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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 164/2024/EZ**

In the matter of:

Debasis Biswas & Ors.

.... Applicant.

Versus

State of West Bengal & Ors.

.... Respondents.

Affidavit on behalf of the Respondent No. 5, the Additional District Magistrate and
District Land and Land Reforms Officer, Rajbati, Purba Bardhaman.

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Filed by:

Mr. Rajib Ray,
Advocate,

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09 DEC 2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 164/2024/EZ**



In the matter of:

Debasis Biswas & Ors.

....

Applicant.

Versus

State of West Bengal & Ors.

.... Respondents.

Affidavit on behalf of the Respondent No. 5, the District Magistrate, Purba
Bardhaman.

I, Sri Kaustuv Roy son of Krishnananda Roy, aged about 48 years, by faith Hindu, by occupation Service, now posted as the Officer in Charge Minor Minerals Cell, having office at Additional District Magistrate and District Land and Land Reforms Officer, Rajbati, Post Office - Rajbati P.S. - Burdwan, District - Purba Bardhaman, Pin - 713104, do hereby solemnly affirm and state as follows:-

1. I am the Assistant Director, working for the gain as, Purba Bardhaman in the Office of the Additional District Magistrate and District Land and Land Reforms Officer, Purba Bardhaman and I have been duly authorized by the

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Kaustuv Roy
Assistant Director
District Land & Reforms Office
Purba Bardhaman

District Magistrate, Purba Bardhaman, being the respondent no. 5, and I have made myself acquainted with the facts and the circumstances of the case.

2. That this affidavit is being affirmed in pursuant to the solemn order dated 14.08.2024 passed by the Hon'ble Tribunal, whereby the Hon'ble Tribunal was pleased to direct all the respondents to file counter affidavit within four weeks.

3. That I have read a copy of the Original application purported to have affirmed by Debasis Biswas, the applicant in this Original Application (hereinafter mentioned as the "said application") and on perusal of the same, I have understood the purports and contents thereof. I have been advised to deal with and/or traverse only those allegations of the said application which are material for proper adjudication of the case, which I hereby do, save and except what are specifically admitted herein all the statements made in paragraphs of the said applications are denied and as if they have been traversed in seriatim.

4. ★ That before dealing with the statements and allegations contained in various paragraphs as well as sub-paragraphs of the said application, I submit the following matter in brief before this Hon'ble Tribunal which is germane for the purpose of this adjudication of this matter :-

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Assistant Director
District Land & Reforms Office
Purba Bardhaman

- i) That the private respondent no. 10 was declared as the successful bidder by the District Committee for Competitive Bidding for Minor Minerals by e-auction vide auction ID No. 2017-DMBUW-676 in respect of the sand block BURDWAN-II/Kalinagar/181(P), 205(P)/F appertaining to plot Nos. 181(P),205(P) under Mouza -Kalinagar, J.L.No.160, Police Station: Madhadihi, Dist-Purba Bardhaman.
- ii) That the private respondent no.10 had deposited EMD amount of Rs. 2,41,600/- and paid first instalment amounting to Rs.16,59,000/-.
- iii) That the Letter of Intent (LOI) was issued from the office of the District Land and Land Reforms Officer, Purba Bardhaman vide Memo No. 304/1287/AUCTION 17/MM/18 dated 26.11.2018.

The photocopy of the said Letter of Intent is annexed herewith and marked as letter - "A".

- iv) That a demand notice for deposition of the rest of the bid money was sent to the private respondent no. 10 vide Memo No. 304/271/MM/2020 dated 03.04.2020.

- v) That a notice regarding the requirement of fresh application on PARIVESH Portal for the Environment Clearance (EC) was sent to the

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Assistant Director
District Land & Law Reforms Office
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private respondent no. 10 vide Memo No. 585/MM/20 dated 16.07.2020.

- vi) That on 20.07.2020 the office of the Additional District Magistrate & District Land and Land Reforms Officer, Purba Bardhaman received a letter issued by the private respondent no. 10 requesting refund of the amount deposited by him before the office of the Additional District Magistrate & District Land and Land Reforms Officer, Purba Bardhaman. The answering respondents by letter vide Memo No. 640/MM/2020 dated 12.08.2020 responded to the private respondent no. 10.
- vii) That on the application submitted by the private respondent no. 10, the Letter of Intent (LOI) was extended time to time vide Memo No. 304/467/MM/2021 dated 08.06.2021, Memo No. 304/170/MM/2022 dated 08.03.2022 and Memo No. 893/12/MM/2022 dated 14.11.2022.
- viii) That on receipt of complaint against the private respondent no.10 regarding the illegal sand mining, the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman vide letter having Memo No. PBD-54015(99)/83/2024/MM dated 05.06.2024 directed a local enquiry by a three men committee



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Assistant Director
District Land & Land Reforms Office
Purba Bardhaman

consisting officer from the office of the Block Land and Land Reforms Officer, Burdwan-II, not bellow the rank of a Revenue Officer, representatives of the Block Development Officer, Burdwan-II and Officer-In-Charge, Saktigarh Police Station.

- ix) That pursuant to the above direction, a joint inspection was conducted on 30.05.2024 to verify and ascertain the complaint of the illegal sand mining block in presence of the officials of the land administration and the police administration.
- x) That as per the report of the three men committee's vide Memo No. 734/BL&RO/BDN-II/24 dated 11.06.2024, no evidence of any sand extraction activities was found in the said sand mining block at the relevant time.

- xii) That the private respondent no. 10 has applied for Terms of Reference (ToR) as per EIA Notification in the PARIVESH Portal of MoEF&CC vide proposal No. SIA/WB/MIN/476968/2024 dated 07.06.2024 and subsequently the said ToR have been granted by the State Environment Impact Assessment Authority (SEIAA) on 23.07.2024.

