

Before The Hon'ble National Green Tribunal

Eastern Zone Bench, Kolkata

Execution Application No. 02/2025/EZ

In

Appeal No. 24/2023/EZ

Mohammad Ilyas & Anr.

Applicant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

*Reply to the* Show Cause on behalf of Member Secretary, State Level Environment  
Impact Assessment Authority (SEIAA), Jharkhand.

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Date: 26/01/25

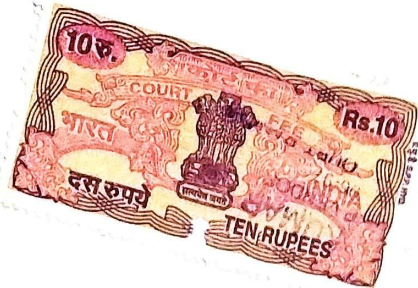
Place: ~~Kolkata~~ Ranchi



ASHOK PRASAD, Advocate

(Counsel for SEIAA, Jharkhand)

Mob. No. 9883069404



Through Advocate  
W.B. 503/2003  
26/02/2025

**Before The Hon'ble National Green Tribunal  
Eastern Zone Bench, Kolkata**

Show Cause

Execution Application No. 02/2025/EZ

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In

Ann-12-26

Appeal No. 24/2023/EZ

Rampali

26/02/2025

Mohammad Ilyas & Anr.

Applicant(s)

**Versus**

State of Jharkhand & Ors.

Respondent(s)

Reply to the **Show Cause on behalf of Member Secretary, State Level  
Environment Impact Assessment Authority (SEIAA),  
Jharkhand.**

I, Ashok Kumar, son of Late Rajendra Kumar, presently posted as Ex-Officio Member Secretary in the State Level Environment Impact Assessment Authority (hereinafter called SEIAA), Jharkhand, Ranchi do hereby solemnly affirm and state as follows:-

1. That at the very outset, this deponent tenders unqualified and unconditional apology for any inconvenience caused to this

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Hon'ble Tribunal on account of any act of omission and commissions on behalf of this deponent caused due to inadvertence.

2. That this deponent has got highest regards for the order and directions passed by this Hon'ble Tribunal and he cannot imagine even in his dream to disobey and violate the order and direction of this Hon'ble Tribunal.
3. That the present show cause is being filed in compliance of order dated 18.02.2025 passed by this Hon'ble Tribunal in the instant case.
4. That it is stated that vide order dated 23.08.2024 passed by this Hon'ble Tribunal direction was given to SEIAA, Jharkhand in the operative portion as contained in para 68, inter alia to *reconsider the matter and pass fresh order in the light of observation made herein above within a period of 2 months.*

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5. That it is stated at the outset, that this deponent took all necessary steps for compliance of order dated 23.08.2024 passed by this Hon'ble Tribunal within the stipulated time of 2 months, however due to circumstances beyond control and due to various intervening factors, reasoned order could not be passed within time and reasoned order dated 25.02.2025 has been passed by <sup>SEIAA</sup>~~SEEA~~, Jharkhand after reconsideration of the matter in accordance with provisions of law.

A copy of the order dated  
25.02.2025 is annexed  
herewith and marked as

**Annexure-R/1.**

6. That a perusal of the reasoned order dated 25.02.2025, clearly goes to show that all the facts and documents pertaining to Stone Mines of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village - Lakhanpur, Block - Bengabad, District - Giridih,

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Jharkhand (0.732 Ha) were reconsidered in view of Rules and Regulations and EIA Notification, 2006 as amended time to time by SEIAA, Jharkhand and also by providing reasonable opportunity to the Applicants/Appellants complying with the natural justice it was passed.

7. That it is stated that the entire crux of the issue pertaining to the aforesaid Stone Mines revolves around distance of the lease area from the forest boundary. It is further stated that the erstwhile DFO of the Giridih, East Division vide letter dated 25.02.2014 had reported the distance of 500 metres, but thereafter, another report was received from the successor DFO of Giridih, East Division that the distance between forest boundary and lease area is zero(0) metre and the earlier report submitted by then the DFO was incorrect and contrary to the revenue records.

