submitted that M/s Sri Kumara Swamy Silica Mines filed renewal application under Rule 24A(1) of MC Rules, 1960. Further, it is informed that as per the Rule 24A(6) says that:

If an application for renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the State Government passes order thereon.

Further, it is submitted that as per GSR No.423(E), dt.10.02.2015 from Ministry of Mines, Govt. of India, New Delhi have notified 31 Major Minerals as Minor Minerals in addition to minerals already declared by the Notification under Section 3(e) of Mines & Minerals (Development & Regulation) Act, 1957.

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Accordingly, the State Government vide G.O.Ms.No.34, Ind. & Comm. (M.II) Dept., dt.14.03.2016 issued orders delegating the powers to the Director of Mines and Geology, Govt. of Andhra Pradesh for grant of Mining Leases in respect of newly declared as 31 minerals. Further, the Government vide G.O.Ms.No.56, Ind. & Comm. (M.II) Dept., dt.30.04.2016 issued orders on Conservation on Development of Minor Minerals and Regulation of 31 newly declared Minor Minerals and issued amendment in Rule 12(5)(i) of APMMC Rules, 1966. As per 12(5)(h)(xi)(ii) of APMMC Rules, 1966 the renewal of quarry lease application shall be disposed of by the Director before the expiry of lease:

"Provided that where the renewal of quarry lease application is not disposed of before the expiry of lease, it is deemed to have been extended till the application is disposed of by the Director".

Further, it is informed that as per the latest Amendments issued by the Central and State Governments the mining lease held by M/s Sri Kumara Swamy Silica Mines for Silica Sand now treated as Minor Mineral.

This office has issued LoI for in principle grant of 2nd renewal of lease in favour of M/s Sri Kumara Swamy Silica Mines vide this office Notice No.6111/R3-1/2016, dated. 03.02.2017 (copy enclosed).

Further, it is informed that through the reference 3rd cited (copy enclosed), the Revision Authority, State of Andhra Pradesh has set-aside the demand notice issued by the Deputy Director of Mines & Geology, Guntur vide No.4823/M5/2015, dt.24.06.2016 and remitted back to the DDM&G with a direction to arrive at the illegally excavated quantity correctly with proper documentary evidence in the deleted area, in the existing leased area and also in the encroached area by taking the measurement in each area separately keeping in view of the above observations and raise a fresh demand notice after giving reasonable opportunity to the lessee. It is also directed to consider the deleted area to include in the lease again, if there is any mineral available, lest there should be given any scope for illegal mining in the deleted area, accordingly, the revision petition is disposed.

This is submitted for take necessary action in the matter.

Encl:- (As above)

Yours faithfully,
Sd/- B. SREEDHAR
DIRECTOR OF MINES AND GEOLOGY (FAC)

// ATTESTED //


for DIRECTOR OF MINES AND GEOLOGY



GOVERNMENT OF ANDHRA PRADESH
PROCEEDINGS OF THE DIRECTOR OF MINES AND GEOLOGY :: IBRAHIMPATNAM.
[PRESENT: Sri B.SREEDHAR, I.A.S. DIRECTOR (FAC)]

Proceedings No.6111/R3-1/2016

Dated.29-06-2017

Subj:- Mines and Quarries - Quarry Lease for Silica Sand over an extent of 338.39 Acres in Sy.Nos.695/22 & 696 of Momidi Village, Chillakur Mandal, SPSR Nellore District held by M/s. Sri Kumara Swamy Silica Mines - Part Surrender of an extent of 17.49 Acres - Accepted - Orders Issued.

- Ref:-
1. Renewal of Mining Lease application dated.01.08.2014 filed by M/s. Sri Kumara Swamy Silica Mines.
 2. ADM&G, Nellore File No.4662/M/2016, dt.26.09.2016.
 3. DM&G Notice No.6111/R3-1/2016, dated.03.02.2017.
 4. Representation dated.Nil received on 23.03.2017 from M/s. Sri Kumara Swamy Silica Mines.
 5. Letter No.4662/M/2016, dt.03.06.2017 from ADM&G, Nellore.

ORDER:

Through the reference 1st cited, M/s. Sri Kumara Swamy Silica Mines have filed renewal of Mining lease application for grant of 2nd renewal of quarry lease for Silica Sand over an extent of 338.39 Acres in Sy.Nos.695/22 & 696 of Momidi Village, Chillakur Mandal, SPSR Nellore District. The said application was received by the Assistant Director of Mines and Geology, Nellore on 01.08.2014.

Through the reference 2nd cited, the Assistant Director of Mines and Geology, Nellore submitted proposals recommending for grant of 2nd renewal of quarry lease for Silica Sand over an extent of 338.39 Acres in Sy.Nos.695/22 & 696 of Momidi Village, Chillakur Mandal, SPSR Nellore District for a further period of 20 years w.e.f. 04.09.2015 in favour of M/s. Sri Kumara Swamy Silica Mines.

Through the reference 3rd cited, after careful examination of the proposals of the Asst. Director of Mines and Geology, Nellore a letter of intent was issued to M/s. Sri Kumara Swamy Silica Mines to produce the approved mining plan within a period of 6 months from the date of issue of notice alongwith EC, CFE & CFO.

Through the reference 5th cited, the Assistant Director of Mines and Geology, Nellore reported that the Managing Partner of M/s. Sri Kumara Swamy Silica Mines, while enclosing a Notarized Affidavit on N.J.Stamp paper has stated that as per the report of Revenue Divisional Officer, Gudur, the Sy.No.696 is classified as Adavi Poramboku (Jungle). Further they are informed that they are having Mining Lease over an extent of 17.49 Acres in Sy.No.696 of Momidi Village, Chillakur Mandal of SPSR Nellore District and also they inform that, they have got first lease in the year 1975 but, now only the Forest Department is claiming that, though it is classified as a jungle it attracts forest act as per the Hon'ble Supreme Court of India in WP No.202/1995. They have been informed by the MOEF Delhi any land attracts forest act included in the lease the Environmental Clearance cannot be given until it is deleted in the lease area. Further they informed that their Mining lease was renewed on 03.02.2017 for an extent 338.39 Acres in Sy. No.695/22 an extent of 320.90 Acres and in Sy.No.696 an extent of 17.49 Acres, hence they are wanted to surrender 17.49 Acres in Sy.No.696 of Momidi Village due to get Environmental Clearance which entitles fresh operate their mine.

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Further, the Assistant Director of Mines and Geology, Nellore reported that a joint inspection on the above area was already conducted by the Forest and Revenue Departments and submitted their reports. As per the joint inspection report reveals that the Divisional Forest Officer furnished the inspection report by quoting the RDO, Gudur report no mining has been carryout by the mine owner inside the RF boundary as per the Gazette notification and stated that, regarding the Sy.Nos.695 and 696 RDO, Gudur informed that, the Sy.No.696 measuring 92.40 Acres is classified as "Forest Reserve Poramboke but subsequently it was changed as "Jungle Poramboke: vide Board's order 352, dt:12.02.1910 at present it is treated as Adavi Poramboke (Jungle)" and the Sy.No.695/22 of an extent 513.73 Acres was classified as Govt. Dry land. The District Collector, Nellore informed the same to the Director of Mines and Geology and requested to take further necessary action.

Finally, the Assistant Director of Mines and Geology, Nellore requested to kindly accept the part Surrender of 17.49 Acres of Mining Leased area for Silica Sand duly retaining 320.90 Acres in Sy. No. 695/22 of Momidi Village, Chillakur Mandal of SPSR Nellore District of M/s. Sri Kumaraswamy Silica Mines under Rule 16(2) of APMMC Rules, 1966 and subsequent amendments from time to time.

In view of the above circumstances, the part surrender of area of 17.49 Acres in Sy.No.696 is hereby accepted, duly retaining an extent of 320.90 Acres in Sy.No.695/22 of Momidi Village, Chillakur Mandal, SPSR Nellore District on the mining lease held by M/s Sri Kumara Swamy Silica Mines under Rule 16(2) of APMMC Rules, 1966. The Asst. Director of Mines and Geology, Nellore to take further necessary action as per rules.

Sd/- B. SREEDHAR
DIRECTOR OF MINES AND GEOLOGY (FAC)

// ATTESTED //

for DIRECTOR OF MINES AND GEOLOGY

To
The Assistant Director of Mines and Geology, Nellore.

Copy to M/s. Sri Kumara Swamy Silica Mines,
Me. Partner: Sri V. Kumara Swamy Reddy,
S/o Late V. Sundara Rami Reddy,
Momidi Village & Post,
Chillakur Mandal,
SPSR Nellore District for information.

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**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

From

K.L.V.Prasad, M.Sc., M.Tech;

Deputy Director of Mines & Geology (FAC)
Nellore.

To
M/s. Sri. Kumaraswamy Silica Mines,
Mg. Partner: Sri V. Kumara Swamy Reddy,
Momidi Village, Chillakur Mandal,
S.P.S.R.Nellore District,
Andhra Pradesh.

Letter No. 888/MS/SS/NLR/2020, dated: 24-09-2020.

Sir,

Sub: Mines & Minerals – Mining Scheme for Quarry Lease (2nd Renewal applied) of M/s. Sri Kumaraswamy Silica Mines, Mg. Partner: Sri V. Kumara Swamy Reddy for Silica Sand, over an extent of 320.90 Acres (129.866 Hectares) in Sy.No.695/22 of Momidi Village, Chillakur Mandal, S.P.S.R Nellore District - Approved - Regarding.

- Ref:**
1. Proceeding No.28594/P.RQP/01, dated 16.05.2016 of the Director of Mines and Geology, Ibrahimpatnam.
 2. Notice No.6111/R3-1/2016, dt.03.02.2017 of Director of Mines & Geology, Ibrahimpatnam.
 3. Proceeding No.6111/R3-1/2016, dt.29.06.2017 of Director of Mines & Geology, Ibrahimpatnam.
 4. Draft Scheme of Mining submitted on 28.07.2020 filed by M/s. Sri Kumaraswamy Silica Mines, Mg.Pt.Sri. Kumaraswamy Silica Mines, Mg.Partner: Sri V. Kumara Swamy Reddy
 5. Inspection report submitted by this office Technical Staff.
 6. This Office Letter No. 888/MS/NLR/2020, dated 13.08.2020.
 7. Letter dated 19.09.2020 along with 6 sets of fair Scheme of Mining from the applicant / RQP.

In exercise of the powers conferred by the Government of Andhra Pradesh, through the reference 1st cited and keeping in view of Notice & proceedings issued by the Director of Mines and Geology, Ibrahimpatnam vide reference 2nd & 3rd cited. I hereby approve the Scheme of Mining for the period of fine (05) years i.e., 2020-21 to 2024-25 in respect of Quarry Lease (2nd Renewal applied) for Silica Sand, over an extent of 320.90 Acres (129.866 Hectares) in Sy.No.695/22 of Momidi Village, Chillakur Mandal, S.P.S.R Nellore District held by M/s. Sri Kumaraswamy Silica Mines, Mg. Partner: Sri V. Kumara Swamy Reddy under Rule under Rule 7A of Andhra Pradesh Minor Mineral Concession Rules, 1966 read with G.O.Ms.No.56, Industries & Commerce (Mines-II) Department, dated 30.04.2016. This approval is subject to the following conditions.

1. This Scheme of Mining including Progressive Mine Closure Plan is approved without prejudice to any other laws applicable to the mine area from time to time whether made by the Central Government, State Government or any other authority or any order / direction from any court of competent jurisdiction.
2. This approval of the aforesaid Scheme of Mining including Progressive Mine Closure Plan does not in any way imply the approval of the Government in terms of any other provisions of the Mines and Minerals (Regulation and Development) Act 1957 or the Mineral Concession Rule 1960 or the other Rules framed there under and any other laws including the Forest Conservation Act, 1980, Forest Conservation Rules, 2003 and also other relevant status, orders, guidelines as the case may be application from time to time.

(Contd...Page No.2)

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3. The Scheme of Mining is approved subject to strictly adhering to the Relevant Regulations of MMR 1961, provisions of the Mines Act, 1952 and other Rules and Regulations made there under including submission of notice of opening, appointment of Manager and other statutory officials as required under the Mines Act, 1952 shall be complied with.
4. Prior permission from the Director General, Mines Safety whenever and where ever it is required.
5. Clearance / Consent / No objection from Ministry of Environment and Forest, Central pollution control Board, State pollution Control Board as applicable in this case should be obtained and a copy of the same should be submitted to this office.
6. The execution of approved Scheme of Mining shall be subject to vacation of prohibitory order / notices if any issued by competent authority.
7. The Scheme of Mining approval is for proposals contained therein and as applicable for the mining activities to be carried out within the mining lease hold for 5 years or part period of five years block.
8. If anything found to be concealed as required by the Mines Act in the contents of approved scheme of mining (including progressive Mine closure plan) and the proposals for rectification has not been made or If at later stage the information furnished in the document is found to be incorrect or misrepresentation of facts, the approval shall be revoked with immediate effect.
9. The applicant/ lessee shall safeguard the structures, public buildings, roads, railway line, electric line and water bodies exists if any as per regulations 109 & 127 of MMR, 1961.

Encl: Approved Scheme of Mining

Yours faithfully,



Deputy Director of Mines & Geology (FAC),
Nellore

1. Copy submitted to the Director of Mines and Geology, Ibrahimpatnam along with Approved Scheme of Mining.
2. Copy submitted to the Member of Secretary, Andhra Pradesh Pollution Control Board, Visakhapatnam along with Approved Scheme of Mining for information.
3. Copy to Sri P.Viswam, RQP/BNG/346/2015/A, Anosri Mining Solutions, Near Sivalayam Temple, Sydapuram (V&M), SPSR Nellore District for information.
4. Copy submitted to the Regional Controller of Mines, IBM, Sultan Bazar, Hyderabad along with Approved Scheme of Mining.
5. Copy submitted to the Director of Mines Safety, Gruhakalpa (Block-2), Nampally, Hyderabad for favour of information.
6. Copy to the Asst. Director of Mines and Geology, Nellore along with Approved Scheme of Mining.

F.No. 23-238/2018-IA.II (V)
Government of India
Ministry of Environment, Forest and Climate Change
(IA-II Section)

1st Floor Agni Wing
Indira Paryavaran Bhawan
Jorbagh Road,
New Delhi - 3

Dated: 16th April, 2020

To

M/s Sri Kumaraswamy Silica Mines

Momidi Village, Chillakur Mandal,

S.P.S.R Nellore Distrcit,

Andhra Pradesh-524412

Email: silica@sksmines.com

Subject: Silica Sand Mine of M/s Sri Kumaraswamy Silica Mines with the proposed Production capacity of 340000 TPA of Silica Sand from mine lease area of 129.866 Ha. The mine lease area is located at Sy. No. 695/22, Village Momidi, Mandai Chillakur, District S.P.S.R Nellore, Andhra Pradesh.-Environmental Clearance regarding:-

Proposal No. IA/ AP/MIN/74145/2018, F. No. 23-238/2018-IA.III (V)].

