

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(EASTERN ZONAL BENCH),  
KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>rd</sup> FLOOR, NEW TOWN  
Under Section 18 read with Section 16 of the National  
Green Tribunal Act 2010.**

APPEAL NO-<sup>08</sup>-----2025/EZ

**IN THE MATTER OF**

- (i) Mohammad Ilyas
- (ii) Md Saraj
- (iii) Arun Kumar Ladia

.....Appellant

**VERSUS**

SEIAA JHARKHAND & ORS

..... Respondents

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*Paushali Banerjee*

**Paushali Banerjee**

**Advocate**

**7A, Kiron Shankar Roy Road**

**Kolkata-700001**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
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**Under Section 18 read with Section 16 of the National  
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- (i) Mohammad Ilyas
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.....Appellant

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..... Respondents

SYNOPSIS

That the *Appellants* above named begs to present this *Appeal*  
raising a substantial question of law with regard to:

Inoperative and imaginary order dated 25.02.2025 passed by SEIAA, Jharkhand purportedly in compliance of order dated 23.08.2024 passed by National Green Tribunal in Appeal No. 24/2023/EZ Mohammad Ilyas and others Versus State of Jharkhand without any Jurisdiction of SEIAA in passing a futuristic order dated 25.02.2025 without any application pending before it. Hence this Appeal.

**Paushali Banerjee**  
**Advocate**  
**7A, Kiron Shankar Roy Road**  
**Kolkata-700001**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(EASTERN ZONAL BENCH),  
KOLKATA, WEST BENGAL  
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**Under Section 18 read with Section 16 of the National  
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APPEAL NO-----2025/EZ

**IN THE MATTER OF**

1. Mohammad Ilyas
2. Md Saraj
3. Arun Kumar Ladia

.....Appellant

**VERSUS**

SEIAA JHARKHAND & ORS

..... Respondents

**LIST OF DATES**

31.12.2014	SEIAA, Jharkhand granted environment clearance for stone mining lease of Arun
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	Kumar Ladia over Plot No. 4 & 5(P) of Mauza Lakhanpur Area 0.732 Hectares
22.12.2022	SEIAA, Jharkhand passed order to keep the environment clearance dated 31.12.2014 in abeyance on complaint of new DFO, Giridih East that the lease area is at zero distance from protected forest land and the earlier report of DFO, Giridih East reporting a distance of 500 meters from protected forest vide letter No. 391 dated 25.02.2014 was a mistake of fact
07.02.2023	Petitioners filed transfer application before SEIAA, Jharkhand for transfer of EC dated 31.12.2014.
08.08.2023	SEIAA, Jharkhand cancelled the environment clearance dated 31.12.2014 with immediate effect on zero forest distance issue
23.08.2024	NGT, Eastern Zone Bench set aside the order of the SEIAA, Jharkhand dated 08.08.2023 and directed the SEIAA, Jharkhand to reconsider the matter and pass fresh order in the light of the observations made in Appeal No. 24/2023/EZ

15.10.2024	SEIAA, Jharkhand once again passed abeyance order on EC dated 31.12.2014 as ordered earlier by SEIAA on 22.12.2022
25.02.2025	SEIAA, Jharkhand passed order dated 25.02.2025 purportedly in compliance to order dated 23.08.2024 without referring the transfer application dated 07.02.2023 <b>Impugned Order</b>
03.03.2025	NGT Eastern Zone Bench passed order dated 03.03.2025 in Execution Application No. 02/2025/EZ in Appeal No. 24/2023/EZ.

**Paushali Banerjee**  
**Advocate**  
**7A, Kiron Shankar Roy Road**  
**Kolkata-700001**

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**(EASTERN ZONAL BENCH),**

**KOLKATA, WEST BENGAL**

**FINANCE CENTRE, 3<sup>rd</sup> FLOOR, NEW TOWN**

**MEMORANDUM OF APPEAL**

**Under Section 18 read with Section 16 of the National  
Green Tribunal Act 2010.**

**Appeal No                      OF 2025**

**IN THE MATTER OF**

1. Mohammad Ilyas S/o Ahmad Ali resident of Nimadih. P.O.  
-Arkhang, P.S.- Dhanwar, District-Giridih Pin-815310
2. Md. Saraj S/o Sadik Miyan, resident of Baijudih, P.O.-  
Kubri, P.S.-Dhanwar, District-Giridih- 815310
3. Arun Kumar Ladia S/o Late Vishwanath Prasad resident  
of Vill-Tundi, P.O & P.S: Giridih, District: Giridih, PIN-  
815301 (Project proponent)

.....Appellant

**VERSUS**

State Level Environment Impact Assessment Authority  
(SEIAA), Jharkhand represented through its Member  
Secretary, Nursery Complex, Near Dhurwa Bus Stand,  
Dhurwa, Ranchi, 834004 ,Email:msseiaa.jhr@gmail.com

chr-seiaajhr@gov.in

.....Respondent

**MOST RESPECTFULLY SHOWETH :**

- I. The Appellant above named are the law abiding citizen of India and residing at the address mentioned in the cause title for service of notices of this application and that of his representation.
- II. That the addresses of the respondents are given above for service of notice of this application.
- III. That the Appellant above named begs to present this Appeal raising a substantial question of law ~~with~~ regard to
  - (i) Inoperative and imaginary order dated 25.02.2025 passed by SEIAA, Jharkhand purportedly in compliance of order dated 23.08.2024 passed by National Green Tribunal in Appeal No. 24/2023/EZ Mohammad Ilyas and others Versus State of Jharkhand.

- (ii) Jurisdiction of SEIAA in passing a futuristic order dated 25.02.2025 without any application pending before it.

IV. The present Appeal is being filed under Section 18(1) read with Section 16 of National Green Tribunal Act, 2010 (for short NGT Act) on behalf of the Appellant. The appellants are citizen of India engaged in business at Giridih in the State of Jharkhand.

**BRIEF FACTS OF THE CASE:**

1. Arun Kumar Ladia S/o Late Bishwanath Prasad Ladia resident of Tundi Road, Giridih, P.S. Giridih, District Giridih was granted a mining lease of stone minor mineral over 1.81 Acres of land situated in Mouza - Lakhanpur, Police Station-Bengabad District, Registration Office-Giridih, bearing cadastral survey No./Thana No.-349 over Khata No.-02 & 04 ,Plot No.-04 & 05 under Jharkhand Minor Mineral Concession Rules, 2004 for a period of 10 years with effect from 05.02.2015 after fulfilment of all statutory criteria.
2. That the project proponent Arun Kumar Ladia has been granted the Environment Clearance by SEIAA vide letter

No. EC/SEIAA/2014-15/518/2014/703 dated  
31.12.2014.

A photocopy of EC letter No. EC/SEIAA/2014-15/518/2014/703 dated 31.12.2014 is annexed herewith and marked as **Annexure-1** to this Appeal.

3. That in the due course of time the Applicant Arun Kumar Ladia transferred this mining lease in favour of Mohammad Ilyas and Md. Saraj and the said transfer deed was executed by the Deputy Commissioner, Giridih on 26.11.2021 duly registered on 30.11.2021 before District Sub Registrar Giridih. Further the transferee lessee Mohammad Ilyas and Md. Saraj has also filed renewal application for the aforesaid mining lease on 19.09.2024 before competent authority.
4. That in the 9 th year of this mining lease the SEIAA ordered to keep the environment clearance No. EC/SEIAA/2014-15/518/2014/703 dated 31.12.2014 in abeyance and then finally cancelled the Environment Clearance on the complaint of Divisional Forest Officer (DFO) , Giridih East which became the subject matter of Appeal No. 24/2023/EZ Mohammad Ilyas & Ors Versus State of Jharkhand.

5. That the aforesaid Appeal No. 24/2023/EZ was allowed by the National Green Tribunal, Eastern Zone Bench, Kolkata in following terms vide order dated 23.08.2024

*“68. We, therefore, allow the present Appeal and set aside the order of the SEIAA, Jharkhand, dated 08.08.2023 and direct the SEIAA, Jharkhand, to reconsider the matter and pass fresh order in the light of the observations made hereinabove within a period of two months”*

A photocopy of order of NGT, Eastern Zone Bench, Kolkata dated 23.08.2024 passed in Appeal No. 24/2023/EZ is annexed herewith and marked as **Annexure-2** to this Appeal

6. That the SEIAA, Jharkhand did not comply the order dated 23.08.2024 of NGT, Eastern Zone Bench within prescribed time limit in the garb of field verification by the Divisional Forest Officer, Giridih and instead once again passed order dated 15.10.2024 for keeping the environment clearance in abeyance as before.

A photocopy of order of order dated 15.10.2024 passed by SEIAA, Jharkhand is annexed herewith and marked as **Annexure-3** to this Appeal

7. That the petitioners were constrained to file Execution Application No. 02/2025/EZ in Appeal No. 24/2023/EZ and during the pendency of the execution application, the SEIAA, Jharkhand passed order dated 25.02.2025 in following terms-

“25.....  
.....  
.....and after 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”

A photocopy of order dated 25.02.2025 passed by SEIAA, Jharkhand in compliance to order dated 23.08.2024 of NGT is annexed herewith and marked as **Annexure-4** to this Appeal as **Impugned Order**.

8. That ultimately, the Execution Application No. 02/2025/EZ in Appeal No. 24/2023/EZ was disposed of vide order dated 03.03.2025 of NGT, Eastern Zone Bench in following terms-

*“12 Learned Senior Counsel, therefore, submits that by this order the SEIAA, Jharkhand, has virtually foreclosed the right of the Appellants for grant of Environment Clearance in future.*

*13. In our considered opinion, the issuance of fresh Environmental Clearance in future is neither for consideration before us nor can we express any opinion thereon. The consequences of the order dated 23.08.2024 shall follow, in compliance of which the SEIAA, Jharkhand, has also withdrawn the objectionable portion of the order dated 15.10.2024.*

*14. In view of the above, nothing further remains for adjudication in the present Execution Application and the same is accordingly disposed of.”*

A copy of order dated 03.03.2025 of NGT, Eastern Zone Bench in Execution Application No. 02/2025/EZ in Appeal No. 24/2023/EZ is annexed herewith and marked as **Annexure-5** to this Appeal

9. That the respondent authority failed to appreciate that the Environmental clearance dated 31/12/14 is in subsistence

and the Appellants have not applied before the respondent authority for any fresh Environmental clearance.

10. That the respondent authority failed to appreciate that application of fresh Environmental Clearance is a contingent event which may or may not happen in future. It is pertinent to mention here that contingent event or events are not enforceable in law, therefore the impugned order is bad in law.
11. That the respondent authority have no powers to blacklist or debar any person for his future endeavor or enterprise in this manner of exercise of powers which is in excess of jurisdiction of SEIAA
12. That the SEIAA has deliberately suppressed the reference of application for transfer of environment clearance dated 31.12.2014 filed by the petitioners on 07.02.2023 within prescribed time limit allowed by the Office Memorandum dated 03.11.2023 of Ministry of Environment, Forest and Climate Change, Government of India. It is pertinent to record here that SEIAA is duty bound to consider the transfer application dated 07.02.2023 filed within prescribed time limit permitted by the MoEFCC and cannot summarily pass order that "*.....no fresh EC can be granted in favour of the Appellants*" to frustrate the transfer obliquely and/or indirectly without referring the same.
13. The Appellant states that the directions of this Hon'ble Tribunal in order dated 23.08.2024 passed by NGT,

Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors was upon “ *the Respondent No.1, State Respondent, Government of Jharkhand, to carry out the expert exercise for determination of siting criteria for stone quarries/mines with reference to notified and demarcated forest/forest land and complete the same within a period of two months and notify the siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land consistent with existing laws, if not already in existence.*”

14. The Appellant states that until and unless the State carries out the expert exercise and the *Siting* criteria is notified for establishment of stone mines from forest land, the distance criteria of a mining lease from forest is irrelevant in absence of any siting criteria for stone mining lease.
15. the Appellants are grossly aggrieved and dissatisfied with the impugned order dated 25.02.2025 of SEIAA, Jharkhand and hence this Appeal on following grounds

#### **GROUND**

- i. That when SEIAA, Jharkhand has “.....*withdrawn the objectionable portion of the order dated 15.10.2024....*” as recorded in the NGT order dated 03.03.2025, the

environment clearance dated 31.12.2014 stands restored with consequences to follow.

- ii. That the SEIAA, Jharkhand has passed order dated 25.02.2025 whose operative part is that “.....no fresh EC can be granted in favour of the Appellants” while no application for fresh EC has ever been applied or filed by the Appellants before SEIAA, Jharkhand. As such this order in itself is infructuous, inoperative and imaginary.
- iii. That the SEIAA, Jharkhand has got no powers to blacklist or debar any person for his future endeavor or enterprise in this manner of exercise of powers which is in excess of jurisdiction of SEIAA.
- iv. That the SEIAA has deliberately suppressed the reference of application for transfer of environment clearance dated 31.12.2014 filed by the petitioners on 07.02.2023 within prescribed time limit allowed by the Office Memorandum dated 03.11.2023 of Ministry of Environment, Forest and Climate Change, Government of India. It is pertinent to record here that SEIAA is duty bound to consider the transfer application dated 07.02.2023 filed within prescribed time limit permitted by the MoEFCC and cannot summarily pass order that “.....no fresh EC can be granted in favour of the Appellants” to frustrate the transfer obliquely and/or indirectly without referring the same.