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8. That it is stated that with regard to observation made by this Hon'ble Tribunal in para 64 of order dated 23.08.2024, that vide letter no. 3929 dated 16.12.2015 the PCCF HoFF, Forest Environment and Climate Change Department, Government of Jharkhand has forwarded notification no. B-12 dated 07.12.2015 issued under the signature of Member Secretary, Jharkhand State Pollution Control Board, Ranchi to all the officials in the Department of Forest Environment, and Climate Change, and a perusal of the aforesaid Notification, clearly mentions therein that minimum distance of Stone Mines and Stone Crushers from notified and demarcated Forest/Forest Land (revised) is 250 meters, and on this very criteria of distance EC is being granted by SEIAA, Jharkhand. It is also important to submit that criteria of distance is invogue since 2005, however, earlier the siting criteria was

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400 and 500 metres for Stone Mines and Stone Crushers respectively which has now been reduced to 250 metres.

A copy of the letter no. 3929 dated 16.12.2015 along with Notification No. B-12 dated 07.12.2015 are annexed herewith and marked collectively as **Annexure-R/2**.

9. That it is stated that another important fact pertains to suppression of vital material facts having bearing upon the merit of the case on behalf of the appellants and keeping in dark this Hon'ble Tribunal for reason best known to them. In this regard it is apparent from the records that EC dated 31.12.2014 was issued in favour of Mr. Arun Kumar Ladia, and mining lease has been transferred to and registered in the name of Md. Ilyas and Md. Saraj on 26.11.2021. However,

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form perusal of the records it transpires that EC has not been transferred in the name of Md. Ilyas and Md. Saraj and illegal and unauthorized mining activities were carried out by Md. Ilyas and Md. Saraj in flagrant and gross violation of provisions contained in Section 11 of EIA Notification, 2006.

10. That it is stated that on account of illegal mining carried out by Md. Ilyas and Md. Saraj, a complaint case has been lodged against Md. Ilyas and Md. Saraj both appellants under section 33(1)(b) & 33(1)(c) of the Indian Forest Act, 1927 (Bihar Amended Forest Act, 1989) in the Court of Learned Chief Judicial Magistrate, Giridih in which cognizance has been taken of the offence. It has been further found that both the Appellants have moved Hon'ble Jharkhand High Court, Ranchi for quashing of cognizance vide Cr.M.P. No. 3049 of 2024 and vide order dated 12.11.2024, Hon'ble Jharkhand High Court,

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Ranchi have directed for issuance of notice to opposite party no. 2 and 3, and the matter is sub-judice.

A True web copy of the order dated 12.11.2024 is annexed herewith and marked as

**Annexure-R/3.**

11. That it is stated that vide order dated 23.08.2024 passed in Appeal No. 24/2023/EZ, this Hon'ble Tribunal were pleased to set aside order dated 08.08.2023 of SEIAA, Jharkhand by which EC granted to the appellants were cancelled. As such, there was no occasion for referring to decision taken by SEIAA vide letter no. 319 dated 22.12.2022 keeping the EC in abeyance after setting aside of order dated 08.08.2023 of SEIAA, Jharkhand by Hon'ble Tribunal. It is further stated that due to inadvertence, such order was passed in Bonafide belief to keep the mining operation by the Appellants on hold

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during pendency of the inquiry and investigation by SEIAA, Jharkhand and till passing of an order and for this deponent begs unqualify apology.

12. That it is stated that SEIAA, Jharkhand was under immense work load and pressure on account of increased volume of files pertaining to reappraisal of EC granted by DEIAA in compliance of order dated 12.11.2024 passed by Hon'ble Apex Court in the matter of Civil Appeal Nos. 3799-3800 of 2019, Union of India Vs. Rajiv Suri and analogues cases and the subsequent Letter dated 16.11.2024 and 23.01.2025 issued by MoEFF and CC, New Delhi.

A copy of the letter dated 16.11.2024 and 23.01.2025 are annexed herewith and marked collectively as **Annexure-R/4.**

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13. That it is stated that the appellants also deliberately delayed the enquiry and investigation in context of determination of distance and appellant Arun Kumar Ladia did not present himself for joint inspection in spite of proper service of notices and intimation by SEIAA and concerned DFO which resulted in delay.
14. That in view of the statements and submissions made in the foregoing paragraphs of the instant show cause this Hon'ble Tribunal may kindly be pleased to accept the present show cause as there is substantial compliance of order dated 23.08.2024 in its true letter and spirit and this deponent begs unqualified apology for the delay caused in passing the order after reconsideration which was wholly unintentional and due to circumstances beyond control.
15. That this deponent has got highest regard for the orders and directions passed by this Hon'ble Tribunal.