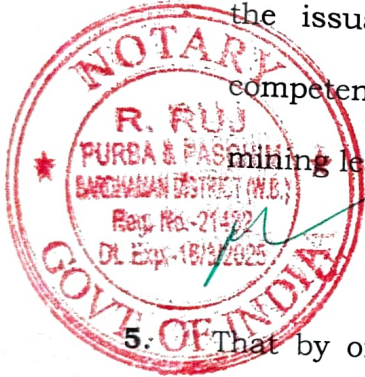
The photocopy of the said Terms of Reference is annexed herewith and marked as letter - "B".

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Assistant Director
District Land & Land Reforms Office
Burdwan-II

xii) That as the private respondent no. 10 has not received any valid Environment Clearance (EC) from either the District Environment Impact Assessment Authority (DEIAA) or State Environment Impact Assessment Authority (SEIAA) for the said sand mining block, no lease agreement has yet been executed between the private respondent no. 10 and the State of West Bengal, represented by the District Magistrate, Purba Bardhaman.

xiii) That the answering respondent has not given any permission for excavation of sand from the sand mining block due to pendency of the issuance of the valid Environment Clearance (EC) from a competent authority and the execution and registration of the sand mining lease.



5. That by order dated 14.08.2024, the Hon'ble Tribunal was pleased constitute a Committee comprising of the following members and the committee has been directed to visit the site in question and submit its report on affidavit within four weeks with regard to the allegations made in the Original Application:-.

- (i) Senior Scientist, West Bengal Pollution Control Board,
- (ii) Senior Scientist, SEIAA, West Bengal,

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Assistant Director
District Land & Reforms Office
Purba Bardhaman

- (iii) District Magistrate, Purba Bardhaman, or is representative not below the rank of Additional District Magistrate, and
- (iv) Chief Mining Officer or his representative of Senior rank, as the case may be,

6. That pursuant to the order of the Hon'ble NGT, the Committee comprising of the following members was constituted as per nominations received from the participating departments/ offices:

- i) The Additional District Magistrate and District Land and Land Reforms Officer, Purba Bardhaman,
- ii) Assistant Environmental Engineer, Durgapur Regional Office, West Bengal Pollution Control Board,
- iii) Environment Officer, Environment Department.
- iv) Mining Officer, Asansol.

7. That in compliance with the said Order dated 14.08.2024, a spot enquiry/inspection of the area in question has been done on 25.09.2024 by the said committee and it was found that the area was under Damodar river and no mining activity whatsoever could be found at the project site neither any machinery or vehicles to carry sand was found near the site in question.



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Assistant Director
District Land & Law Reforms Office
Purba Bardhaman

8. That the said Committee after physical verification of the site duly prepared its report on 25.09.2024 and handed over the same to the representative of WBPCB for filing the report as per the direction of the Hon'ble Tribunal.

9. That the District Magistrate, Purba Bardhaman has ensured all remedial measures including sustained enforcement drives as per extant guidelines to ensure that no illegal mining of sand takes place in the said plot as per direction of the Hon'ble Tribunal.

9. That the District Magistrate, Purba Bardhaman has ensured all remedial measures including sustained enforcement drives as per extant guidelines to ensure that no illegal mining of sand takes place in the said plot as per direction of the Hon'ble Tribunal.

10. It is therefore respectfully prayed that Hon'ble Tribunal may pass such other order or orders as it deem fit and proper in the interest of justice.

11. That the statements made in paragraph 1 to 9 are based on information derived from the records maintained by the respondent in the ordinary course of business and which I believe to be true and rest thereof is my humble submission before this Hon'ble Tribunal.



Prepared in my office

Advocate

solemnly affirm before me
by Sri/Smt. K. Roy
Identified by Sri. N. Misra Advocate
this the 09/12 day of
.....2024

Naranarayan Misra
NOTARY
GOVT. OF INDIA

NARANARAYAN MISRA
AGP
Burdwan Dist. Judge's Court
Govt. of West Bengal

Kaustubh Roy 9/12/24
Deponent
Assistant Director

District Land & Reforms Office
Purba Bardhaman

Identified by me
Naranarayan Misra AGP
Enrollment No- HB 1139/2001

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GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT LAND & LAND REFORMS OFFICER
PURBA BARDHAMAN

P.O. RAJBATI, BARDHAMAN. PIN CODE: 713104
Phone no.0342-2530641 / Fax no.0342-2533348/e-mail: dloburdwan@gmail.com

Memo. No.: 304/1287 / AUCTION 17/MM/18

Dated: 26/11/2018

To
HIMANSHU SANTRA
MANIARI, EKLAHAI
BARDHAMAN - 713427

Sub: Letter of Intent (LOI) with reference to e-auction bearing ID No. 2017_DMBUW_676 conducted on 02/08/2017 for grant of mining lease for sand in sand block BURDWAN-II/KALINAGAR/181(P), 205(P)/F located in plot No.s 181(P), 205(P) in Mouza- KALINAGAR J.L. No. 160, P.S. MADHABDIHI, District Purba Bardhaman over an area of 6.04 acres (2.44 hectares).

Background

1. The District Committee for Competitive Bidding of Minor Minerals (henceforth the District Committee) Purba Bardhaman, pursuant to rules 38 and 41 of the West Bengal Minor Minerals Concession Rules, 2016 and the West Bengal Minor Minerals (Auction) Rules, 2016 (hereinafter auction rules) issued notice inviting tender dated 19/07/2017 to commence the e-auction process for grant of mining lease for sand in respect of sand block BURDWAN-II/KALINAGAR/181(P), 205(P)/F located in plot No.s 181(P), 205(P) in Mouza- KALINAGAR J.L. No. 160, P.S. MADHABDIHI, District Purba Bardhaman over an area of 6.04 acres (2.44 hectares). The e-auction process was conducted in accordance with the said Rules and also the tender document for the said sand block which was duly published in Government's eprocurement portal as per extant rules and HIMANSHU SANTRA has been declared as successful bidder under Rule 9 (8) of the said Auction Rules.

