

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE AT CHENNAI

Appeal No.19 of 2020

B. Madhan Kumar Reddy
SPSR Nellore District

...Appellant

Versus

The Government of India,
Rep. by its Director,
Ministry of Environment, Forest
and Climate Change,
New Delhi and others

...Respondents

ADDITIONAL DOCUMENTS FILED ON BEHALF OF
RESPONDENT NO.7

S.No.	Date	Description	Page No.
1.	16.08.2016	Report of the Regional Director MoEF	1. 12
2.	28.08.2019	Additional Information submitted to EAC	13. 17
3.	---	Extract of Final Environment Impact Assessment Report (part of Annexure 7A) containing demand notice dated 21.03.2016 and 19.02.2014 issued by Department of Mines, Government of Andhra Pradesh	18. 25

The documents included in the typed set are attested to be true copies

Date: 07.10.2021

Place: Chennai.

T. Hemalatha
Counsel for 7th Respondent

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Silica Sand Mining Project of M/s. Shri Kumara Swamy Silica Mines located at SPSR Nellore District, Andhra Pradesh-Site Inspection Report.

An E-mail was sent by Dr U.Sridharan, Director, MoEFCC, New Delhi on 07.06.2016 to this office enclosing a representation received from Shri Vemareddy Sarat Kumar Reddy, MPIC Member, Varagali, Chillakur Mandal, SPSR Nellore District, Andhra Pradesh. Shri B. Madan Kumar Reddy, Momidi Village, Chillakur Mandal, SPSR Nellore District, Andhra Pradesh and Shri Meganuru Hari Krishna, Momidi Village, Chillakur Mandal and directed this office to inspect and verify the matter and send a report on the issues raised/mentioned in these representations.

Based on this as directed by the Addl.PCCF(C) of this office, the undersigned inspected the project site on 08.07.2016 along with project officials and also had discussion with them. Shri V. Sharath Kumar Reddy along with one person came to this office and have shown copies of representations given to many organizations before and after the public hearing on 14.07.2015. The issues raised by Shri V. Sharath Kumar Reddy were heard and the observation as well as information gathered on the issues raised in the representation during the visit are as given below.

1) A brief note about the silica sand mining

Initially, the Mining Lease (ML) was granted in favour of Shri V. Ramachandra Reddy vide G.O M/s No. 563 of Industries and Commerce (Mines-iii) dept commerce dated 24.05.1975 over an area of 512.01 acre in Momidi village, Chillakur Mandal, Nellore District. The ML was executed on 04.09.1975 for a period of 20 years.

The lease was subsequently transferred in favour of M/s. Shri Kumara Swamy silica mines, a partnership firm of Shri Ramachandra Reddy under G.O M/s No. 190, dated 11.04.1985 and executed on 01.07.1985. The mining lease was expired on 03.09.1995. The Government of AP has sanctioned first renewal of ML for silica sand over the reduced area of 338.39 acre in Sy.No. 695/22 and 696 of Momidi Village, Chillakur Mandal, Nellore District for a period of another 20 years from 04.09.1995 and it was valid upto 2015 for an area of 338.39 acre. As per MMDR, 2015, ML renewal has been extended upto 2025.

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II) The present status of the mine

The PA have obtained ML for an area of 136.944 ha of land for silica sand mining purpose. Of this so far they have worked manually in an area of 70.60 ha and the untouched/not worked area is 60.34 ha.

The mining operations were stopped only due to the NGI order dated 07.08.2015 as they have mentioned without EC mining activity should not be carried out. They have allowed to remove the stocks as per the Asst. Director, Mines and Geology order and as on today. Now no mining activity is going on.

The information gathered on the issues raised in the representation are as given below.

A. Issues raised by Shri Vemareddy Sarath Kumar Reddy.

i. The draft EIA report is consisting false contentions only with a view to get and due advantage by misleading factual aspects

It is true that some of the informations in the EIA report mentioned are wrong. The consultant who prepared the EIA report mentioned that there are no industries around 10 km radius. But during the visit it was observed that two coal-based thermal power plants namely Simhapuri Power Plant and Meenakshi Energy Limited and SBQ Industries are located around the mine within 10 km radius. In addition to these, Krishnapatnam port, Oil Palm Industries and prawn farms are also available. A mineral processing unit (Mangalore Mineral Processing Unit) is also located adjacent to the mine. It was informed during the visit that the consultant has agreed that there were some mistakes and the mistakes were corrected and submitted a corrected copy of the final EIA report to the Ministry.

ii. The project proponent has already excavated silica sand below the ground water table without obtaining Environmental Clearance till today. The project proponent falsely stated in EIA report that the ground water in the study area is 10-30 metre below the ground level. In fact, in around the vicinity, the ground water will evidence if a pit was dug with a depth of 1 metre from the ground level during the rainy season within a depth of 2 metre from the ground level during the summer season. The mining activity of the



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project proponent is intersecting the ground water table. But the proponent falsely stated that there is no intersection of the ground water table.

It was observed during the visit that the PA have left the abundant mined out area in which water was observed. The pit depth appears to be more than 2 meter at some places. It was unable to confirm that whether the water in the pit was rainy water or seepage water. But the PA have got it done a ground water study and based on the report in and around the area, the ground water level is ranging from 10 to 20 metre depth. This was evidenced by the bore wells which are located around the mine site. On enquiry with the locals near the mine site, they informed that the ground water level in their bore well is about 20 metre depth.