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16. That this application is being made bona-fide and in the interest of justice.

*Ashok*  
26/2/25

I identify the deponent  
Amen with file no. Bhoon Kumar  
Rini 319/2025  
Dtd - 26/2/25

Oath sl. No. 1133  
Solemnly affirmed before me by deponent A. Kumar

Who is identified by A. Nath Alc  
I have satisfied my self by examining the deponent  
that he/she understands the contents of the affidavit  
which has been read and explained before me or which  
has been read and explained to him/her. The deponent  
acknowledges the same to be correct. Rampati  
H.H. Jain of Jaipur  
Dated 26/02/25 The Advocate Oath Commissioner



# State Level Environment Impact Assessment Authority, Jharkhand

Nursery Complex, Near Dhurwa Bus Stand, Dhurwa, Ranchi – 834004, Jharkhand



सत्यमेव जयते

## ORDER

The present order is being passed in compliance of order dated 23.08.2024 passed by Hon'ble National Green Tribunal/EZ in Appeal No. 24/2023/EZ (I.A. No. 50/2024/EZ), Mohammad Ilyas & Ors. Vs. State of Jharkhand & Ors.

Subject : Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (0.732 Ha).

1. The Project Proponent (herein after called PP) Shri Arun Kmar Ladia has submitted application on 07.11.2014 for grant of Environmental Clearance of the stone mining project i.e. Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (Area : 0.732 Ha) with all requisite documents such as Form-1, Pre-Feasibility Report, Mine Plan and other statutory documents like NOC given by Gram Sabha, the relevant certificates issued by CO, DMO and DFO. One of the criteria for grant of Environmental Clearance is the minimum distance of 250 meters from the nearest forest boundary.
2. That then DFO, Giridih East Division, Giridih issued the certificate regarding the distance from forest boundary and mining lease vide its letter no. 391, dated 25.02.2014, in which it was mentioned that the distance of boundary of mining lease area from notified forest boundary is more than 500 meters.



3. That on the basis of certificate of distance granted by then the DFO and taking into consideration other mandatory documents, the project proposal was appraised by then SEAC in its 24<sup>th</sup> meeting held on 15<sup>th</sup> to 18<sup>th</sup> December, 2014 and project was recommended for grant of Environmental Clearance. In the light of recommendation of SEAC, Environmental Clearance was granted by the then SEIAA in its 28<sup>th</sup> meeting held on 30<sup>th</sup> December, 2014. Accordingly EC letter was issued vide letter no. : EC/SEIAA/2014-15/518/2014/703, dated : 31.12.2014 with general and specific terms and conditions stipulated therein.
4. That after posting of the new DFO of Giridih East Division, Giridih, vide its letter no. : 4261, dated : 21.12.2022 has made a complaint that actual distance of mining lease area of Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (Area : 0.732 Ha) is only **zero(0) meter** and previous certificate issued by then DFO vide letter no 391 dated 25.02.2014 is wrong / incorrect. DFO has further stated that PP has also done illegal mining activity on plot no 01, which is notified forest and therefore a forest case has also been lodged against the PP for illegal mining on notified forest and emphasized that due to distance of zero(0) meter of aforesaid mining lease, it is causing adverse impact on forest and also requested to cancel the Environmental Clearance.
5. That after receiving the complaint from DFO, Giridih East Division, Giridih vide its **letter no. 4261, dated : 21.12.2022**, a show cause notice was issued to PP, Shri Arun Kumar Ladia vide SEIAA **letter no. : 319, dated 22.12.2022** and copy of same was forwarded to DFO, Giridih East Division whereby he was asked to conduct a Joint Inspection in presence of PP and submit the Joint Inspection Report within 10 days. Further DFO, Giridih East Division informed that 11.03.2023 was fixed for Joint Inspection in which PP did not appear. PP Shri Arun Kumar Ladia submitted his reply of show cause to SEIAA vide its **letter no. Zero, dated 10.01.2023.**