2. As required under Rule 10(1) of the said Auction Rules, HIMANSHU SANTRA has made payment of Rs. 900600/- (NINE LAKH SIX HUNDRED ONLY), through GRN: 19-201718-007655641-2 (SBI) dated 13.09.17, Rs. 1000000 (TEN LAKH) through GRN : 19-201718-010528180-2 (SBI) , dated- 08.11.17, Rs. 600000(SIX LAKH) through GRN : 19-201819-026720825-2 (ICICI), dated-27.07.18 & Rs. 260000(TWO LAKH SIXTY THOUSAND) through GRN: 19-201819-027060840-2 along with EMD of Rs. 241600.00/- (TWO LAKH FOURTY ONE THOUSAND SIX HUNDRED ONLY), through DRAFT NO: 005302 (CBC) dated 25/07/2017, towards one-third of the bid amount as first instalment.

Letter of Intent

Accordingly, pursuant to Rule 10 (3) of the said auction Rules, this letter of intent is hereby issued for grant of mining lease for sand in respect of sand block BURDWAN-II/KALINAGAR/181(P), 205(P)/F located in plot No.s 181(P), 205(P) in Mouza- KALINAGAR J.L. No. 160, P.S. MADHABDIHI, District Purba Bardhaman over an area of 6.04 acres (2.44 hectares) in favour of HIMANSHU SANTRA for a period of 5 (five) years subject to the following terms and conditions:

Received
Murali Das
05-12-18


- X -

Terms and Conditions

1. This letter of intent and subsequent grant of aforementioned mining lease shall be subject to the provisions of the MMDR Act, 1957, West Bengal Minor Minerals Concession Rules, 2016 and West Bengal Minor Minerals (Auction) Rules, 2016 as amended from time to time and **HIMANSHU SANTRA** shall be granted the mining lease only upon satisfactory completion of the requirements stipulated in the said Rules.
2. The balance amount of bid money shall be payable in three installments with a gap of maximum 45 days each from the date of 1st installment (Sub rule (2) of Rule 10 of auction rules).
3. **HIMANSHU SANTRA** (henceforth the successful bidder) shall furnish a Mining Plan along with Mine Closure Plan as per model format issued by the Commerce and Industries Department under letter No. 420-CI/O/MIN/GEN-MIS/16/2016(PT.) dated 28/07/2016, duly approved by the competent authority within one month from the date of issue of the Letter of Intent (LoI).
4. The successful bidder shall furnish Financial Assurance amounting Rs. 50000 (FIFTY THOUSAND ONLY) in any of the forms mentioned under Rule 18(2) of the West Bengal Minor Minerals Concession Rules, 2016 before execution of the deed of lease.
5. The successful bidder shall furnish performance security, being 10% of the bid amount in the form of bank guarantee before execution of the deed of lease mentioned under Rule 11 of the West Bengal Minor Minerals Auction Rules, 2016.
6. The successful bidder shall submit Environmental Clearance (E.C.) in respect of the above mentioned sand block duly issued by District Level Environment Impact Assessment Authority (DEIAA) or State Level Environment Impact Assessment Authority (SEIAA) or Ministry of Environment, Forests & Climate Change (MoEF&CC) as the case may be as per Environment Impact Assessment Notification 2006, as amended.
7. The successful bidder shall also obtain all other consents, approval, no-objections and the like as required under applicable laws for execution of deed of lease.
8. The successful bidder shall be bound to follow the guidelines stipulated in the Sustainable Sand Mining Management Guidelines, 2016 issued by the Ministry of Environment, Forest and Climate Change, Government of India for undertaking mining operation in the concerned sand block after registration of the duly executed mining lease.
9. The successful bidder have to furnish a Draft Mining Lease Deed in the format as specified in Form- D of the West Bengal Minor Minerals Concession Rules, 2016.
10. The Draft Mining Lease Deed should be prepared in durable papers neatly and sufficient space should be kept in between two lines in order to permit, if necessary, correction therein.
11. The Deed of Lease, after execution, shall be registered by the successful bidder at his own cost and no mining operation should be started before registration of the Deed.
12. The successful bidder shall have to incorporate all the conditions as mentioned in the West Bengal Minor Minerals Concession Rules, 2016 in the Draft Lease Deed.
13. The successful bidder shall have to comply with all the statutory requirements before presenting the Deed of Lease for execution before the appropriate authority.

14. The successful bidder shall have to collect corner coordinate of mine block for preparation of mine plan from the office of the under signed.


This Letter of Intent (LoI) shall remain valid for a period of one month from the date of its issuance and if the successful bidder is unable to fulfil all the above conditions within this period he may submit an application addressed to the District Magistrate for extension of time. Such application may be submitted to this end for due processing. The District Magistrate being the Chairperson of the District Committee, reserves the right to extend the validity of Letter of Intent (LoI) for such reasonable period as it deemed fit.


Addl. District Magistrate
&
District Land & Land Reforms Officer
Purba Bardhaman

Memo No: 304/1287(1-4) /AUCTION 17/MM/18 Date: 26/11/ 2018

Copy forwarded for information to:

1. The District Magistrate & Collector, Purba Bardhaman, West Bengal
2. The Jt. Secretary to the Govt. of W.B., Department of Large Industries and Enterprises, 4 A.N. Tagore Sarani, Camac Street, Kolkata-700016
3. The Chief Mining Officer, Court Road, Asansol, Paschim Bardhaman.
4. The B.L. & L.R.O. Bardhaman - II.