The ML area being sandy and when they are making a pit even at one metre level the surface water as well as seepage water can be seen in their entire area even during summer.

Only surface water which is seepaged and also rain water collected and got stagnated were observed during the visit. Since the ground water level is at 10-20 metre depth and their mining activity is within 2 metre, they have not intersected the ground water table. And this was confirmed by their ground water study report also.

iii. It is clear case of violation as the mining operations are being conducted since 1994 to till date without obtaining EC as required under EIA Notification, 1994 and EIA Notification, 2006. It is relevant to submit previously the Silica Sand is major mineral and prior Environmental Clearance is mandatory since from the date of issuance of the EIA Notification, 1994.

The PA have applied for EC in the year 2013 and appraisal took place on 21.02.2014 for the issue of TOR. The Ministry has intimated the PA that there is a violation in this case and TOR was not issued. The PA have approached a High Court of Andhra Pradesh and the case was set aside. Again the PA have applied for TOR to the Ministry and it was delayed. In the meantime Shri P. Mallikarjuna Reddy has filed a case in the Hon'ble NGT, Chennai against 47 mine owners and the same also has been disposed. Subsequently, he has filed an appeal in the Hon'ble Supreme Court of India and the Supreme Court of India also has not

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admitted the case. The PA have approached the Ministry and TOR was issued on 10.08.2015.

iv. It is further submitted that previously the project proponent excavated silica sand to a tune of 34,000 M.T's illegally outside the leased area allotted to him. An amount of Rs. 29,81,664/- imposed as fine against the project proponent and issued Demand Notice No. 6196/Q5/2010 dated 19.02.2014 was issued by the Deputy Director of Mines and Geology, Guntur. An amount of Rs. 55,28,293/- was imposed as fine against the project proponent and a demand notice was issued by the Deputy Director of Mines and Geology, Guntur vide Demand Notice No. 4823/M5/2015 dated 21.03.2016. The project proponent willfully suppressed all these facts.

No mining is going on. They have erected stone pillars demarcation around their mining lease areas. Since no mining is going on it was difficult to find the mining activity beyond their mining lease areas. A vigilance team was formed along with the surveyors, Department of Mines and Geology and revenue. The committee has also inspected and submitted the report to Government of Andhra Pradesh and is true that an amount of Rs. 29,81,664/- was imposed as fine against the project proponent and issued Demand Notice No. 6196/Q5/2010 dated 19.02.2014 by the Deputy Director of Mines and Geology, Guntur. An amount of Rs. 55,28,293/- was imposed as fine against the project proponent and a demand notice was issued by the Deputy Director of Mines and Geology, Guntur vide Demand Notice No. 4823/M5/2015 dated 21.03.2016. But later on the PA have filed a writ petition (W.P No. 16143 of 2016) and the Demand Notice was set aside as per PA's prayer. A copy of the same is enclosed as Annexure-I.

v. Though we requested to examine personally about the ground water table, excavation of silica sand below the ground water table, damage caused to the irrigation canal situated in the mining project and other aspect during public hearing, the authorities did not evince any interest on the said aspect.

During the public hearing there was an attack against Meganuru Hari Krishna resident of Momidi Village. A criminal case was registered at Chillakur Police station in respect of the said issue. Immediately after the attack, the authorities stopped conducting public hearing though we have



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requested to continue the public hearing and providing opportunity to the affected persons.

The authorities informed that they will receive the opinions in writing within two day. Several persons submitted their written objections apprising adverse affects with the mining project were submitted before the Environmental Engineer, A.P State Pollution Control Board, Regional Office, Nellore on 21.04.2016 and requested to note their objections. We are herewith enclosing the copies same along with translations for the kind considerations of your kind authority. But in the minutes of meeting the said written objections submitted by affected persons were not referred.

It was informed that during the public hearing the issues related with ground water table, excavation of silica sand below the ground water table, damage caused to the irrigation canal situated in the mining project and other aspect were discussed. It was found that there was a quarrel took place after the public hearing committee meeting was over and may be in view of this the same is not figuring in the minutes of the meeting.

It was said that M/s. Aademma, Madamanur, Nellore District has raised so many questions in writing during the public consultation. The PA got it verified that the same person is an illiterate and not at all raised a single question by writing to a District Environmental Engineer, Nellore. Mr. Harikrishna from Momidi Village, Nellore District has claimed that he has owned lot of agricultural land but on the enquiry the PA have found through RTI that PA is not at all having even a single cent of land. Copy enclosed as Annexure-II.

vi. As the averments mentioned in the draft EIA report are all false, we request your kind authority to appoint an independent committee for examining the issues raised in our objections dated 24.04.2016 and other issues for conducting ground level inspection for appraising real facts.

As given in point no. i and the Ministry may decide on this issue. However a ground water study was conducted by PA through an independent agency who was former Regional Director, Waterways, Government of India and submitted a copy of the same to the Ministry as well as Regional Office. Further the Government of Andhra Pradesh has also appointed a sub committee to study the entire ground



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water table in two mandals namely Kota and Chillakur were 74 silica mines are spread. They have reported that mining can be carried out upto 2.5 metre which will not affect ground water. Accordingly, PA has carried out mining as per approved mining plan below 2.5 metre.

vii. We further request to reject the proposal for Environmental Clearance to the above project and take appropriate action in accordance with law duly applying polluter pay principle against the project proponent who conducted mining operations in violation of EIA Notification, 1994 and EIA Notification 2006.