A copy of acknowledgement of transfer application dated 07.02.2023 filed by the petitioners before SEIAA, Jharkhand and Office Memorandum dated 03.11.2023 of MoEFCC, Government of India are annexed herewith and marked as **Annexure-6 & 6/1** to this Appeal

- v. That the Divisional Forest Officer, Giridih East has still not demarcated the portion of protected forest land measuring 49.90 Acres/48.02 Acres out of full area of 81 Acres of Plot No. 01 of Mauza Lakhanpur. Even if State Government fixes any siting criteria for stone mining lease in future, the distance of mining lease is to be measured from protected forest/reserve forest only and not from *jungle jhari* land in terms with Specific Condition A-6/10 of environment clearance dated 31.12.2014.
- vi. That the enquiry initiated by the Divisional Forest Officer, Giridih East do not hold any water as no expert exercise for notification of siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land by the State Government have been undertaken by the State . It is pertinent to mention here that correspondences contained in letter no. 337 dated 18.10.2024 and 3846 dated 28.12.2024 of DFO , have been duly replied by the petitioners.

Photocopy of letter no. 337 dated 18.10.2024 and 3846 dated 28.12.2024 of DFO, Giridih East and the reply dated 25.10.2024/16.1.2025 of petitioners are annexed herewith and marked as **Annexure-7 Series** to this Appeal.

- vii. That the impugned order of SEIAA, Jharkhand is bad in law for the respondent authority failed to appreciate that application of fresh Environmental Clearance is a contingent event which may or may not happen in future. It is pertinent to mention here that contingent event or events are not enforceable in law, moreover the respondent authority took shelter behind Divisional Forest Officer, Giridih East for non-consideration of transfer application dated 07.02.2023 read with MoEFCC Office Memorandum dated 03.11.2023.
- viii. That the SEIAA, Jharkhand is not the State Government of Jharkhand as it is acting while giving directions to Divisional Forest Officer, Giridih East to frustrate the transfer of environment clearance.
- ix. That as far as Forest Offence Complaint Case No. 2656/2022 under Section 33(1)(b) and 33(1)(c) of the Indian Forest Act is concerned, the named accused persons Md Saraj and Md Ilyas have moved Hon'ble High Court of Jharkhand against cognizance dated

16.08.2024 taken by learned Chief Judicial Magistrate, Giridih in Cr. M.P.3049/2024.Hon'ble High Court of Jharkhand has already issued notices to Opposite Party No. 2 to 3 vide order dated 12.11.2024.The matter is subjudiced since then.

A photocopy of order dated 12.11.2024 passed by Hon'ble High Court of Jharkhand is annexed herewith and marked as **Annexure-8** to this Appeal

- x. That the other grounds shall be urged/submitted at the time of hearing.

**INTERIM PRAYER:-**

It is therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

Stay and/Quash and/or Rescind the impugned order dated 25.02.2025 of SEIAA, Jharkhand passed in excess of jurisdiction till the disposal of the Appeal.

**TERRITORIAL JURISDICTION:-**

SEIAA Jharkhand has exceeded its jurisdiction while passing impugned order dated 25.02.2025 and hence the Eastern Zone Bench of this Hon'ble Tribunal has territorial jurisdiction to entertain the present application.

**LIMITATION :-**

That the impugned order has been passed by SEIAA, Jharkhand on 25.02.2025 and the NGT, Eastern Zone Bench has disposed of the Execution Application No. 02/2025/EZ in Appeal No. 24/2023/EZ on 03.03.2025. The order of SEIAA was passed during the pendency of the Execution Application No.2/25/EZ, the Advocate of the Appellant was suffering from acute uveitis on her right eye and therefore the Appellant could not communicate with the Advocate -on-record of the Appellant, on 04/04/25 the Advocate on record after a discussion with the Appellant started preparing the Appeal and the Appeal was filed on 14/04/25, there is a delay of nineteen days which may be condoned considering the medical emergency of the Advocate on record.

**PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to quash/set aside the impugned order dated 25.02.2025 passed by SEIAA, Jharkhand.

**And/or**

Pass such other order as deemed fit and proper in the interest of environmental justice, equity and fair play.

**AFFIDAVIT**

I, Mohammad Ilyas S/o Ahmad Ali resident of Nimadih. P.O. – Arkhango, P.S.- Dhanwar, District-Giridih, do solemnly affirm and say as follows ;

1. I am the Applicant No.1 and I on behalf of the other two Applicants affirm this Application being one of the transferee of the mining lessee as such I am aware of the facts of this Application before this Hon'ble Tribunal.

2. That the contents of paras 2 to 15 of the Application are based on information and/or derived from sources I verily believe to be true. I have not suppressed any material facts; the rest of the paragraphs are my humble submissions.



M. Ilyas  
Appellant

Date- **Identified by me**

Prepared in my office

Panchabandhu  
Advocate  
WB/1407/2006

Solemnly Affirmed and  
Declared before me u/s  
139 CPC and u/s 333BNS 2023

Banerjee  
Notary  
Govt. of West Bengal

07.04.2025

**SUBHENDU BANERJEE**  
Notary, Govt. of W.B  
Regd. No. 008/2022  
Advocate High Court, Calcutta

**07 APR 2025**

**VERIFICATION**

I, Mohammad Ilyas S/o Ahmad Ali resident of Nimadih. P.O. - Arkhango, P.S.- Dhanwar, District-Giridih, do verify that

1. I am the Applicant No.1 and I on behalf of the other two Applicants verify this Application being one of the transferee of the mining lessee as such I am aware of the facts of this Application before this Hon'ble Tribunal
2. That the contents of paras...1...to 15...of the Application are based on information and/or derived from sources I verily believe to be true. I have not suppressed any material facts; the rest of the paragraphs are my humble submissions.

Appellant

*M. Ilyas*

Date- **Identified by me**

Prepared in my office

*Paushali Banerjee*  
*WB Jnr/2006*



Solemnly Affirmed and Declared before me u/s 139 CPC and u/s 333BNSS 2023

*Banerjee*  
Notary  
Govt. of West Bengal  
07.04.2025

**SUBHENDU BANERJEE**  
Notary, Govt. of W.B  
Regd. No. 008/2022  
Advocate High Court, Calcutta

**07 APR 2025**



State Level Environment Impact Assessment Authority, Jharkhand.

C - 170, Road No. 4, Ashok Nagar, Ranchi, Jharkhand.834 002.  
Tel #: 0651-2243488; Fax #: 0651-2243487.  
E-mail: [info@jseiaa.com](mailto:info@jseiaa.com); website: [www.jseiaa.org](http://www.jseiaa.org)

Letter No.- EC/ SEIAA / 2014-15 / 518/ 2014/ 703

Ranchi, Date: 31/12/14

To: **Mr. Arun Kumar Ladia,**  
S/o- Late Vishwanath Prasad,  
At-Tundi, P.O+ P.S- Giridih,  
District- Giridih,  
Jharkhand-815 301.

Sub.: Environmental Clearance for the project "Stone Mine of Mr. Arun Kumar Ladia at Plot No.- 4 & 5 (P), Village - Lakhanpur, Block- Bengabad, District- Giridih, Jharkhand (Area- 0.732 Ha.)".

Sir,

It is in reference to the project "Stone Mine of Mr. Arun Kumar Ladia at Plot No.- 4 & 5 (P), Village - Lakhanpur, Block- Bengabad, District- Giridih, Jharkhand (Area- 0.732 Ha.)" submitted by you for seeking prior Environmental Clearances(EC).

The proposal was appraised by State Level Expert Appraisal Committee (SEAC) and recommended for grant of Environmental Clearance in its meeting held on 15<sup>th</sup> to 18<sup>th</sup> December 2014.

The details of mine capacity as provided in Mining Plan Report are as follows-

- 1. Mineable Proved Reserve 96,188 tonnes
- 2. Year-wise Production as proposed under Mining Plan Report for five years is as follows
 

1. 1 <sup>st</sup> Year	10,214 t
2. 2 <sup>nd</sup> Year	10,263 t
3. 3 <sup>rd</sup> Year	10,252 t
4. 4 <sup>th</sup> Year	10,341 t
5. 5 <sup>th</sup> Year	10,276 t
- 3. The daily production as per Form 1 is 35 tonnes.

State Level Environment Impact Assessment Authority (SEIAA), Jharkhand in its meeting held on 30.12.2014 discussed the project proposal along with recommendations made by SEAC and decided to grant EC to the project.

Following the decision of SEIAA, as mentioned above, Environmental Clearance is hereby issued to the project "Stone Mine of Mr. Arun Kumar Ladia at Plot No.- 4 & 5 (P), Village - Lakhanpur, Block- Bengabad, District- Giridih, Jharkhand (Area- 0.732 Ha.)" alongwith the following conditions-

**A. Specific Conditions**

- 1. That the proponent shall obtain approval of mining plan within 3 months from the committee constituted by the Deptt. of Mines & Geology, Govt. of Jharkhand from the date of grant of environmental clearance and the proponent shall be bound to comply the additional conditions framed by the Deptt. of Mines & Geology.

*[Handwritten signature]*

*[Handwritten signature]*

- 24 -
2. The environmental clearance is subject to grant of mining lease by the Department of Mines, Government of Jharkhand to PP and all other Statutory Conditions as imposed by various agencies / District Authorities are complied with.
  3. The project proponent shall obtain Consent to Establish and Consent to Operate from the Jharkhand State Pollution Control Board, Ranchi and effectively implement all the conditions stipulated therein.
  4. At the time of obtaining Consent to establish/ Consent to Operate, PP should submit site map duly signed by PP and DMO to JSPCB & SEIAA.
  5. At the time of obtaining consent to operate, PP will erect boundary pillars to demarcate boundary of lease. GPS reading, backward - forward bearing & pillar to pillar distance is to be written on each pillar. Pillar wise list will be submitted to SEIAA and JSPCB before issue of Consent to Establish/ Consent to Operate.
  6. No mining shall be undertaken in the forest area without obtaining requisite prior forestry clearance. Minimum distance shall be maintained from Reserved / Protected Forest as stipulated in SEIAA Guidelines.
  7. Environmental clearance is subject to final order of the Hon'ble Supreme Court of India / MOEF Guidelines applicable to Minor Minerals.
  8. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, as may be applicable to this project (in case any fauna occurs / is found in the Project area). No damage is to be done to fauna if found in ML area (as mentioned in various schedules). In case found they should be given protection, collected alive with the help of the expert and transferred them or handing over them to the concerned authorities.
  9. The mining operations shall be restricted to above ground water table and it should not intersect the groundwater table. In case of working below the ground water table, prior approval of the Ground Water Directorate, Government of Jharkhand / Central Ground Water Board shall be obtained. Benches height and slope shall be maintained as per approved Mining Plan. The Mining Plan has to be got approved by concerned authorities as per SEIAA guidelines. Safety measures shall be adopted in line with DGMS Guidelines.
  10. PP shall maintain minimum distance from Reserved / Protected Forests as stipulated in applicable guidelines.
  11. The project proponent shall ensure that no natural watercourse and / or water resources shall be obstructed due to any mining operations. Adequate measures shall be taken for conservation and protection of the first order and the second order streams, if any emanating / passing through the mine lease area during the course of mining operation.
  12. The top soil, if any shall temporarily be stored at earmarked site(s) only and it should not be kept unutilized for long. The topsoil shall be used for land reclamation and plantation.
  13. There shall be no external dump(s). Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Jharkhand State Pollution Control Board, Ranchi and its nearest Regional Office on six monthly basis.
  14. Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, sub-grade and mineral dump(s) to prevent run off of water and flow of sediments directly into the agricultural fields, and other water bodies. The water so collected should be utilized for watering the mine area, haul roads, green belt development etc. The drains shall be regularly desilted particularly after the monsoon and maintained properly.
  15. Dimension of the retaining wall at the toe of the OB benches within the mine to check run-off and siltation shall be based on the rain fall data.

- 25-
16. Greenbelt shall be developed all along the mine lease area and haul roads. The Project proponent shall do tree plantation in at least 33% of the space, preferably along the periphery and in vacant space. Fast growing and local species will be planted. In case land is not available within the lease area or it is not possible to plant trees due to nature of land then PP will do necessary afforestation at other places / land.
  17. Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and transfer points. Extensive water sprinkling shall be carried out on haul roads which should be made pucca with suitable water drainage arrangements. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
  18. The project proponent should implement suitable conservation measures to augment ground water resources in the area in consultation with the Ground Water Directorate, Government of Jharkhand / Central Ground Water Board.
  19. The project proponent shall if required, obtain necessary prior permission/NOC of the competent authorities for drawl of requisite quantity of water required for the project.
  20. Suitable rainwater harvesting measures shall be planned and implemented in consultation with the Ground Water Directorate, Government of Jharkhand / Central Ground Water Board.
  21. Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The mineral transportation shall be carried out through the covered trucks only and the vehicles carrying the mineral shall not be overloaded. No transportation of ore outside the mine lease area shall be carried out after the sunset.
  22. No blasting shall be carried out after the sunset. Blasting operation shall be carried out only during the daytime. Controlled blasting shall be practiced. The mitigative measures for control of ground vibrations and to arrest fly rocks and boulders should be implemented.
  23. Drills shall either be operated with the dust extractors or equipped with water injection system.
  24. Effective safeguard measures should be taken to control fugitive emissions so as to ensure that RSPM (PM10 and PM 2.5) levels are within prescribed limits.
  25. Pre-placement medical examination and periodical medical examination of the workers engaged in the project shall be carried out and records maintained.
  26. The project proponent shall take all precautionary measures during mining operation for conservation and protection of endangered fauna.
  27. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, septic tanks, safe drinking water, medical health care, etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
  28. Proper safety measures as per statutory requirement are to be implemented around the mined out Pit prior to closure of site.
  29. A final mine closure Plan along with corpus fund duly approved by Competent Authority shall be submitted to the Jharkhand State Pollution Control Board, Ranchi and to concerned DMO in advance of final mine closure for approval.