Addl. District Magistrate
&
District Land & Land Reforms Officer
Purba Bardhaman



सत्यमेव जयते

File No: EN/T-II-I/102/2024
 Government of India
 Ministry of Environment, Forest and Climate Change
 (Issued by the State Environment Impact Assessment
 Authority(SEIAA), WEST BENGAL)



Dated 23/07/2024



To,

HIMANSHU SANTRA
 Eklakhi, Raina II, PURBA BARDHAMAN, WEST BENGAL, , 713427
 himanshumine2@gmail.com

Subject: Grant of Terms of Reference under the provision of the EIA Notification 2006-regarding.

Sir/Madam,

This is in reference to your application for Grant of Terms of Reference under the provision of the EIA Notification 2006-regarding in respect of project Kalinagar Sand Mine submitted to Ministry vide proposal number SIA/WB/MIN/476968/2024 dated 07/06/2024.

2. The particulars of the proposal are as below :

(i) TOR Identification No.	TO24B0107WB5202676N
(ii) File No.	EN/T-II-I/102/2024
(iii) Clearance Type	TOR
(iv) Category	B1
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vii) Name of Project	Kalinagar Sand Mine
(viii) Name of Company/Organization	HIMANSHU SANTRA
(ix) Location of Project (District, State)	PURBA BARDHAMAN, WEST BENGAL
(x) Issuing Authority	SEIAA
(xii) Applicability of General Conditions	no
(xiii) Applicability of Specific Conditions	no

3. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-1(Part A and B) were submitted to the Ministry for an appraisal by the State Environment Impact Assessment Authority(SEIAA) in the Ministry under the provision of EIA notification 2006 and its subsequent amendments.

4. The above-mentioned proposal has been considered by State Environment Impact Assessment Authority(SEIAA) in the meeting held on 05/07/2024. The minutes of the meeting and all the Application and documents submitted [(viz. Form-1 Part A, Part B, Part C EIA, EMP)] are available on PARIVESH portal which can be accessed by scanning the



QR Code above.

5. The SEIAA, in its meeting held on 05/07/2024, based on information & clarifications provided by the project proponent and after detailed deliberations recommended the proposal for grant of Terms of Reference under the provision of EIA Notification, 2006 and as amended thereof subject to stipulation of specific and general conditions as detailed in Annexure (1).
6. The SEIAA has examined the proposal in accordance with the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and after accepting the recommendations of the State Expert Appraisal Committee (SEAC) hereby decided to grant Terms of Reference for instant proposal of M/s. HIMANSHU SANTRA under the provisions of EIA Notification, 2006 and as amended thereof.
7. **Potential impact study in the EIA should be done considering the cumulative effect of all the mines in the cluster situation, if any.**
8. The Ministry reserves the right to stipulate additional conditions, if found necessary.
9. The Terms of Reference to the aforementioned project is under provisions of EIA Notification, 2006. It does not tantamount to approvals/consent/permissions etc. required to be obtained under any other Act/Rule/regulation. The Project Proponent is under obligation to obtain approvals /clearances under any other Acts/ Regulations or Statutes, as applicable, to the project.
10. **The ToR is valid for a period of 3 years from the date of issue. EIA/EMP to be submitted before the expiry of the ToR for consideration of EC applications.**
11. This issues with the approval of the Competent Authority.

Annexure 1

Specific Terms of Reference for (Mining Of Minerals)

1. A. Standard Terms Of Reference

S. No	Terms of Reference
1.1	<ol style="list-style-type: none"> 1. Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994. 2. A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given. 3. All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee. 4. All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone). 5. Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics. 6. Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority. 7. It should be clearly stated whether the proponent Company has a well laid down Environment

S. No	Terms of Reference
	<p>Policy approved by its Board of Directors. If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/ conditions. The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.</p> <p>8. Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.</p> <p>9. The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.</p> <p>10. Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.</p> <p>11. Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.</p> <p>12. A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.</p> <p>13. Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of Net Present Value (NPV) and Compensatory Afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.</p> <p>14. Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.</p> <p>15. The vegetation in the RF / PF areas in the study area, with necessary details, should be given.</p> <p>16. A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.</p> <p>17. Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.</p> <p>18. A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan along with budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.</p> <p>19. Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the</p>

S. No	Terms of Reference
	<p>'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Department should be secured and furnished to the effect that the proposed mining activities could be considered.</p> <p>20. Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).</p> <p>21. R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectorial programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.</p> <p>22. One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.</p> <p>23. Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.</p> <p>24. The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.</p> <p>25. Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.</p> <p>26. Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.</p> <p>27. Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.</p> <p>28. Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.</p> <p>29. Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.</p> <p>30. Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.</p> <p>31. A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted,</p>

S. No	Terms of Reference
	<p>keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.</p> <p>32. Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.</p> <p>33. Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.</p> <p>34. Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.</p> <p>35. Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.</p> <p>36. Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.</p> <p>37. Measures of socio-economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.</p> <p>38. Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.</p> <p>39. Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.</p> <p>40. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.</p> <p>41. The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.</p> <p>42. A Disaster management Plan shall be prepared and included in the EIA/EMP Report.</p> <p>43. Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.</p> <p>44. Besides the above, the below mentioned general points are also to be followed:-</p> <ol style="list-style-type: none"> Executive Summary of the EIA/EMP Report (enclosed as Annexure – A). All documents to be properly referenced with index and continuous page numbering. Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated. Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project. Where the documents provided are in a language other than English, an English translation should be provided. The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted. While preparing the EIA report, the instructions for the Proponents and instructions for the

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	<p>Consultants issued by MoEF&CC vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.</p> <p>h. Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC & SEIAA with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.</p> <p>i. As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change/SEIAA, as may be applicable.</p> <p>j. The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.</p>