Ministry may decide on this issue.

viii. We further request your kind authority to provide opportunity of personal hearing at the time of taking up the above issue before the Expert Appraisal Committee (Non-coal Mining). I am herewith furnishing my contract information.

Ministry may decide on this issue.

B. Issues raised by Shri B. Madan Kumar Kumar Reddy

i. Above said mining project has been carried out by M/s. Shri Kumara Swamy silica from 1995 in the proposed site and excavated 33,52,118 (Tones) of silica ore till date. In semi mechanized open cast mining system which resulted in complete change of land topography and drainage pattern. Which attracts Section subsection 2(e) of section 6 of Environmental Protection Act 1986 and Rules 5(iv) and 5(vi) of E.P Act 1986 which says

It is a site specific activity. Since the PA have mined silica sand in a manual as well as semi mechanized ways the mining operations were carried out here and there according to their requirement as well as based on the approved mining plan. The mined out pits are left out and the sub grade mineral is also left by the side of the pits. It gives an appearance that there is a change in topography of the land. One spring channel is flowing within the ML area. The PA informed that they have widened the spring canal, desilted every year and also left 50 metre free area on either side of the spring canal. Photograph taken during the visit is enclosed herewith as Annexure-III.



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ii. Complete land site is fed by spring channels nearby and eventually the water table is just below 1-2 meters from the surface. Which was wrongly coated by the project proponent as 8 meters in the draft EIA and misleading the public, Section 4.3.2 of the EIA study on the impact on ground water makes no mention what so ever of the existence of the "Sonakaluva" (Drinking Water Springs) which has been extensively documented by researchers in India and elsewhere. This shows that the Consultant who has prepared the report, paid for by the project proponent, did not care to understand the ground water geology of the land and its multifarious uses for the community. To this extent, the socio-economic component of the study also lacks accuracy and relevance, which can be treated as a violation under sub section (vi) of section 8 EIA Notification 2006 which says

The surface water is available below 1-2 metre from the surface. The complete land site is not only fed by spring channels and also fed through bore wells. The mining activity is within 2 metre depth from the surface. Sonakaluva/Varuvukaluvu is also a seepage water/spring water and it is not ground water. About the Socio-economic component issues, Ministry may take up the matter with the consultant.

iii. The land where the company is now seeking to mine silica hosts sand dunes of great environmental value and has prehistoric evidence in it. These sand dunes store fresh water useful for agriculture in patches beneficial to marginal farmers, mostly, SCs and OBCs. I enclose a few sample pictures of this stretch which not only show the aesthetic beauty of the sand dunes but also the mindless destruction caused by indiscriminate mining. There are areas recognized in this stretch as "forest" lands as wetlands are deemed to be within the purview of the forest department. There are Central Rules prohibiting diversion of wetlands for other purposes. I think that the State legislation, Water, Land and Trees Act also gets attracted to this stretch of land. The EIA study makes no mention of these aspects and the analysis contained in it is meaningless.

As stated above the PA have carried out mining from 1975 onwards. The mined out area is left as such and in that pits the spring water/seepage water/rain water is stagnated (Photographs). The sub grade mineral is just kept by the side of the old

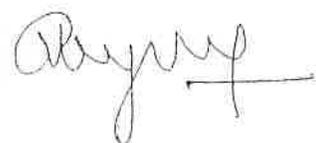
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pit as well as recent pits. It gives an appearance like sand dunes. It is very difficult to conclude whether it is a sand dune or stored/heaped sands (sub grade minerals). There is no forest land in the ML but forest area is located on the southern side of the ML where casurina plantation is existing. To this effect a statement was issued by Forest Section Officer, State Forest Department, Government of Andhra Pradesh. Thamminaptanam and it says that the PA have not encroached any forest land. A copy of the same collected after the visit is herewith enclosed as Annexure-IV. The spring canal is also flowing up to some extent along the forest boundary. There is no wetland also.

iv. In Table 1.1 salient features of EIA submitted by M/s. Kumara Swamy mines for public consultation stated that there are 21 oil companies in Pantapalem and about 76 silica mines which includes 3 thermal power plants and 1 private port, in view of the surrounding silica mines. I request the EAC to order the project proponent to take up a comprehensive impact study on the Environment may help in protecting the ecological balance in the study area.

As given in Form No. A-(i).

v. Based on the scientific proofs provided by the SV University, Tirupathi to a Ph.D thesis in Geology, "Resources development in the ancient dune sands in the Nellore coastal zone between Kandaleru and Swarnamukhi rivers, Andhra Pradesh, India" the water table is high and at about a metre even in the worst summer. Mining below the water table is difficult and the lessee were "excavating sand for a depth of about a metre below the water table in a rectangular block and keeping it as heaps on the sides of an adjoining rectangular block". Thesis also documents "It is found that mining of sand cannot be pursued beyond a metre within water-saturated sand. Because of high groundwater yield, the water table cannot be also lowered by pumping. It is not uncommon to find accidental drowning of animals and human beings in these water bodies". With just Rs. 10 lakhs as the proposed cost of mining, there is no mechanization plan presented for extracting sand below the water table to 4 m level. The proponent to provide details of mining below the water table without incurring any infrastructure/mechanization costs.