6. That thereafter a comment was sought on show cause reply given by Shri Arun Kumar Ladia (PP) from DFO, Giridih East Division, Giridih vide SEIAA letter no. 418, dated : 09.02.2023. The DFO, Giridih East Division, Giridih vide its letter no. : 1704, dated : 20.05.2023 submitted his comment and it was stated by DFO, Giridih East Division that plot no. 01 and plot no. 04 are adjacent to each other. The plot no. 01 is notified forest area and plot no. 04 is area on which mining lease has been granted. Thus distance of boundary of mining lease area i.e. plot no. 04 is at Zero (0) meter from notified forest. The actual distance of mining lease boundary is Zero (0) meter and further recommended for cancellation of the Environmental Clearance dated 31.12.2014.
7. That as per the provision contained in para 8(vi) of EIA notification 2006, 22.06.2023 was decided for personal hearing of both the parties and letter was issued vide SEIAA letter no. 142, dated 12.06.2023 to the DFO, Giridih East Division, Giridih and PP Shri Arun Kumar Ladia to appear before the Member Secretary, SEIAA on 22.06.2023 for hearing of both parties.
8. That shri Pravesh Agarwal, then DFO Giridih East Division, Giridih and Shri Arun Kumar Ladia with authorised representative Shri Raghaw Nandan Prasad appeared before Member Secretary, SEIAA on 22.06.2023. The DFO, Giridih East Division reiterated the same facts as mentioned in his clarification letter no. 1704, dated 20.05.2023 that distance between plot no. 04 (on which mining lease was granted) and plot no. 01 (notified forest land) is Zero(0) meter. He also emphasized that PP Shri Arun Kumar Ladia has also done illegal mining activity on plot no. 01, which is notified forest and produced documentary evidence like cadastral map, which clearly shows that plot no.01 is adjacent to the plot no. 04.
9. That the D.F.O., Giridih East Division has also submitted the letter no. 630 dated 26.11.2022 of Circle Officer, Bengabad, addressed to the Deputy Commissioner, Giridih under the subject "inspection report" (Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village –



Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (0.732 Ha) wherein it has been clearly written that:

“ मौजा लखनपुर थाना नं० 349, प्लॉट सं० 04 में रकवा 03 डी० पर पत्थर उत्खनन का कार्य किया गया है एवं प्लॉट सं० 05 पर उत्खनन कार्य नहीं किया गया है। खाता सं० 01, प्लॉट सं० 01 सर्वे रकवा 81 एकड़ के मध्ये 1.53 ए० पर पत्थर उत्खनन का कार्य किया गया है, जो गैरमजरूआ खास खाते की भूमि है एवं किस्म जंगल दर्ज है।”

10. That the authorized representative of the PP namely Shri Raghaw Nandan Prasad during hearing before Member Secretary, SEIAA on 22.06.2023 could not controvert the facts regarding distance given by then DFO, Giridih East Division, Giridih from the forest boundary to mining lease area.
11. That on the basis of above facts, it is clear that nearest distance of mining lease boundary from notified forest is **Zero(0) meter**. And the certificate issued by then DFO, Giridih East Division, Giridih issued vide letter no. 391, dated 25.02.2014 was incorrect and this was a very important document for Screening, Scoping and Appraisal of the project as per relevant provisions contained in EIA notification, 2006.
12. That in the light of the aforesaid facts, SEIAA in its 106<sup>th</sup> meeting held on 3<sup>rd</sup> and 04<sup>th</sup> July, 2023 has decided that Environmental Clearance granted to said project is hereby, cancelled with immediate effect under para 8(vi) of the EIA notification, 2006. The SEIAA further recommended to the State Govt. / PCCF HoFF to take appropriate disciplinary actions against erring officials of Giridih East Forest Division for issuing incorrect/wrong distance certificate.
13. That against cancellation of Environmental Clearance dated 31.12.2014, an Appeal no. 24/2023/EZ had been filed before Hon'ble NGT, Eastern Zonal Bench, Kolkata in which a counter affidavit had been filed by SEIAA, Jharkhand affirmed on 05.01.2024.