2. B. Additional Terms Of Reference Imposed By Seac –

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2.1	<ol style="list-style-type: none"> 1. Cluster Certificate from the competent authority. 2. Taking into consideration the replenishment rates reported in the approved DSR for Purba Bardhaman, both geological and mining reserves for second year (of production) onwards may be re-estimated and the annual production levels may be modified accordingly. 3. Drone videography of the entire project area explicitly showing the entire project site along with the existing tree plantation/green belt. Minimum 2 minute video to be submitted. 4. Photographs of the site mentioning the geo-coordinates. 5. Standard practice of management of the intermediate storage area should be submitted. 6. Means of access and egress between the embankment and the sand quarry may be clearly earmarked. The Project Proponent must commit that no hard toping or paving of any haulage route within the riverbed will be attempted. 7. A plan on the management and handling of sand during the period of intermediate stockpiling should be submitted. 8. The PP has to do tree plantation in an area equivalent to 33% of the lease area @2500 trees / ha within first two years from the starting of the mining operation. A Progressive Greenbelt Plan may be prepared. The project area being entirely on the riverbed, afforestation/ vegetation should be attempted alongside the village roads or other public land. This may be done with prior approval of the local self-governing bodies. If no public land is available for the purpose the Project Proponent shall arrange for land with his personal means. To enhance success/ survival rate the plantation shall be completed during the first two years of the project life and the plantation so done shall be taken care of during the rest of the project life. Species of the plant selected should be local and self-sustaining in that particular region. Spatial year wise progressive plantation programme to be submitted. 9. Plan showing spatial year wise distribution of the proposed greenbelt has to be submitted along-with supporting documents of administrative approval/s. 10. Being a mine in operation, the plantation created so far may be submitted with geotagged photographs. 11. EIA should also include detailed study of the baseline condition and impact on aquatic flora and fauna. 12. The project cost may include the auction bid value, estimated royalty to be paid, cost of any infrastructure built like office space, stockyard, etc. The calculation/documents to estimate the project cost should be submitted. The planned expenditure for components like need-based

S. No	Terms of Reference
	<p>activities may be derived based on the project cost.</p> <p>13. A need-based EMP may be prepared in accordance with the MoEF&CC Office Memorandum vide F. No. 22-65/2017.IA.III dated 30.09.2020. Record of communications made in this regard with the identified/ intended beneficiaries (schools/ institutions etc) may also be uploaded. The activities should be completed within the first two years of the project life.</p> <p>14. A study report on base flow level measured at 5 points with date and supporting photographs should be submitted. It should be committed that mining will be done at least 1m above the base flow level. Accordingly, if required, the excavation plan may also be revised.</p> <p>15. Management plan including the final closure plan of haul road to be submitted.</p> <p>16. Sieve analysis report for grain size distribution should be provided.</p> <p>17. Study and protection plan of the aquatic life available both during the mining and non-mining seasons should be provided.</p> <p>While applying for environmental clearance, the PP shall upload in the PARIVESH portal, the EIA/EMP report along with the documents/ submissions/ clarifications sought hereinabove.</p> <p>The West Bengal Pollution Control Board shall arrange public hearing as per EIA Notification, 2006 on submission of draft EIA/EMP prepared by the Project Proponent as per the above-mentioned ToRs. All the issues mentioned in the 'Public Hearing Report' and public consultation must also be addressed and incorporated in the final EIA / EMP report. The project proponent is requested to pursue the matter with the WBPCB for organizing the public hearing/consultation on submission of the draft EIA/EMP report as per the provision of EIA notification 2006 & its amendments. The project proponent is requested to submit the final EIA/EMP prepared as per the above-mentioned ToRs and incorporating all the issues raised during Public Hearing / Public Consultation to the SEAC for further consideration of the proposal for environmental clearance.</p> <p>The ToR is valid for a period of 3 (three) years from the date of issue.</p>

3. Annexure - A

S. No	Terms of Reference
3.1	<p style="text-align: right;">Annexure - A</p> <p style="text-align: center;">Executive Summary</p> <p>The Executive summary of the EIA/EMP report in about 8-10 pages should be prepared incorporating the information on following points:</p> <ol style="list-style-type: none"> 1) Project name and location (Village, District, State, Industrial Estate (if applicable)). 2) Products and capacities. If expansion proposal, then existing products with capacities and reference to earlier EC. 3) Requirement of land, raw material, water, power, fuel, with source of supply (Quantitative). 4) Process description in brief, specifically indicating the gaseous emission, liquid effluent and solid and hazardous wastes. 5) Measures for mitigating the impact on the environment and mode of discharge or disposal. 6) Capital cost of the project, estimated time of completion. 7) Site selected for the project - Nature of land - Agricultural (single/double crop), barren, Govt./private land, status of its acquisition, nearby (in 2-3 km.) water body, population, with in 10km. other industries, forest, eco-sensitive zones, accessibility, (note - in case of industrial estate this information may not be necessary). 8) Baseline environmental data - air quality, surface and ground water quality, soil characteristic, flora and fauna, socio-economic condition of the nearby population. 9) Identification of hazards in handling, processing and storage of hazardous material and safety system provided to mitigate the risk. 10) Likely impact of the project on air, water, land, flora-fauna and nearby population. 11) Emergency preparedness plan in case of natural or in plant emergencies.

S. No	Terms of Reference
	<p>12) Issues raised during public hearing (if applicable) and response given.</p> <p>13) Environment Management Plan (EMP) as per Office Memorandum issued by the MoEF & CC vide F. No. 22-65/2017-IA.III dated 30.09.2020 with proposed expenditure.</p> <p>14) Occupational Health Measures.</p> <p>15) Post project monitoring plan.</p>

Standard Terms of Reference for (Mining of minerals)

I.