The Proposal of **M/s Sri Kumaraswamy Silica Mines** is for obtaining Environmental Clearance (EC) for production of 340000 TPA of Silica Sand from mine lease area of 129.866 ha. The Mine lease area is located at Survey No. 695/22, Village Momidi, Mandal Chillakur, District S.P.S.R Nellore, Andhra Pradesh. The mine lease area is a part of the Survey of India Topo-sheet No 66/B/4 bounded by latitude 14°10'36.90" to 14°10'40.10"N and longitude 80°3'11.80" to 80°4'90"E. The project falls in Seismic zone-III.

2. The project is covered under category 'A' of the item 1(a) mining of Mineral of the EIA schedule to the EIA Notification, 2006 and requires prior EC from the MoEF&CC as the lease area of the project is greater than 100 Ha. Previously, the Project Proponent was carried out the mining operations without prior environmental clearance, thus the proposal is attracts to the violation of the E(p),

Page 1 of 24

Act, 1986. To deal with the violation category proposals, the Ministry issued the Notification S.O. 804(E) dated 14th March, 2017. PP submitted a new proposal vide proposal no. IA/AP/MIN/74145/2018 dated 11.04.2018 under violation category and submitted Form-I and PFR. Thereafter the proposal was considered by the EAC (Violation Sector) in its 13th Meeting held during 28th-29th August, 2018 wherein the Committee recommended for grant of TOR. The TOR was issued by the Ministry vide letter no. 23-238/2018-IA.III(V) dated 15th November, 2018 for preparation of EIA/EMP Report as per the provisions of Ministry Notification S.O. 804(E) dated 14th March, 2017.

3. The Project Proponent applied online vide proposal No. IA/AP/MIN/89769/2018 for grant of EC on 27.12.2018 and submitted the EIA/EMP Report. The proposal was placed in 19th EAC (Violation) meeting held on 25th -26th February, 2019, wherein, the Committee **deferred** the proposal for want of additional information. PP submitted the information online on 27.03.2019, accordingly the proposal was placed in EAC (Violation) Meeting held on 15th -16th April, 2019 wherein the Committee recommended for grant of environmental clearance under the provisions of Ministry Notification S.O. 804(E) dated 14th March, 2017.

4. The Project Proponent submitted that initially the mining lease (ML) was granted in favour of Sri V. Ramachandra Reddy vide G.O.Ms.No.563 of Industries & Commerce (Mines-III) Dept., dated 24.5.1975, Over an extent of 512.01 Acres, in Sy. No.695/22,696 of Momidi Village, Chikllakur Mandal, Nellore District. The ML was executed on 4.9.1975 for a period of 20 years. The lease was subsequently transferred in favor of M/s Sri Kumaraswamy Silica Mines, a partnership firm of which Sri V. Ramachandra Reddy, vide G.O.Ms.No.190, dated 11.4.1985 and executed on 1.7.1985. PP submitted that the Govt of AP, vide G.O. Ms. No. 263 of Industries & Commerce (M-I) Dept., dated: 30.07.1998, has sanctioned 1st renewal of ML for silica sand, for the reduced extent of 338.39 Acres in S.Nos.695/22 and 696 of Momidi Village, Chillakur Mandal, Nellore District for a period of 20 years from 4.09.1995 to 3.09.2015. PP submitted that the Department of Mines & Geology, Ibrahimpatham vide Notice No. 6111/R3-1/2016 dated 03.02.2017 has decided in principal to grant a 2nd renewal of quarry lease over an extent of 338.39 acres for 20 years w.e.f. 04.09.2015. PP submitted that he has surrendered an area of 17.49 Acres in Sy. 696 and was accepted by Government of Andhra Pradesh vide Proceeding No. 6111/R3-1/2016 dated 9.06.2017. In the letter No. 6111/R3-1/2016, dated 03.02.2017 submitted by the PP a time period of 6 months was given to the PP for submission of approved scheme of mining, consent to establish, consent to operate and EC from the date of issuance of the above-mentioned letter. The validity of above-mentioned letter was expired on 02.08.2017. The PP thus submitted Letter No. 6111/R3-1/2016 dated 19.09.2018 issued by Director of Mines

& Geology wherein a time period of one year is provided for submission of AMP, EC, CFE & CFO. PP has submitted that the total mining lease area is Government waste land and no forestland is involved. PP submitted that the mining activity will be carried out in an area of 85.30 Ha for the current plan period and 110.356 Ha will be broken for production of Silica Sand during conceptual period.

5. The Project Proponent submitted the Modified Mining Plan over an extent of 129.866ha was approved by Department of Mines and Geology, Government of Andhra Pradesh, Guntur vide Letter No.2004/MMP/NLR/2016 dated 01.07.2017 for the period of three years i.e. from 2017-18 to 2019-20 for the mine lease area of 129.866ha. PP submitted that as per the approved mining plan the method of mining will be opencast mechanized without drilling and blasting. The mineral excavation will be manual, occasionally if required small capacity excavator will be engaged. PP also submitted that as per approved mine plan the total Mineral reserves are 69, 11,000Tonnes, and the anticipated life of the mine is 20 years and the water table has been encountered at a depth of 3.60 m. Hence, the proposed mining is confined up to depth of 2.50m i.e. 1 m above ground water table existing in the Mine lease area. PP submitted that bench height will be maintained 1.5m & 1m and bench width will be maintained more than the bench height. During the mining operations there shall be no top soil, overburden and any waste generation from the mine. PP submitted the DSR prepared by Andhra Pradesh Space Application Centre (APSAC), Planning Department, Govt. of Andhra Pradesh dated July, 2018; obtained by the Assistant Director of Mines and Geology, Nellore.

6. PP submitted the land use patron at conceptual stage as follows: 110ha shall be under excavation; 1.64 ha, will be developed as Green Belt on either side of Varava(Sona) Kaluva with casurina plantation, Green Belt on in 7.5 meter barrier on periphery of Mine Lease area, 14.27ha shall be developed as safety barrier for road and canal, 0.0 Ha is for temporary sand storage, 0.16ha for garland drains and 0.19 ha will be undisturbed area.

7. PP submitted the past production details from 1986-87 to 2015-2016. As per production details it resembles that PP had been carried out the mining operations from 1986-87 till 2012-2013 without Environmental clearance. Thus the instant proposal is deemed fit in to the violation of E(P) Act, 1986 and the Hon'ble Supreme Court in W.P.114 of 2014 in the matter of Common cause Vs UOI & Ors, as the mine was in operation without obtaining Environmental Clearance. Project Proponent submitted an undertaking by the way of affidavit bearing certificate no IN-AP01388880081702Q dated 11 September, 2018 to comply with the Judgment of Hon'ble Supreme Court in W.P.114 of 2014 in the matter of Common cause Vs UOI & Ors and to comply with all statutory requirements. PP in its undertaking mentioned that PP will not violate the E(P) Act, 1986.

8. The Project Proponent submitted that under plantation total 7860 saplings will be planted on 5.24 Ha, Casurina plantation (1860 saplings) on either side of SonaKaluva in the 1.24ha First year, Casurina Plantation (6000 saplings) in 7.5 m barrier zone on periphery of the Mine lease boundary area covered is 4.00ha -2nd& 3rdyear. PP submitted that plantation activities will be completed in 3 years and the budget earmarked for the same is 7.86 Lakh (Capital) and Rs 2.0 Lakh (Recurring).

9. The Project Proponent reported that there is no forest land involved in the proposed mine lease area. PP vide letter no nil dated 26.07.2019 submitted the copy of RTI reply vide letter RC.No.84/2019, dated 20.08.2019 obtained from the Forest Range Officer, Nellore, stating that '*as per the Joint Inspection Report of Momidi Reserved Forest, Momidi village, chillakur mandal of Nellore range by the Revenue and Forest Officials on 14.03.2017 & 15.03.2017 with reference to the Survey No. 695/22 of Momidi(V), chillakur(M) of SPSR Nellore District is confirmed that the area bearing the Survey No. 695/22 was classified as Government Dry land and Not falling in the Forest lands and in the re-survey and re-settlement Register of Momidi village the Survey No. 695/22 was mentioned as dotted land to the whole extent of the Survey no and not as a Forest land*'.

10. PP reported that there is no National Parks/ Wildlife Sanctuaries/ Biosphere Reserves/Wildlife Corridors/Tiger/ Elephant Reserves/ Reserved forest are located within the 10 km study area of the mine lease. The KML file of the mine lease area was analysed in the DSS Portal as per the analysis noted that there is no National Parks/ Wildlife Sanctuaries/ Biosphere Reserves/Wildlife Corridors/Tiger/ Elephant Reserves/ Reserved forest are located within the 10 km study area.

11. PP vide letter no nil dated 28.08.2019 submitted the copy of RTI reply obtained from Forest Range Officer, Nellore vide letter RC.No.84/2019, dated 20.08.2019 w.r.t. the list of Flore & Fauna within 10 KMS radius to the Sy.No. 6895/22 of Momidi village as per list it was noted that there is one Schedule-1 Species i.e. *Varanus Bengalensis* (Monitor Lizard) with in 10 Km radius of the mine lease area. The Project Proponent reported that Wildlife Conservation Plan for Schedule-1 Species i.e. **Varanus Bengalensis (Monitor Lizard)** is submitted to the District Forest officer, SPSR Nellore District, Andhra Pradesh same yet to approve by the Chief Wild life warden with a total budget of Rs. 5 lakhs which includes i) Rs. 2.00 Lakhs for Restoration Habitat ii) Rs. 0.75 lakh for Improvement of food Sources, iii)Rs. 0.50 Lakhs Improvement of water resources, iv) Rs. 1.00 Lakhs Awareness Programs, v) Rs. 0.50 lakhs Training & Monitoring vi) Rs. 0.25Lakhs Unforeseen expenditure.

12. The project proponent submitted that the baseline data on micro-meteorology, ambient air quality, water quality, noise quality, soil and flora & fauna are collected during December to February, 2016. The monitoring results of ambient air, surface water, soil, ambient noise and ground water have been reported and no major divergence was observed with respect to concentration values of various parameters between collected samples. The existing air quality levels PM10, PM2.5, SO2, and NO2 are well within the NAAQ Standards. However as per the TOR condition PP freshly collected base line data for the month of November 2018 validated with the earlier base line data collected during the winter season(December to February, 2016)and no major divergence was observed with respect to concentration values of various parameters of earlier collected samples. The PP submitted that the total water requirement will be 14.0 m³/day, out of which 8.0 m³/day will be used for dust Suppression, 4.0 m³/day water will be used for Green belt development, 1.8 m³/day for Sanitation purpose and 0.2 m³/day is for drinking purpose for plantation. PP submitted that the water will be taken from existing water sources from nearby villages or tanker supplier. The PP has proposed that use of atomizer water tanker will reduce the water consumption by 50%. The EAC thus suggested that PP should engage at least 2 water tanker having mist cannon attachment.

13. The Project proponent submitted that the Public Hearing (PH) for the proposed project of silica sand Survey No. 695/22, Village Momidi, of M/s Sri Kumaraswamy was held under Chairmanship of Shri A. Md. Imtiaz, Joint collector, Nellore, Andhra Pradesh at the mine site, on 23.04.2016 at 11:00 A.M. as per the EIA notification, 2006. The press notification indicating the date, time and venue of the public hearing was published in Daily newspaper i.e. Andhra Jyothi and Hindu dated on 21.03.2016 by the Regional office, APSPCB, Nellore with project details inviting suggestions, views, comments and objections from the public regarding proposed 340000 TPA of Silica Sand (Minor Mineral). The issues raised during Public Hearing includes renewal of the mining lease, location of other mines and other industries in the vicinity, depth of the mining, hydrogeological issues, scarcity of drinking water, agricultural operations in the area, employment and CSR activities.

14. The budget earmarked for the Environmental Management Plan (EMP) shall be ₹ 20.36 Lakh (Capital) & ₹ 12.8 Lakh (recurring) which includes i) Pollution monitoring - Air, Water, Noise and Soil- ₹ 2 Lakh(Capital) & ₹ 8.0 (recurring), ii) Dust Suppression - ₹ 6.0Lakh (Capital) & ₹ 1.0 Lakh (recurring), iii) Greenbelt 7860 sapling ₹ 7.86 Lakh (Capital) & ₹ 2.0 Lakh (recurring),iv) Garland Drains-Length of Drains -1660M ₹ 2.0 Lakh (Capital) & ₹ 0.2 Lakh (recurring), v) Occupational Health (Personal protection Equipment for 35 Person ₹ 0.50 Lakh (Capital) & ₹ 0.5 Lakh (recurring).

15. The total cost of the project shall be 102 Lakhs, as per which under Corporate Environment Responsibility (CER) ₹ 2.70 Lakh (Capital Cost) which includes i) Solar street lights-5 nos cost ₹ 4000 per unit total ₹ 20,000, Community Toilets-4 locations-₹ 50,000 each and total 2,00,000, Sewing machines to women - 20nos ₹1500 Each total 30,000, Distribution of sanitary napkind to surrounding school girl-200girls-₹100 per month per girl, total 20,000. PP reported that the total cost of Rs. 63.64 lakhs for the budgetary provisions with respect to Remediation plan and Natural & Community Resource Augmentation Plan. The project will be generated employment 45 persons.

16. Based on the discussion held and document submitted the Expert Appraisal Committee (Violation) recommended the proposal for "**Production of 340000 TPA of Silica Sand mine by M/s Sri Kumaraswamy Silica Mine having mining lease area of 129.866 Ha at Sy. No. 695/22, Village Momidi, MandaiChillakur, District S.P.S.R Nellore, Andhra Pradesh**". Committee also specified the specific Conditions for this project as stipulated in para 18 below in addition to Standard & Special Conditions.