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*[Handwritten signature]*



14. That in para 5 of the counter affidavit of SEIAA, Jharkhand it was clearly stated that for grant of Environmental Clearance a minimum distance criteria of mining lease area from protected / notified forest should be 250 meters. But as per DFO, Giridih East Division letter no. 4184, dated 15.12.2022 and letter no. 4261, dated 21.12.2022 distance from mining lease area from protected / notified forest is at Zero (0) meter and same is on the record.
15. That in para 7 and para 22 of the counter affidavit of SEIAA, Jharkhand it has been stated that illegal mining has been carried out by the PP and same is on the record.
16. That under para Brief Facts K and para 3 of the counter affidavit of SEIAA, Jharkhand it has been stated that Mr. Arun Kumar Ladia has transferred the lease deed on 26.11.2021 to Md. Ilyas and Md. Saraj who are Appellant No. 1 and 2 in the instant original application. Thus, mining activity carried out from 26.11.2021 by Md. Ilyas appellant no. 1 and Md. Saraj appellant no. 2 without transfer of Environmental Clearance in their name is illegal and it is also violation of para 11 of EIA notification, 2006.
17. That on account of illegal mining carried out by Md. Ilyas and Md. Saraj, a complaint case has been lodged against Md. Ilyas and Md. Saraj both appellants under section 33(1)(b) & 33(1)(c) of the Indian Forest Act, 1927 (Bihar Amended Forest Act, 1989) in the Court of Learned Chief Judicial Magistrate, Giridih in which cognizance has been taken of the offence. It has been further found that both the Appellants have moved Hon'ble Jharkhand High Court, Ranchi for quashing of cognizance vide Cr.M.P. No. 3049 of 2024 and the matter is still sub-judice.
18. That the Hon'ble NGT has passed an order on 23.08.2024. In para 64 wherein inter alia following observation has been made :

*"..... in case there are rules or guidelines in existence with regard to the siting criteria issued by the **Forest Department or State***



*Government the SEIAA, Jharkhand shall consider the same with regard to facts of the present case and pass fresh order in this regard."*

19. That with regard to siting criteria, Principal Chief Conservator of Forest (PCCF) HoFF, Jharkhand vide letter no. 3929 dated 16.12.2015 has forwarded notification no. B-12 dated 07.12.2015 issued under the signature of Member Secretary, Jharkhand State Pollution Control Board, Ranchi to all the officials in the Department of Forest Environment, and Climate Change. That a perusal of the aforesaid Notification, clearly mentions therein that minimum distance of Stone Mines and Stone Crushers from notified and demarcated Forest/Forest Land (revised) is 250 meters, and on this very criteria of distance EC is being granted for since issuance of the aforesaid Notification 2015 and till date the aforesaid notification holds the field.

20. That Hon'ble NGT have been pleased to observe inter alia in para 67 of order dated 23.08.2024 as follows:-

*"..... The Hon'ble NGT has observed that project proponent has encroached in to plot no. 1 and carried out mining operation which is a clear violation of the condition C (2) of Environmental Clearance dated 31.12.2014 and this matter was also to be taken in to consideration while passing appropriate order thereon."*

21. That in compliance of order dated 23.08.2024 passed by the Hon'ble NGT for reconsidering the matter and passing a fresh order, the Member Secretary, SEIAA, Jharkhand issued a notice to the PP vide letter no. 280, dated 15.10.2024 for submission of following documents :-

- i. Joint Inspection Report regarding distance from forest land to mining lease area in presence of project proponent and DFO, Giridih East Forest Division with joint signature.
- ii. A clarification on the illegal mining done by you and as reported by the Circle Officer, Bengabad vide letter no. 630, dated 26.11.2022

*[Handwritten signature]*



to Deputy Commissioner, Giridih and DFO, Giridih East Forest Division vide letter no. 4184, dated 15.12.2022.

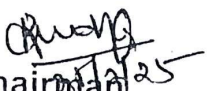
- iii. The certified mining challan from District Mining Office, Giridih during the period 01.08.2021 to 28.02.2023.
22. That in compliance of Notice no. 280, dated 15.10.2024 the PP submitted his reply on 18.11.2024 which was incomplete and not satisfactory because with regard to issue no. 1, it is stated that PP presented himself before Forest Range Officer on 25.10.2024 at 11.00 AM but from perusal of annexure, it appears that one Mr. Avinash Kumar appeared before Forest Range Officer for submission of some documents only and the said Avinash Kumar was not duly authorized by the PP for representing him.
23. That once again a reminder was issued by Member Secretary, SEIAA vide letter no. 338, dated 26.11.2024 and letter 610, dated 17.02.2025 for submission of the reply for complying with the order passed by this Hon'ble Tribunal but no satisfactory reply was submitted by PP till date of passing fresh order as directed by Hon'ble Tribunal.
24. That it is also apparent from the records that said EC dated 31.12.2014 was issued in favour of Mr. Arun Kumar Ladia and mining lease has been transferred to and registered in the name of Md. Ilyas and Md. Saraj on 26.11.2021. However, <sup>from</sup> perusal of the records it transpires that EC has not been transferred in the name of Md. Ilyas and Md. Saraj and illegal and unauthorized mining activities were carried out by Md. Ilyas and Md. Saraj in flagrant and gross violation of provisions contained in Section 11 of EIA Notification, 2006.
25. That in compliance of order dated 23<sup>rd</sup> August, 2024 passed by Hon'ble National Green Tribunal/EZ in Appeal No. 24/2023/EZ (I.A. No. 50/2024/EZ), Mohammad Ilyas & Ors. Vs. State of Jharkhand & Ors in its true letter and spirit, as also in view of the facts mentioned in the foregoing paragraphs and on the basis of all the relevant records of the Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (0.732 Ha) and after