## B. General conditions

1. No change in mining technology and scope of working should be made without prior approval of the Statutory authorities / Department of Mines, Government of Jharkhand, Jharkhand State Pollution Control Board, Ranchi during the EC period.
2. No change in the calendar plan including excavation, quantum of mineral and waste should be made.
3. The Project proponent shall make all internal roads pucca and shall maintain a good housekeeping by regular cleaning and wetting of the haul roads and the premises.
4. The Project proponent shall maintain register for production and dispatch and submit return to the Board.
5. The Project proponent shall not cut trees / carry out tree felling in leased out area without the permission of competent authority.
6. Measures should be taken for control of noise levels below prescribed norms in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.
7. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards Oil and grease trap should be installed before discharge of workshop effluents.
8. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
9. Dispensary facilities for First Aid shall be provided at site.
10. A separate environmental management / monitoring cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
11. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Jharkhand State Pollution Control Board, Ranchi. PP shall carry out CSR activities as per Government Guidelines (%of Profit / turnover) or at least Rs 1 per ton whichever is higher.
12. The Jharkhand State Pollution Control Board, Ranchi directly or through its Regional Office, shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) by furnishing the requisite data / information / monitoring reports.
13. The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the Jharkhand State Pollution Control Board, Ranchi and to its concerned Regional Office.
14. The proponent shall upload the status of compliance of the environmental clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to Jharkhand State Pollution Control Board and its concerned Regional Office. The criteria pollutant levels namely; SPM, RSPM, SO<sub>2</sub>, NO<sub>x</sub> (ambient levels) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the project shall be monitored and displayed at a convenient location near the main gate of the company in the company in the public domain.

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15. A copy of the clearance letter shall be sent by the project proponent to concerned Panchayat, Zila Parisad / Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the project proponent.

16. The environmental statement for each financial year ending 31<sup>st</sup> March in Form-V as is mandated to be submitted by the project proponent to the Jharkhand State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along the status of compliance of EC conditions and shall also to the concerned Regional Office of JSPCB by e-mail.

17. All statutory clearances shall be obtained before start of mining operations.

C. Other points

1. The SEIAA reserves the right to add any new condition or modify the above condition(s) or to revoke the clearance if conditions stipulated above are not implemented to the satisfaction of Authority or for that matter for any administrative reason.

2. The Environmental Clearance accorded shall be valid for the period of grant of lease for the mine (generally 10 years). The PP shall not increase production rate and alter lease area during the validity of Environmental Clearance.

3. In case of any deviation or alteration in the project proposed from those submitted to SEIAA, Jharkhand for clearance, a fresh reference should be made to SEIAA to assess the adequacy of the conditions imposed and to incorporate any new conditions if required.

4. The above stipulations would be enforced among others under the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any order passed by the Hon'ble Supreme Court of India/ High Court of Jharkhand or any other Court of Law relating to the subject matter.

5. Any Appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

*AK Singh*

*[Signature]*  
31/1/14  
Member Secretary

State Level Environment Impact  
Assessment Authority, Jharkhand.

*[Signature]*

Item No.08

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Appeal No.24/2023/EZ  
(I.A. No.50/2024/EZ)

**IN THE MATTER OF**

**1. Mohammad Ilyas,**  
S/o Ahmad Ali  
Nimadih, P.O.- Arkhango,  
P.S.- Dhanwar,  
District- Giridih.

**2. Md. Saraj,**  
S/o Sadik Miyan  
Bajjudih, P.O.- Kubri,  
P.S.- Dhanwar,  
District- Giridih.

**3. Arun Kumar Ladia,**  
S/o Late Vishwanath Prasad  
Vill-Tundi,  
P.O. & P.S.- Giridih,  
District- Giridih,  
Pin- 815301.

.....Appellant(s)

Versus

- 1. State of Jharkhand,**  
Through Additional Chief Secretary,  
Department of Forests, Environment & Climate Change,  
Government of Jharkhand, Nepal House,  
Ranchi- 834002.
- 2. State Level Environment Impact  
Assessment Authority (SEIAA), Jharkhand,**  
Through its Member Secretary,  
Nursery Complex, Near Dhurwa Bus Stand,  
Dhurwa, Ranchi,  
Pin- 834004.
- 3. Collector Cum Deputy Commissioner, Giridih,**  
Mahesh Mundi,  
Paparwatand Colony, Jharkhand,  
Pin- 815301.
- 4. District Mining Officer,**  
Giridih, Kuldiha,  
Jharkhand - 815311.

**5. Divisional Forest Officer,**  
Giridih East Division,  
13, Forest Colony,  
Giridih,  
Jharkhand - 815301.

**6. Central Pollution Control Board,**

**7. Ministry of Environment, Forests & Climate Change,**  
New Delhi,

.....Respondent(s)

Date of hearing and reserving of order: 30.07.2024  
Date of uploading of order on NGT Website: 23.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER**  
**HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s) : Mr. Sanjay Upadhyay, Sr. Advocate a/w  
Ms. Paushali Banerjee, Advocate

For Respondent(s): Ms. Aishwarya Rajyashree, Adv. for R-1,3-5, (in Virtual Mode)  
Mr. Ashok Prasad, Advocate for R-2,  
Mr. Dipanjan Ghosh, Adv. for R-6, (in Virtual Mode)  
Mr. Apurba Ghosh, Adv. for R-7, (in Virtual Mode)

**ORDER**

1. Mr. Sanjay Upadhyay, learned Senior Counsel assisted by Ms. Paushali Banerjee, learned Counsel are present for the Appellants and Ms. Aishwarya Rajyashree, Mr. Ashok Prasad, Mr. Dipanjan Ghosh and Mr. Apurba Ghosh, learned Counsel for the Respondents.
2. The Appellants in the present Appeal are seeking quashing of the Order dated 08.08.2023 passed by State Environment Impact Assessment Authority (SEIAA), Jharkhand, cancelling the Environmental Clearance of the Appellants dated 31.12.2014, *inter-alia*, on the ground that the distance of the Appellants' Plot from the forest land is Zero.
3. It is stated that the Appellant No.3, Arun Kumar Ladia, was granted mining lease of stone minor mineral over 1.81 acres of land situated in Mouza - Lakhanpur, Police Station - Bengabad District-

Giridih, bearing Cadastral Survey No./Thana No.349 over Khata Nos.02 & 04, Plot Nos.04 & 05 (P) under Jharkhand Minor Mineral Concession Rules, 2004, for a period of 10 years w.e.f. 05.02.2015 after fulfilment of all statutory criteria. The Appellant Nos.1 and 2 are the present lease holders to whom the lease had been stated to be transferred by the Appellant No.3 vide registered Lease Deed dated 26.11.2021.

4. It is further stated that prior to the grant of the aforesaid mining lease, the Project Proponent, Appellant No.3, had submitted application on 07.11.2014 for grant of prior Environmental Clearance of the Stone Mining Project on Plot Nos.4 & 5 (P), Village - Lakhanpur, Block - Bengabad, District - Giridih, Jharkhand, along with all statutory documents like - NOC given by the Gram Sabha and certificates issued by Circle Officer, Bengabad, District Mining Officer, Giridih and Divisional Forest Officer, Giridih East Division etc.

5. It is also stated that the Circle Officer, Bengabad forwarded letter No.786 dated 23.10.2013 to the Assistant Mining Officer, Giridih, stating specifically therein that the Plot in question is not forest land. It is stated that thereafter the Divisional Forest Officer, Giridih East Division, issued letter dated 25.02.2014 to the Assistant Mining Officer, Giridih regarding distance of the applied area for mining lease from the forest boundary which is more than 500 meters. On the basis of the aforesaid documents, the proposal was appraised by the State Expert Appraisal Committee (SEAC) in its 24<sup>th</sup> Meeting held on 15-18th December, 2014, and the Project was recommended for grant of Environmental Clearance and ultimately the State Environment Impact Assessment Authority

(SEIAA) Jharkhand, in its 28th Meeting held on 30.12.2014 decided to grant Environmental Clearance to the Project of the Appellant No.3 and in pursuance thereof Environmental Clearance was granted on 31.12.2014.

6. It is also stated that in 2021, the Appellant No.3 transferred the lease of the land in question to the Appellant Nos.1 and 2. However, the Appellant Nos.1 and 2 thereafter received an order from SEIAA vide Memo No.319 dated 22.12.2022 keeping the Environmental Clearance in abeyance in view of the letter of the Divisional Forest Officer, Giridih, dated 15.12.2022 stating that the lease area is situated at Zero distance from the forest land and is encroaching into the adjoining forest Plot No.01. It is stated that the contention of the Divisional Forest Officer in his letter dated 22.12.2022 is that Plot No.01 is a notified Forest and the distance of Plot Nos.4 & 5 (P) i.e., the Plots in question, from Plot No.1 is Zero.
7. The case of the Appellants is that no show cause notice has been issued by SEIAA, Jharkhand, to them before passing the order dated 22.12.2022 keeping the Environmental Clearance in abeyance. However, SEIAA issued letter dated 29.12.2022 directing the Appellant No.3 to submit written statement before SEIAA.
8. It is stated that the three Appellants appeared before SEIAA, Jharkhand, and submitted their reply dated 10.01.2023. It is also stated that SEIAA, Jharkhand, thereafter provided opportunity of hearing to the Project Proponent on 22.06.2023. The Appellant No.3 appeared before SEIAA, Jharkhand on 22.06.2023 and filed his written submission. The stand of the Appellants is that Plot No.01 of Mouza - Lakhanpur is recorded as 'Jungle Jhar' and it is stated that only 49.90 acres, out of 81 acres of the full plot area, has been

notified as 'Protected Forest' vide communication No.3983 dated 26.11.2022 of the Divisional Forest Officer addressed to the District Mining Officer, Giridih. It is stated that the guidelines requiring maintaining minimum 250 meters distance from Protected Forest and Reserve Forest is with respect to Protected Forest and Reserve Forest and not from 'Jungle Jhar' as per Specific Conditions No.6 and 10 of the Environmental Clearance.

9. The case of the Appellants further is that in his Memo No.3983 dated 26.11.2022 the Divisional Forest Officer, Giridih East Division, has stated that afforestation has been done over Plot No.16/20 of this Mouza at 195 meters and the same has been sent to the Government for notification and, therefore, the Divisional Forest Officer cannot turn the clock anti-clockwise and adversely affect a backdated Clearance/Mining Lease on the basis of a notification which is yet to be published.
10. The Appellants have filed letter of the Circle Officer, Bangabad, dated 23.12.2013 (Annexure-B, page 81) and submitted that the Circle Officer Bangabad had itself certified that the plot in question, namely, Khasra No.04, 05 (P) area 1.01 acres is not 'Jungle Jhari' and is also not a forest land.
11. Reference has also been made to the letter of the Divisional Forest Officer, Giridih East Division, dated 22.02.2014 (Annexure-C, page no.83, to the Memo of Appeal), and it is submitted that the Divisional Forest Officer had also certified that the land in question is not a notified forest and besides the said land is 500 meters away from the notified forest land.
12. The submission of Mr. Sanjay Upadhyay, learned Senior Counsel for the Appellants is that it is on the basis of this document that

State Expert Appraisal Committee ('SEAC' for short) had recommended for grant of Environmental Clearance to the Project Proponent ('PP' for short) and on the basis of the recommendations of SEAC, the Environmental Clearance dated 31.12.2014 (Annexure-D, page 84) was granted to the Appellant No.3 by the SEIAA, Jharkhand.

13. From the document dated 22/29.12.2022 filed as Annexure-E (page no.89), we find that the letter of the Divisional Forest Officer, Giridih East Division, dated 25.02.2014 was considered by the SEAC, Jharkhand, in its 24<sup>th</sup> meeting held on 15-18.12.2014 on the basis of which the SEIAA, Jharkhand, in its 28<sup>th</sup> meeting held on 30.12.2014 had recommended for grant of Environmental Clearance to the Project Proponent.

14. The submission of the learned Senior Counsel further is that the lease of the land in question was transferred by the Appellant No.3, Arun Kumar Ladia, to the Appellant No.1 & 2, Mohammad Ilyas and Md. Saraj respectively in 2021 but thereafter the SEIAA, Jharkhand, by its order dated 22.12.2022 communicated to the Appellant Nos.1 & 2 that the Environmental Clearance had been kept in abeyance in view of the letter of the Divisional Forest Officer dated 15.12.2022 and also that the Appellant had encroached into adjoining forest Plot No.01. It is stated that the contention of the Divisional Forest Officer in his Memo No.319 dated 22.12.2022 is that the Plot No.01 is a notified forest and the distance of the said plot from the Plot Nos.4 & 5 (P) is Zero. It has been vehemently contended by the learned Senior Counsel that the Plot No.1 is Raiyati land which was purchased by one Jamuna Ram through a deed of settlement from one Kani Ram in 1951 and Jamuna Ram and his legal heirs were in possession of Plot No.1 since 1951; the

Appellant No.3, Arun Kumar Ladia, purchased 1.00 acre of land in Plot No.1 from the legal heirs of Jamuna Ram through two deeds being Deed Nos. 9519 and 9520 in 2014.

15. Reference has also been made to the order of the Forest Settlement Officer dated 16.07.1962 (Annexure-G, page no.132) in Case No.285 of Bengabad of 60-61, Petitioner-Sri Jamuna Ram and others, and it is submitted that the Forest Settlement Officer had conducted an enquiry on 04.12.1961 and found the land to be Parti and Waste land without any forest vegetation and, therefore, it was ordered that the Plot No.1 and Plot No.35 are Raiyati land of the Petitioner, Sri Jamuna Ram and others, and it is for the Divisional Forest Officer to consider the usefulness of this land for afforestation purposes and to take necessary steps for its acquisition under the Land Acquisition Act. It was further directed that if the Divisional Forest Officer did not take any step for acquisition within a period of three months from the receipt of the order, the petitioner shall have to take a formal order of release from the court of the Forest Settlement Officer.
16. The stand of the Appellants further is that till date no notice of acquisition has been issued to the Appellants and the name of Sri Jamuna Ram is recorded as owner of the plot in question though thereafter the Appellant No.3 purchased 1.00 acre of Plot No.1 from its recorded owner.
17. It is further submitted by the learned Senior Counsel for the Appellants that SEIAA, Jharkhand, without issuing any show cause notice to the Appellants has issued Memo No.319 dated 22.12.2022 keeping the Environmental Clearance granted on 31.12.2014 in

abeyance in view of the letter of the Divisional Forest Officer, Giridih, dated 15.12.2022.