S. No	Terms of Reference
1.1	An EIA-EMP Report shall be prepared for peak capacity (.....MTPA) operation in an ML/project area of.....ha based on the generic structure specified in Appendix III of the EIA Notification, 2006.
1.2	An EIA-EMP Report would be prepared for peak capacity operation to cover the impacts and environment management plan for the project specific activities on the environment of the region, and the environmental quality encompassing air, water, land, biotic community, etc. through collection of data and information, generation of data on impacts including prediction modeling for..... MTPA of coal production based on approved project/Mining Plan for.....MTPA. Baseline data collection can be for any season (three months) except monsoon.
1.3	If the washery is located within the mine lease or near to the mine lease its location should be cited separately also, providing pillar coordinates and site layout plan. In such cases cumulative impact of mine operation with washery to be assessed and EMP measure to be drawn to the worst scenario
1.4	Plan of mechanized transportation of coal to coal washery also for rejects and washed coal to be drawn
1.5	Proper KML file with pin drop and coordinate of mine at 500-1000 m interval be provided
1.6	A Study area map of the core zone (project area) and 10 km area of the buffer zone (1: 50,000 scale) clearly delineating the major topographical features such as the land use, surface drainage pattern including rivers/streams/nullahs/canals, locations of human habitations, major constructions including railways, roads, pipelines, major industries, mines, coal washery and other polluting sources. In case of ecologically sensitive areas such as Biosphere Reserves/National Parks/WL Sanctuaries/ Elephant Reserves, forests (Reserved/Protected), migratory corridors of fauna, and areas where endangered fauna and plants of medicinal and economic importance found in the 15 km study area should be given. The above details to be furnished in tabular form also
1.7	Map showing the core zone delineating the agricultural land (irrigated and un-irrigated, uncultivable land as defined in the revenue records, forest areas (as per records), along with other physical features such as water bodies, etc should be furnished.
1.8	A contour map showing the area drainage of the core zone and 25 km of the study area (where the water courses of the core zone ultimately join the major rivers/streams outside the lease/project area) should also be clearly indicated in the separate map.
1.9	Catchment area with its drainage map of 25 km area within and outside the mine shall be provided

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	with names, details of rivers/ riverlet system and its respective order. The map should clearly indicate drainage pattern of the catchment area with basin of major rivers. Diversion of drains/ river need elaboration in form of lengthe, quantity and quality of water to be diverted																																																
1.10	(Details of mineral reserves, geological status of the study area and the seams to be worked, ultimate working depth and progressive stage-wise working scheme until the end of mine life should be provided on the basis of the approved rated capacity and calendar plans of production from the approved Mining Plan. Geological maps and sections should be included. The Progressive mine development and Conceptual Final Mine Closure Plan should also be shown in figures. Details of mine plan and mine closure plan approval of Competent Authority should be furnished for green field and expansion projects.																																																
1.11	Details of mining methods, technology, equipment to be used, etc., rationale for selection of specified technology and equipment proposed to be used vis-à-vis the potential impacts should be provided.																																																
1.12	Impact of mining on hydrology, modification of natural drainage, diversion and channeling of the existing rivers/water courses flowing though the ML and adjoining the lease/project and the impact on the existing users and impacts of mining operations thereon.																																																
1.13	A detailed Site plan of the mine showing the proposed break-up of the land for mining operations such as the quarry area, OB dumps, green belt, safety zone, buildings, infrastructure, CHP, ETP. Stockyard, township/colony (within and adjacent to the ML), undisturbed area -if any, and landscape features such as existing roads, drains/natural water bodies to be left undisturbed along with any natural drainage adjoining the lease /project areas, and modification of thereof in terms of construction of embankments/bunds, proposed diversion/re-channelling of the water courses, etc., approach roads, major haul roads, etc should be indicated.																																																
1.14	<p>Original land use (agricultural land/forestland/grazing land/wasteland/water bodies) of the area should be provided as per the tables given below. Impacts of project, if any on the land use, in particular, agricultural land/forestland/grazing land/water bodies falling within the lease/project and acquired for mining operations should be analyzed. Extent of area under surface rights and under mining rights should be specified. Area under Surface Rights</p> <table border="1" data-bbox="336 1367 1465 1619"> <thead> <tr> <th>S.N</th> <th>ML/Project Land use</th> <th>Area under Surface Rights(ha)</th> <th>Area Under Mining Rights(ha)</th> <th>Area under Both (ha)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Agricultural land</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>Forest Land</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>Grazing Land</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td>Settlements</td> <td></td> <td></td> <td></td> </tr> <tr> <td>5</td> <td>Others (specify)</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <table border="1" data-bbox="336 1682 1214 1902"> <thead> <tr> <th>S.N.</th> <th>Details</th> <th>Area (ha)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Buildings</td> <td></td> </tr> <tr> <td>2</td> <td>Infrastructure</td> <td></td> </tr> <tr> <td>3</td> <td>Roads</td> <td></td> </tr> <tr> <td>4</td> <td>Others (specify)</td> <td></td> </tr> <tr> <td></td> <td>Total</td> <td></td> </tr> </tbody> </table>	S.N	ML/Project Land use	Area under Surface Rights(ha)	Area Under Mining Rights(ha)	Area under Both (ha)	1	Agricultural land				2	Forest Land				3	Grazing Land				4	Settlements				5	Others (specify)				S.N.	Details	Area (ha)	1	Buildings		2	Infrastructure		3	Roads		4	Others (specify)			Total	
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1.15	Study on the existing flora and fauna in the study area (10km) should be carried out by an institution of relevant discipline. The list of flora and fauna duly authenticated separately for the core and study area and a statement clearly specifying whether the study area forms a part of the migratory corridor of any endangered fauna should be given. If the study area has endangered flora and fauna, or if the area is occasionally visited or used as a habitat by Schedule-I species, or if the project falls within 15 km of an ecologically sensitive area, or used as a migratory corridor then a Comprehensive Conservation Plan along with the appropriate budgetary provision should be prepared and submitted with EIA-EMP Report; and comments/observation from the CWLW of the State Govt. should also be obtained and furnished.
1.16	One-season (other than monsoon) primary baseline data on environmental quality - air (PM10, PM2.5, SOx, NOx and heavy metals such as Hg, Pb, Cr, As, etc), noise, water (surface and groundwater), soil - along with one-season met data coinciding with the same season for AAQ collection period should be provided. The detail of NABL/ MoEF&CC certification of the respective laboratory and NABET accreditation of the consultant to be provided.
1.17	Map (1: 50, 000 scale) of the study area (core and buffer zone) showing the location of various sampling stations superimposed with location of habitats, other industries/mines, polluting sources, should be provided. The number and location of the sampling stations in both core and buffer zones should be selected on the basis of size of lease/project area, the proposed impacts in the downwind (air)/downstream (surface water)/groundwater regime (based on flow). One station should be in the upwind/upstream/non-impact/non-polluting area as a control station. The monitoring should be as per CPCB guidelines and parameters for water testing for both ground water and surface water as per ISI standards and CPCB classification wherever applicable. Observed values should be provided along with the specified standards.
1.18	For proper baseline air quality assessment, Wind rose pattern in the area should be reviewed and accordingly location of AAMSQ shall be planned by the collection of air quality data by adequate monitoring stations in the downwind areas. Monitoring location for collecting baseline data should cover overall the 10 km buffer zone i.e. dispersed in 10 km buffer area. In case of expansion, the displayed data of CAAQMS and its comparison with the monitoring data to be provided
1.19	A detailed traffic study along with presence of habitation in 100 mts distance from both side of road, the impact on the air quality with its proper measures and plan of action with timeline for widening of road. The project will increase the no. of vehicle along the road which will indirectly contribute to carbon emission so what will be the compensatory action plan should be clearly spell out in EIA/ EMP report.
1.20	The socio-economic study to conducted with actual survey report and a comparative assessment to be provided from the census data should be provided in EIA/ EMP report also occupational status & economic status of the study area and what economically project will contribute should be clearly mention. The study should also include the status of infrastructural facilities and amenities present in the study area and a comparative assessment with census data to be provided and to link it with the initialization and quantification of need based survey for CSR activities to be followed.
1.21	The Ecology and biodiversity study should also indicate the likely impact of change in forest area for surface infrastructural development or mining activity in relation to the climate change of that area and what will be the compensatory measure to be adopted by PP to minimize the impact of forest diversion.
1.22	Baseline data on the health of the population in the impact zone and measures for occupational