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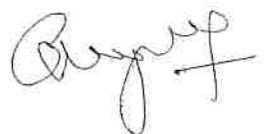
Since the entire mining area is worked out, the sub grade minerals kept by the side adjoining pits and heaped it is very difficult to say whether it is sand dunes or manually heaped sands. No information was available about the accidental drowning of animals and human beings in these water bodies. However the PA informed that during the local festival some locals fell down into the other's mine pit while they were in drunken condition and death took place. After this incident the local administration is keeping a vigil on this issue and alcohol is prohibited during the festival days. The project cost was originally projected during 2013 when they have applied for TOR. Since they have already land (ML) area is already in their position and manual mining would be carried out the projected Rs. 10 lakhs was sufficient during that time as informed.

vi. I wish to bring to your kind notice that the MoEFCC has ordered to stop M/s. Kumara Swamy its mining activity for illegal mining without Environmental Clearance during the period of 2005 to 2013 for which the same Deputy Director, Mines and Geology, Guntur directed to pay the Mineral value of Rs. 27,60,800/- and Royalty of Rs. 2,20,864/- demand notice No. 6196/Q5/2010 dt 19-02-2014 for illegal digging of Silica Sand which stands as a solid proof for illegal mining of the project proponent.

As given in A-(iv).

vii. Joint Collector of Nellore ordered the sub collector of Gudur to initiate a survey to report illegal encroachment of Government Land by the proposed proponent, which should be considered by the FAC that the PA has crossed his mining boundary for the mining activity beyond his permit which is evident that the mining is excavated beyond the carrying capacity of the permit.

The Joint Collector and Additional Magistrate, SPSR Nellore district has directed the Sub Collector, Gudur to conduct a joint inspection with a Revenue, Mining and Ground Water officials to found out illegal mining in Government land and send a detailed inspection report to his office within a week. The Sub Collector, Gudur has conducted a joint inspection and submitted the report. No information was provided about this.



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viii. During the Public consultation and public hearing M/s. Shri Kumara Swamy (project proponent) and the local surpunch suppressed the public to express their views on the proposed project during which there is a reported arguments in front of the panel had taken place between the two parties. Dramatically during which the PCB has announced the closer of the public hearing meeting which was same reported in the minutes of the hearing, in this context I strongly feel the opinion of the public re opinion must be taken to know the facts about the proposed mine project.

Ministry may decide on this

Ancient sand dunes are being destroyed without concern for their ecological value to benefit individuals who can pull the political links and spread money to corrupt officials. Common resources are plundered for personal profit. For 20 years SKMS was illegally mining and no action was taken. Even after the NGT judgments a mulling ex post facto EC, considering this company for legalizing its activity is outrageous violation of EP Act, 1986. We demand that this project be rejected and lease of mine cancelled and the site preserved for its ecological value.

About sand dunes the clarifications given in previous paras (B- iii)

C. Issues raised by Shri Meganuru Hari Krishna, Momidi Village, Chillakur Mandal.

i. Sri Kumara Swamy Silica mine lease have prepared a report through B.S.Envitech Ltd, Secunderabad. The report contains false statements, manipulated information and fictitious figures which are far from truth. For example, in page no. 8 of the report regarding silica cut vocational features of the mining area-Vermireddy Industries environmental phase it was noted that there are no industries within 10 kms and they are not noted in the map.

It is true that some of the informations in the EIA report mentioned are wrong. The consultant who prepared the EIA report mentioned that there are no industries around 10 km radius. But during the visit it was observed that two coal-based thermal power plant namely Simhapuri Power Plant and Meenakshi Energy Limited and SBQ Industries are located around the mine within 10 km radius. In



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addition to these, Krishnapatnam port, Oil Palm Industries and prawn farms are also available. A mineral processing unit (Mangalore Mineral Processing Unit) is also locating adjacent to the mine.

ii. I therefore request you to rectify the above defects by taking the above industries into consideration, to cancel the above meeting as a report containing false information was placed before the Joint Collector, Nellore, to take action against the persons concerned for preparing a false report and to prepare a report with correct and accurate information and figures for the next meeting for which a date may be fixed so as to avoid further complications in the issue.

It was informed during the visit that the consultant has accepted his mistakes and submitted the corrected final EIA report to the Ministry.

Shri V. Sarat Kumar Reddy from Varagali Village, Chillakur Mandal, SPSR Nellore District, Andhra Pradesh has come to this office on 14.07.2016 and had discussion with the undersigned about the various issues raised in his earlier representations dated 11.05.2016. He also gave by hand one more representation letter on the same day (14.07.2016) to this office mentioning that he has enclosed many documents relating to his representation. But on perusal of his representation it was found that except three pages of survey and resettlement register showing survey numbers other documents such as:

Spring Channels present in the Study area serves as a major Water resource in the District, Proposed mine area fall under the jurisdiction of Forest which was clearly reported in the survey reports provided by Revenue department, Reports by Vigilance department of Mines, Andhra Pradesh clearly explains the illegal mining of Silica by the M/s. Sri Kumara Swamy Silica mines in their area, Reports and Recommendations made by the Sub Committee of SEAC, AP notes the importance of protecting the historic spring channel in the area.

were not enclosed. Then this office has immediately written a letter to Shri V. Sarat Kumar Reddy on 18.07.2016 to send the above mentioned documents on or before 30.07.2016. He has submitted the documents to this office by post and this office has received the same on 01.08.2016. On perusal of his reply it is found that the information whatever he has furnished were already included in the reports. In his covering letter he has also mentioned that the public opinion has not been

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heard. But the AP State Pollution Control Board has conducted public hearing and the opinion of the people/public were heard, recorded and also report was submitted to the Ministry for further necessary action.