18. The case of the Appellants further is that in pursuance of the notice issued by SEIAA, Jharkhand, the Project Proponent, Arun Kumar Ladia, Appellant No.3, and lessees Mohammad Ilyas and Md. Saraj, Appellant Nos.1&2, appeared before the SEIAA and submitted their reply dated 10.01.2023 stating that the alleged letter of the Divisional Forest Officer and the letter No.4261/22 through which the Environmental Clearance was kept in abeyance were not supplied to the Appellants and there is no allegation of deliberate concealment or submission of false/misleading information or data by the Project Proponent and, therefore, the provisions of Clause 8 (vi) of the EIA Notification, 2006, is not attracted in the present case nor has the Appellant been convicted by any court of law nor has the lessee been convicted of any illegal mining/encroachment over Plot No.1 of Mouza-Lakhanpur.

19. It is stated that after about five months the SEIAA, Jharkhand, provided opportunity of hearing to the Project Proponent on 22.06.2023 vide Memo No.142 dated 12.06.2023. The Appellant No.3 Arun Kumar Ladia, appeared before the SEIAA in the hearing held on 22.06.2023 and filed his written submissions along with preliminary objection, copy of the written submissions has been placed on record as Annexure-K (page145), which read as under:-

*"(i) Any appeal against environment clearance lies with NGT and hence the Divisional Forest Officer, Giridih should have filed its objection/complain if any before NGT and not SEIAA;*

*(ii) The exercise of power delegated to SEIAA vide S.O.637 (E) dated 28.02.2014 of MOEFCC can only be used when SEIAA is*

satisfied that there is violation of the conditions of environment clearance;

(iii) The DFO, Giridih has unambiguously accepted that Plot No.01 of Mouza Lakhanpur is recorded as 'Jungle Jhar' in Khatian and is to be treated as deemed forest as only 49.90 acres part area out of 81 acres of full plot area has been notified as protected forest vide communication No.3983 dated 26.11.2022 of DFO addressed to District Mining Officer, Giridih.

(iv) That guideline of 250 meters of distance is from Protected Forest and Reserve Forest and not from 'Jungle Jhar' (Refer A. Specific Conditions No.6/10 of EC);

(v) The contention of DFO Giridih is totally against the principle of natural justice and fair play when he says in Memo No.3983 dated 26.11.2022 that afforestation has been done over Plot No.16/20 of this Mouza at 195 meters and the same has been sent to Government for notification. DFO is unaware that he cannot turn the clock anti clockwise and adversely affected a backdated clearance/mining lease on the basis of a notification which is yet to be published;"

20. It is also stated that the Divisional Forest Officer, Giridih, vide his letter dated 26.11.2022 informed the District Mining Officer, Giridih, that 49.90 acres of land in Plot No.01 is forest land and the Hon'ble Supreme Court vide its order dated 12.12.1996 passed in Writ Petition No.202/1995 (*T. N. Godavarman Thirumulpad Vs. The Union of India*), directed creation of a Committee to identify forest land, based on which the forest is to be a 'deemed forest'. It is also stated that the Divisional Forest Officer, Giridih, vide his letter being No.483/2022 informed that the Plot Nos. 4 & 5 (P) are at Zero distance from the Plot No.01 which is forest land.
21. The term 'forest' has been defined by the Hon'ble Supreme Court in *T. N. Godhavarman (Supra)* vide its order dated 12.12.1996. Para 4 of the judgment reads as under:-

*"4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land" occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in Ambica Quarry Works v. State of Gujarat, Rural Litigation and Entitlement Kendra v. State of U.P. and recently in the order dated 29-11-1996 (Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority). The earlier decision of this Court in State of Bihar vs. Banshi Ram Modi has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permission granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay."*

22. The submission of the learned Senior Counsel for the Appellants is that although the letter of the Divisional Forest Officer, Giridih, states that the Plot No.01 is notified as 'deemed forest' but only 49.90 acres of Plot No.01 is forest land out of the total area of 81

acres as per the notification of 1953. It is further submitted that the Appellant No.3 has purchased only 1.00 acres of Plot No.01 from its recorded owner and there is nothing on record to show that this plot is a part of the 49.90 acres of land declared to be forest land.

23. It is further submitted that neither the Appellants nor their predecessors were ever issued any notice communicating any notification of 1953 or otherwise to show as to which part of Plot No.01 has been demarcated as forest land which may or may not include 1.00 acres of land being purchased by the Appellant No.3, even though in terms of the directions of the Hon'ble Supreme Court issued in T. N. Godhavarman (Supra), it is the responsibility of the State Government to constitute an Expert Committee to identify the forest land.

24. The categorical case of the Appellants is that even if 49.90 acres out of 81 acres of Plot No. is declared to be forest, the same is required to be demarcated by the Expert Committee. The contention of the Appellants is that the Plot purchased by the predecessor of the Appellant No.3 was declared to be 'Parti and 'Waste' land and that Jamuna Ram, the predecessor of the Appellants, had acquired Raiyati Right over 60.50 acres in Village-Palokhari and 192.50 acres in Village-Lakhanpur; and that Plot No.01 of Village-Lakhanpur and Plot No.35 of Village-Palo Khari are part and parcel of the above mentioned Raiyati land as per order of the Forest Settlement Officer dated 16.07.1962.

25. The categorical stand of the Appellants further is that they have not done any illegal mining on Plot No.01 rather they have constructed

an approach road on Plot No.01 to reach Plot Nos.4&5 (P) in terms of the mining lease deed of 2015 Part-II Clause 3.

26. The Appellants have further placed on record the Central Pollution Control Board's Guidelines, 2020 (page 330 of the paper book), with regard to the 'Distance Criteria for Permitting Stone Quarrying' which was issued in pursuance of the order of the National Green Tribunal in Original Application No.304/2019 (*M. Haridasan & Ors. Vs. State of Kerala*), wherein the Tribunal had observed that the distance of 50 meters for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health and had directed the Central Pollution Control Board to examine the matter and lay down more stringent conditions and appropriate distance.

27. We find that in these guidelines there is no existing distance criteria laid down for mining activities in the State of Jharkhand but that does not mean that there cannot be or should not be any siting criteria for stone quarrying mines in the State of Jharkhand. However, by way of illustration, a perusal of existing guidelines show that for Kerala a minimum 100 meters distance has been prescribed from residential buildings, places of worship, public buildings, public road, river or lake, railway line and bridges and where mining is carried on using explosives the distance is 100 meters; for Karnataka where blasting is involved it is 200 meters and where no blasting is involved it is 50 meters; for Maharashtra where blasting is involved it is 200 meters and where no blasting is involved it is 50 meters; for Gujarat where blasting is involved it is 200 meters and where no blasting is involved it is 50 meters; for Rajasthan it is 45 meters; for Madhya Pradesh it is 50 meters; for

Punjab it is 75 meters; for Tamil Nadu it is 50 meters; for Orissa it is 100 meters; for Chhattisgarh it is 300 meters; for Bihar it is 50 meters; for Uttar Pradesh it is 50 meters; for Himachal Pradesh it is 75 meters; for Jammu & Kashmir it is 500 meters where explosives are used and 150 meters where explosives are not used; for West Bengal it is 5000 meters minimum distance from barrage axis or dam or a river and 200 meters minimum distance from any hydraulic structure, reservoir, bridge, canal, road and other public works or buildings and 200 meters minimum distance from both sides of any river bridge or culvert over any waterway or from any embankment and structural works of the irrigation and waterways and 100 meters minimum distance from any railway land; for Assam it is 250 meters minimum distance from outer periphery of the defined limits of any village habitation, national highway, state highway and other roads and 50 meters where no blasting is involved; for Meghalaya it is 50 meters and 10 meters; and for Manipur it is 50 meters.

28. At the cost of repetition, we may observe that State of Jharkhand is not mentioned in this list, however, the Central Pollution Control Board Guidelines, 2020, now prescribes uniform criteria for distance of 100 meters in case of quarry without explosives and 200 meters quarry with blasting, with the condition that stricter criteria would prevail if those criteria exist in the State regulation. Incidentally, the criteria under the Central Pollution Control Board Guidelines, 2020, does not contain any reference to distance of quarry from forest area such that a quarry should be environmentally compliant.

29. The Appellants have filed further affidavit dated 02.04.2024 wherein it is stated that the Plot No.01 was purchased by Sri Jamuna Ram through Deed No.806/51 of settlement in 1951 and the Appellant No.3, Arun Kumar Ladia, purchased 1.00 acre of the said Plot No.01 through Deed Nos.9519 and 9520 in 2014 from the heirs of Sri Jamuna Ram. The Appellants have also filed the copy of the Record of Rights dated 26.11.2022 wherein the Plot No.1+1 is shown having area of 145 acres, 2 decimal, 0 hectares and the agricultural revenue rent (Lagaan) being paid is Rs.145.1 and cess is shown as 210.4. Learned Senior Counsel for the Appellants submitted that the Lagaan is the rent paid for agricultural revenue land and the Record of Rights does not show the land in question be a protected forest. It is categorically denied that the Plot No.01 is a notified forest land, since acquisition of the said land, which is admittedly a private land, has not yet been completed.
30. The Collector-cum-Deputy Commissioner, Giridih, Respondent No.3, along with his affidavit of 22.11.2023 has filed document dated 18.11.2023 as Annexure-1 (page no.192 of the paper book), which is a letter of the Circle Officer, Bangabad, with regard to the status of Thana No.349, Khata No.1, area 1.70 acres in Mouza-Lakhanpur, to show that the said land is recorded in the name of Devanti Devi, W/o Dharam Ravidas-S/o Sanichar Ravidas, which is shown to have been purchased. The other Plot No.01 is shown to be recorded in the name of Jamuna Ram, Radhika Ram, Mathura Ram, S/o Dularchand Ram and Moosan Ram and Budhan Ram in Mouza-Lakhanpur. The document further mentions Case No.1/2004-05, area 81.00 acres and Plot No.15 area 44.75, Plot No.23 area 66.75 total area 192.50 and Mouza-Palokhari Khata

No.1, Plot No.35 area 58050, Plot No.25 area 2.02 total 60.52 decimals and combined area of both the Mouzas being 253.02 acres is remaining after sale which is shown as 145.02 decimals and it is mentioned that from the documents in the revenue office it is not clear as to what is the nature of the remaining land of Mouza-Lakhanpur Khata No.349, Plot No.1, and this is a matter for adjudication by the appropriate court.

31. The District Mining Officer, Giridih, Respondent No.4, has filed affidavit dated 22.11.2023 stating that Appellant No.3, Arun Kumar Ladia, was granted mining lease of stone minor mineral over 1.81 acres of land situated in Mouza-Lakhanpur, Police Station-Bengabad, District-Giridih, bearing Cadastral Survey No./Thana No.349 over Khata No.02&04, Plot Nos.-04&05(P) for a period of 10 years w.e.f. 05.02.2015 under the Jharkhand Minor Mineral Concession Rules, 2004. It is stated that Arun Kumar Ladia, Appellant No.3, transferred this mining lease in favour of the Appellant Nos.1&2, Mohammad Ilyas and Md. Saraj, vide registered lease deed dated 26.11.2021 under Rule 24 of the Jharkhand Minor Mineral Concession Rules, 2004, and as such on and with effect from 26.11.2021/30.11.2021, the transferee Mohammad Ilyas and Md. Saraj, Appellant Nos.1&2, respectively, became the lessees by stepping into the shoes of the transferor and original lessee Arun Kumar Ladia.
32. In the affidavit, it is further stated that the Divisional Forest Officer, Giridih, vide letter No.3840 dated 12.11.2022 (Annexure-2, page 234, to the affidavit), informed that the lessee has encroached Plot No.1 which is Forest/Jungle Jhari land and has gone beyond his lease boundary and that Plot Nos.4&5 (P) are situated at Zero meter

distance from the said forest land. It is stated that the Appellants/lessee opposed the report of the Circle Officer, Bengabad, dated 26.11.2022 whereupon re-demarcation of the mining lease area was carried out under the supervision of Additional Collector, Giridih, and the mining lease area over Plot Nos.4&5 (P) was re-demarcated vide Demarcation Case No.52/2022-23 wherein it was reported that the mining operation of lessees Mohammad Ilyas and Md. Saraj, Appellant Nos.1&2, is confined over Plot Nos.4&5(P) only and Plot No.01 of Mouza-Lakhanpur is being used as approach road to the mining lease area. It was also reported that lessee/ex-lessee is having 1.00 acres of land over Plot No.01 of Mouza-Lakhanpur by way of registered sale-purchase deed over which ex-lessee had built-up the road which is still in use.

33. It is further stated that in the meantime the Divisional Forest Officer, Giridih, vide his letter No.3983 dated 26.11.2022 addressed to the District Mining Officer, informed that earlier No Objection letter No.391 dated 25.02.2014 issued by the then Divisional Forest Officer, Giridih, was due to mistake of fact and according to the present Divisional Forest Officer this mining lease is situated at Zero distance from the forest land. It was also stated by the Divisional Forest Officer that Plot No.01 of Mouza-Lakhanpur was entered as 'Jungle Jhar' in Khatian and an area of 49.90 acres was notified as forest land vide Notification of 1952/1954 under the Indian Forest Act, 1927.

34. In the affidavit, it is further stated that it appears that the present Divisional Forest Officer, Giridih, has made individual communication directly to the SEIAA, Jharkhand, upon which the

SEIAA, Jharkhand, has passed the impugned order of 08.08.2023 cancelling the Environmental Clearance dated 31.12.2014.