17. The Ministry of Environment, Forest & Climate Change has examined the proposal in accordance with the Environmental Impact Assessment Notification, 2006, as per Notification vide S.O. 804(E) dated 14.03.2017 further amendments thereto and as the Project Proponent submitted the Bank Guarantee Rs. 63.64 lakhs/- to Rajasthan State Pollution Control Board, hereby accords the Environmental Clearance under the provisions thereof to the above mentioned proposal of M/s Sri Kumaraswamy Silica Mines with the proposed Production capacity of 340000 TPA of Silica Sand from mine lease area of 129.866 Ha. The mine lease area is located at Sy. No. 695/22, Village Momidi, Mandai Chillakur, District S.P.S.R Nellore, Andhra Pradesh subject to compliance of the followings terms and conditions and environmental safeguards mentioned below:-

A. Specific Conditions

1. The budget amount of Rs 63.64/- lakhs towards Remediation plan and Natural and Community Resource Augmentation plan to be spend within a span of three years. The details are given below:

Env. Component	Remediation Measures for Environmental Damage	2019-20	2020-21	2021-22	Total (Rs)
Air Environme	Distribution of fruit bearing saplings to the villages for	7200 (Yeruru)	16000 (Momidi)	0	23200

nt	20 % of the houses in Momidi and Yeruru having total households of 460 @ Rs 50 /- per sapling	Village)	village)		
	500 plants @ Rs 400 /- will be planted in the avenue roads of Momidi Village and Yerur Village	80000	80000	40000	200000
	Medical checkup - Pulmonary tests for 100 persons @ Rs 1000 per person	50000	50000	0	100000
	Laying of road of 800 m in Momidi village @ Rs 8 Lakhs/km	640000	0	0	640000
	Total(A)	777200	146000	40000	963200
Noise Environment	Hearing aid equipment for 20 persons Supply of Sound Amplifier Ear Machine the Ear Hearing Aid @ Rs 800 /-	16000	0	0	16000
	Total(B)	16000	0	0	16000
Water Environment	Supply of Agriculture water pump sets for 10 persons @ 12000 /- per set	120000	0	0	120000
	RO plant to school at Momidi village	100000	0	0	100000
	Total (C)	220000	0	0	220000
Land Environment	Supply of organic fertilizers of about 6000 Kg @ Rs 80 per Kg	160000	160000	160000	480000
	Total (D)	160000	160000	160000	480000
Ecological Environment	Supply of equipment for manufacture of jute bags -	40000	40000	0	80000

nt	3 nos @ RS 40,000/- per unit				
	Supply of LED bulbs 1000 bulbs of 12 W @ Rs 250 /	10000 0	15000 0	0	250000
	Total(E)	140000	190000	0	330000
Socioeconomic Condition	Sponsoring spectacles to villagers for a about 50 persons @ Rs 500 per person	10000	10000	5000	25000
	Total (F)	10000	10000	5000	25000
Grand Total (A)+(B)+(C)+(D)+(E)+(F):					20,34,200/-

Year Wise Budget for Remediation Plan

Environmental Component	2019-20	2020-21	2021-22	Total (Rs)
Air Environment	777200	146000	40000	963200
Noise Environment	16000	0	0	16000
Water Environment	220000	0	0	220000
Land Environment	160000	160000	160000	480000
Ecological Environment	140000	19000	0	330000
Socio-economic	10000	10000	5000	25000
TOTAL	13,23,200	5,06,000	2,05,000	20,34,200

Natural Resources Augmentation Plan along with Action Plan And Budget

Natural Resource Augmentation	2019-2020	2020-21	2021-22	Total (Rs)
Assistance in developing aqua ponds for three aqua pond developers	100000	100000	100000	300000
Supply of water pots to 1000 households for summer season for three years @Rs 50 /-	50000	50000	50000	150000
Providing Rainwater harvesting network in Momidi school with a recharge pit	100000	0	0	100000
Supply of Bamboo window shades for 100 households @ 3 per house @ Rs 1100	130000	100000	100000	330000
Total				880000

Community Resource Augmentation Plan

S.No	Community Resource Development	2019-20	2020-21	2021-22	Total (Rs)
1	Supply of freezer boxes for fishing community	100000	100000	100000	300000
2	Providing assistance for setting up fly ash brick manufacturing plant keeping in view of coal based thermal power plant in the region	450000	0	0	450000
3	Supply of fishing nets to 60 fishermen of Momidi @ Rs 5000 per net	1100000	100000	100000	300000
4	Boat building @ Rs 75000 /- each boat (4 nos)	150000	150000	-	300000
5	Community Plantation	700000	700000	700000	2100000
Total					3450000

Summary:

S.No	Description	Estimated cost (in LakhRs)
1	Remediation Plan	20.34
2	Natural Resources Augmentation Plan	8.80
3	Community Resources Augmentation Plan	34.50
Total Budgetary Provision		63.64

2. Total budgetary provision with respect to Remediation plan and Natural & Community Resource Augmentation plan is **Rs. 63.64 lakhs**.
3. Therefore, project proponent shall be required to submit a bank guarantee of an amount of **Rs. 63.64 lakhs/-** towards Remediation plan and Natural and Community Resource Augmentation plan with the SPCB prior to the grant of EC.
4. Remediation plan shall be completed in 3 years whereas bank guarantee shall be for 5 years. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and

approval of the regulatory authority.

5. Fund allocation for Corporate Environment Responsibility (CER) of Rs. 2,70,000/- to be implemented.
6. 50 m safety zone shall be kept for the varava canal (sonakaluva) which is an irrigation canal passes between the two blocks of the mining lease area.
7. Garland drain to be constructed on both sides beyond 50m safety zone of varavacanal and along the lease boundary apart from settling pond etc.,.
8. 1860 saplings of casuarina plantation on either side of SonaKaluva and 6000 saplings to be planted in 7.5 m barrier zone on the periphery of the ML boundary covering total green belt area of 24 Ha within 3 years.
9. Periodical health checkup of workers shall be carried out and also to submit the report to concerned regional office
10. Approval/permission of the CGWA/SGWA shall be obtained before drawing ground water for the project activities, if applicable. State Pollution Control Board (SPCB) concerned shall not issue Consent to Operate (CTO) till the project proponent obtains such permission.
11. The Environmental Clearance will not be operational till such time the Project Proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
12. Department of mining & Geology, State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
13. Project proponent shall take necessary other clearances/permissions under various Acts and Rules if any, from the respective authorities / department.
14. Project proponent shall comply with the specific conditions related to main haulage road, top soil preservation, regular water sprinkling, 7.5 mtr wide green belt in the safety zone around the mining lease, control of noise levels

etc., apart from compliance to other standard conditions.

15. The mining operations shall be commenced only after approval of Wildlife conservation plan from the competent authority. PP shall adhere to the recommendations on wildlife conservation plan.

B. Standard conditions

I. Statutory compliance

- 1) This Environmental Clearance (EC) is subject to orders/ judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 2) The Project proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors before commencing the mining operations.
- 3) The State Government concerned shall ensure that mining operation shall not be commenced till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of Judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors.
- 4) This Environmental Clearance shall become operational only after receiving formal NBWL Clearance from MoEF&CC subsequent to the recommendations of the Standing Committee of National Board for Wildlife, if applicable to the Project.
- 5) This Environmental Clearance shall become operational only after receiving formal Forest Clearance (FC) under the provision of Forest Conservation Act, 1980, if applicable to the Project.
- 6) Project Proponent (PP) shall obtain Consent to Operate after grant of EC and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the concerned State Pollution Control Board/Committee.
- 7) The PP shall adhere to the provision of the Mines Act, 1952, Mines and Mineral (Development & Regulation), Act, 2015 and rules & regulations made

there under. PP shall adhere to various circulars issued by Directorate General Mines Safety (DGMS) and Indian Bureau of Mines from time to time.

- 8) The Project Proponent shall obtain consents from all the concerned land owners, before start of mining operations, as per the provisions of MMDR Act, 1957 and rules made there under in respect of lands which are not owned by it.
- 9) The Project Proponent shall follow the mitigation measures provided in MoEFCC's Office Memorandum No. Z-11013/57/2014-IA.II (M), dated 29th October, 2014, titled "Impact of mining activities on Habitations-Issues related to the mining Projects wherein Habitations and villages are the part of mine lease areas or Habitations and villages are surrounded by the mine lease area".
- 10) The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and from CGWA for withdrawal of ground water for the project.
- 11) A copy of EC letter will be marked to concerned Panchayat / local NGO etc. if any, from whom suggestion / representation has been received while processing the proposal.
- 12) State Pollution Control Board/Committee shall be responsible for display of this EC letter at its Regional office, District Industries Centre and Collector's office/ Tehsildar's Office for 30 days.
- 13) The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board/Committee and web site of the Ministry of Environment, Forest and Climate Change (www.parivesh.nic.in). A copy of the advertisement may be forwarded to the concerned MoEFCC Regional Office for compliance and record.
- 14) The Project Proponent shall inform the MoEF&CC for any change in ownership of the mining lease. In case there is any change in ownership or mining lease is transferred than mining operation shall only be carried out after transfer of EC as per provisions of the para 11 of EIA Notification, 2006 as amended from time to time.

II. Air quality monitoring and preservation

- 1) The Project Proponent shall install a minimum of 3 (three) online Ambient Air Quality Monitoring Stations with 1 (one) in upwind and 2 (two) in downwind direction based on long term climatological data about wind direction such that an angle of 120° is made between the monitoring locations to monitor critical parameters, relevant for mining operations, of air pollution viz. PM10, PM2.5, NO₂, CO and SO₂ etc. as per the methodology mentioned in NAAQS Notification No. B-29016/20/90/PCI/I, dated 18.11.2009 covering the aspects of transportation and use of heavy machinery in the impact zone. The ambient air quality shall also be monitored at prominent places like office building, canteen etc. as per the site condition to ascertain the exposure characteristics at specific places. The above data shall be digitally displayed within 03 months in front of the main Gate of the mine site.
- 2) Effective safeguard measures for prevention of dust generation and subsequent suppression (like regular water sprinkling, metalled road construction etc.) shall be carried out in areas prone to air pollution wherein high levels of PM10 and PM2.5 are evident such as haul road, loading and unloading point and transfer points. The Fugitive dust emissions from all sources shall be regularly controlled by installation of required equipments/ machineries and preventive maintenance. Use of suitable water-soluble chemical dust suppressing agents may be explored for better effectiveness of dust control system. It shall be ensured that air pollution level conform to the standards prescribed by the MoEFCC/ Central Pollution Control Board.

III. Water quality monitoring and preservation

- 1) In case, immediate mining scheme envisages intersection of ground water table, then Environmental Clearance shall become operational only after receiving formal clearance from CGWA. In case, mining operation involves intersection of ground water table at a later stage, then PP shall ensure that prior approval from CGWA and MoEFCC is in place before such mining operations. The permission for intersection of ground water table shall essentially be based on detailed hydro-geological study of the area.
- 2) Regular monitoring of the flow rate of the springs and perennial nallahs flowing in and around the mine lease shall be carried out and records maintain. The natural water bodies and or streams which are flowing in an around the village, should not be disturbed. The Water Table should be nurtured so as not to go down below the pre-mining period. In case of any

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water scarcity in the area, the Project Proponent has to provide water to the villagers for their use. A provision for regular monitoring of water table in open dug well located in village should be incorporated to ascertain the impact of mining over ground water table. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.

- 3) Project Proponent shall regularly monitor and maintain records w.r.t. ground water level and quality in and around the mine lease by establishing a network of existing wells as well as new piezo-meter installations during the mining operation in consultation with Central Ground Water Authority/ State Ground Water Department. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.
- 4) The Project Proponent shall undertake regular monitoring of natural water course/ water resources/ springs and perennial nallahs existing/ flowing in and around the mine lease and maintain its records. The project proponent shall undertake regular monitoring of water quality upstream and downstream of water bodies passing within and nearby/ adjacent to the mine lease and maintain its records. Sufficient number of gullies shall be provided at appropriate places within the lease for management of water. PP shall carryout regular monitoring w.r.t. pH and included the same in monitoring plan. The parameters to be monitored shall include their water quality vis-à-vis suitability for usage as per CPCB criteria and flow rate. It shall be ensured that no obstruction and/ or alteration be made to water bodies during mining operations without justification and prior approval of MoEFCC. The monitoring of water courses/ bodies existing in lease area shall be carried out four times in a year viz. pre- monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the record of monitored data may be sent regularly to Ministry of Environment, Forest and Climate Change and its Regional Office, Central Ground Water Authority and Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board. Clearly showing the trend analysis on six-monthly basis.
- 5) Quality of polluted water generated from mining operations which include Chemical Oxygen Demand (COD) in mines run-off; acid mine drainage and metal contamination in runoff shall be monitored along with Total Suspended Solids (TSS), Dissolved Oxygen (DO), pH and Total Suspended Solids (TSS).

The monitored data shall be uploaded on the website of the company as well as displayed at the project site in public domain, on a display board, at a suitable location near the main gate of the Company. The circular No. J-20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forest and Climate Change may also be referred in this regard.

- 6) Project Proponent shall plan, develop and implement rainwater harvesting measures on long term basis to augment ground water resources in the area in consultation with Central Ground Water Board/ State Groundwater Department. A report on amount of water recharged needs to be submitted to Regional Office MoEFCC annually.
- 7) Industrial waste water (workshop and waste water from the mine) should be properly collected and treated so as to conform to the notified standards prescribed from time to time. The standards shall be prescribed through Consent to Operate (CTO) issued by concerned State Pollution Control Board (SPCB). The workshop effluent shall be treated after its initial passage through Oil and grease trap.
- 8) The water balance/water auditing shall be carried out and measure for reducing the consumption of water shall be taken up and reported to the Regional Office of the MoEF&CC and State Pollution Control Board/Committee.

IV. Noise and vibration monitoring and prevention

- 1) The peak particle velocity at 500m distance or within the nearest habitation, whichever is closer shall be monitored periodically as per applicable DGMS guidelines.
- 2) The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day /night hours.
- 3) The Project Proponent shall take measures for control of noise levels below 85 dBA in the work environment. The workers engaged in operations of HEMM, etc. should be provided with ear plugs /muffs. All personnel including laborers working in dusty areas shall be provided with protective respiratory

devices along with adequate training, awareness and information on safety and health aspects. The PP shall be held responsible in case it has been found that workers/ personals/ laborers are working without personal protective equipment.

V. Mining plan

- 1) The Project Proponent shall adhere to the working parameters of mining plan which was submitted at the time of EC appraisal wherein year-wise plan was mentioned for total excavation i.e. quantum of mineral, waste, over burden, inter burden and top soil etc.. No change in basic mining proposal like mining technology, total excavation, mineral & waste production, lease area and scope of working (viz. method of mining, overburden & dump management, O.B & dump mining, mineral transportation mode, ultimate depth of mining etc.) shall not be carried out without prior approval of the Ministry of Environment, Forest and Climate Change, which entail adverse environmental impacts, even if it is a part of approved mining plan modified after grant of EC or granted by State Govt. in the form to Short Term Permit (STP), Query license or any other name.
- 2) The Project Proponent shall get the Final Mine Closure Plan along with Financial Assurance approved from Indian Bureau of Mines/Department of Mining & Geology as required under the Provision of the MMDR Act, 1957 and Rules/ Guidelines made there under. A copy of approved final mine closure plan shall be submitted within 2 months of the approval of the same from the competent authority to the concerned Regional Office of the Ministry of Environment, Forest and Climate Change for record and verification.
- 3) The land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life shall be governed as per the approved Mining Plan. The excavation vis-à-vis backfilling in the mine lease area and corresponding afforestation to be raised in the reclaimed area shall be governed as per approved mining plan. PP shall ensure the monitoring and management of rehabilitated areas until the vegetation becomes self-sustaining. The compliance status shall be submitted half-yearly to the MoEFCC and its concerned Regional Office.