The site inspection report along with photographs taken during the visit and documents collected as well as submitted by Shri V.Sarath Kumar Reddy are herewith submitted for kind perusal and necessary action please.

This has the approval of Addl.PCCF(C) vide diary no.981 dt 16.08.2016.


(Dr.C.Kaliyaperumal)
Director (S)

Jr. C. KALIYAPERUMAL, M.E., PhD
Director (S)
Government of India
Ministry of Environment, Forests & Climate Change
Regional Office (South Eastern Zone)
HEPC Building, No.34, Cathedral Garden Road,
Nungambakkam Chennai-600 034.

Sri Kumaraswamy Silica Mines

Site : MOMIDI - 524 412, Chillakur Mandal
SPSR Nellore Dt., Andhra Pradesh.

☎ : 08624 - 256150

Date **28.08.2019**

To
Dr Mohit Saxena
Scientist C/Deputy Director
Ministry of Environment, Forest and Climate change,
Govt. of India,
Indira Paryavaran Bhavan,
New Delhi.

Respected Sir,

**Sub : Furnishing the required information sought by vide mail
dt:18.07.2019-Reg.**

We would like to furnish the information sought by MOEF vide mail dt.18.07.2019 for your kind consideration.

1. The total mining lease area is 129.866 Ha and its totally Government waste land and no forestland involved. However, KML was analyzed on Google/DSS and noted that the instant project completely falls inside the forest land i.e. Circle: Guntur, Range: Nellore & Beat: Varagali. Hence letter from competent authority in the state forest department that no forest land is involved is to be submitted.

To the above point we sought the information from District Forest Officer under RTI act to furnish the same to MOEF. In their reply Forest dept. Govt. of Andhra Pradesh informed us as follows

As per the Joint Inspection Report of Momidi Reserved Forest, Momidi Village, Chillakur Mandal of Nellore Range by the Revenue and Forest Officials on 14.03.2017 & 15.03.2017 with reference to the Survey No. 695/22 of Momidi (V), Chillakur (M) of SPSR Nellore District it is confirmed that the area of Survey No. 695/22 was classified as Government Dry Land and not falling in the Forest Lands. In the Re-Survey and Re-Settlement Register of Momidi Village the Survey No. 695/22 was mentioned as Dotted land to the whole extent of the Survey No. and not as a Forest Land.

As per the above report there is NO Forest land involved in our lease and entire land is Govt.Dry land. Dotted lands indicates that is Govt. land.

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Sri Kumaraswamy Silica Mines

Site : MOMIDI - 524 412, Chillakur Mandal
SPSR Nellore Dt., Andhra Pradesh

☎ : 08624 - 256150

Date.....

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2. Location map duly authenticated by certificate from the Chief Wildlife Warden locating the National Parks, Sanctuaries, Biosphere Reserve, Wildlife Corridors, Tiger Reserves/Elephant Reserves (Existing as well as proposed), if any within 10 km of the mine lease area is to be submitted.

To the above point we sought the information from the District Forest officer under RTI act to furnish the same to MOEF in their reply Forest dept. Govt of Andhra Pradesh informed us as follows

As per the map submitted by the Divisional Forest Officer, Nellore to the Asst. Director of Mines & Geology, Nellore vide Rc. No. 82/2017/F11, dated:05.05.2017, it is to submit that, within 10 Km radius circle from the Survey No. 695/22 in Momidi Village, the site for silica Mining, there are Eight Nos. of Notified Reserved Forests as per the Nellore Forest Division Working Plan for the period from 2012-13 to 2022-23. The Notified Reserved Forests present with in the 10 Km Radius to the Sri Kumaraswamy Silica Mines located at Momidi Village, Chillakur Mandal, SPSR Nellore District are 1. Kothapatnam RF (Main Block), 2. Kothapatnam A, B, C, D & E RF Blocks, 3. Momidi RF Block, 4. Thamminapatnam A & B Blocks, 5. Thamminapatnam Extn. RF Block, 6. Udatavaripalem RF Block, 7. Ipuru RF Block and 8. Vallipedu RF Block.

The above letter of Forest department indicates only about the existence of 8 Reserve forests within 10 km radius of our mine and they might have mentioned in the letter if any Wild life exists within 10 km radius of our mine and as they have not mentioned this letter states that there are no Wild life sanctuaries within 10 km radius of our mine.

3. Detail list of Flora and Fauna and their list authenticated by the State Forest and Wildlife Department present in the mine lease area and within 10km of the mine lease area.