35. The Divisional Forest Officer, Giridih East Forest Division, Jharkhand, Respondent No.5 in his affidavit dated 30.11.2023 has stated that the Forest Range Officer, Khurchutta Range, Bengabad, carried out a detailed survey along with the Forester-in-Charge and Forest Guard on 10<sup>th</sup> November, 2022 and 12<sup>th</sup> November, 2022 and submitted a report vide letter dated 12.11.2022 wherein it was stated that the Plot Nos.4&5(P) are situated adjacent to the notified and demarcated protected forest of Plot No.01, and that the stone quarry operations were being conducted in a portion of the forest area in Plot No.01 by illegally encroaching upon it and, therefore, an Offence Report No.01420 dated 12.11.2022 has been lodged against the stone quarry owners/managers (Appellants). It is also stated that the Plot No.01 in Lakhanpur-Mouza was initially notified as a private protected forest under Section 14 of the Bihar Private Forest Act, 1946 ('the Act, 1946' for short) vide Notification No.12726-VIF-156/46R dated 30.11.1946. Subsequently, Notification No.1863-VIF/296/50R dated 30.03.1950 was issued under Section 15 of the Act, 1946, declaring Plot No.01 in Lakhanpur-Mouza as a private protected forest wherein ownership of the land has been shown to be in favour of the then Raja (Jamindar) Raja Bahadur Kamakhya Narayan Singh of Padma which later vested in the State of Bihar (now State of Jharkhand) after promulgation of the Bihar Land Reform Act, 1950, and the land in question was thereafter notified as a protected forest vide Notification Nos.CPF-10152/52-5803R dated 27.12.1952 and C/F-17066/54-3419R dated 11.08.1954. It is stated that under this

notification the name of the owner of the land in column no.2 is shown as 'State of Bihar'.

36. In the affidavit, it is further stated that the total area of Plot No.01 in Mouza-Lakhanpur is 81 acres out of which 49.90 acres was notified as Protected Forest vide Notifications dated 27.12.1952 and 11.08.1954; thereafter the Forest Settlement Officer ('FSO' for short) was appointed to enquire into the rights and claims of private individuals, if any, and the FSO after making due enquiry of claims made, if any, demarcated an area of 48.02 acres of Plot No.01 on the map and duly signed on 28.02.1966 as 'forest' and since then the demarcated forest area of Plot No.01 has been in undisputed possession, control and management of the Forest Department and has been a part of the management under Working Plan.
37. The stand of the Divisional Forest Officer, Giridih, further is that only 48.02 acres of land has been demarcated as protected forest out of the total area of 81 acres in Plot No.01 and the rest of the area i.e., 33 acres of Plot No.01 is the property of the State Government and has been handed over to the Divisional Forest Officer, Giridih East Forest Division by the Circle Officer, Bengabad, for plantation purposes vide his letter dated 14.02.2023; the nature of this 33 acres of land (outside demarcated protected forest) is 'Jungle Jhadi' as per the Government records and is considered as 'deemed forest'.
38. It is also stated that the Deputy Commissioner, Giridih, directed the Circle Officer, Bengabad, vide his letter No. 1089/M dated 24.11.2022 to conduct an enquiry and as per the enquiry report dated 26.11.2022 it was confirmed that illegal excavation and

mining has been done in part of Plot No.01 and accordingly information was communicated to the SEIAA, Jharkhand, by the Divisional Forest Officer, Giridih East Forest Division, vide his letters dated 15.12.2022 and 21.12.2022 stating that the actual distance of mining lease area of stone quarry of Shri Arun Kumar Ladia, Appellant No.3, at Plot Nos.4&5(P) in Lakhanpur-Mouza is at Zero meter and the previous report of the then Divisional Forest Officer dated 25.02.2014 is incorrect. It was also pointed out that the Plot No.01 is a notified forest in which illegal mining is being carried on by the Appellants which constitutes violation of Condition C (2) of the Environmental Clearance. It is also the stand of the State Respondents that the said mining by the Project Proponent, Appellants, would have an adverse impact on forest area and plantation work done nearby and, therefore, a request was made for cancellation of the Environmental Clearance.

39. The stand of the State Respondents further is that the distance of boundary of the mining lease of Plot No.5(P) is at Zero meter from the notified forest, the same does not fulfill the criteria of the minimum distance of 250 meters for Environmental Clearance.
40. The stand of the Ministry of Environment, Forests and Climate Change, Respondent No.7, in its affidavit dated 26.07.2024 is that vide Notification S.O.1886(E) dated 20.04.2022 Environmental Clearance of all minor minerals shall be dealt at State level irrespective of mine lease area. It is also stated that the land in question is a subject matter of State Government and forest areas and the legal boundaries thereof are determined by the State Government.

41. It is further stated that prior approval from the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (formerly known as Forest (Conservation) Act, 1980) is mandatory for carrying out any non-forestry activity in the forest land. Reference has also been made to the judgment of the Hon'ble Supreme Court dated 12.12.1996 passed in Writ Petition (C) No.202 of 1995 (*T. N. Godavarman Thirumulpad Vs. Union of India & Ors.*).
42. The SEIAA, Jharkhand, Respondent No.2, in its affidavit dated 05.01.2024 has reiterated the stand of the Divisional Forest Officer, Giridih, and stated that the Divisional Forest Officer vide his letter dated 21.12.2022 complained that the actual distance of mining lease of stone mine of Arun Kumar Ladia, Appellant No.3, at Plot Nos.4&5(P) Village-Lakhanpur, Block-Bengabad, District-Giridih, Jharkhand (area 0.732 hectares) is only Zero meter from the forest standing on Plot No.01 and that the previous certificate issued by the then Divisional Forest Officer vide letter dated 25.02.2014 was wrong. It is also stated that the present Divisional Forest Officer complained that the Project Proponent (i.e., the Appellants herein), was carrying on illegal mining activity on Plot No.01 which is a notified forest and, therefore, a forest case has also been lodged against the Project Proponent; the Appellant No.3 was also issued a show cause notice vide SEIAA, Jharkhand, letter dated 22.12.2022; the Project Proponent submitted his reply on 10.01.2023 denying the contents of the show cause notice; thereafter a clarification was also sought from the Divisional Forest Officer, Giridih, vide SEIAA, Jharkhand, letter dated 09.02.2023 which was submitted by the Divisional Forest Officer, Giridih, vide his letter dated 20.05.2023

stating that the mining was being carried on on Plot Nos.4&5(P) and was within Zero meter distance from the notified forest standing on Plot No.01 which is protected/notified forest and, therefore, in violation of the requirement of a minimum distance of at least 250 meters for grant of Environmental Clearance.

43. It is also stated that the Divisional Forest Officer, Giridih, and the Appellant No.3 with his authorized representative Shri Raghaw Nandan Prasad, appeared before the SEIAA on 22.06.2023 and they were heard and cadastral map was also filed by the Divisional Forest Officer to show illegal mining being done by the Appellant No.3 on Plot No.01 which is adjacent to Plot No.4.

44. We have heard the learned Counsel for the parties and perused the documents on record.

45. The Environmental Clearance dated 31.12.2014 was granted to the Project Proponent, Appellant No.3, by the SEIAA, Jharkhand, on the basis of its recommendations in its meeting held on 30.12.2014. Condition 'A' of the Environmental Clearance deals with 'Specific Conditions', Condition 'B' deals with 'General Conditions' and Condition 'C' deals with 'Other Points'. Condition C (2) of the Environmental Clearance provides that *"the Environmental Clearance accorded shall be valid for the period of grant of lease for the mine (generally 10 years). The PP shall not increase production rate and alter lease area during the validity of Environmental Clearance"*. The lease was granted for the project of stone mine of Shri Arun Kumar Ladia, Appellant No.3, on Plot Nos.4&5(P) in Village-Lakhanpur, Block-Bengabad, District-Giridih, Kharkhand (Area 0.732 Ha.).

46. From the Environmental Clearance it is clear that the same was granted for stone mining operation only on Plot Nos.4&5(P) and not on Plot No.01 or any part thereof. The stand of the Appellants is that the land in question has not been identified as a forest area which was a mandatory requirement in view of the judgment of the Hon'ble Supreme Court in T. N. Godhavarman (Supra). The learned Senior Counsel appearing for Appellants submitted that the undisputed fact in the present case is that Plot No.01 comprised an area of 81 acres of which only 49.90 acres was declared to be forest land by the then Government of Bihar vide Notification of 1953. The contention of the learned Senior Counsel is that part of this 49.90 acres of land out of the total 81 acres in Plot No.01 has not been demarcated and, therefore, it cannot be alleged that the Appellants have encroached into the forest land and carried out illegal stone mining. The submission of the learned Senior Counsel further is that a Committee of Experts ought to have been constituted in order to determine as to whether the Plot No.01 was indeed a waste land or forest land and in the absence of such determination the Appellants cannot be said to have carried out illegal stone mining in forest land standing on Plot No.01 in Mouza-Lakhanpur.

47. Learned Senior Counsel further laid stress on the order of the Forest Settlement Officer dated 16.07.1962 (page 132 of the paper book) and submitted that the said order mentions that the land in Plot No.01 belonged to Shri Jamuna Ram and others, predecessors of the Appellant No.3, and it was found that the land was 'Parti' and 'Waste' land; there was no forest vegetation or fencing found during the local inspection. In the same order of 16.07.1962 the Forest Settlement Officer while deciding the Case No.285 of

Bengabad of 60-61 has noted the Bihar Government Notification dated 27.12.1952 notifying 49.90 acres of the land as forest land and thereafter has recorded a finding that the land in Plot No.01 was Raiyati land and cannot become Government property as envisaged in Section 29 of the Indian Forest Act, 1927, unless the said land is acquired under the Land Acquisition Act, 1894.

48. The repeated stand of the Appellants is that Plot No.01 is the Raiyati land purchased by Shri Jamuna Ram in 1935 and they have been in possession since 1951 and that the Appellant No.3 purchased 1.00 acre of land in Plot No.01 through two deeds in 2014 from the legal heirs of Shri Jamuna Ram. The case of the Appellants further is that till date no land acquisition notice has been received by the Appellants and the said land continues to be recorded in the name of Shri Jamuna Ram but thereafter the Appellant No.3 purchased 1.00 acres of the said Plot No.1 from the recorded owner.

49. Two points emerge for consideration, one, so far as the submission of the learned Senior Counsel for the Appellants is concerned that 1.00 acres of land in Plot No.01 is the ownership property of the Appellant No.3 having been purchased from the erstwhile recorded land holder Shri Jamuna Ram and his heirs and that the land in question has never been acquired by the Government, and second, that as per the findings recorded by the Forest Settlement Officer vide his order dated 16.07.1962, Plot No.01 is Raiyati land but 'Parti' and 'Waste' land and has never been determined to be a forest land nor has the portion of 1.00 acres purchased by the Appellant No.3 ever been determined as forest land or otherwise.

50. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in (1962) 3 SCR 727: AIR 1966 Sc 1847 (*State of Bihar & Ors. Vs. Lt. Col. K.S.R. Swami*). This was also is a case under Bihar Private Forest Act, 1946 ('Act, 1946' for short), wherein the Governor in the said case had by notification ordered that until publication of a notification under Section 30 of the Act, 1946, all the rights to cut, collect and remove trees or class of trees in or from the forest shall cease to exist subject to conditions and specifications specified in the Second Schedule. The appeal before the Hon'ble Supreme Court was filed by the State of Bihar and the argument of the State was that words 'notification under Section 30 is published' includes a notification made under the proviso to that section and that subsequently when a notification under the proviso to Section 30 has been published all rights other than landlord's rights, in respect of which no claim has been preferred under Section 16 of the Act, 1946, and of the existence of which no knowledge has been acquired by an enquiry under Section 17 of the Act, 1946, shall be extinguished. It is also noted by the Hon'ble Supreme Court that it is clear that rights 'other than landlords' rights in respect of which no claim has been preferred under Section 16 or which have not been disclosed by enquiry under Section 17 were intended by the legislature to be extinguished only after the final notification is made.

51. In our opinion, the controversy in the present case is not with regard to the rights of the landlord or the Appellants herein over the Plot No.01 or acquisition of the said Plot by the State Government, since the Plot No.01 was never the subject matter of the Environmental Clearance granted to the Appellant No.3. The entire

claim of the Appellants that no acquisition proceedings have been held with respect to the Plot No.01 under the Land Acquisition Act as held by the Forest Settlement Officer and, therefore, the rights of the landlord and his erstwhile owner Jamuna Ram and his successor in interest the Appellant No.3 do not stand extinguished, are absolutely irrelevant for purposes of determining the controversy in the present case.

52. The Appellants have also placed reliance on the judgment of the Hon'ble Supreme Court in (2014) 3 SCC 430 (*Godrej and Boyce Manufacturing Company Limited and Anr. Vs. State of Maharashtra & Ors.*), which was a case in which notice had been issued under Section 35 (3) of the Indian Forest Act, 1927, and the question was whether mere issuance of notice under Section 35(3) of the Forest Act, 1927, was sufficient for any land having declared as 'Private Forest' within the meaning of expression as defined in Section 2 (f)(iii) of the Maharashtra Private Forest (Acquisition) Act, 1975, which was issued to Godrej in 1957 but no decision was taken thereon till 1975. The Hon'ble Supreme Court held that in view of the unusual long period of time of 18 years that had lapsed for enabling the State to take a decision on the show cause notice, the show cause notice must be treated as having become a dead letter. The question in that case was also that a large number of constructions such as - residential buildings, industrial buildings, commercial buildings, Bhabha Atomic Energy Complex and Employees State Insurance Scheme Hospital had come into existence over the so called forest land and, therefore, implementation of the orders/decisions of the State Government would compulsorily render homeless thousands of families, some of

whom may have invested considerable savings in the undisputed lands, as observed by the Hon'ble Supreme Court in para 75 of the said judgment.