*OPM*

*OPM*



providing reasonable opportunity to the PP and Appellants of the case, and also in view of Rules, Regulations, Guidelines, EIA Notification, 2006 as amended time to time, SEIAA duly reconsidered and has arrived at a decision that no fresh EC can be granted in favour of the Appellants.

  
Chairman  
SEIAA, Jharkhand

  
Member  
SEIAA, Jharkhand

  
Member Secretary  
SEIAA, Jharkhand

कार्यालय प्रधान मुख्य वन संरक्षक, झारखण्ड, रांची ।

पत्रांक : 11 E-19(A) 108/10 - 3929

दिनांक : 16/12/15

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सेवा में,

प्रधान मुख्य वन संरक्षक-राह-कार्यकारी निदेशक,  
वंजूर भूमि विकास बोर्ड, झारखण्ड, रांची ।प्रधान मुख्य वन संरक्षक,  
वन्यप्राणी एवं मुख्य वन्यप्राणी प्रतिपालक,  
झारखण्ड, रांची ।

राभी अपर प्रधान मुख्य वन संरक्षक, झारखण्ड ।

राभी क्षेत्रीय मुख्य वन संरक्षक, झारखण्ड ।

मुख्य वन संरक्षक, वन्यप्राणी, झारखण्ड, रांची  
क्षेत्र निदेशक, पलागू व्याघ्र परियोजना, मेदिनीनगर

राभी वन संरक्षक ।

राभी वन प्रमण्डल पदाधिकारी ।

विषय : वनभूमि पर खनन पट्टा / स्टोन केशर स्थापित करने हेतु अनापत्ति  
प्रमाण पत्र देने के संबंध में ।

महाशय,

उपर्युक्त विषय पर झारखण्ड राज्य प्रदूषण नियंत्रण पर्यद के अधिसूचना  
संख्या B-12 दिनांक 07.12.2015 की छाया प्रति के साथ संलग्न कर भेजी जा रही है,  
जो स्वतः स्पष्ट है ।अनुरोध है कि संलग्न अधिसूचना के अनुसार नियमानुसार यथा समय  
उचित कार्रवाई करना सुनिश्चित की जाय ।

अनु. : यथोक्त ।

विश्वासभाजन,

16/12/15  
प्रधान मुख्य वन संरक्षक,  
झारखण्ड, रांची ।



# JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RAANCHI-834004

Phone: 2499052, 2499051, Fax: 2499051, 2499059

Notification No. B-12

Ranchi, Date: 07/12/15

## NOTIFICATION

On the basis of the recommendation of the NOC Expert Committee of the Jharkhand State Pollution Control Board (hereinafter called as "Board"), in its meeting held on 09.11.2015 and 02.12.2015, the guidelines of the minimum distance(s) of land marks from the battery limit of the proposed unit(s) as notified in Annexure-II of the Notification No. 22, dated 22.03.2005, Memo No. 1163, dated 22.03.2005 of the Board are revised to the extent as follows :

Sl.	Type of category of Industries/Units	Minimum distance of battery of the proposed Industries/units (In meters)	
		Forest/Forest land (as notified earlier)	Notified and demarcated Forest/Forest land (revised)
8.	Stope Mines	400	250
11.	Stone Crusher	500	250

Sd/-

(Sanjay Kumar Suman)

Member Secretary

Memo No. B-5207

Ranchi, Dated: 07/12/15

Copy to : Principal Secretary, Forest, Environment and Climate Change, Govt. of Jharkhand/Principal Secretary, Mines and Geology Deptt., Govt. of Jharkhand/Principal Secretary, Industries Deptt., Govt. of Jharkhand/Director, Industries, Govt. of Jharkhand for Information and necessary action.