To the above point we sought the information from the District Forest officer under RTI act to furnish the same to MOEF in their reply Forest dept. Govt of Andhra Pradesh informed us as follows

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Admn. Off. : 15/175, Nehru Nagar. GUDUR - 524 101, SPSR Nellore Dt. A. P. ☎ : 08624 - 251012
e-mail : silica@sksmine.com

Sri Kumaraswamy Silica Mines

Site : MOMIDI - 524 412, Chillakur Mandal
SPSR Nellore Dt., Andhra Pradesh.

☎ : 08624 - 256150

Date.....

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As per the Nellore Forest Division Working Plan for the period from 2012-13 to 2022-23 and the Biological study report available with this office along with a letter submitted by the then Divisional Forest Officer, Nellore to the Asst. Director of Mines & Geology, Nellore vide Rc. No. 82/2017/F11, dated: 05.05.2017 the list of Flora & Fauna within 10 Kms radius to the Sy. No. 695/22 of Momidi Village in six pages is appended here with.

In their reply Forest dept. has furnished the required details and we are furnishing the same for your kind consideration. Our letter to District Forest officer under RTI act and their reply enclosed (**Annexure 1,2**).

4. Status of Forest clearance for the broken up area and virgin forestland involved in the project including deposit of net present value (NPV) and Compensatory a forestation (CA) or FC violation any occurred since inception of the Mine is to be submitted.

Since inception of our mine in 1975 the Forest Department Government of AP has not issued any notice regarding any violation hence this point is not applicable to us. The entire mining has been carried only in the given lease area and as per the mining lease deed.

5. Status of compliance of the Hon'ble Supreme Court judgement dated 02.08.2017 in the matter of common cause Vs Union of India (W.P.T No. 114 of 2014) is to be submitted.

We solemnly confirm that we already furnished undertaking to MOEF New Delhi on 11 Sep 2018 in Non-Judicial Stamp notarized that we shall comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 02nd August 2017 in Writ Petition (Civil) no.114 of 2014 in the matter of common cause versus union of India and ours. (**Annexure 3**).

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Sri Kumaraswamy Silica Mines

Site : MOMIDI - 524 412, Chillakur Mandal
SPSR Nellore Dt., Andhra Pradesh.

☎ : 08624 - 256150

-:4:-

Date

6. Status of the PIL No 22 of 2017 at Hon'ble High Court of Andhra Pradesh be submitted.

The PIL 22/2017 is still pending in Hon'ble High court of AP. In Evidence thereof, we are herewith enclosing net copy(**Annexure 4**). Further we are bringing it to your kind notice the pendency of said PIL was brought to the notice of Hon'ble NGT south bench in Application no 187 of 2017 the NGT said in its order the pendency of the same is not impediment to process of our application for grant of EC and it can be granted subject to the outcome of the decision of Hon'ble High court. The said order was passed by NGT on 19.9.2017 and the same is enclosed herewith(**Annexure 5**).

7. Details regarding leaving buffer zone to the road as required under regulation No. 109 of Metalliferous Mines regulations, 1961 is to be submitted.

We like to submit that 50mtrs on either side of the road has been left as buffer zone as per the regulation no.109 of Metalliferous Mines regulations,1961 this has been shown in our approved mining plan also(**Annexure 6**). We would like to bring to your kind notice that 50 mtrs on either side of the road and the road itself going through our mine has been surrendered in our first renewal 1995 to the Government from original lease of 512.01 acres given in 1975.

8. Status of demand notice raised by Deputy Director of Mines and Geology and details of the payment made in this regard is to be submitted.

We receive our first demand notice dt.19.02.2014 for an amount of Rs.29,81,664/- by The Deputy Director of Mines &Geology, Guntur regarding this further I submit that, pertaining to cases filed on the lease holder in the 1st instance a case was detected by the vigilance & Enforcement Unit, Nellore and demand raised for an evaded Royalty of

Contd.....(5)

Sri Kumaraswamy Silica Mines

Site : MOMIDI - 524 412, Chillakur Mandal
SPSR Nellore Dt., Andhra Pradesh.

☎ : 08624 - 256150

-:5:-

Date.....

Rs.29,81,664/- Aggrieved to the notice, the lease holder has filed Writ Petition in the Hon'ble High Court and the court has directed after the following order as " subject to payment of Rs.10,00,000/- by the petitioner the Transit Forms prayed for may be accorded". As such, the lease holder has paid Rs.10, 00,000/- vide Challan No.19310, dated 25.03.2014 and is getting dispatch permits. Further we like to inform you that the balance amount of Rs.19, 81,664/- was paid by DD No.000868 dt.11.01.2019 to the Assistant Director of Mines Geology on 11.01.2019.

The second Demand notice was issued on 24.06.2016 they issued demand notice for an amount Rs.55, 28,293/- regarding the following demand notice we approached the revisional authority to Government of AP to set aside demand notice. Taking into consideration of all facts the revision authority set aside the demand notice and disposed the case (order enclosed). Hence as on today there is no demand notice pending against us for any payment.

We are also enclosing the certificate from Director of Mines and Geology under RTI act dt. 22.2.2019 that we have not done any mining outside the lease area and there is no demand notice is pending against us **(Annexure 7)**.

As we could able to furnish the required information we Humbly Request you to kindly process our proposal and issue EC to us to enable to submit the EC to Govt. of Andhra Pradesh as per DMG letter **(Annexure 8)**.