53. In the light of the facts of the present case, we are of the view that judgments of the Hon'ble Supreme Court in the case of Godrej and Boyce Manufacturing Company Ltd. (Supra) and Lt. Col. K. S. R. Swami (Supra) have no application to the facts and peculiar circumstances of the present case.
54. The Appellants have also relied on the judgment of the Hon'ble Supreme Court in (2019) 2 SCC 727 (*Jamila Begum (Dead) Through Legal Representatives Vs. Shami Mohd. (Dead) Through Legal Representatives & Ors.*), that was a case with regard to validity/invalidity of a registered sale deed and the onus to prove the same in suit proceedings. The Hon'ble Supreme Court, inter-alia, held that a registered sale deed carried with it a presumption that it was validly executed and it is for the party challenging the genuineness of the transaction to show that the transaction is not valid in law.
55. Next, the Appellants have relied on the judgment of the Hon'ble Supreme Court in (2022) 8 SCC 210 (*Asset Reconstruction Company (India) Vs. S. P. Valayutham & Ors.*).
56. In our opinion, the said judgments have absolutely no application to the facts of the present case, since this Tribunal is not examining right and title of the Appellants over Plot No.01 nor does it have jurisdiction to decide questions relating to right and title over Plot No.01 or any part thereof.
57. The question whether the Plot No.01 had ever been notified as a protected private forest is no longer in dispute in view of the

Notifications of 1950-1954 issued by the then State of Bihar declaring the said plot to be Private Protected Forest. We may, however, hasten to add that only 49.90 acres out of total of 81 acres of Plot No.01 was notified as Protected Private Forest. The only question to be examined is as to whether the Appellants have carried on illegal mining in Plot No.01 and have illegally encroached into the said Plot of land for the purpose of their stone mining activities.

58. From the documents on record and perusal of the Environmental Clearance dated 31.12.2014, we find that the Environmental Clearance was granted to the Appellant No.3, Arun Kumar Ladia, only for Plot Nos.4&5(P) (area 0.732 hectares) in Village-Lakhanpur, Block-Bengabad, District-Giridih, and not for carrying on mining operations in Plot No.01. The copy of the map which has been filed along with the affidavit of the Divisional Forest Officer, Giridih, dated 30.11.2023 at page no.383 of the paper book, shows Plot No.01 to be adjacent to Plot No.5 and also shows mining operations being carried on within the dotted area of Plot No.01. It is also mentioned on the map that illegal mining is being carried out on this plot over an area of 0.96 acres and mining debris (malba) has been dumped over an area of 0.86 acres and the total area forming part of Plot No.01 which has been encroached is 1.82 acres. Thus, it is irrefutably clear that the Project Proponent, Appellants, has encroached into the Plot No.01 and has carried out mining operations which is in clear violation of the Condition C (2) of the Environmental Clearance dated 31.12.2014. The contention of the Appellants that in the report of the Circle Officer, Bengabad, dated 26.11.2022 it was stated that mining operation by the Appellant

was confined to Plot Nos.4 and 5(P) and that Plot No.01 is being used as approach road to the mining lease area and that Plot No.01 shows that no mining was being carried on on Plot No.01 is completely misconceived. The letter of the Circle Officer, Bengabad, dated 26.11.2022 is filed at page no.235 of the paper book, and it clearly mentions that mining has been done of an area of 1.53 acres of Plot No.01, Khata No.1, area 81 acres which is recorded as Forest land. The contention of the learned Senior Counsel for the Appellants that the mining lease deed 2015, Part II Clause 3 permitted the Appellants to construct an approach road over Plot No.01 to reach Plot.4 and Plot No.5(P) is also not borne out from the record. The Mining Lease Deed Part II Clause 3 (page 46 of paper book) permits the lease holder i.e., the Appellants, to use or construct road only over the 'Ullikhit Bhoomi' i.e., land over which lease has been granted i.e., 4 and Plot No.5 (P), Mouza-Lakhanpur and not over Plot No.01. For the same reason the submission of the learned Senior Counsel for the Appellants that 1.00 acre of Plot No.01 was purchased by the Appellants from the recorded holder and that the approach road was constructed over this 1.00 acres does not hold much water, in as much as even ancillary activity such as construction of road over Plot No.01 to aid mining activity on Plot Nos.04 and 05 (P) would not be permissible under Condition C (2) of the Environmental Clearance.

59. The next leg of the argument of learned Senior Counsel for the Appellants is that the Environmental Clearance was granted in 2014 on the report of the then Divisional Forest Officer, Giridih, dated 22.12.2014 (page 83 of the paper book), clearly stating that the Plot Nos.4&5(P) in Mouza-Lakhanpur, Thana-Bengabad, was at

a distance of more than 500 meters from the notified forest and, therefore, the Appellants cannot be accused of having misled the SEIAA, Jharkhand, into granting Environmental Clearance and in any case the decision to grant Environmental Clearance to the Project Proponent, Appellant No.3, was taken by the SEIAA, Jharkhand, correctly in its meeting held on 30.12.2014. It is further submitted by the learned Senior Counsel for the Appellants that, in fact, the stand of the SEIAA and the State Respondents in their affidavits itself is that Environmental Clearance was granted on the basis of the previous report of the Divisional Forest Officer dated 22.12.2014 which was wrong and the fact that subsequent letter of the Divisional Forest Officer, Giridih, dated 15.12.2022 (page 404 of the paper book), that Plot Nos.4&5(P) for which stone mining lease has been granted and Environmental Clearance has been granted to the Appellant No.3 is at Zero distance from the notified forest and less than 250 meters from the notified forest. How was the siting criteria of 250 meters arrived at by the Divisional Forest Officer, Giridih, has not been disclosed.

60. Mr. Sanjay Upadhyay, learned Senior Counsel for the Appellants further submitted that though the Plot No.01 was notified as forest/private protected forest vide Notification dated 1953 but out of the total area of 81 acres, only 49.90 acres was notified as private protected forest and out of the said plot, 1.00 acre of land has been purchased by the Appellant No.3 and there is nothing on record to show that this particular piece of land of 1.00 acres is forest land forming part of the total notified forest area of 49.90 acres.

61. We have sifted through the various documents on record as well as carefully considered the pleadings of the parties and we find that it is nowhere the stand of the State Respondents that 1.00 acre of land purchased by the Appellant No.3 in Plot No.01 forms part of the 49.90 acres of notified forest land out of the total area of 81 acres, therefore, the stand of the SEIAA, Jharkhand, in its impugned order dated 08.08.2023, based on the subsequent report of the Divisional Forest Officer, Giridih, dated 15.12.2022 that the stone quarry mine was situated at Zero meters from the notified forest, cannot be accepted. We have also noted hereinabove that the mining lease was granted to the Appellant No.3 over Plot Nos.4&5(P) but no document has been placed before us by the State Respondents to show that the siting criteria mandates that mining lease for a stone quarry cannot be granted within 250 meters from a forest land.

62. Mr. Ashok Prasad, learned Counsel appearing for Respondent No.2, SEIAA, Jharkhand, has passed on to the Court a Notification issued by the Jharkhand State Pollution Control Board on 07.12.2015 which mentions that the minimum distance of battery of the proposed industries/units for stone mines is 400 meters from forest/forest land (as notified earlier) and 250 meters from notified and demarcated forest/forest land (revised) and in the case of stone crusher 500 meters from forest/forest land (as notified earlier) and 250 meters from notified and demarcated forest/forest land (revised). The said Notification mentions that these guidelines vide Notification No.22 dated 22.03.2005 and Memo No.1163 dated 22.03.2005 have been revised on the recommendations of the NOC Expert Committee of the Jharkhand State Pollution Control Board

in its meetings held on 09.11.2015 and 02.12.2015 and thereafter the Notification No.B-12 dated 07.12.2015 has been issued.

63. Notification No.B-12 dated 07.12.2015 is extracted herein below:-

*"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 the land marks from the batter 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 notified earlier	Notified and demarcated Forest/Forest land (revised)
8.	Stone Mines	400	250
11.	Stone Crusher	500	250"

64. There is nothing on record to show that this notification issued by the Jharkhand State Pollution Control Board on 07.12.2015 has been accepted by the Forest Department or the State Government. It is an undisputed scientific fact that mining/quarry has adverse impact on the neighbouring forest ecosystem. At the same time, we appreciate that incidence of mineral is also site specific. Therefore, any prohibitory distance can be prescribed only after expert studies keeping the concept of sustainable development and precautionary principle into consideration. Therefore, we are of the firm view that the siting criteria has to be approved and notified by the Forest

Department or notified by the State Government. No such siting criteria issued by the Forest Department or the State Government has been placed before us. However, we make it clear that our findings recorded hereinabove with regard to the siting criteria will not preclude the Forest Department/State Government from undertaking an exercise in determining the siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land. In case there are Rules or Guidelines in existence with regard to siting criteria issued by the Forest Department or State Government, the SEIAA, Jharkhand, shall consider the same with regard to the facts of the present case and pass fresh orders in this regard.

65. We, therefore, direct the Respondent No.1, State Respondent, Government of Jharkhand, to carry out the expert exercise for determination of siting criteria for stone quarries/mines with reference to notified and demarcated forest/forest land and complete the same within a period of two months and notify the siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land consistent with existing laws, if not already in existence.

66. However, in view of the letter of the Circle Officer dated 26.11.2022, it is confirmed that the Appellants have carried out illegal mining and dumping activities over Plot No.01 of Lakhanpur Mouza for which no Environmental Clearance had been granted by the SEIAA, Jharkhand and, therefore, prima facie, the Appellants have violated the provisions of Condition C (2) of the Environmental Clearance dated 31.12.2014. This aspect of the matter has not been considered by the SEIAA, Jharkhand, on the ground that EIA

Notification, 2006, does not give any mandate to SEIAA to take any decision on the facts given in paras 10 and 11 of its order dated 08.08.2023. In paras 10 and 11 of the order, the only stand of the Project Proponent was that the total area of Plot No.01 is 81 acres while the notified area as Protected Forest is only 49.90 acres and that the Appellant No.3, Shri Arun Kumar Ladia, is the present Raiyat of 1.00 acres of land over Plot No.01 via registered sale deed dated 24.11.2014 and if the Divisional Forest Officer is aggrieved, he is free to move a title suit or Jharkhand Public Land Encroachment proceedings against the Project Proponent before the competent court.

67. We find that the SEIAA, Jharkhand, has completely overlooked the fact that though the question of determination of right and title over Plot No.01 is beyond the jurisdiction of the SEIAA, Jharkhand, the facts stand established from the documents on record that even though the Appellant No.3 may be the owner of 1.00 acres of land over Plot No.01, he could not mine or construct approach road for mining purposes on the same without Environmental Clearance and that the Environmental Clearance dated 31.12.2014 was only in respect of Plot Nos.4 & 5 (P) i.e., adjoining plots, and having carried out illegal mining and dumping activities over any part of Plot No.01, the Appellants were clearly acting in violation of the provisions of the Indian Forest Act, 1927, and the offence has also been booked against them. This also violates the Condition C (2) of the Environmental Clearance dated 31.12.2014 and this aspect of the matter was within the jurisdiction of the SEIAA, Jharkhand, to consider and pass appropriate orders thereon.

68. We, therefore, allow the present Appeal and set aside the order of the SEIAA, Jharkhand, dated 08.08.2023 and direct the SEIAA, Jharkhand, to reconsider the matter and pass fresh order in the light of the observations made hereinabove within a period of two months.

69. I.As. if any, stand disposed of accordingly.

70. There shall be no order as to costs.

सत्यमेव जयते

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

July 30, 2024,  
Appeal No.24/2023/EZ  
(I.A. No.50/2024/EZ)  
AK

**NGT**



राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड  
State Level Environment Impact Assessment Authority, Jharkhand  
पौधशाला परिसर, घुर्वा बरा स्टैण्ड के समीप, पो०+थाना-घुर्वा, राँची झारखण्ड, 834004  
ई-मेल. msseiaa.jhk@gmail.com; वेबसाइट. www.jseiaa.in

पत्रांक : 280

राँची, दिनांक : 15/10/2024

प्रेषक:

सदस्य सचिव,  
SEIAA,  
झारखण्ड, राँची।

सेवा में,

श्री अरुण कुमार लाडिया,  
पिता : स्व० विश्वनाथ प्रसाद,  
ग्राम : टुण्डी, पोस्ट + थाना : गिरिडीह,  
जिला : गिरिडीह - 815301,  
झारखण्ड।

विषय : - माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता में दायर वाद सं० 24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors के संबंध में।

प्रसंग : - 1. SEIAA का ज्ञापांक 205, दिनांक 08.08.2023।  
2. माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता द्वारा वाद सं० 24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors में पारित न्यायादेश दिनांक 23.08.2024।

महाशय,

उपर्युक्त प्रासंगिक विषयक पत्थर खनन परियोजना मौजा : लखनपुर, थाना : बेंगाबाद, जिला : गिरिडीह के खेसरा सं० 4 एवं 5 (अंश) (1.81 एकड़/0.732 हे०) के क्रम में सूचित करना है कि आपके द्वारा पर्यावरणीय स्वीकृति हेतु आवेदित प्रस्ताव के साथ संलग्न वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के पत्रांक 391, दिनांक 25.02.2014 द्वारा निर्गत प्रस्तावित भूमि से वन भूमि की दूरी (500 मीटर से अधिक होने) संबंधी प्रमाण-पत्र के आलोक में तत्कालीन SEAC, झारखण्ड के अनुशांसा के आलोक में तत्कालीन SEIAA, झारखण्ड के अनुमोदनोपरांत इस कार्यालय के पत्रांक EC/SEIAA/2014-15/518/2014/703, दिनांक 31.12.2014 द्वारा प्रश्नगत परियोजना के पक्ष में पर्यावरणीय स्वीकृति निर्गत की गयी थी।

पुनः वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के पत्रांक 4184, दिनांक 15.12.2022 द्वारा सूचित किया गया कि मौजा लखनपुर, थाना बेंगाबाद के प्लॉट सं० 4 एवं 5 (अंश) वनभूमि से शून्य मीटर की दूरी पर अवस्थित है तथा गैर-कानूनी ढंग से अधिसूचित प्लॉट सं० 01 वन भूमि पर भी खनन कार्य किया गया है।