VI. Land reclamation

- 1) The Overburden (O.B.) generated during the mining operations shall be stacked at earmarked OB dump site(s) only and it should not be kept active for a long period of time. The physical parameters of the OB dumps like height, width and angle of slope shall be governed as per the approved

Mining Plan as per the guidelines/circulars issued by D.G.M.S w.r.t. safety in mining operations shall be strictly adhered to maintain the stability of top soil/OB dumps. The topsoil shall be used for land reclamation and plantation.

- 2) The reject/waste generated during the mining operations shall be stacked at earmarked waste dump site(s) only. The physical parameters of the waste dumps like height, width and angle of slope shall be governed as per the approved Mining Plan as per the guidelines/circulars issued by DGMS w.r.t. safety in mining operations shall be strictly adhered to maintain the stability of waste dumps.
- 3) The reclamation of waste dump sites shall be done in scientific manner as per the Approved Mining Plan cum Progressive Mine Closure Plan.
- 4) The slope of dumps shall be vegetated in scientific manner with suitable native species to maintain the slope stability, prevent erosion and surface run off. The selection of local species regulates local climatic parameters and help in adaptation of plant species to the microclimate. The gullies formed on slopes should be adequately taken care of as it impacts the overall stability of dumps. The dump mass should be consolidated with the help of dozer/ compactors thereby ensuring proper filling/ leveling of dump mass. In critical areas, use of geo textiles/ geo-membranes / clay liners / Bentonite etc. shall be undertaken for stabilization of the dump.
- 5) The Project Proponent shall carry out slope stability study in case the dump height is more than 30 meters. The slope stability report shall be submitted to concerned regional office of MoEF&CC.
- 6) Catch drains, settling tanks and siltation ponds of appropriate size shall be constructed around the mine working, mineral yards and Top Soil/OB/Waste dumps to prevent run off of water and flow of sediments directly into the water bodies (Nallah/ River/ Pond etc.). The collected water should be utilized for watering the mine area, roads, green belt development, plantation etc. The drains/ sedimentation sumps etc. shall be de-silted regularly, particularly after monsoon season, and maintained properly.
- 7) Check dams of appropriate size, gradient and length shall be constructed around mine pit and OB dumps to prevent storm run-off and sediment flow into adjoining water bodies. A safety margin of 50% shall be kept for designing of sump structures over and above peak rainfall (based on 50 years data) and maximum discharge in the mine and its adjoining area which shall also help in providing adequate retention time period thereby allowing

proper settling of sediments/ silt material. The sedimentation pits/ sumps shall be constructed at the corners of the garland drains.

- 8) The top soil, if any, shall temporarily be stored at earmarked site(s) within the mine lease only and should not be kept unutilized for long. The physical parameters of the top soil dumps like height, width and angle of slope shall be governed as per the approved Mining Plan and as per the guidelines framed by DGMS w.r.t. safety in mining operations shall be strictly adhered to maintain the stability of dumps. The topsoil shall be used for land reclamation and plantation purpose.

VII. Transportation

- 1) No Transportation of the minerals shall be allowed in case of roads passing through villages/ habitations. In such cases, PP shall construct a 'bypass' road for the purpose of transportation of the minerals leaving an adequate gap (say at least 200 meters) so that the adverse impact of sound and dust along with chances of accidents could be mitigated. All costs resulting from widening and strengthening of existing public road network shall be borne by the PP in consultation with nodal State Govt. Department. Transportation of minerals through road movement in case of existing village/ rural roads shall be allowed in consultation with nodal State Govt. Department only after required strengthening such that the carrying capacity of roads is increased to handle the traffic load. The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly. Vehicular emissions shall be kept under control and regularly monitored. Project should obtain Pollution Under Control (PUC) certificate for all the vehicles from authorized pollution testing centers.
- 2) The Main haulage road within the mine lease should be provided with a permanent water sprinkling arrangement for dust suppression. Other roads within the mine lease should be wetted regularly with tanker-mounted water sprinkling system. The other areas of dust generation like crushing zone, material transfer points, material yards etc. should invariably be provided with dust suppression arrangements. The air pollution control equipments like bag filters, vacuum suction hoods, dry fogging system etc. shall be installed at Crushers, belt-conveyors and other areas prone to air pollution. The belt conveyor should be fully covered to avoid generation of dust while transportation. PP shall take necessary measures to avoid generation of fugitive dust emissions.

VIII. Green Belt

- 1) The Project Proponent shall develop greenbelt in 7.5m wide safety zone all along the mine lease boundary as per the guidelines of CPCB in order to arrest pollution emanating from mining operations within the lease. The whole Green belt shall be developed within first 5 years starting from windward side of the active mining area. The development of greenbelt shall be governed as per the EC granted by the Ministry irrespective of the stipulation made in approved mine plan.
- 2) The Project Proponent shall carryout plantation/ afforestation in backfilled and reclaimed area of mining lease, around water body, along the roadsides, in community areas etc. by planting the native species in consultation with the State Forest Department/ Agriculture Department/ Rural development department/ Tribal Welfare Department/ Gram Panchayat such that only those species be selected which are of use to the local people. The CPCB guidelines in this respect shall also be adhered. The density of the trees should be around 2500 saplings per Hectare. Adequate budgetary provision shall be made for protection and care of trees.
- 3) The Project Proponent shall make necessary alternative arrangements for livestock feed by developing grazing land with a view to compensate those areas which are coming within the mine lease. The development of such grazing land shall be done in consultation with the State Government. In this regard, Project Proponent should essentially implement the directions of the Hon'ble Supreme Court with regard to acquisition of grazing land. The sparse trees on such grazing ground, which provide mid-day shelter from the scorching sun, should be scrupulously guarded/ protected against felling and plantation of such trees should be promoted.
- 4) The Project Proponent shall undertake all precautionary measures for conservation and protection of endangered flora and fauna and Schedule-I species during mining operation. A Wildlife Conservation Plan shall be prepared for the same clearly delineating action to be taken for conservation of flora and fauna. The Plan shall be approved by Chief Wild Life Warden of the State Govt.
- 5) And implemented in consultation with the State Forest and Wildlife Department. A copy of Wildlife Conservation Plan and its implementation status (annual) shall be submitted to the Regional Office of the Ministry.

IX. Public hearing and human health issues

- 1) The Project Proponent shall appoint an Occupational Health Specialist for Regular as well as Periodical medical examination of the workers engaged in

the mining activities, as per the DGMS guidelines. The records shall be maintained properly. PP shall also carry out Occupational health check-ups in respect of workers which are having ailments like BP, diabetes, habitual smoking, etc. The check-ups shall be undertaken once in six months and necessary remedial/ preventive measures be taken. A status report on the same may be sent to MoEFCC Regional Office and DGMS on half-yearly basis.

- 2) The Project Proponent must demonstrate commitment to work towards 'Zero Harm' from their mining activities and carry out Health Risk Assessment (HRA) for identification workplace hazards and assess their potential risks to health and determine appropriate control measures to protect the health and wellbeing of workers and nearby community. The proponent shall maintain accurate and systematic records of the HRA. The HRA for neighborhood has to focus on Public Health Problems like Malaria, Tuberculosis, HIV, Anaemia, Diarrhoea in children under five, respiratory infections due to bio mass cooking. The proponent shall also create awareness and educate the nearby community and workers for Sanitation, Personal Hygiene, Hand washing, not to defecate in open, Women Health and Hygiene (Providing Sanitary Napkins), hazard of tobacco and alcohol use. The Proponent shall carry out base line HRA for all the category of workers and thereafter every five years.
- 3) The Proponent shall carry out Occupational health surveillance which be a part of HRA and include Biological Monitoring where practical and feasible, and the tests and investigations relevant to the exposure (e.g. for Dust a X-Ray chest; For Noise Audiometric; for Lead Exposure Blood Lead, For Welders Full Ophthalmologic Assessment; for Manganese Miners a complete Neurological Assessment by a Certified Neurologist, and Manganese (Mn) Estimation in Blood; For Inorganic Chromium- Fortnightly skin inspection of hands and forearms by a responsible person. Except routine tests all tests would be carried out in a Lab accredited by NABH. Records of Health Surveillance must be kept for 30 years, including the results of and the records of Physical examination and tests. The record of exposure due to materials like Asbestos, Hard Rock Mining, Silica, Gold, Kaolin, Aluminium, Iron, Manganese, Chromium, Lead, Uranium need to be handed over to the Mining Department of the State in case the life of the mine is less than 30 years. It would be obligatory for the State Mines Departments to make arrangements for the safe and secure storage of the records including X-Ray. Only conventional X-Ray will be accepted for record purposes and not the digital one). X-Ray must meet ILO criteria (17 x14 inches and of good quality).

- 4) The Proponent shall maintained a record of performance indicators for workers which includes (a) there should not be a significant decline in their Body Mass Index and it should stay between 18.5 -24.9, (b) the Final Chest X-Ray compared with the base line X-Ray should not show any capacities ,(c) At the end of their leaving job there should be no Diminution in their Lung Functions Forced Expiratory Volume in one second (FEV1),Forced Vital Capacity (FVC), and the ratio) unless they are smokers which has to be adjusted, and the effect of age, (d) their hearing should not be affected. As a proof an Audiogram (first and last need to be presented), (e) they should not have developed any Persistent Back Pain, Neck Pain, and the movement of their Hip, Knee and other joints should have normal range of movement, (f) they should not have suffered loss of any body part. The record of the same should be submitted to the Regional Office, MoEFCC annually along with details of the relief and compensation paid to workers having above indications.
- 5) The Project Proponent shall ensure that Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- 6) Project Proponent shall make provision for the housing for workers/labors or shall construct labor camps within/outside (company owned land) with necessary basic infrastructure/ facilities like fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche for kids etc. The housing may be provided in the form of temporary structures which can be removed after the completion of the project related infrastructure. The domestic waste water should be treated with STP in order to avoid contamination of underground water.
- 7) The activities proposed in Action plan prepared for addressing the issues raised during the Public Hearing shall be completed as per the budgetary provisions mentioned in the Action Plan and within the stipulated time frame. The Status Report on implementation of Action Plan shall be submitted to the concerned Regional Office of the Ministry along with District Administration.

X. Corporate Environment Responsibility (CER)

- 1) The activities and budget earmarked for Corporate Environmental Responsibility (CER) as per Ministry's O.M No 22-65/2017-IA. II (M) dated 01.05.2018 or as proposed by EAC should be kept in a separate bank account. The activities proposed for CER shall be implemented in a time bound manner and annual report of implementation of the same along with documentary proof viz. photographs, purchase documents, latitude &

longitude of infrastructure developed & road constructed needs to be submitted to Regional Office MoEF&CC annually along with audited statement.

- 2) Project Proponent shall keep the funds earmarked for environmental protection measures in a separate account and refrain from diverting the same for other purposes. The Year wise expenditure of such funds should be reported to the MoEFCC and its concerned Regional Office.

XI. Miscellaneous

- 1) The Project Proponent shall prepare digital map (land use & land cover) of the entire lease area once in five years purpose of monitoring land use pattern and submit a report to concerned Regional Office of the MoEF&CC.
- 2) The Project Authorities should inform to the Regional Office regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- 3) The Project Proponent shall submit six monthly compliance reports on the status of the implementation of the stipulated environmental safeguards to the MOEFCC & its concerned Regional Office, Central Pollution Control Board and State Pollution Control Board.
- 4) A separate 'Environmental Management Cell' with suitable qualified manpower should be set-up under the control of a Senior Executive. The Senior Executive shall directly report to Head of the Organization. Adequate number of qualified Environmental Scientists and Mining Engineers shall be appointed and submit a report to RO, MoEFCC.
- 5) The concerned Regional Office of the MoEFCC shall randomly monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the MoEFCC officer(s) by furnishing the requisite data / information / monitoring reports.

18. The Ministry or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

19. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attracts action under the provisions of Environment (Protection) Act, 1986.

20. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court of Chhattisgarh and any other Court of Law relating to the subject matter.
21. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
22. This issues with the approval of Competent Authority.

Yours faithfully,

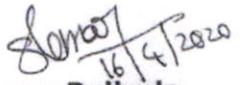
Sharath
16/4/2020
Sharath Kumar Pallerla
Director/Scientist 'F'

Copy to:

1. **The Secretary**, Ministry of Mines, Government of India Shastri Bhawan, New Delhi.
2. **The Principal Secretary**, 4th Block, Ground Floor, Room No:187, Andhra Pradesh Secretariat Office, Velagapudi
Phone: 0863-2444438 **Email:** splcs_efst@ap.gov.in
3. **The Principal Secretary**, 4th Block, Ground Floor, Room No:187, Andhra Pradesh Secretariat Office, Velagapudi
Phone: 0863-2444438 **Email:** splcs_efst@ap.gov.in.
4. **The DMG**, Department of Mines and Geology, Sri Anjaneya Towers, D.No. 7-104, B-Block, 5th & 6th floors, Ibrahimpatnam, Vijayawada, Government of Andhra Pradesh.
5. **The Secretary**, 2nd Block, Ground Floor, Room No: 102, A.P Secretariat Office, Velagapudi **Phone:** 0863-2442113
Email: prlsecy.industries@gmail.com, secy_inds@ap.gov.in.
6. **The Dy. Director General**, Ministry of Environment, Forest and Climate Change, Regional Office (SEZ), Ist and IInd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai - 600034.

Page 23 of 24

7. **The Member Secretary**, Central Pollution Control Board, Parivesh Bhawan, CBD-Cum-Office Complex, East Arjun Nagar, New Delhi-110 032.
8. **The Member Secretary**, Andhra Pradesh State Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada - 520 008.
9. **The Member Secretary**, Central Ground Water Authority, 18/11, Jam Nagar House, Man Singh Road, New Delhi-110011.
10. **The Chief Wildlife Warden**, Govt. of Andhra Pradesh, Aranya Bhawan , Saifabad, Hyderabad-500004.
11. **The Controller General**, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur- 440 001.
12. **The District Collector**, Guntur District, Government of Andhra Pradesh.
13. Guard File.
14. Parivesh Web portal


16/4/2020
Sharath Kumar Pallerla
Director/Scientist 'F'



**ANDHRA PRADESH POLLUTION CONTROL BOARD
ZONAL OFFICE :: VIJAYAWADA**

Plot No.41, Opp: SBI, Sri Kanakadurga Officers' Colony, Gurunanak Road, Vijayawada.

Phone: 0866-2546218

Email: zovja-jcee@appcb.gov.in

Website : www.pcb.ap.gvo.in

CONSENT ORDER FOR ESTABLISHMENT

Order No.N-493/APPCB/ZO-VJA/CFE/RED/2020

Date :12.06.2020

Sub: APPCB-ZO-VJA – CONSENT FOR ESTABLISHMENT (CFE) – **M/s. Sri Kumaraswamy Silica Mines (129.866 Ha), Sy. No. 695/22, Momidi (V), Chillakur (M), SPSR Nellore District** - Consent for Establishment of the Board under Section 25 of Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention and Control of Pollution) Act, 1981 – **Issued** – Reg.