We are also sending the above documents to MOEF by Speed post.

Thanking you sir,

Yours faithfully,

For Sri Kumaraswamy Silica Mines



Managing Partner

Admn. Off. : 15/175, Nehru Nagar, GUDUR - 524 101, SPSR Nellore Dt. A. P, ☎ : 08624 - 251012
e-mail : silica@sksmines.com

**FINAL ENVIRONMENTAL IMPACT
ASSESSMENT REPORT**

OF

SRI KUMARASWAMY SILICA MINE
At
Survey No 695/22
Momidi village, Chillakur Mandal,
S.P.S.R. Nellore District, Andhra Pradesh

AREA OF MINING LEASE : 129.866 Ha
(NON FOREST LAND)

3,40,000 Tonnes/Annum of Silica Sand Production

December, 2018

By
M/s. SRI KUMARASWAMY SILICA MINES

Prepared By



B.S. ENVI-TECH (P) LTD

Secunderabad - 500 017

NABET Accreditation No: NABET/EIA/1619/SA064

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MINUTES OF THE ENVIRONMENTAL PUBLIC HEARING HELD ON 23.04.2016
AT 11.00 AM TO CARRY OUT SILICA SAND MINING IN AN EXTENT OF
136.944 HA OF LAND LOCATED AT SY NOS. 695/22 & 696 OF MOMIDI GRAM
PANCHAYAT, CHILLAKUR MANDAL, SPSR NELLORE DISTRICT PROPOSED
BY M/S. SRI KUMARASWAMY SILICA MINES

M/s. Sri Kumaraswamy Silica mines has submitted a proposal to carry out silica sand mining in an extent of 136.944 Ha of land at Sy No.695/22 & 696 of Momidi Gram Panchayat, Chillakur Mandal, SPSR Nellore District with an investment of Rs.10.0 Lakhs. The project proponent submitted an application with mining details duly following the stipulated procedure laid down in the EIA Notification, 2006 to the Ministry of Environmental, Forests & Climate Change, GOI. After scrutiny of the application, the MOEF & CC, GOI has issued letter of Terms of Reference (TORs) to the mining unit proponent and directed A.P. Pollution Control Board, Regional Office, Nellore to conduct Environmental Public Hearing (EPH) with regard to the mining of **M/s. Sri Kumaraswamy Silica Mines** and to submit minutes of the proceedings to MOEF & CC, GOI as per procedure in vogue.

In compliance to provisions of EIA, Notification, 2006, the Environmental Engineer (EE), APPCB, RO, Nellore has issued Environmental Public Hearing (EPH) Notification on 21.03.2016, 30 days before the date of conduct of Public Hearing to be held on 23.04.2016 inviting the public to offer their comments, objections, views, clarifications and suggestions, if any, on the mining activity to produce silica sand 340000 Tons Per Annum at Sy No.695/22 & 696 of Momidi Gram Panchayat, Chillakur Mandal, SPSR Nellore District by **M/s. Sri Kumaraswamy Silica Mines**. The Public Hearing Notification was published in Telugu daily newspaper 'Andhra Jyothi' and English daily Newspaper in 'The Hindu' on 21.03.2016. As per the date stated in EPH Notification, the present EPH was conducted on **23.04.2016 at 11.00 AM at Project Site, Momidi Village, Chillakur Mandal, SPSR Nellore District** under the Chairmanship of the Joint Collector, Nellore, nominee of the District Collector, SPSR Nellore District & Chairman of Environmental Public Hearing Panel.

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

Office of the
Deputy Director of Mines & Geology,
1/1, Ramannapet, Guntur - 7.

DEMAND NOTICE

No. 4823/M5/2015

Dated: 21-03-2016

Sub:- Mines and Minerals - Encroachment of Mining lease held by M/s.Kumara Swamy Silica Mines in Sy.No.695/22 & 696 of Momidi (V), Chillakur (M), S.P.S.R Nellore District - Illegal Mining of Silica Sand other than the leased area - Detected evasion of Royalty and cost of Mineral of Rs. 55,28,293/- - Raised by the Regional Vigilance and Enforcement Officer, Nellore - Report submitted by the Asst. Director of Mines and Geology, Nellore - Show cause notice issued - Reply not submitted - **Demand Notice issued** - Reg.

- Ref:- 1. Lr.No. 1785/M2/1995, dt:29-10-1985 of the ADM&G, Nellore to the Deputy Director of Mines and Geology, Guntur.
2. This office Show Cause Notice No. 4823/M5/2015, dt:05-12-2015.
3. Lr. Dt:02.01.2016 & dt:18.02.2016 of M/s.Kumara Swamy Silica Mines.

Through the reference 1st cited the Asst. Director of Mines and Geology, Nellore has submitted a vigilance report to this office according to that report the team of officials of Regional Vigilance and Enforcement Officer, Nellore unit along with officials of Mines & Geology Department, Nellore and local Revenue officials Chillakur have conducted inspection of Mining leased area held by M/s.Kumara Swamy Silica Mines for Silica Sand located at Sy.No.695/22 & 696 of Momidi (V), Chillakur (M), S.P.S.R Nellore District, on 23.06.2015 & 24.06.2015 and noticed that the lease holder excavated and transported 16,048.00 Mts of Silica Sand from other than the leased area, similarly the lease holder is liable to pay amounts for transportation of excess quantity of 1,04,096.00 Mts of Silica Sand from the leased area as per rule 27(5) and 45(iv) of M.C Rules, 1960.