तदआलोक में इस कार्यालय द्वारा स्पष्टीकरण पृच्छा की गयी तथा आपके द्वारा अपना स्पष्टीकरण इस कार्यालय में समर्पित किया गया।

सदस्य सचिव, SEIAA द्वारा समुचित अवसर प्रदान करते हुए प्रश्नगत मामले की सुनवाई की तिथि 26.06.2023 निर्धारित की गयी, जिसमें आपने एवं वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल ने अपना पक्ष प्रस्तुत किया तथा आप दोनो के द्वारा तथ्यों के साथ अपने पक्ष को रखा गया, जिसे SEIAA के 106वीं बैठक दिनांक 03 एवं 04 जुलाई, 2023 में रखा गया। दोनो पक्षों द्वारा प्रस्तुत तथ्यों के आधार पर SEIAA द्वारा पर्यावरणीय स्वीकृति निरस्त करने का निर्णय लिया गया। तत्पश्चात् इस कार्यालय के ज्ञापांक 205, दिनांक 08.08.2023 द्वारा पूर्व निर्गत पर्यावरणीय स्वीकृति को निरस्त किया गया।

SEIAA द्वारा निर्गत उक्त आदेश के विरुद्ध आपके द्वारा मा० राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता में OA no. 24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors वाद दायर किया गया, जिसमें मा० राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता ने न्यायादेश दिनांक 23.08.2024 द्वारा SEIAA के आदेश दिनांक 08.08.2023 को Set aside करते हुए 02 महीने के अंदर प्रश्नगत मामले पर पुर्नविचार करते हुए अंतिम निर्णय लेने हेतु आदेश निर्गत किया गया है।

अतः इस मामले में पुर्नविचार करने हेतु निम्न प्रकार से प्रतिवेदन पत्र प्राप्ति के एक सप्ताह के अंदर समर्पित करें : -

1. वन सीमा से प्रश्नगत परियोजना स्थल की दूरी की संयुक्त जाँच प्रतिवेदन जिसमें वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल एवं आपका हस्ताक्षर हो।
2. वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के पत्रांक 4184, दिनांक 15.12.2022 एवं उपायुक्त-सह- जिला दण्डाधिकारी, गिरिडीह को संबोधित अंचल अधिकारी, बेंगाबाद के पत्रांक 630, दिनांक 28.11.2022 द्वारा कृत जाँच प्रतिवेदन द्वारा अवैध खनन किये जाने की सूचना दी गयी, इस संबंध में आपका स्पष्ट मतव्य।
3. 01 अगस्त, 2021 से 28.02.2023 तक की अवधि में खनन कार्य हेतु जिला खनन कार्यालय द्वारा निर्गत माईनिंग चालान की सत्यापित प्रति।

मा० राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता द्वारा पारित न्यायादेश दिनांक 23.08.2024 के आलोक में SEIAA द्वारा प्रश्नगत मामले में पुर्नविचार करते हुए अंतिम आदेश पारित किया जाना है।

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पुर्नआदेश पारित किये जाने तक इस कार्यालय के पत्रांक 319, दिनांक 22.12.2022 द्वारा प्रश्नगत परियोजना के पक्ष में निर्गत पर्यावरणीय स्वीकृति को abeyance में रखे जाने का निर्णय यथावत रहेगा।

विश्वासभाजन्

12/12/2024  
सदस्य सचिव,

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,  
झारखण्ड, राँची।

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- 65- Annexure-4

**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.

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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**.

*[Handwritten signature]*

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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 Raghav 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 cadestral 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.

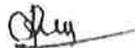






14. That in para 5 of the counter affidavit of SEIAA, Jharkhand it was clearly stated that for grant of Environmental Clearance a minimum distance criteria of mining lease area from protected / notified forest should be 250 meters. But as per DFO, Giridih East Division letter no. 4184, dated 15.12.2022 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

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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>as per</sup> ~~from~~ 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





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.

*Rudh*  
Chairman  
SEIAA, Jharkhand  
*20/2/25*

*allkoti*  
Member  
SEIAA, Jharkhand  
*25/2/25*

*h*  
Member Secretary  
SEIAA, Jharkhand  
*25/02/2025*

Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Execution Application No.02/2025/EZ  
In  
Appeal No.24/2023/EZ

**IN THE MATTER OF:**

- 1. Mohammad Ilyas,**  
s/o Ahmad Ali,  
R/o Nimadih, P.O.-Arkhang, P.S.-Dhanwar, District-Giridih,  
(Transfer Applicant of Environment Clearance of Project Proponent)
  - 2. Md. Saraj,**  
S/o Sadik Miyan,  
R/o Baijudih, P.O.-Kubri, P.S.-Dhanwar, District-Giridih,  
(Transfer Applicant of Environment Clearance of Project Proponent)
  - 3. Arun Kumar Ladia,**  
S/o Late Vishwanath Prasad,  
R/o Vill-Tundi, P.O. & P.S.-Giridih, District-Giridih, Pin - 815301,  
(Project Proponent)
- ...Applicant(s)**

**Versus**

- 1. State of Jharkhand,**  
Represented through Additional Chief Secretary,  
Department of Forests, Environment & Climate Change,  
Government of Jharkhand,  
Nepal House, Ranchi - 834002,
- 2. State Level Environment Impact Assessment Authority (SEIAA),  
Jharkhand,**  
Represented through its Member Secretary,  
Nursery Complex, Near Dhurwa Bus Stand, Durwa,  
Ranchi - 834004,
- 3. Divisional Forest Officer, Giridih East Division,**  
13, Forest Colony, Giridih, Jharkhand,  
Pin - 815301,

**...Respondent(s)**

Date of hearing: 03.03.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sanjay Upadhyay, Sr. Advocate a/w  
Ms. Paushali Banerjee, Advocate

For Respondent(s): Ms. Aishwarya Rajyashree, Adv. for R-1&3, (in Virtual Mode)  
Mr. Bhanu Kumar, Advocate (in Virtual Mode) a/w  
Mr. Ashok Prasad, Advocate for R-2,

**ORDER**

1. Mr. Sanjay Upadhyay, learned Senior Counsel assisted by Ms. Paushali Banerjee, learned Counsel, is present for the Applicants.
2. The Appeal No.24/2023/EZ was filed by the Appellants, seeking quashing of the order passed by the State Environment Impact Assessment Authority (SEIAA) cancelling the Appellant's Environmental Clearance dated 31.12.2024. The said Appeal No.24/2023/EZ was thereafter allowed and disposed of by this Tribunal vide order dated 23.08.2024. Paragraph Nos.65, 66, 67 and 68 of the order of the Tribunal dated 23.08.2024 read as under:-

65. *"We, therefore, direct the Respondent No.1, State Respondent, Government of Jharkhand, to carry out the expert exercise for determination of siting criteria for stone quarries/mines with reference to notified and demarcated forest/forest land and complete the same within a period of two months and notify the siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land consistent with existing laws, if not already in existence.*

66. *However, in view of the letter of the Circle Officer dated 26.11.2022, it is confirmed that the Appellants have carried out illegal mining and dumping activities over Plot No.01 of Lakhanpur Mouza for which no Environmental Clearance had been granted by the SEIAA, Jharkhand and, therefore, prima facie, the Appellants have violated the provisions of Condition C (2) of the Environmental Clearance dated 31.12.2014. This aspect of the matter has not been considered by the SEIAA, Jharkhand, on the ground that EIA Notification, 2006, does not give any mandate to SEIAA to take any decision on the facts given in paras 10 and 11 of its order dated*

08.08.2023. In paras 10 and 11 of the order, the only stand of the Project Proponent was that the total area of Plot No.01 is 81 acres while the notified area as Protected Forest is only 49.90 acres and that the Appellant No.3, Shri Arun Kumar Ladia, is the present Raiyat of 1.00 acres of land over Plot No.01 via registered sale deed dated 24.11.2014 and if the Divisional Forest Officer is aggrieved, he is free to move a title suit or Jharkhand Public Land Encroachment proceedings against the Project Proponent before the competent court.

67. We find that the SEIAA, Jharkhand, has completely overlooked the fact that though the question of determination of right and title over Plot No.01 is beyond the jurisdiction of the SEIAA, Jharkhand, the facts stand established from the documents on record that even though the Appellant No.3 may be the owner of 1.00 acres of land over Plot No.01, he could not mine or construct approach road for mining purposes on the same without Environmental Clearance and that the Environmental Clearance dated 31.12.2014 was only in respect of Plot Nos.4 & 5 (P) i.e., adjoining plots, and having carried out illegal mining and dumping activities over any part of Plot No.01, the Appellants were clearly acting in violation of the provisions of the Indian Forest Act, 1927, and the offence has also been booked against them. This also violates the Condition C (2) of the Environmental Clearance dated 31.12.2014 and this aspect of the matter was within the jurisdiction of the SEIAA, Jharkhand, to consider and pass appropriate orders thereon.

68. We, therefore, allow the present Appeal and set aside the order of the SEIAA, Jharkhand, dated 08.08.2023 and direct the SEIAA, Jharkhand, to reconsider the matter and pass fresh order in the light of the observations made hereinabove within a period of two months”.

3. Thereafter, the present Execution Application has been filed by the Applicants, seeking a direction to the State Environment Impact Assessment Authority (SEIAA), Jharkhand, to comply with the order of the National Green Tribunal dated 23.08.2024 and further to quash the orders dated 15.10.2024 and 26.11.2024 issued by the State Environment Impact Assessment Authority (SEIAA),

Jharkhand, alleged to have been passed in violation of the order of the Tribunal dated 23.08.2024.

4. Mr. Sanjay Upadhyay, learned Senior Counsel referring to the order dated 15.10.2024 submitted that after the Tribunal vide its order dated 23.08.2024 had set-aside the order dated 08.08.2023 cancelling the Environmental Clearance with certain directions to the SEIAA, Jharkhand, as contained in paras 65, 66, 67 and 68 of the order, already extracted hereinabove, and as a consequence thereof the previous Environmental Clearance dated 31.12.2014 would stand revived and without complying with the directions given by the Tribunal in the order dated 23.08.2024, the question of placing the Environmental Clearance in abeyance did not arise and was in gross violation of the order of the Tribunal.

5. The SEIAA, Jharkhand, has filed affidavit dated 26.02.2025. In para 11 thereof it was admitted that there was no occasion for referring to the decision taken by the SEIAA, Jharkhand, vide letter dated 22.12.2022 keeping the Environmental Clearance in abeyance after setting aside of order dated 08.08.2023 of SEIAA, Jharkhand, by this Tribunal. Para 11 of the affidavit reads as under:-

*"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 during the pendency of the enquiry and investigation by SEIAA,*

*Jharkhand and till passing of an order and for this deponent begs unqualify apology."*

6. This Tribunal in its order dated 28.02.2025 noted that although the SEIAA, Jharkhand, has itself admitted that there was no occasion for keeping the Environmental Clearance in abeyance vide its order dated 15.10.2024 but it was noted that if that was the case the order dated 15.10.2024 had not been withdrawn by the SEIAA, Jharkhand. Mr. Bhanu Kumar, learned Counsel for the SEIAA, Jharkhand, however, submitted that in view of the averments made in para 11 of the affidavit dated 26.02.2025, the SEIAA, Jharkhand, will withdraw the order dated 15.10.2024 and will file affidavit of compliance by 03.03.2025. Accordingly the case was fixed for 03.03.2025.
7. Supplementary affidavit dated 01.03.2025 has been filed on behalf of the Respondent No.2, SEIAA, Jharkhand; the same is taken on record.
8. Along with this affidavit, an order dated 01.03.2025 has been filed whereby the offending portion of the order dated 15.10.2025 has been withdrawn. The relevant extract of the order dated 01.03.2025 reads as under:-

*“पुर्नआदेश पारित किये जाने तक इस कार्यालय के पत्रांक 319, दिनांक 22.12.2022 द्वारा प्रश्नगत परियोजना के पक्ष में निर्गत पर्यावरणीय स्वीकृति को abeyance में रखे जाने का निर्णय यथावत रहेगा” को माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता द्वारा उक्त वाद में दिनांक 28.02.2025 को पारित न्याय निदेश की कंडिका 4 के अनुपालन में पत्र निर्गत की तिथि यथा 15.10.2024 के प्रभाव से प्रत्याहृत (Withdraw) एवं विलोपित किया जाता है।”*

9. Mr. Sanjay Upadhyay, learned Senior Counsel submits that by another order dated 26.11.2024 (Annexure-8 to the Execution

Application), the SEIAA, Jharkhand, had observed that compliance of the order of the National Green Tribunal dated 23.08.2024 was not possible.

10. However, we find that in view of the subsequent order dated 01.03.2025 whereby the objectionable portion of the order dated 15.10.2024 has been withdrawn, there should be no further impediment for SEIAA, Jharkhand, to comply with the order dated 23.08.2024.

11. Mr. Sanjay Upadhyay, learned Senior Counsel further submits that another order dated 25.02.2025 has been passed by the SEIAA, Jharkhand, and in para 25 thereof it has observed as under:-

".....X.....X.....X.....X....."

*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) and after 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."*

12. Learned Senior Counsel, therefore, submits that by this order the SEIAA, Jharkhand, has virtually foreclosed the right of the Appellants for grant of Environmental Clearance in future.

13. In our considered opinion, the issuance of fresh Environmental Clearance in future is neither for consideration before us nor can we express any opinion thereon. The consequences of the order

- 79 -

dated 23.08.2024 shall follow, in compliance of which the SEIAA, Jharkhand, has also withdrawn the objectionable portion of the order dated 15.10.2024.

14. In view of the above, nothing further remains for adjudication in the present Execution Application and the same is accordingly disposed of.
15. I.As., if any, stand disposed of accordingly.
16. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

March 03, 2025,  
Execution Application No.02/2025/EZ  
In  
Appeal No.24/2023/EZ  
AK

**NGT**

## Acknowledgement Slip for Transfer of EC

This is to acknowledge that the proposal for Transfer of EC has been successfully submitted on the portal of the SEIAA.