Sd/-

(Sanjay Kumar Suman)

Member Secretary

Memo No. B-5207

Ranchi, Dated: 07/12/15

Copy to : Section Head, Head Office/All R.O's/Board Analyst for Information and necessary action.

(Sanjay Kumar Suman)

Member Secretary

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ANNEXURE - R/3



**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No.3049 of 2024**

-----  
 Md. Saraj @ Md. Saraj Mian & Another ... Petitioners  
 Versus  
 The State of Jharkhand & Others ... Opposite Parties  
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**CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

-----  
 For the Petitioners : Mr. Rahul Kumar, Advocate  
 For the State : Ms. Vandana Bharti, Addl.P.P.  
 -----

**Order No:-02 Dated:-12-11-2024**

Heard the parties.

Issue notice to the opposite party Nos.2 to 3

The petitioners are directed to file requisites for service of notice upon the opposite party Nos.2 to 3 by registered post with A/D as well as under process of the court within four weeks; failing which, this Cr.M.P. shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case requisites are filed, list this case after receipt of the service report of the notice issued to the opposite party Nos.2 to 3.

**(Anil Kumar Choudhary, J.)**

Saroj/

ANNEXURE R/4~~XS~~URGENT COURT MATTER  
REMINDER

F. No. IA-L-11011/102/2022-IA-I (M) - NCM  
 Government of India  
 Ministry of Environment, Forest and Climate Change  
 Impact Assessment Division

2<sup>nd</sup> Floor, Vayu Wing  
 Indira Paryavaran Bhawan  
 Jor bagh Road, Aliganj  
 New Delhi - 110 003

Date: 16.11.2024

To,

The Chairman / Member Secretaries,

State Environment Impact Assessment Authority(SEIAA) & State Expert Appraisal Committee(SEAC), of all the States and UTs.

**Sub: In compliance to the Order dated 12.11.2024 passed by the Hon'ble Supreme Court in Civil Appeal Nos. 3799-3800/2019 in the matter of Union of India Vs. Rajiv Suri.- rog.**

Sir,

This is in continuation to the Ministry's earlier letters of even no. dated 06.02.2023, 14.03.2023, 09.08.2023, 11.08.2023, 01.03.2024, 19.06.2024 and 19.09.2024 requesting information in compliance to the order passed by the Hon'ble NGT (dated 07.12.2022 and 08.08.2024) in OA No. 142 of 2022 in the matter of Jayant Kumar Vs. MoEF&CC & Ors. It was also requested to provide the information with regard to the reappraisal of the ECs issued by DEIAA.

Earlier, the Hon'ble Tribunal vide Judgment dated 08.08.2024 directed that, "...ECs granted by DEIAAs upto 11.12.2018, must be appraised/re-appraised by concerned SEIAAs within three months from this judgment...".

2. In the above context, it is to inform that the Hon'ble Supreme Court of India on 12.11.2024 pronounced an order in Civil Appeal Nos. 3799-3800/2019 in the matter of Union of India Vs. Rajiv Suri (copy of order is enclosed).

3. It is further informed that vide order dated 12.11.2024 the Hon'ble Supreme Court has directed that, "...We have heard the learned counsel for the parties at some length. Keeping in view the peculiar facts and circumstances of the present case, we extend the time for completion of re-appraisal by the State Environment Impact Assessment



Authorities till 31.03.2025. This direction will apply in the cases where the Environment Clearance is valid, as mining activity can only continue during the period of validity of the EC.

There may be parties who have not applied to SEIAA for such re-appraisal. They may do the same within a period of three weeks from today.

The State Governments will also ensure that SEIAA, where not constituted, are constituted within a period of six weeks from today...."

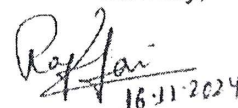
4. In view of the above, SEIAA of all states are requested to expedite the process of reappraisal of Environment clearances issued by DEIAA. The SEIAAs are also requested to provide updated information of the reappraised ECs issued by DEIAA.

5. The concerned State Authorities are also requested to comply with the directions passed by the Hon'ble Supreme Court vide its order dated 12.11.2024. This may kindly be treated as **MOST URGENT**.

This issues with the approval of the Competent Authority.

Encl: - As above

Yours faithfully,

  
16.11.2024

(Rajeev Ranjan)  
Scientist 'E'

E-mail: ranjan.rajeev@nic.in

Copy to:

1. Chief Secretaries of all the states and UTs (for kind information and necessary action with respect to Hon'ble SC order dated 12.11.2024)
2. DDGs/ Incharge of all Regional offices and Sub Regional offices of the Ministry of Environment, Forest and Climate Change (for kind information and necessary action please).