Ref:

1. EC Order No. F.No.23-238/2018-IA.II(V), MOEF&CC,GOI, Dt.16.04.2020.
2. Industry's CFE application received at Regional Office, Nellore on 05.05.2020 through APOCMMS.
3. RO's inspection report received at ZO, Vijayawada on 11.05.2020.
4. CFE committee meeting held at ZO, Vijayawada on 29.05.2020.
5. ZO Lr. No. N-493/APPCB/ZO-VJA/CE/2020, dt. 30.05.2020.
6. Reply submitted by RO, Nellore on 02.06.2020 regarding undertaking given by the proponent.

* * *

I. **M/s. Sri Kumaraswamy Silica Mines (129.866 Ha)** submitted an application to the Board vide reference 2nd cited seeking Consent for Establishment (CFE) for to carryout open cast manual method mine to excavate the following product with installed capacities as mentioned below, with a proposed project cost of Rs. 1.02 crores (Rupees one crore and two lakhs only).

Activity	Extent	Proposed capacity
Mining of Silica Sand	129.866 Ha.	340000 TPA

II. As per the application, the above activity is to be located at Sy. No. 695/22, Momidi (V), Chillakur (M), SPSR Nellore District in an area of 129.866 Ha.

III. The co-ordinates of the mine are mentioned below :

S.No.	Latitude	Longitude
1.	14 ^o 10' 36.90"N to 14 ^o 10' 40.10"N	80 ^o 03' 11.80"E to 80 ^o 4' 90"E

IV. The above site was inspected by the Environmental Engineer, A.P Pollution Control Board, Regional Office, Nellore on 06.05.2020 and observed that the site is surrounded by **East** : Forest lands & Private Agricultural lands; **West** : Vacant Govt. Lands followed by R&B Roads; **North** : Govt. Lands & Private lands & **South** : Forest lands & Momidi Kaluva.

- V. The Board, after careful scrutiny of the application, verification report of Regional Officer and recommendations of the CFE Committee during it's meeting held on 29.05.2020 hereby issues **CONSENT FOR ESTABLISHMENT** to your activity Under Section 25 of Water (Prevention & Control of Pollution) Act 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and the rules made there under. This order is issued to carry out the activity mentioned at para (1) only.
- VI. This Consent order issued is subject to the conditions mentioned in the Annexure.
- VII. This order is issued from pollution control point of view only. Zoning and other regulations are not considered.
- VIII. **This order is valid for a period of 7 years from the date of issue.**

Nambada Venkata
Bhaskara Rao

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Venkata Bhaskara Rao
Date: 2020.06.12 14:50:43
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JOINT CHIEF ENVIRONMENTAL ENGINEER

Encl : Schedules "A & B".

To
M/s. Sri Kumaraswamy Silica Mines (129.866 Ha),
C/o. Sri Kumaraswamy Reddy,
Momidi (V),
Chillakur (M),
SPSR Nellore District.
Email : silica@sksmine.com

Copy to EE, RO, Nellore for information and necessary action.

SCHEDULE – A

- 1) Progress on implementation of the project shall be reported to the concerned Regional Office, A.P. Pollution Control Board once in six months.
- 2) Separate energy meters shall be provided for water consumption and air pollution control equipments to record energy consumed.
- 3) The proponent shall obtain Consents for Operation from APPCB, as required under sec. 25/26 of the Water (P&C of P) Act, 1974 and under sec.21/22 of the Air (P&C of P) Act, 1981 and its Amendments thereof before commencement of the activity, including trial production.
- 4) Notwithstanding anything contained in this conditional letter or consent, the Board hereby reserves its right and power under Sec.27 (2) of Water (Prevention & Control of Pollution) Act, 1974 and under Sec.21 (4) of Air (Prevention & Control of Pollution) Act, 1981 to review any or all the conditions imposed herein and to make such alternation as deemed fit and stipulate any additional conditions by the Board.
- 5) The Consent of the Board shall be exhibited in the factory premises at a conspicuous place for the information of the inspection officers of different departments.
- 6) The proponent shall display online data outside the main factory gate on quantity and nature of hazardous chemicals being used in the plant, water & air emissions and solid waste generated within the factory premises, as per Hon'ble Supreme Court order.
- 7) Compensation is to be paid for any environmental damage caused by it, as fixed by the Collector and District Magistrate as civil liability.
- 8) The Rules and Regulations notified by Ministry of Law and Justice, Government of India, regarding the Public Liability Insurance At, 1991 shall be followed.
- 9) If the proponent is aggrieved by this order made by A.P. Pollution Control Board under Sec. 25 of Water (Prevention & Control of Pollution) Act' 1974 and Sec. 21 of Air (Prevention & Control of Pollution) Act' 1981 he may within 30 days from the date on receipt of the order prefer an appeal before concerned Authority.

SCHEDULE – B

- 1) The source of water is borewell and the maximum permitted water consumption shall not exceed the following quantities.

S.No.	Purpose	Quantity (KLD)
1.	Dust suppression	8.0
2.	Greenbelt	4.0
3.	Domestic	2.0
	Total	14.0

- 2) The maximum waste water generation (KLD) shall not exceed the following:

S.No	Source	Quantity (KLD)
1.	Domestic	1.6
	Total	1.6

S. No.	Wastewater generation	Mode of disposal
1.	Domestic : 1.6 KLD	Septic tank followed by soak pit

Air :

- 3) The proponent shall comply with the following for controlling air pollution.

Details of Fugitive Emissions :	Dust control measures	Standards to be complied
Material Handling and Transportation	Covering the transport vehicles with Tarpaulin sheets and sprinkling the water at mining area.	SO ₂ – 80 µg/m ³ , NO _x – 80 µg/m ³ , PM _{2.5} – 60 µg/m ³ , PM ₁₀ – 100 µg/m ³ ,

Other Conditions :

- 4) The proponent shall provide dust suppression measures like water spraying arrangements on haul roads, loading & unloading areas and material handling areas.
- 5) The mining activity shall not exceed the following Ambient Air Quality standards measured at the periphery of activity – SO₂ – 80 µg/m³, NO_x – 80 µg/m³, PM_{2.5} – 60 µg/m³, PM₁₀ – 100µg/m³,
Noise levels: Day time (6 AM to 10 PM) - 75 dB(A)
Night time (10 PM to 6 AM) - 70 dB(A).
- 6) The air pollution control equipment like water sprinklers shall be installed along with the commissioning of the activity.
- 7) The proponent shall establish one AAQ monitoring station at the periphery of the mine area in the wind prone direction and submit the analysis reports to APPCB regularly.
- 8) The mining activity shall take appropriate measures to ensure that the ground level concentrations shall comply with revised National Ambient Quality Norms notified by MoE&F, Gol on 16.11.2009.
- 9) The proponent shall scrupulously comply with conditions stipulated by the MoEF&CC, Gol, New Delhi in the Environmental Clearance order dated : 16.04.2020.
- 10) The industry shall comply with all the recommendations of SEAC sub-committee with regard to silica sand mining operations in the Environmental aspects.
- 11) The industry shall maintain a setback distance of 7.5 Mtrs from the mine boundary as buffer zone, all along the mine area for green belt development and shall develop green belt in the buffer zone.
- 12) The depth of the silica sand mining shall be restricted to 2.5 Mtrs from the starting level in the "Minus-Z direction". In the mining lease area, if the mining depth already exceeds 2.5 Mtrs, no mining shall be carried out in that area under any circumstances.
- 13) The industry shall maintain 50mtrs set back distance on either side of the spring channel (Urava kaluva) which is passing in the mining area and shall not be carried out mining activity in that setback area under any circumstances and also shall maintain 50 mtrs set back distance for the another two sona canals which are passing adjacent to the mine area and shall not be carried out mining activity in that setback area under any circumstances.
- 14) The industry shall maintain 50 mtrs set back distance on the both sides of R&B road which is passing in the mining area in compliance with the guidelines.

- 15) The industry shall provide Mobile water sprinkling tanker to wet the roads for controlling of fugitive emissions generated during loading and heavy vehicular movement and explore for installation of mechanical water sprinkling in the mining area.
- 16) The industry shall provide fencing stones to earmarked boundary of the mine area and also to mark the set back distance for the Sona canals and R&B roads by providing fencing stones.
- 17) The proponent shall develop greenbelt wherever possible in buffer zone area. Greenbelt development shall be started along with the construction activity.
- 18) The proponent shall carry out the mining as per the approved mining plan.
- 19) The fugitive emissions from all sources shall be controlled regularly.
- 20) The proponent shall adopt fugitive dust control measures such as water sprinkling near loading areas, on haul roads etc.
- 21) The proponent shall take necessary measures for control of air pollution which would be generated during excavation and transportation of the mined material as committed in the EMP / approved mine plan.
- 22) The SPM, SO₂, NO_x, CO levels in the mining area shall conform to CPCB standards for ambient air.

Noise levels shall be controlled to acceptable limits (CPCB standards) during excavation in the mining area.

- 23) The proponent shall take necessary measures to ensure that no adverse impacts are caused due to mining operations on the human habitation existing nearby.
- 24) The proponent shall develop greenbelt with tall growing trees all along the boundary
- 25) The proponent shall not operate the mine without obtaining CFO of the Board.
- 26) The proponent shall comply with all the directions issued by the Board from time to time.
- 27) Concealing the factual data or submission of false information / fabricated data and failure to comply with any of the conditions mentioned in this order may result in withdrawal of this order and attract action under the provisions of relevant pollution control Acts.
- 28) The Board reserves its right to modify above conditions or stipulate any additional conditions including revocation of this order in the interest of environment protection.
- 29) This Order is issued without prejudice to the rights and contentions of this Board in any court of law.

Nambada Venkata
Bhaskara Rao

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Venkata Bhaskara Rao
Date: 2020.06.12 14:51:08
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JOINT CHIEF ENVIRONMENTAL ENGINEER



ANDHRA PRADESH POLLUTION CONTROL BOARD
ZONAL OFFICE :: VIJAYAWADA

Plot No.41, Opp: SBI, Sri Kanakadurga Officers' Colony, Gurunanak Road, Vijayawada.
Phone: 0866-2546218
Email: zovja-jcee@appcb.gov.in
Website : www.pcb.ap.gov.in

RED CATEGORY

CONSENT ORDER

Consent Order No: N-493/APPCB/ZO-VJA/CFO/W&A/2020

Dt:16.07.2020

CONSENT is hereby granted for Operation under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of Air (Prevention & Control of Pollution) Act 1981 and amendments thereof and the rules and orders made there under (hereinafter referred to as 'the Acts', 'the Rules') to:

**M/s. Sri Kumaraswamy Silica Mines (129.866 Ha),
Sy. No. 695/22, Momidi (V),
Chillakur (M),
SPSR Nellore District.
E-mail: silica@sksmines.com**

(Hereinafter referred to as 'the Applicant') authorizing to operate the industrial plant to discharge the effluents from the outlets and the quantity of emissions per hour from the chimneys as detailed below:

(i) Outlets for discharge of effluents:

Outlet No.	Outlet Description	Max Daily Discharge (KLD)	Point of Disposal
1	Domestic	1.6	Septic tank followed by soak pit.

ii) Emissions from Chimneys:

Chimney No.	Description of Chimney	Quantity of emissions at peak flow

This Consent Order is valid for manufacture the following products along with quantities only:

S.No.	Name of the Activity	Extent	Capacity
1.	Mining of Silica Sand	129.866 Ha.	3,40,000 TPA

This Consent order shall be valid for a period ending with 30.04.2025.

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Venkata
Bhaskara Rao

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Nambada Venkata
Bhaskara Rao
Date: 2020.07.16 16:29:49
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JOINT CHIEF ENVIRONMENTAL ENGINEER

To
**M/s. Sri Kumaraswamy Silica Mines (129.866 Ha),
Sy. No. 695/22,
Momidi (V),
Chillakur (M),
SPSR Nellore District.**

Copy to the Environmental Engineer, Regional Office, Nellore for information and with a direction to ensure the compliance of the time bound conditions and send a detailed report so as to place the unit before External Advisory Committee (EAC) for review and to take necessary action, as per the instructions of the Board Office issued on 21.06.2016 in case of non-compliance.

SCHEDULE – A

1. Any up-set condition in any activity of the Mining Unit, which may result in, increased violation of standards stipulated in this order shall be informed to this Board, under intimation to the Collector and District Magistrate and take immediate action to bring down the discharge / emission below the limits.
2. The mine operator should carryout analysis of air emissions for the parameters mentioned in this order on quarterly basis and submit to the Board.
3. All the rules & regulations notified by Ministry of Law and Justice, Government of India regarding Public Liability Insurance Act, 1991 should be followed as applicable.
4. The mine operator shall display online data outside the main entrance of the mine, on quantity and nature of hazardous chemicals being used in the plant, water & air emissions and solid waste generated within the factory premises, as per Hon'ble Supreme Court order
5. The mine operator should put up two sign boards (6x4 ft. each) at publicly visible places at the main gate indicating the products, effluent discharge standards, air emission standards, hazardous waste quantities and validity of CFO and exhibit the CFO order at a prominent place in the factory premises.
6. Notwithstanding anything contained in this consent order, the Board hereby reserves the right and powers to review / revoke any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Acts by the Board.
7. The mine operator shall submit Environment statement in Form V before 30th September every year as per Rule No.14 of E(P) Rules, 1986 & amendments thereof.
8. The mine operator should make applications through Online for renewal of Consent (under Water and Air Acts) and Authorization under HWM Rules at least 120 days before the date of expiry of this order, along with prescribed fee under Water and Air Acts and detailed compliance of CFO conditions for obtaining Consent & HW Authorization of the Board. The Mining Unit should immediately submit the revised application for consent to this Board in the event of any change in the raw material used, processes employed, quantity of trade effluents & quantity of emissions. Any change in the management shall be informed to the Board. The person authorized should not let out the premises / lend / sell / transfer their industrial premises without obtaining prior permission of the State Pollution Control Board.
9. Any person aggrieved by an order made by the State Board under Section 25, Section 26, Section 27 of Water Act, 1974 or Section 21/22 of Air Act, 1981 may within thirty days from the date on which the order is communicated to him, prefer an appeal as per Andhra Pradesh Water Rules, 1976 and Air Rules 1982, to Appellate authority.

SCHEDULE – B**WATER:**

- 1) The mine operator shall take steps to reduce water consumption to the extent possible and consumption shall NOT exceed the quantities mentioned below :

S.No.	Description	Quantity (KLD)
1.	Dust suppression	8.0
2.	Greenbelt	4.0
3.	Domestic	2.0
	Total	14.0

Separate meters with necessary pipe-line shall be maintained for assessing the quantity of water used for each of the purposes mentioned above.