S. No	Terms of Reference
	health and safety of the personnel and manpower for the mine should be submitted.
1.23	Impact of proposed project/activity on hydrological regime of the area shall be assessed and report be submitted. Hydrological studies as per GEC 2015 guidelines to be prepared and submitted
1.24	Impact of mining and water abstraction from the mine on the hydrogeology and groundwater regime within the core zone and 10 km buffer zone including long-term monitoring measures should be provided. Details of rainwater harvesting and measures for recharge of groundwater should be reflected in case there is a declining trend of groundwater availability and/or if the area falls within dark/grey zone.
1.25	Study on land subsidence including modeling for prediction, mitigation/prevention of subsidence, continuous monitoring measures, and safety issues should be carried out.
1.26	Detailed water balance should be provided. The break up of water requirement as per different activities in the mining operations, including use of water for sand stowing should be given separately. Source of water for use in mine, sanction of the Competent Authority in the State Govt. and impacts vis-à-vis the competing users should be provided.
1.27	PP shall submit design details of all Air Pollution control equipment (APCEs) to be implemented as part of Environment Management Plan vis-à-vis reduction in concentration of emission for each APCEs
1.28	PP shall propose to use LNG/CNG based mining machineries and trucks for mining operation and transportation of coal. The measures adopted to conserve energy or use of renewable sources shall be explored
1.29	PP to evaluate the green house emission gases from the mine operation/ washery plant and corresponding carbon absorption plan.
1.30	PP shall explore the use of vent gases as generated from under ground Mine for use of energy generation/ in house energy consumption
1.31	Site specific Impact assessment with its mitigation measures, Risk Assessment and Disaster Preparedness and Management Plan should be provided.
1.32	Impact of stowing by using coal washery rejects/ flyash/ bottom ash shall be assessed in term of leachate generation and its characteristics
1.33	Impact of choice of mining method, technology, selected use of machinery and impact on air quality, mineral transportation, coal handling & storage/stockyard, etc, Impact of blasting, noise and vibrations should be provided.
1.34	Impacts of mineral transportation within the mining area and outside the lease/project along with flow-chart indicating the specific areas generating fugitive emissions should be provided. Impacts of transportation, handling, transfer of mineral and waste on air quality, generation of effluents from workshop etc, management plan for maintenance of HEMM and other machinery/equipment should be given. Details of various facilities such as rest areas and canteen for workers and effluents/pollution load emanating from these activities should also be provided.