Following should be mentioned in further correspondence

1. Proposal No. : SIA/JH/MIN/297401/2023

2. Category of the Proposal : Non-Coal Mining

3. Name of the proposal : Lakhanpur Stone Mine

4. Date of submission : 07 Feb 2023

5. Name of the Project proponent along with contact details

a) Name of the proponent : MOHAMMAD ILYAS

b) Mobile No. : 9431160524

c) State : Jharkhand

d) District : Giridih

e) Pincode : 825418

-81-

File No. IA3-22/19/2023-IA.III [E226246]  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA Division)

Indira Paryavaran Bhawan  
Jor Bagh Road, Aliganj,  
New Delhi - 110003

Dated: 3<sup>rd</sup> November, 2023

**OFFICE MEMORANDUM**

**Subject: Clarification on the time period within which the Environmental Clearance (EC) has to be transferred after transfer/ acquisition/ demerger/ change in name etc., of the Company- reg.**

As per the provisions of para 11 of the Environmental Impact Assessment Notification, 2006 and subsequent amendments, a prior Environmental Clearance (EC) granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior EC was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

2. The validity of EC for all projects/activities, other than mining projects, means the period from which a prior EC is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub-paragraph (iii) of paragraph 8, to the start of production operations by the project or activity or completion of all construction operations in case of construction projects relating to item 8 of the Schedule, to which the application for prior environmental clearance refers.

3. In case of the mining projects (item 1a of the Schedule), the validity shall be calculated from the date of execution of the mining lease. The prior EC granted for mining projects shall be valid for the project life as laid down in the mining plan approved and renewed by competent authority, from time to time, subject to a maximum of thirty years, whichever is earlier: Provided that the period of validity may be extended by another twenty years, beyond thirty years, as per the provisions of the EIA Notification 2006.

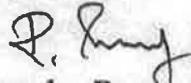
4. It has now been brought to notice that there is ambiguity with regard to the term validity of the prior EC within which the EC has to be transferred. The matter has been examined in the Ministry and it is clarified that the "Validity of Environmental Clearance" involves two phases of the project, which are validity of Construction or Installation Phase and validity of Operational Phase.
5. The validity of construction or installation phase means duration from the date of grant of prior EC by the Regulatory Authority for projects other than mining (item 1(a) of the Schedule) for:-
  - a) Completion of all construction activities, in case of construction projects (item 8 of the Schedule), to which the application for prior-EC, refers to and, shall be limited only to such activities as may be the responsibility of the project proponent as a developer. Or;
  - b) Completion of installation of plant and machinery including commencement of production/operation in all other cases (other than item 8 of the Schedule), to which the application for prior-EC, refers to.
6. The validity of Operational phase of projects, except mining (item 1a of the Schedule), shall be perpetual for the remaining life of the project in respect of the completed part of the project. In case of partial completion of a production/operation/activity/ construction, the CTO obtained shall be taken into account to ascertain the level of completion, for which the EC shall be considered to be valid for perpetuity.
7. In this regard, it is hereby clarified that subsequent to transfer/acquisition/demerger/change in name etc., of a project/unit having a valid EC, from one legal entity to another, all the accumulated environmental obligations as per the valid EC applicable at the time of such transfer shall be deemed to have been transferred to the new entity from the date of such transfer/ acquisition/demerger/change in name etc. Accordingly, as per the provisions of EIA Notification 2006 and its amendments, the transferor /transferee shall apply for transfer of EC in the laid down proforma on PARIVESH along with all the requisite documents within twelve months of such transfer/ acquisition/ demerger / change in name etc., of the Company.
8. Provided, that where the application for transfer has been filed online in the laid down proforma, after a period of twelve months but within twenty-four months from the date of change in transfer/acquisition/demerger/change in name etc., of the Company, the delay shall be condoned at the level of the Minister in charge of Environment, Forest and Climate Change, Govt. of India or Chairman, State Level Expert Appraisal Committee, as the case may be.

9. Application for transfer of EC after a period of twenty-four months from the date of transfer/ acquisition/ demerger / change in name etc., of the Company, shall be considered as a non-compliance of EC condition and action shall be initiated on the project proponent as per the existing rules.

10. The project proponents, who have not yet applied till date for transfer of EC as per the provisions of EIA Notification 2006, even after one year from the date of change in ownership and/or change in name of the Company, shall apply for the same within a period of 6 months from the date of issue of this Office Memorandum, and the same shall not be considered as non-compliance of EC condition.

11. Further, in addition to the documents required to be submitted as per the provisions of the EIA Notification 2006 for EC transfer, the applicant shall also submit the proof of submission of application to the concerned SPCB/PCCs for transfer of CTE/CTO.

12. This is issued with the approval of the Competent Authority.

  
(Sundar Ramanathan)  
Scientist 'E'

To

1. Chairman/Member Secretary, CPCB.
2. Chairperson/Member Secretaries of all the State/UT, PCBs/PCCs
3. Chairperson/Member Secretaries of all the EACs.
4. Chairperson/Member Secretaries of all the SEIAAs/ SEACs.
5. All Officers of IA Division

Copy to:

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS (EF&CC)
3. Sr PPS to Secretary (EF&CC)
4. Sr PPS to DGF&SS (EF&CC)
5. Sr PPS to AS(TK)/Sr PPS to JS(SKB)
6. Website, MoEF&CC/Guard File



SAVE SAL TREE



SAVE JHARKHAND



कार्यालय, वन प्रमण्डल पदाधिकारी, गिरिडीह पूर्वी वन प्रमण्डल।

मोहनपुर, पोस्ट-पचम्बा, जिला-गिरिडीह, पीन कोड-815316  
email-dfo-giridiheast@gov.in, Phone No.-06532-222127

पत्रांक- 3373 दिनांक- 18/10/2024

सेवा में,

श्री अरुण कुमार लाडिया,  
पिता-स्व० विश्वनाथ प्रसाद,  
ग्राम-टुण्डी, पोस्ट-थाना-गिरिडीह,  
जिला-गिरिडीह-815301, झारखण्ड।

विषय - माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच कलकत्ता मे दायर वाद संख्या-24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors के संबंध में।

प्रसंग - सदस्य सचिव, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड, रांची का पत्रांक-280 दिनांक-15.10.2024.

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र की छाया प्रति इस पत्र के साथ संलग्न प्रेषित है। सदस्य सचिव, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड, रांची के उक्त निदेश के आलोक में स्थलीय जाँच हेतु दिनांक-25.10.2024 11.00 बजे तिथि निर्धारित की जाती है। जाँच हेतु निर्धारित तिथि को आप वन क्षेत्र पदाधिकारी, खुरचुड़ा वन प्रक्षेत्र से सम्पर्क (मोबाईल नं०-9431369028, 8292881275) स्थापित कर विषयक खनन स्थल से वनभूमि की दूरी जाँच कार्य में उपस्थित रहना सुनिश्चित करें, ताकि अग्रतर कार्रवाई की जा सकें। आप अनुपस्थित रहते हो तो यह माना जायगा कि आपको इस संबंध में कुछ नहीं कहना है एवं इस संबंध में एकतरफा निर्णय ले लिया जायगा।

सूचनार्थ प्रेषित।

अनु०-यथोक्त।

विश्वासभाजन,

वन प्रमण्डल पदाधिकारी,  
गिरिडीह पूर्वी वन प्रमण्डल।

18.10.24



## कार्यालय, वन प्रमण्डल पदाधिकारी, गिरिडीह पूर्वी वन प्रमण्डल।

मोहनपुर, पोस्ट-पचम्बा, जिला-गिरिडीह, पीन कोड-815316

email-dfo-giridiheast@gov.in, Phone No.-06532-222127

पत्रांक-3846

दिनांक-28/12/2024

सेवा में,

श्री अरुण कुमार लाडिया,  
पिता-स्व० विश्वनाथ प्रसाद,  
गिरिडीह टुण्डी रोड, पो०+थाना-गिरिडीह,  
जिला-गिरिडीह,  
पिन कोड-815301 (झारखण्ड)

विषय - माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच कलकत्ता में दायर वाद सं०-24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors के संबंध में।

प्रसंग - सदस्य सचिव, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड, रांची का पत्रांक-338 दिनांक-26.11.2024

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र की छायाप्रति इस पत्र के साथ संलग्न प्रेषित है। सदस्य सचिव, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड, रांची के उक्त निदेश के आलोक में संयुक्त स्थलीय जाँच हेतु दिनांक-16.01.2025 पूर्वाह्न 11:00 बजे तिथि निर्धारित की जाती है। जाँच हेतु निर्धारित तिथि को आप वन क्षेत्र पदाधिकारी, खुरचुष्टा वन प्रक्षेत्र से सम्पर्क (मोबाईल नं०-9431369028) स्थापित कर विषयक खनन स्थल से वनभूमि की दूरी जाँच कार्य में उपस्थित रहना सुनिश्चित करें, ताकि अग्रतर कार्रवाई की जा सके। आप अनुपस्थित रहते हो तो यह माना जायगा कि आपको इस संबंध में कुछ नहीं कहना है एवं इस संबंध में एकतरफा निर्णय ले लिया जायगा।

सूचनार्थ प्रेषित।

अनु०-यथोक्त।

विश्वासभ्रजन,

वन प्रमण्डल पदाधिकारी,  
गिरिडीह पूर्वी वन प्रमण्डल।

28-12-24  
[Handwritten signature]



सेवा में,

श्रीमान बंज प्रदाधिकारी, पूर्वी वन प्रमण्डल केलावाट  
बिचिडी

विषय :- जिला वन प्रमण्डल प्रदाधिकारी पूर्वी वन प्रमण्डल मोहनपुर पंचमहा के कार्यालय से प्रेषित पत्रांक :- 3373 दिनांक - 18-10-24 के आलोक में मापी हेतु मौजा लखनपुर क्लिष्ट खतान का खतान - 01 प्लॉट सं. 01 का केलावा जमा करने के संबंध में।

महाराज,

साबर पूर्णक कदम कि में अरुण कुमार जाडीना मौजा लखनपुर क्लिष्ट खतान नं-01 के क्लिष्ट प्लॉट सं. 01 का केलावा जमा कर रहा है।

- ① केलावा सं. - 9519 रकबा - 0.56 ए०
- ② केलावा सं. - 9520 रकबा - 0.44 ए० तथा अपनी उपस्थिति हेतु - अजिनादा कुमार को आपके कार्यालय में भेजा है।

Avinash Kr.

For

Arunkr. Ladia

Dated: -25-10-24

दिनांक 16.01.2025

सेवा में

वन क्षेत्र पदाधिकारी  
शुशुचुडा वन प्रमेत्र

विषय:- वन प्रमेत्र पदाधिकारी गिरिडीह पूर्वी वन प्रमेत्र का  
पत्रांक 3846 दिनांक 28.12.2024

महोदय

1. उपर्युक्त विषयक अधीनस्थ पदाधिकारी के पूर्व पत्र दिनांक 25.10.2024 का कृपया सदर्भ करें जिसके द्वारा मौजा लखनपुर के खता 00 01 (एकर 00 01 (अंश)) में मेरे द्वारा चारित दो केवाला विषय कुल रकबा 0.56 एकड + 0.44 एकड = 1.00 एकड होता है, जमा किया गया था। (प्रति संलग्न)

2. मौजा लखनपुर (एकर 00 01) का कुल रकबा 81 एकड है जिसमें से 49.90 एकड मात्र अधिसूचित वन भूमि है। अब एव सीमांकन कार्य हेतु 81.00 एकड पूर्ण एकर में 49.90 एकड अधिसूचित वन भूमि का सत्यापन तथा उपलब्ध कराने की कृपा करें।

3. वन प्रमेत्र पदाधिकारी गिरिडीह पूर्वी के आदेश के अनुपालन में मैं दिनांक 16.01.2025 को पूर्वाह्न 11.00 बजे संयुक्त स्थानीय जांच हेतु उपस्थित हूँ।

*Handwritten signature*  
16/01/2025

विकास शाखा  
अरुण कुमार जोशी  
मोबाइल नं 6201466876

10

Annexure-8  
-88-

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

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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**

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

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**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/

# VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

District: Kolkata

Appeal OA/MA/RA/Contempt No.

of 2025

Md. Ilyas & ors.

(Appellant  
(Petitioners)

- Versus -

The State Level Environment Impact Assessment Authority (SEIAA), Jharkhand,

(Respondent  
(Opposite Party)

Vakalatnama on behalf of Appellant  
Know all men by these presents that by Vakalatnama, I/We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates for filling the memorandum or appeal or petition of entering appearance

in the above matter for appearing conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/ our behalf for filing, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I / We further say that any act Done by my / our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates after notice to me/us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/WE sign and execute this Vakalatnama on this  
the 07 day of April 2025.

Paushali Banerjee  
Name of Advocates  
Ms. Paushali Banerjee,  
High Court, Calcutta,  
NPS Business Centre,  
Ground Floor, Kolkata - 700001  
M. 9433253274

received and accepted  
by me  
Paushali Banerjee  
Advocate

Received by me  
Justice M. S. Laxmi  
18/04/2025  
Md. Ilyas  
(MD Saraj)

To whom it may concern

We Arun Kumar Ladia S/o Bishwanath  
Prasad Ladia P.O. & P.S. Giridist Pincode 815301  
and Md Saraj S/o Sadik Miyan Baijudin  
P.O. Kubri P.S. Dhanwar Dist. Giridih  
do hereby Authorise Md. Elyas S/o Ahmad Ali  
Mimadin P.O. As Khango P.S. Dhanwar  
Dist Giridih to represent us, sign the  
Verification and Affidavit in the matter of  
appeal No. 24/2023/EZ and any other applica-  
tion/s arising from the matter

Arun Kumar Ladia.

ॐ श्री गणेशाय नमः