AIR :

- 2) The emissions shall not contain constituents in excess of the prescribed limits mentioned below:

Details of Fugitive Emissions :	Dust control measures	Standards to be complied
Material Handling and Transportation	Covering the transport vehicles with Tarpaulin sheets and sprinkling the water at mining area.	SO ₂ – 80 µg/m ³ , NO _x – 80 µg/m ³ , PM _{2.5} – 60 µg/m ³ , PM ₁₀ – 100 µg/m ³ ,

- 3) The mine operator shall comply with ambient air quality standards of **SO₂ – 80 µg/m³; NO_x – 80 µg/m³; PM_{2.5} - 60 µg/m³; PM₁₀ - 100 µg/m³**, measured at factory premises at the periphery of the industry.

Standards for other parameters as mentioned in the National Ambient Air Quality Standards CPCB Notification No.B-29016/20/90/PCI-I, dated 18.11.2009.

Noise Levels: Day time : (6 AM to 10 PM) – 75 dB(A)
Night time: (10 PM to 6 AM) – 70 dB(A)

SOLID WASTE:

- 4) The mine operator shall dispose solid waste (NON HAZARDOUS) as follows :

S.No	Name of the Solid Waste	Quantity	Mode of disposal
- - -			

GENERAL CONDITIONS:

- 5) The mine occupier shall provide dust suppression measures like water spraying arrangements on haul roads, loading & unloading areas and material handing areas.
- 6) The air pollution control measures like water sprinklers shall be installed and put in operation along with the commissioning of the activity.
- 7) The mine occupier shall establish one AAQ monitoring station at the periphery of the mine area in the wind prone direction and submit the analysis reports to APPCB regularly.
- 8) The mining activity shall take appropriate measures to ensure that the ground level concentrations shall comply with revised National Ambient Quality Norms notified by MoE&F, GoI on 16.11.2009.
- 9) The mine occupier shall comply with conditions stipulated in the CFE order issued by the Board on 12.06.2020.
- 10) The mine occupier shall scrupulously comply with conditions stipulated by the MoEF&CC, GoI, New Delhi in the Environmental Clearance order dated : 16.04.2020.
- 11) The mine occupier shall comply with all the recommendations of SEAC sub-committee with regard to silica sand mining operations in the Environmental aspects.
- 12) The mine occupier maintain a setback distance of 7.5 Mtrs from the mine boundary as buffer zone, all along the mine area for green belt development and shall develop green belt in the buffer zone.
- 13) The depth of the silica sand mining shall be restricted to 2.5 Mtrs from the starting level in the "Minus-Z direction". In the mining lease area, if the mining depth already exceeds 2.5 Mtrs, no mining shall be carried out in that area under any circumstances.
- 14) The mine occupier shall maintain 50 Mtrs set back distance on either side of the spring channel (Urava kaluva) which is passing in the mining area and shall not be carried out mining activity in that setback area under any circumstances and also shall maintain 50 mtrs set back distance for the another two sona canals which are passing adjacent to the mine area and shall not be carried out mining activity in that setback area under any circumstances.
- 15) The mine operator shall maintain 50 mtrs set back distance on the both sides of R&B road which is passing in the mining area in compliance with the guidelines.

- 16) The mine operator shall provide & continuously operate Mobile water sprinkling tanker to wet the roads for controlling of fugitive emissions generated during loading and heavy vehicular movement and explore for installation of mechanical water sprinkling in the mining area.
- 17) The mine operator shall provide fencing stones to earmarked boundary of the mine area and also to mark the set back distance for the Sona canals and R&B roads by providing fencing stones.
- 18) The mine operator shall comply with the all the CFE conditions mentioned in the compliance report submitted to the Board vide letter dt. 15.06.2020 as noted and followed before starting its operations.
- 19) The mine occupier shall develop greenbelt wherever possible in buffer zone area. Greenbelt development shall be started along with the construction activity.
- 20) The mine occupier shall carry out the mining as per the approved mining plan.
- 21) The fugitive emissions from all sources shall be controlled regularly.
- 22) The mine occupier shall adopt fugitive dust control measures such as water sprinkling near loading areas, on haul roads etc.
- 23) The mine occupier shall take necessary measures for control of air pollution which would be generated during excavation and transportation of the mined material as committed in the EMP / approved mine plan.
- 24) The SPM, SO₂, NO_x, CO levels in the mining area shall conform to CPCB standards for ambient air.
Noise levels shall be controlled to acceptable limits (CPCB standards) during excavation in the mining area.
- 25) The mine occupier shall take necessary measures to ensure that no adverse impacts are caused due to mining operations on the human habitation existing nearby.
- 26) The mine occupier shall develop greenbelt with tall growing trees all along the boundary.
- 27) The mine operator shall not increase the capacity beyond the permitted capacity mentioned in this order, without obtaining CFE/CFO of the Board.
- 28) The mine occupier shall comply with all the directions issued by the Board from time to time.
- 29) Concealing the factual data or submission of false information / fabricated data and failure to comply with any of the conditions mentioned in this order may result in withdrawal of this order and attract action under the provisions of relevant pollution control Acts.
- 30) The Board reserves its right to modify above conditions or stipulate any additional conditions including revocation of this order in the interest of environment protection.
- 31) The Order is issued without prejudice to the rights and contentions of this Board in any court of law.
- 32) The mine operator shall submit a compliance report on CFO conditions for every 6 months as on 01st January and 01st July of every year at Regional Office and Zonal Office.

Nambada Venkata
Bhaskara Rao

Digitally signed by Nambada
Venkata Bhaskara Rao
Date: 2020.07.16 16:30:30
+05'30'

JOINT CHIEF ENVIRONMENTAL ENGINEER

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY::HYDERABAD**

Annexure-7

D.Dls.Memo No.13522/R2-1/2014

Dated.09-01-2015

Sub:- Mines & Minerals – Mining Lease held by M/s Kumara Swamy Silica Mines for Silica Sand over an extent of 136.944 Ha in Sy.No.695/22 & 696 of Momidi Village, Chillakur Mandal, SPSR Nellore District – Clarification sought by the ADM&G, Nellore to issue dispatch permits – Instructions – Issued – Regarding.

Ref:- 1. This office D.Dls. Memo No.13522/R2-1/2014, dated.15.11.2014.

2. ADM&G, Nellore Lr.No.1785/M2/1985, dt.09.01.2015.

The attention of the ADM&G, Nellore is drawn to the subject and references cited. In continuation to the reference 1st cited, it is clarified that the Director, Ministry of Environment & Forests Impact Assessment Division, Govt. of India, New Delhi vide its Proceedings dt.21.04.2014 issued under Section 5 of Environment (Protection) Act, 1986 directed M/s Kumara Swamy Silica Mines to stop mining activity immediately, without following the procedure under Rule 4 of the Environment (Protection) Rules, 1986 and the same was suspended by the Hon'ble Court as on date. Hence, the question of requesting clarification regarding M/s Kumara Swamy Silica Mines has not secured the documents as required under EIA Notification, 2006 does not arise and answered accordingly.

Regarding PIL No.332/2013, M/s Kumara Swamy Silica Mines is eventhough a respondent, there is no specific order against them restraining the mining operations. Hence, query answered accordingly.

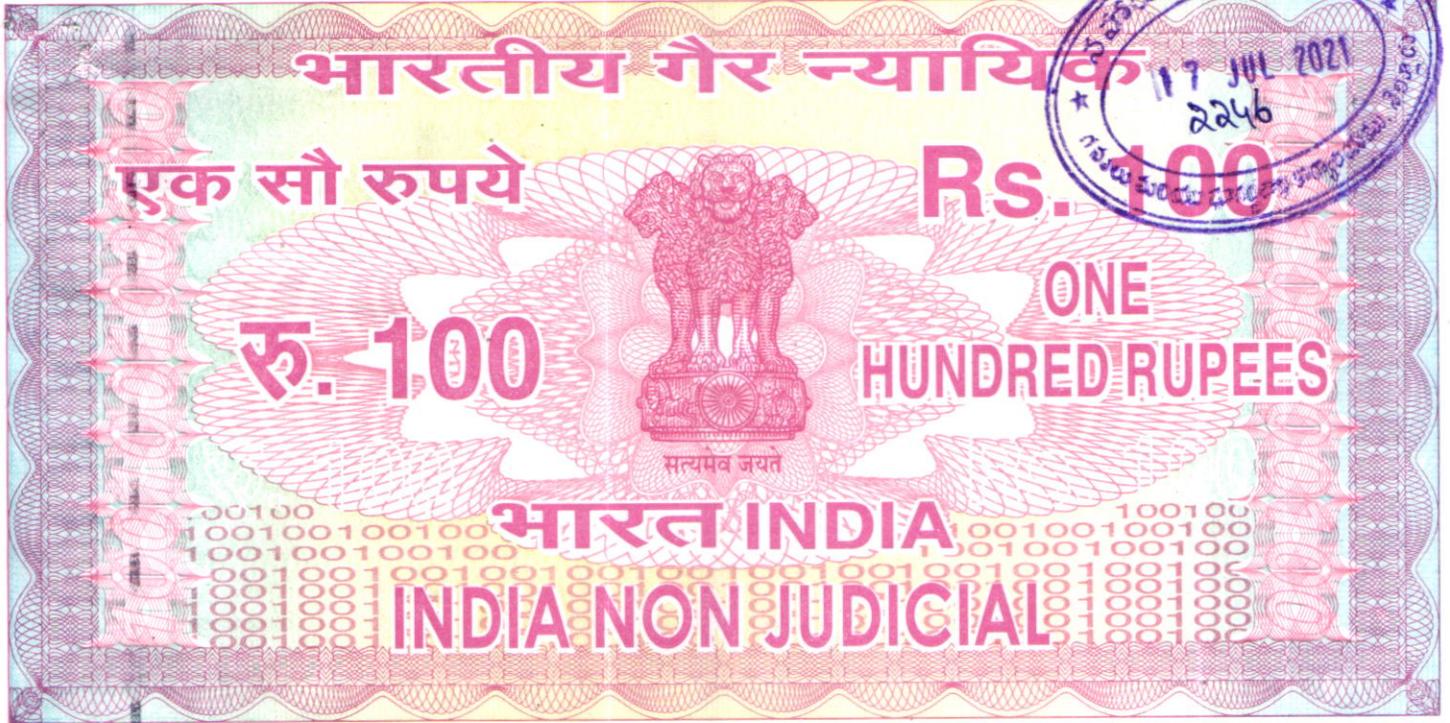
In view of the above circumstances, the ADM&G, Nellore is directed to issue dispatch permits to M/s Kumara Swamy Silica Mines as per the directions of the Hon'ble High Court in W.P No.14496/2014 by duly obtaining the acknowledgement of representation submitted to the Director, Ministry of Environment & Forests Impact Assessment Division, Govt. of India, New Delhi and also by obtaining an undertaking from the lessee company to the effect that they shall abide by the decision of the authorities concerned on the issue if any in future.

**Sd/- B.R.V.SUSHEEL KUMAR
DIRECTOR OF MINES AND GEOLOGY**

// ATTESTED //


for DIRECTOR OF MINES AND GEOLOGY

To
The Assistant Director of Mines and Geology, Nellore.



అంధ్ర ప్రదేశ్ ఆంధ్ర ప్రదేశ్ ANDHRA PRADESH

CW 347141

S.L. No. 16698 Date: 17/07/2021

Sold to: Sri. Kumar Swamy Silka rdner, Rep by Hg partners
For Whom: Hemakalya Kumar s/o Sundaramani Reddy
Mamididi V. Chittakani

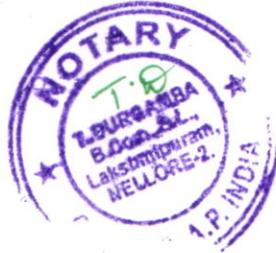
ANEM RATHNAIAH
Licenced Stamp Vendor
No. 0019007/1988 R.L.No. 0018000/2020-22
D.No. 27/1984, Balaji Nagar, Nellore-2
Cell : 9490125300

AFFIDAVIT

RTI (A)
Verified by
17/7/2021

I, **VEMAREDDY KUMAR** s/o late V.Sundarami Reddy, aged about 47 years, R/o Momidi village, Chillakur Mandal, SPSR Nellore Dist., I do hereby solemnly affirm and state as follows:

I submit that during the process of EC Application we have given undertaken by the way of affidavit bearing certificate No. IN-AP01388880081702Q, dated: 11.09.2018 as project proponent to comply with the judgment of Hon'ble Supreme Court Judgment No.1 14/2014, dated: 02.08.2017 and the Environmental Clearance was issued by the MOEF, Govt of India with a condition to comply with all the statutory requirements and Judgement of Hon'ble Supreme Court in WP No.1 14/2014, dated: 02.08.2017. In this regard Sri B. Madan Kumar Reddy has filed appeal petition before Hon'ble National Green Tribunal, Chennai regarding issue of Environmental Clearance, and fulfillment of statutory conditions laid down if any. In this regard I humbly promising that we will obey the outcome orders of the Hon'ble National Green Tribunal, Chennai.



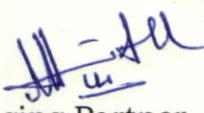
-2-

- The Govt, of AP has disposed the revision petition vide Memo NO.86IO/MI (1)/2016- 1, dated: 23.01.2017, filled by us, against the demand notice issued by the Mines Department and issued orders duly set asideing the demand notice and issued directions to DDM&G, Guntur to arrive at the illegally excavated quantity correctly with proper documentary evidence in the deleted area, encroachment area and leased area separately, keeping view of the above observations raise the fresh demand notice. In this regards we will obey the fresh joint inspection to be conducted by the department and as per their findings we will abide the future course of action if any will be taken by the Government.
- Further it is also submitted that, the DM&G Ibrahimpatnam has issued permissions vide Procd. Nos. 6111/R3-1/2016, dated: 05.11.2020 and 4604386/MR/Installments/2021, dated: 04.06.2021 for payment of interest and Dead Rent amounts in 10 installments. In this regards I am promising that I will pay Installments regularly without any obstructions.
- The latest partnership deed of our firm is herewith enclosed for kind information.
- In view of the above duly considering my plea in all the aspects kindly issue dispatch permits in our quarry lease area held by M/s Sri Kumar Swamy Silica Mines, in S.No.695/22 of Momidi village, Chillakur Mandal, SPSR Nellore Dist, for Silica sand.

I am making this declaration to the best of my knowledge and information and signed here in at Nellore on this date: 17.07.2021.



M/s Sri Kumar Swamy Silica Mines,


Managing Partner.

DEPONENT

ATTESTED


T. DURGANBA, B.Com., B.L.
ADVOCATE & NOTARY
LAKSHMIPURAM, NELLORE-2
APPOINTED BY GOVT. OF A.P. I.

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

From Sri K.Venkateswarlu,
Asst. Director of Mines & Geology (FAC),
Nellore.

To
The Director of Mines & Geology,
Ibrahimpattanam, Vijayawada.