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1.35	Effort be made to reduce/eliminate road transport of coal inside and outside mine and for mechanized loading of coal through CHP/ Silo into wagons and trucks/tippers.
1.36	Details of various facilities to be provided to the workers in terms of parking, rest areas and canteen, and effluents/pollution load resulting from these activities should also be given.
1.37	The number and efficiency of mobile/static water jet, Fog cannon sprinkling system along the main mineral transportation road inside the mine, approach roads to the mine/stockyard/siding, and also the frequency of their use in impacting air quality should be provided.
1.38	Impacts of CHP, if any on air and water quality should be given. A flow chart showing water balance along with the details of zero discharge should be provided.
1.39	Conceptual Final Mine Closure Plan and post mining land use and restoration of land/habitat to the pre- mining status should be provided. A Plan for the ecological restoration of the mined out area and post mining land use should be prepared with detailed cost provisions. Impact and management of wastes and issues of re-handling (wherever applicable) and backfilling and progressive mine closure and reclamation should be furnished.
1.40	Adequate greenbelt nearby areas, coal stock yard and transportaion area of coal shall be provided with details of species selected and survival rate Greenbelt development should be undertaken particularly around the transport route and CHP.
1.41	Cost of EMP (capital and recurring) should be included in the project cost and for progressive and final mine closure plan.
1.42	Details of R&R. Detailed project specific R&R Plan with data on the existing socio- economic status of the population (including tribals, SC/ST, BPL families) found in the study area and broad plan for resettlement of the displaced population, site for the resettlement colony, alternate livelihood concerns/employment for the displaced people, civic and housing amenities being offered, etc and costs along with the schedule of the implementation of the R&R Plan should be given.
1.43	CSR Plan along with details of villages and specific budgetary provisions (capital and recurring) for specific activities over the life of the project should be given.
1.44	<p>Corporate Environment Responsibility:</p> <p>a) The Company must have a well laid down Environment Policy approved by the Board of Directors.</p> <p>b) The Environment Policy must prescribe for standard operating process/procedures to bring into focus any infringements/deviation/violation of the environmental or forest norms/conditions.</p> <p>c) The hierarchical system or Administrative Order of the company to deal with environmental issues and for ensuring compliance with the environmental clearance conditions must be furnished.</p> <p>d) To have proper checks and balances, the company should have a well laid down system of reporting of non-compliances/violations of environmental norms to the Board of Directors of the company and/or shareholders or stakeholders at large.</p> <p>e) Environment Management Cell and its responsibilities to be clearly spelt out in EIA/ EMP report.</p> <p>f) In built mechanism of self-monitoring of compliance of environmental regulations should be indicated.</p>

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1.45	Submission of sample test analysis of Characteristics of coal: This should include details on grade of coal and other characteristics such as ash content, S and heavy metals including levels of Hg, As, Pb, Cr etc.														
1.46	Status of any litigations/ court cases filed/pending on the project should be provided.														
1.47	PP shall submit clarification from PCCF that mine does not falls under corridors of any National Park and Wildlife Sanctuary with certified map showing distance of nearest sanctuary.														
1.48	Copy of clearances/approvals such as Forestry clearances, Mining Plan Approval, mine closer plan approval. NOC from Flood and Irrigation Dept. (if req.), etc. wherever applicable.														
1.49	<p>Details on the Forest Clearance should be given as per the format given:</p> <table border="0" data-bbox="326 709 1559 932"> <tr> <td>Total Project Area (ha)</td> <td>ML Forest land (ha)</td> <td>Total Forest land (ha)</td> <td>Date of FC</td> <td>Extent of Forest Land</td> <td>Balance area of FC is yet to be obtained</td> <td>Status of appl For diversion of forest land</td> </tr> <tr> <td colspan="7">If more than one provide details of each FC</td> </tr> </table>	Total Project Area (ha)	ML Forest land (ha)	Total Forest land (ha)	Date of FC	Extent of Forest Land	Balance area of FC is yet to be obtained	Status of appl For diversion of forest land	If more than one provide details of each FC						
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If more than one provide details of each FC															
1.50	In case of expansion of the proposal, the status of the work done as per mining plan and approved mine closure plan shall be detailed in EIA/ EMP report														
1.51	Details on Public Hearing should cover the information relating to notices issued in the newspaper, proceedings/minutes of Public Hearing, the points raised by the general public and commitments made by the proponent and the time bound action proposed with budgets in suitable time frame. These details should be presented in a tabular form. If the Public Hearing is in the regional language, an authenticated English Translation of the same should be provided.														
1.52	PP shall carry out survey through drone highlighting the ground reality for atleast 10 minutes														
1.53	Detailed Chronology of the project starting from the first lease deed allotted/Block allotment/ Land acquired to its No. of renewals, CTO /CTE with details of no. renewals, previous EC(s) granted details and its compliance details, NOC details from various Govt bodies like Forest NOC(s), CGWA permissions, Power permissions, etc as per the requisites respectively to be furnished in tabular form.														
1.54	A copy of application submitted for 5 star rating system to Ministry of coal for expansion cases may be provided. Certificate /rating given to project shall be provided with EIA-EMP report														
1.55	The first page of the EIA/ EMP report must mention the peak capacity production, area, detail of PP, Consultant (NABET accreditation) and Laboratory (NABL / MoEF & CC certification)														
1.56	The compliances of ToR must be properly cited with respective chapter section and page no in tabular form and also mention sequence of the respective ToR complied within the EIA-EMP report in all the chapter,s section.														
1.57	Potential impact study in the EIA should be done considering the cumulative effect of all the														

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	mines in the cluster situation, if any.
1.58	The need based activity should be completed within a period of first two years of the project life. The need based activities plan containing year-wise allocation of funds for each of the activities proposed, specific information related to each activity like name of school/institution, location etc and name of Govt. bodies/agencies in collaboration with whom each activity would be executed should be submitted with the EIA Report.

Signature Not Verified

Digitally Signed by: Shri Dharmdeo Rai
IFS
Member Secretary, SEIAA

Date: 24/07/2024

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH,
KOLKATA

O. A. NO. 164/2024/EZ

In the matter of:

Debasis Biswas & Ors.

....

Applicant.

Versus

State of West Bengal & Ors.

....

Respondents.

Counter affidavit on behalf of the
Respondent No. 5, the Additional
District Magistrate and District
Land and Land Reforms Officer,
Rajbati, Purba Bardhaman.

RAJIB RAY
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