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**URGENT COURT MATTER**  
**REMINDER**

**F. No. IA-L-11011/102/2022-IA-I (M) - NCM**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**Impact Assessment Division**

2<sup>nd</sup> Floor, Vayu Wing  
Indira Paryavaran Bhawan  
Jor bagh Road, Aliganj  
New Delhi - 110 003  
Date: 23.01.2025

To,

The Chairman / Member Secretaries,  
State Environment Impact Assessment Authority(SEIAA) & State Expert Appraisal  
Committee(SEAC), of all the States and UTs.

**Sub: Information in compliance to the Order dated 12.11.2024 passed by the Hon'ble  
Supreme Court in Civil Appeal Nos. 3799-3800/2019 in the matter of Union of India Vs.  
Rajiv Suri - reg.**

Madam / Sir,

This is in continuation to the Ministry's earlier letter of even no. dated 16.11.2024 regarding compliance of the directions passed by the Hon'ble Supreme Court vide its order dated 12.11.2024.

2. In the above context, it is again informed that the Hon'ble Supreme Court of India on 12.11.2024 had *extended the time for completion of re-appraisal by the State Environment Impact Assessment Authorities till 31.03.2025* (copy of order is enclosed).

3. The Hon'ble Supreme Court on 12.11.2024 had further directed that, "*...There may be parties who have not applied to SEIAA for such re-appraisal. They may do the same within a period of three weeks from today.*

*The State Governments will also ensure that SEIAA, where not constituted, are constituted within a period of six weeks from today...."*

4. The SEIAAs and concerned State Authorities are requested to ensure strict adherence to the directions issued by the Hon'ble Supreme Court in its order dated 12.11.2024.




5. SEIAA of all states and UTs are also requested to expedite the process of reappraisal of Environment clearances (ECs) issued by DEIAA in accordance with the order dated 12.11.2024. Additionally, it is also requested to provide an updated information on the number of ECs that have been reappraised by the SEIAAs as of 20.01.2025. This may kindly be treated as **MOST URGENT**.

This issues with the approval of the Competent Authority.

Encl: - As above

Yours faithfully,

  
23.01.25  
(Rajeev Ranjan)  
Scientist 'E'

E-mail: [ranjan.rajeev@nic.in](mailto:ranjan.rajeev@nic.in)

Copy to:

1. Chief Secretaries of all the states and UTs (for kind information and necessary action with respect to the Hon<sup>ble</sup> Supreme Court order dated 12.11.2024).
2. DDGs/ Incharge of all Regional offices and Sub Regional offices of the Ministry of Environment, Forest and Climate Change (for kind information and coordination with SEIAAs please).

STAMP

Before, The National Green Tribunal  
Eastern Zone Bench, Kolkata

VAKALATNAMA FOR Respondent

Executed Case No. 02/..... of 20.25/12.....

Mohammed Uyar S. Am, ..... Petitioner (S)/  
Appellant (S)

Versus

State of Jharkhand Govt ..... Opp Party (ies)  
Respondent (S)



Know all men by these present that by this Vakalatnama I/We  
Do hereby Ashok Kumar, S/o Late Rajendra Kumar, Presently posted  
as Ex-officio Member Secretary in SEIAA, Jharkhand, Ranchi

Appoint the advocates noted below in the margin or any of them as my/our lawful  
advocate in the above mentioned case for appearing in conduction and arguing the  
same, for depositing or withdrawing any money in connection therewith for putting  
in papers, petition etc on my/our behalf for filling or taking back any document, or  
withdrawing suit or appeal with permission to institute fresh suit etc. and make  
compromise and for referring the case to arbitration and for doing all act that be  
necessary to be done in connection with the said case. I/We further say that any  
Vakalatnama shall be considered as my/our true and lawful act.

Mr. Ashok Prasad, Advocate

Mr. B'

Mr.

To be above effect we execute this Vakalatnama

Date 26/2/..... 20.25.....

Received Vakalatnama from the executant / through Respondent  
.....and accepted on satisfaction.



**(ASHOK PRASAD)**

**Advocate**

**Enrolment No. WB/303/2003**

**D - 17B, Tagore Park**

**Kolkata - 700039**