Letter No. 1785/M2/1985, Dated: 17-07-2021

Sir,

Sub:- Mines & Minerals – Quarry Lease for Silica Sand over an extent of 129.866 Hectares / 320.90 Acres in Sy.No.695/22, 696 of Momidi Village, Chillakur Mandal, SPSR Nellore District held by M/s Sri Kumaraswamy Silica Mines (ID No.0912750001) – Notarized Affidavit submitted by the Lessee – Further instructions to issuance of dispatch permits and one more chance to upload the installment in OMEPS Portal as the installments are wrongly showing in the lessee login - Submitted- Reg.

- Ref:-
1. Proceedings No. 6111/R3-1/2016, dated 05.11.2020 of the Director of Miners & Geology, Ibrahimpattanam, Vijayawada.
 2. Proceedings No. 4604380/MR/Installments/2021, dated 04.06.2021 of the Director of Miners & Geology, Ibrahimpattanam, Vijayawada.
 3. This Office Letter No. 1785/M2/1985, dated 11.06.2021.
 4. Memo No. 6111/D8/2016, dated: 05.07.2021 of the Director of Miners & Geology, Ibrahimpattanam, Vijayawada.
 5. Notarized Affidavit dated: 17.07.2021 from Sri Kumara Swami Silica Mines.

I invite kind attention to the subject and references cited and submit that through the reference 1st cited, the Director of Mines and Geology, Ibrahimpattanam, Vijayawada has sanctioned 10 (ten) installments for payment of arrear amount of Rs. 97,01,614/- starting w.e.f. December'2020 to an installment amount of Rs. 9,70,162/- per month payable on or before 15th of every month. In this connection it is submitted that the lessee has paid Six Installments of Arrears on 29.05.2021 and 31.05.2021 and remaining four (4) Installments to be paid.

Further the Director of Mines & Geology, Ibrahimpattanam vide in the reference 2nd cited has granted 10 (ten) equal monthly installments for payment of Interest amount of Rs. 18,30,330 /- and the 1st installment amount shall be paid on or before 01.07.2021 by M/s Sri Kumaraswamy Silica Mines (ID No.0912750001) for Silica Sand over an extent of 129.866 Hectares / 320.90 Acres in Sy.No.695/22, 696 of Momidi Village, Chillakur Mandal, SPSR Nellore District and 10 installments of Interest amount to be paid. Further the lease holder has unable to pay the installment amounts in the OMEPS portal is not showing actual installment amounts in the lessee Id for making payment.

In this connection through the reference 3rd cited this office has requested the Director of Mines & Geology, Ibrahimpattanam for instructions for issue the Auto Permits in favour of M/s Sri Kumaraswamy Silica Mine.

Further through the reference 4th cited the Director of Mines & Geology, Ibrahimpattanam, Vijayawada has instructed the Deputy Director of Mines & Geology, Nellore and the Assistant Director of Mines & Geology, Nellore to take necessary action on issue of dispatch permits to the lease

holder duly comply the guidelines /conditions of the EC issued by the MoEF and also judgment made by the Hon'ble Supreme Court of India, as per the orders of the Government from time to and comply to Revision Government orders dated 23.01.2017.

Subsequently through the reference 5th cited the lease holder M/s Kumara Swamy Silica Mines, Mg.Pt. Sri V.Kumaraswamy Reddy has submitted Notarized Affidavit dated 17.07.2021 wherein stated as follows:

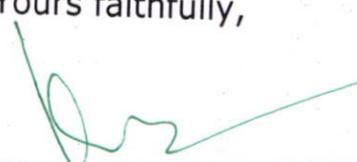
- I submit that during the process of EC Application we have given undertaken by the way of affidavit bearing certificate No. IN-AP01388880081702Q, dated: 11.09.2018 as project proponent to comply with the judgment of Hon'ble Supreme Court Judgment No.114/2014, dated: 02.08.2017 and the Environmental Clearance was issued by the MOEF, Govt of India with a condition to comply with all the statutory requirements and Judgement of Hon'ble Supreme Court in WP No.114/2014, dated: 02.08.2017. In this regard Sri B. Madan Kumar Reddy has filed appeal petition before Hon'ble National Green Tribunal, Chennai regarding issue of Environmental Clearance, and fulfillment of statutory conditions laid down if any. In this regard, I humbly promising that we will obey the outcome orders of the Hon'ble National Green Tribunal, Chennai.
- The Govt. of AP has disposed the revision petition vide Memo No.8610/MI (1)/2016-1, dated: 23.01.2017, filled by us, against the demand notice issued by the Mines Department and issued orders duly set asideing the demand notice and issued directions to DDM&G, Guntur to arrive at the illegally excavated quantity correctly with proper documentary evidence in the deleted area, encroachment area and leased area separately, keeping view of the above observations raise the fresh demand notice. In this regards we will obey the fresh joint inspection to be conducted by the department and as per their findings we will abide the future course of action if any will be taken by the Government.
- Further it is also submitted that, the DM&G Ibrahimpatnam has issued permissions vide Procd. Nos. 6111/R3-1/2016, dated: 05.11.2020 and 4604386/MR/Installments/2021, dated: 04.06.2021 for payment of interest and Dead Rent amounts in 10 installments. In this regards I am promising that I will pay Installments regularly without any obstructions.
- The latest partnership deed of their firm is herewith enclosed for kind information.

In this connection it is submitted that, the lease holder M/s Kumara Swamy Silica Mines, Mg.Pt. Sri V.Kumaraswamy Reddy has submitted latest Partnership Deed dated 11.06.2021.

This is submitted for kind information and issue necessary instructions for unblocking and issuance of dispatch permits **if considering the affidavit submitted by the lease holder** and one more chance to upload the installments in the OMEPS portal is not showing correct installment amounts in the lessee Id for making payments.

Yours faithfully,

- Encl:** 1. Copy of Notarized Affidavit
2. Copy of latest Partnership Deed


Assistant Director of Mines & Geology (FAC),
Nellore.

Copy submitted to the Deputy Director of Mines & Geology, Nellore for favour of information.

GOVERNMENT OF ANDHRA PRADESH
INDUSTRIES AND COMMERCE (MINES.I) DEPARTMENT

Memo.No.8610/M.I(1)/2016

Dated:23.01.2017

Sub:-Revisions - Revision Application filed by M/s Sri Kumaraswamy Silica Mines, Rep by its Managing Partner Sri Vema Reddy Kumar, SPSR Nellore District against the Demand Notice No. 4823/M5/2015, dt 24.06.2016 of the Deputy Director of Mines & Geology, Guntur - Revision Disposed off - Regarding.

- Ref:-1.From M/s Sri Kumaraswamy Silica Mines, Rep by its Managing Partner Sri Vema Reddy Kumar, SPSR Nellore District Revision application dated: 08.07.2016.
2. W.P.No.22904/2016 filed by M/s Kumara Swamy Silica Mines.
- 3.Govt.memo.No.8610/M.I(1)/2016-1, dt.27.07.2016 & dt.18.08.2016.
- 4.From the DMG, A.P., Lr.No.10785/R3-3/2016, dt.09.09.2016.

In the reference 1st cited, M/s Sri Kumaraswamy Silica Mines, Rep., by its Managing Partner Sri Vema Reddy Kumar, SPSR Nellore District has filed a revision application before the Revisional Authority under Rule-35 A of A.P. Minor Mineral Concession Rules, 1966, against the Demand Notice vide No.4823/M5/2015, dt.24.06.2016 issued by the Deputy Director of Mines & Geology, Guntur for illegal Mining and excess transportation of Silica Sand detected by RV&EO, Nellore, in Sy.No.695/22 & 696 of Momidi (V), Chillakur (M), SPSR Nellore District wherein directed to pay an amount of Rs.55,28,293/-(Fifty five Lakhs Twenty Eight thousand Two hundred Ninety three Rupees only) as per Section 21(5) of Mines & Minerals (Development & Regulation) Act, 1957 and as per rule 27(5) and 45(iv) of Mineral Concession Rules, 1960.

2. Aggrieved by the said Demand notice M/s.Sri Kumar Swamy, SPSR Nellore has filed this Revision Petition on the following grounds:-

- i. The Hon'ble High Court in W.P.No.16143/2016 directed the respondent herein to consider the representation and pass appropriate orders, it is obligatory on the part of the respondent to consider the objections filed and to pass a reasoned order. A reading of the impugned order passed by the respondent it is clear that the respondent has not considered the explanation submitted by the petitioner and only relied on the panchanama report. It was submitted that the order is bereft of reasons and the order is liable to be set aside on the ground of non application of mind to the relevant factors.
- ii. That the panchanama conducted by the RV&EO, Nellore cannot be taken into consideration unless the same is supported by other evidence. Admittedly a portion of the leased area originally granted was deleted in the year 1998 and a fresh lease was given, it is not open to authorities to hold with regard to alleged illegal quarrying in the area beyond the leased area after a period of more than 24 years.
- iii. That the petitioner is carrying out mining operations in an extent of Acres 338.39 cents where the mineral is available and the rest of total extent i.e. Acres 173.62 was deleted from the lease in the year 1998 as there is no mineral and it became depleted area.

Contd..

iv. That finding of the report was based on the survey report dt.25.01.1990 and while conducting survey notice was issued to the petitioner and no authorized person of the petitioner was present at the time of survey.

v. That the report of the year 1990 cannot form the basis for issuance of the show cause notice and the demand notice. Due to passage of time of more than 25 years, there is a likelihood of change in the pit size due to vagaries of nature and the liability cannot be fastened on the petitioner.

vi. That the report of the Vigilance officer is only based on guess work with regard to determining the quantity of mineral excavated. In the absence of any proof with regard to the quantity excavated, it is not open for the respondent to rely on the report of the Vigilance Officer and pass the impugned order.

vii. The finding of the respondent with regard to quarrying of 16048 Metric tons of silica from the deleted portion is based on no evidence and the same was arrived at without taking into consideration of the report of ADM&G of the year 1998.

viii. The action of the Vigilance officers in determining the quantity of excavation carried out 30 year back in the absence of documentary evidence is not justified.

ix. The allegation with regard to lifting 16,048 metric tons of silica from the deleted portion is baseless as the very deletion taken place as there is no mineral in that area.

x. that according to the Vigilance report that on south west corner of the mine two small pits were found and noted the measurements thereof, where as in list of pits mentioned in panchanama there is no co-relation in between them and there is no explanation in the report about the same.

xi. That on 19.08.2010 inspection was carried out in relation to the said area and found 34 pits and measurements were taken there from and quantified that 34,500 metric tons was transported illegally which is the subject matter in W.P.No.8352/2014 and the same area was again inspected and added additional quantity and directed the petitioner to pay penalty for the same.

xii. That the alleged transportation of excess quantity pointed out in the Vigilance report if at all is only during the period prior to 1990 by guess work without any evidence. There is neither documents nor direct evidence about indulging illegal mining activity by the petitioner in the absence of the same, petitioner cannot be penalized.

xiii. Without prejudice to the contention raised, the respondent is not justified in calculating the value of the mineral at the rates prevailing in the month of October 2014 to December 2014 when the allegations relates back to the year 1990.

xiv. In any view, the order of the respondent is not legal and valid.

Hence, they have requested the Revisional Authority to set aside Demand Notice NO.4823/M5/2015, dt.24.06.2016 issued by the DDM&G, Guntur.

3. The remarks of the Director of Mines & Geology, A.P., Vijayawada has been called for by the Government in the reference 3rd cited. Accordingly, the DM&G in the reference 4th cited, submitted his remarks stating that the Deputy Director of Mines and Geology, Guntur reported that a team of officials of Regional Vigilance and Enforcement Officer, Nellore unit along with officials of Mines & Geology Department, Nellore and local Revenue officials Chillakur and Forest Officials have conducted inspection of Mining leased area held by M/s.Kumara Swamy Silica Mines for silica sand located at Sy.No.695/22 & 696 of Momidi Village, Chillakur Mandal, S.P.S.R Nellore District, on 23.06.2015 & 24.06.2015 and noticed that the lease holder excavated and transported certain quantity of Silica Sand from other than the leased area as well as transported certain excess quantities from the leased area and hence the lease holder is liable to pay amounts as per rule 27(5) and 45(iv) of M.C Rules, 1960.

4. By taking into consideration the report of the Vigilance & Enforcement the total quantity of silica sand has been excavated and transported is arrived as 37,46,547 MT and similarly the measurements of silica sand stocks available in the mining lease area were also taken and arrived as 55,553 MT as on date of inspection.

5. Later, the Regional Vigilance and Enforcement Officer, Nellore after due verifications of the available records in the Asst. Director of Mines and Geology, Nellore concluded that the extent of Ac.5.59 is previously excavated before 25.01.1990 as previous survey reports conducted on 25.01.1990. Basing on the survey report dated 25.01.1990 and by consideration of the points as mentioned in the modified mining scheme the team has calculated the quantity of silica Sand excavated and transported up to the year of 1990 as 55424 MT.

6. The Director of Mines & Geology, A.P., has also stated that previously the Unit officials during the inspection on 19.08.2010 noticed that the lease holder conducted illegal mining in the deleted portion of the leased area and transported a quantity of 34,000 MT of silica sand and accordingly the Deputy Director of Mines and Geology, Guntur issued a demand notice on 19.02.2014 to pay an amount of Rs. 29,81,664/- and the lessee has paid an amount of Rs. 10,00,000/- vide Ch.No.19310,Dt:25.03.2014 as per the orders of the Hon'ble High court of A.P. and obtained the permission for issue of dispatch permits from the Hon'ble High court of A.P. through W.P. No.8352/2014, dt:20.03.2014 and the final orders are still awaited.

7. By considering the above points the inspection team has done crucial exercise for estimation of total quantity excavated and transported illegally from the Mining lease area as shown below:

1.	Total quantity of silica sand arrived in the Mining lease area	:	37,46,547 MT
2.	stocks available in the mining lease area were also taken with tape and arrived as	:	55,553.00 MT
3.	Already demand issued quantity by the Dy. Director of Mines and Geology, Guntur on 19.02.2014	:	34,000 MT
4.	Quantity of silica sand for which the dispatched permits obtained up to 1990 as per previous survey Report from the said area is	:	55,424 MT
5.	Quantity of silica sand for which the dispatched permits obtained up to 1991 to 2015-16 is	:	34,97,474 MT
6.	Total quantity of Silica sand transported illegally from the leased area is ((1)-(2+3+4+5))	:	1,04,096 MT.

8. Further, the Deputy Director of Mines and Geology, Guntur reported that 16,048 MTs of silica sand was illegally mined and transported from other than the leased area i.e., in Sy.No.695/22 of Momidi Village, Chillakur Mandal, SPSR Nellore District without any lawful authority.

9. From the above, it was concluded that a quantity of 1,04,096 MTs of silica sand was transported in excess of the permitted quantity and 16,048 MTs of silica sand was illegally mined and transported from other than the leased area i.e., in Sy.No. 695/22 of Momidi Village, Chillakur Mandal, SPSR Nellore District without any lawful authority.

10. Keeping in view of the above, it was estimated that the value of excavated Silica Sand by worked out on the basis of average sale values published by Indian Bureau of Mines for the months of October' 2014, November' 2014, and

December' 2014 and requested to initiate necessary action for realization of total amount of Rs. 55,28,293/- towards Royalty as detailed below:

S.N	Item	Quantity in Mts	Sale Value in Rs.	Royalty in Rs.	Total in Rs.
0.					
1.	Excess quantity transported	1,04,096		20,50,691	20,50,691
2.	Illegally Mining and Transported	16,048	31,61,456	3,16,146	34,77,602
	Grand Total		31,61,456	23,66,837	55,28,293

11. Accordingly, a Show Cause Notice has been issued by the Deputy Director of Mines and Geology, Guntur vide Notice No. 4823/M5/2015, dt:05-12-2015 and M/s. Kumara Swamy Silica Mines were directed to show cause within 15 days from the date of receipt of this notice as to why action should not be initiated under section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957.

12. As no reply has been received from them, the Deputy Director of Mines and Geology, Guntur issued Demand Notice No.4823/M5/2015, dt:21.03.2016 to M/s. Kumara Swamy Silica Mines with a request to pay an amount of **Rs. 55,28,293/-** (Fifty five Lakh Twenty eight thousand Two hundred Ninety three Rupees only) as per Mines and Minerals (Development & Regulation) Act, 1957 and M.C. Rules, 1960 within 15 days from the date of receipt of the notice.

13. Aggrieved by the above, the lessee company filed Writ Petition before the Hon'ble High Court of A.P., The Hon'ble High Court of Andhra Pradesh, in their orders dated 09.06.2016 in Writ Petition No. 16143/2016 set-a-side the demand notice of the Deputy Director of Mines and Geology, Guntur and directed the petitioner that the petitioner shall make a representation basing on Annexure's 5, 6, & 7 which are received by the counsel for the petitioner within 2 weeks before the 3rd respondent i.e., Deputy Director Mines & Geology, Guntur and also directed that the 3rd respondent shall pass orders in accordance with law after receiving the representation from the petitioner.

14. M/s Sri Kumara Swamy Silica Mines submitted an explanation on 20.06.2016 as per the directions of the Hon'ble High Court of A.P stating that initially the lease was granted over an extent of 512.00 Acres on 24.09.1975. Subsequently out of the said area an extent of 173.62 Acres was deleted and granted renewal of lease for remaining extent of 338.39 Acres due to deletion of non mineral depleted area and also stated that "the alleged transportation of excess quantity that was pointed out by the vigilance report if at all is only during the period prior to 1990. As the guess work of the vigilance commissioner is in correct and one sided with out the authority". Further, it was stated that regarding allegation of lifting 16,048 Mt of Silica Sand from the encroachment (deleted area during the time of renewal) the total work and lifting of this quantity is done only during the lease period (1st tenure of the lease period) and finally requested the Deputy Director of Mines and Geology, Guntur to drop all further proceedings issued in pursuance of the show cause notice as they are not liable to pay the penalty amount.

15. After gone through the explanation submitted by the petitioner, the Deputy Director of Mines and Geology, Guntur it is decided that during the day of inspection the Regional Vigilance and Enforcement Officer, Nellore unit along with officials of Mines & Geology Department, Nellore and Local Revenue officials Chillakur and Forest Officials have recorded panchanama carefully and they have clearly estimated the quantities excavated within the leased area and in the deleted area and also in the encroachment area in detail. Finally after verification of all the total records available in the O/o. Asst, director of Mines & Geology, Nellore the officials of Regional Vigilance and Enforcement Officer, Nellore unit and officials of O/o Asst. Director of mines and Geology, Nellore and Revenue officials Chillakur Mandal have recommended for realization of evaded Mineral Revenue for a tune of Rs.55,28,293/-

Therefore, the contention of the petitioner is incorrect and explanation submitted by them is not satisfactory.

16. Hence, the Deputy Director of Mines and Geology, Guntur issued a fresh Demand Notice to M/s. Kumara Swamy Silica Mines on 24.06.2016 requesting to pay an amount of an amount of Rs. 55,28,293/- (Fifty five Lakh Twenty eight thousand Two hundred Ninety three Rupees only) as per rule 27(5) and 45(iv) of M.C Rules, 1960.

17. The Demand Notice No.4823/M5/2015, Dt.24.06.2016 issued to M/s. Kumara Swamy Silica Mines by the Deputy Director of Mines and Geology, Guntur is per rule 27(5) and 45(iv) of M.C Rules, 1960 by giving ample opportunity keeping in view of the orders issued by the Hon'ble High Court of A.P., in W.P.No.16143/2016.

18. In reply to point-1, the Hon'ble High Court of Andhra Pradesh, in their orders dated 09.06.2016 in Writ Petition No.16143/2016 set-a-side the Demand Notice and directed that the petitioner shall make a representation basing on Annexure's 5, 6, & 7 which are received by the counsel for the petitioner within 2 weeks before the 3rd respondent i.e., Deputy Director Mines & Geology, Guntur and also directed that the 3rd respondent shall pass orders in accordance with law after receiving the representation from the petitioner. But, the petitioner is deviating the matter before the Revision Authority stating that the Hon'ble High Court pass appropriate orders, it is obligatory on the part of the respondent to consider the objections and to pass a reasoned order, the respondent has not considered the explanation and only relied on the panchanama report, Therefore, the contention of the petitioner is baseless.

19. In reply to point-2, during the day of inspection on 24.06.2015, the Regional Vigilance and Enforcement Officer, Nellore unit along with officials of Mines & Geology Department, Nellore and Local Revenue officials Chillakur and Forest Officials have recorded panchanama carefully and they have clearly estimated the quantities excavated within the leased area and in the deleted area and also in the encroachment area in detail. Therefore, the contention of the petitioner is far away from the truth.

20. In reply to point-3, it is fact that lease was granted over an extent of 512.00 Acres on 24.09.1975. Subsequently out of the said area an extent of 173.62 Acres was deleted and granted renewal of lease for remaining extent of 338.39 Acres due to deletion of non mineral depleted area. But, during the day of inspection the Regional Vigilance and Enforcement Officer, Nellore unit along with officials of Mines & Geology Department, Nellore and Local Revenue officials Chillakur and Forest Officials have recorded panchanama carefully and they have clearly estimated the quantities excavated within the leased area and in the deleted area and also in the encroachment area in detail.

21. In reply to point-4 & 5, the lessee has not furnished the details of dispatches of silica sand from insist of mine and it is the minimum responsibility of the lessee to provide required to the officials and in o/o Asst. Director of Mines and Geology, Nellore the above information is available from the year 1991 only. Hence the survey report submitted by the Department officials is considered as evidence for calculation of silica sand excavated and transported before the year 1990 after due verifications of the available records(survey Report) in the Asst. Director of Mines and Geology, Nellore the total extent of the working pits area was recorded as Ac.5.59 in the said leased area. But the depth excavation was not recorded in the survey report, therefore average depth of the pits recorded in the present survey in the present leased area (1.81 M) and in the deleted area (0.70 M) is taken to arrive depth for Acres 5.59 area. The total quantity dispatched up-to 1990 was arrived basing on the survey report dated 25.01.1990 by taking consideration of the points as mentioned in the modified mining scheme as 55,424 MT.

22. In reply to point-6 & 7, the Regional Vigilance and Enforcement Officer, Nellore unit along with officials of Mines & Geology Department, Nellore and Local Revenue officials Chillakur and Forest Officials have recorded panchanama carefully and they have clearly estimated the quantities excavated within the

leased area and in the deleted area and also in the encroachment area in detail. Therefore, the contention of the petitioner is wrong.

23. In reply to point-8, due to lack of information for the entire leased period, the total quantity dispatched up-to 1990 was arrived basing on the survey report dated 25.01.1990 by taking consideration of the points as mentioned in the modified mining scheme.

24. In reply to point-9, the Regional Vigilance and Enforcement Officer, Nellore unit along with officials of Mines & Geology Department, Nellore and Local Revenue officials Chillakur and Forest Officials have recorded panchanama carefully and they have clearly estimated the quantities excavated within the leased area and in the deleted area and also in the encroachment area in detail.

25. In reply to point-10, in the report submitted by the inspection team in south west corner of the leased area, they have noticed two small pits excavated for Silica sand in out of the leased area and estimated the quantity of Silica Sand as 16048 Mt and this quantity is considered as excavated in encroachment area and transported illegally and recommended for realization of following amount in this context. Therefore, the contention of the petitioner is wrong.

Item	Quantity in Mts	Sale Value in Rs.	Royalty in Rs.	Total in Rs.
Illegally Mining and Transported	16,048	31,61,456	3,16,146	34,77,602

26. In reply to point-11, the inspection team has done crucial exercise for estimation total quantity excavated and transported illegally from the Mining lease area as shown below:

1.	Total quantity of silica sand arrived in the Mining lease area	37,46,547.00
2.	stocks available in the mining lease area were also taken with tape and arrived as	55,553.00 MT
3.	Already demand issued quantity by the Deputy Director of Mines and Geology, Guntur on 19.02.2014	34,000 MT
4.	Quantity of silica sand for which the dispatched permits obtained up to 1990 as per previous survey Report from the said area is	55,424 MT
5.	Quantity of silica sand for which the dispatched permits obtained up to 1991 to 2015-16 is	34,97,474 MT
6.	Total quantity of Silica sand transported illegally from the leased area is ((1)-(2+3+4+5))	1,04,096 MT.

27. As per the previous report submitted by the Regional Vigilance and Enforcement Officer, Nellore, dt:20.08.2010 the quantity of 34,000 MT of Silica Sand is excavated from deleted portion of the leased area. Hence (subtraction) Lessing of this quantity from the actual arrived quantity is not necessary, but from the above table it is clear that the team has considered the quantity of 34,000 MT of Silica Sand i.e., previous demand issued quantity. Hence the contention of the Lessee is incorrect and baseless.

28. In reply to point-13, it was estimated the value of excavated Silica Sand by worked out on the basis of average sale values published by Indian Bureau of Mines for the months of October'2014, November'2014, and December'2014 only. Thus, the realization of total amount of Rs. 55,28,293/- towards Royalty has to be paid by the petitioner.

29. In reply to point-14 & 15, after gone through the explanation submitted by the petitioner, and with regard to recorded panchanama carefully the team of officials of Vg.& E have clearly estimated the quantities excavated within the leased area and in the deleted area and also in the encroachment area in detail. Finally after verification of all the total records available in the O/o. Asst, director of Mines & Geology, Nellore the officials of Regional Vigilance and Enforcement Officer, Nellore unit and officials of O/o Asst. Director of mines and Geology, Nellore and Revenue officials Chillakur Mandal have recommended for realization of evaded Mineral Revenue for a tune of Rs. 55,28,293/-. Basing on the above, a Demand Notice has been issued to the petitioner for payment of Rs. 55,28,293/- as per rule 27(5) and 45(iv) of M.C Rules, 1960 and the MMDR Act 1957. Hence, the DM&G requested the Revision Authority to dismiss the Revision Application filed by M/s Kumar Swamy Silica Mines, Nellore.

30. In order to dispose of the Revision Application, a personal hearing was conducted on 22.08.2016 duly giving reasonable opportunity for personal hearing to the Revision Petitioner. After having heard the case, the Revisional Authority, after perusal of the material available on record has observed that the demand notice was raised by the Dy. Director of Mines & Geology, Guntur based on the Panchanama recorded by the inspection team only without any inspection report given by the inspection team to the Dy. Director of Mines & Geology. A perusal of the panchanama recorded on 24.06.2015 by the inspection team it is noticed:

a.that an extent of Acres 173.62 cents was deleted from the original lease granted on the ground that there was no mineral in that area.

b. that a quantity of 18,25,723 Cbm was excavated from the existing lease area of Ac 338.39 cents and a quantity of 85,780Cbm from the deleted area of Ac 173.62 cents and the total quantity comes to 18,11,503 cbm by taking the average depth of pits as the depth of the pits were not recorded in the survey report as stated by the DM&G in his remarks dt.09.09.2016.

c. that the original lease granted to Sri V.Rama Chandra Reddy for an extent of Ac 512.01 cents on 24.05.1975 vide G.O.Ms.No.563, dt.24.05.1975 but it was transferred to Sri Kumara Swamy Silica Mines on 30.07.1998 vide G.O.Ms.No.263, dt.11.04.1985. Thus there is a gap of ten years between the original grant and the subsequent transfer. If the said quantity arrived in the demand notice was excavated prior to the date of transfer, the original lessee shall have to be made responsible for that illegal excavation. If the said quantity was excavated after transfer of lease, the transferee shall have to be made responsible for the illegal excavation. If the inspection team is unable to notice the time of excavation of the said demanded quantity it may not be appropriate and just to make the transferee responsible for this illegal excavation after a lapse of more than 20 year from the date of transfer.

d. that as an extent of Ac 173.62 cents was deleted on the ground of non-availability of mineral. It may be construed that the mineral may not be available in equal depth in the deleted area on par with the existing lease area. In such a case it is not logically appropriate to take average depth of deleted as well as existing leased area to arrive at the illegally excavated quantity mentioned in the demand notice.

31. In view of the above observations, the revisional authority could not come to a conclusion beyond reasonable doubt to decide the case. Hence the DDM&G, Nellore has to substantiate as to how he has logically arrived at the quantity noted in the demand notice beyond any reasonable doubt. The Revisional Authority has therefore decided to set aside the demand notice issued by the Deputy Director of Mines & Geology, Guntur vide No.4823/M5/2015, dt.24.06.2016 and remitted back to the DDM&G with a direction to arrive at the illegally excavated quantity correctly with proper documentary evidence in the deleted area, in the existing leased area and also in the encroached area by taking the measurement in each area separately keeping in view of the above observations and raise a fresh demand notice after giving reasonable opportunity to the lessee. It is also directed to consider the deleted

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area to include in the lease again, if there is any mineral available, lest there should be given any scope for illegal mining in the deleted area.

32. This Revision petition is disposed off accordingly under Rule 35-A of APMMC Rules, 1966.

33. The Director of Mines & Geology, Govt. of A.P. Vijayawada, shall take further necessary action in the matter, accordingly.

V.RADHA KRISHNA
DEPUTY SECRETARY TO GOVERNMENT

To

The Director of Mines & Geology, A.P., Vijayawada.

M/s Sri Kumarswamy Silica Mines,
Momidi Village, Chillakur Mandal,
SPSR Nellore District **(By RPAD)**

Copy to:

The Deputy Director of Mines & Geology, Nellore.

The Assistant Director of Mines & Geology, Nellore.

The P.S to Hon'ble M (M&G)

Sf/Sc

//FORWARDED:: BY ORDER//

P.v.s. Rang
SECTION OFFICER