Further the Regional Vigilance and Enforcement Officer, Nellore has estimated the value of excavated Silica Sand by worked out on basis of average sale values published by Indian Bureau of Mines for the months of October'2014, November'2014, and December'2014 and requested to initiate necessary action for realization of total amount of Rs. 55,28,293/- towards Royalty as detailed below.

Sl. No.	Item	Quantity in Mts	Sale Value in Rs.	Royalty in Rs.	Total in Rs.
1.	Excess quantity transported	1,04,096	----	20,50,691	20,50,691
2.	Illegally Mining and Transported	16,048	31,61,456	3,16,146	34,77,602
Grand Total			31,61,456	23,66,837	55,28,293

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Accordingly a Show Cause Notice has been issued by this office through the reference 2nd cited and directed M/s.Kumara Swamy Silica Mines to show cause within 15 days from the date of receipt of this notice as to why action should not be initiated under section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957. The same was received by the representative of the company, through the reference 3rd cited M/s.Kumara Swamy Silica Mines has requested this office to furnish certain information regarding to show cause notice issued by this office. In this connection this office has furnished required information with a direction to get the remaining information (Annexure) from the O/o.Asst. Director of Mines & Geology, Nellore. But as on today the lessee has not given any compliance report to Show cause notice issued by this office.

In view of the above M/s.Kumara Swamy Silica Mines is here by requested to pay an amount of an amount of **Rs. 55,28,293/-** (Fifty five Lakh Twenty eight thousand Two hundred Ninety three Rupees only) as per Mines and Minerals (Development & Regulation) Act, 1957 and M.C. Rules, 1960 within 15 days from the date of receipt of this notice in the following Head of Account, failing which necessary action shall be initiated for collection of the same under R.R. Act, and for cancellation of lease as per M.C. Rules 1960 and the MMDR Act 1957.

Head of account:

Royalty/Seign Fee:

0853	: Non Ferrous Mining and Metallurgical Industries.
102	: Mineral Concession, Fees, Rents and Royalties.
01	: Royalty on Major Minerals.

Sale value of the Mineral:

0853	: Non Ferrous Mining and Metallurgical Industries.
102	: Mineral Concession, Fees, Rents and Royalties.
81	: Other receipts.

Deputy Director of Mines & Geology (FAC),
Guntur.

To
M/s. Sri Kumara Swamy Silica Mines,
Mg.Partner: Sri. V. Kumara Swamy Reddy,
Momidi (V), Chillakur (M),
S.P.S.R Nellore District.

Copy submitted to the Director of Mines and Geology, Hyderabad for favor of information.

Copy submitted to the Zonal Director of Mines and Geology, Ongole for favor of information.

Copy submitted to the Regional vigilance Enforcement officer, Nellore for favor of information.

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Copy to the Asst. Director of Mines & Geology (Regular & Vigilance) Nellore for information.

Submitted:-

It is to submit that M/s.Kumara Swamy Silica Mines has not submitted any compliance report to the show cause notice, even after receiving the required information regarding to show cause notice issued by this office.

In view of the above as per instructions of Deputy Director of Mines & Geology, Guntur the draft and fair Demand Notice has been prepared and submitted for approval.

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GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY

Office of the
Deputy Director of Mines & Geology,
Guntur.

DEMAND NOTICE

No. 6196/Q5/2010

Dated: 19-02-2014.

Sub:- Mines and Minerals- Mining lease for Silica sand over an extent of 338.39 Acres in Sy.No. 695/22, 696 of Momidi (V), Chillakur (M), SPSR Nellore District for a period of 20 years held by M/s. Sri Kumara Swamy Silica Mines -Demand notice issued - Reg.

Ref:-1.Panchanam proceedings dt: 19-08-2010 prepared during inspection of mining lease.

2. Lr.No. 3619/Vg/2010 dt: 21-08-2010 from the Asst. Director of Mines and Geology, Nellore.

3. This office Show cause notice.No. 6196/Q5/2010, dt: 22-10-2010.

4. Orders of the Hon'ble High Court dt: 09-11-2010 in W.P.No. 27709 of 2010.

5. Orders of the Hon'ble High Court dt: 21-12-2012 in W.P.No. 27709 of 2010.

6. Lr.No. 3619/Vg/2010, dt: 12-4-2013 of the Asst. Director of Mines and Geology addressed to M/s. Sri Kumara Swamy Silica Mines

7. Lr.dt: 30-4-2013 from the lessee.

8. Lr.No. 3619/Vg/2010 dt: 14-5-2013 of the Asst. Director of Mines and Geology, Nellore.

&&&

In the references 1st cited, the Asst. Director of Mines and Geology, Nellore has informed that the above subject area were inspected by the Technical staff of this office, Asst. Director of Mines and Geology (Vigilance) Nellore, the Mandal Surveyor of Balayalapalli, Ozili and Chillakur and the officials of the Regional Vigilance and Enforcement officer, Nellore and noticed certain excavations / pits outside the leased area.

Further the Asst. Director of Mines and Geology, Nellore has informed that the proceedings area recorded as panchanama mentioned at reference 1st cited as per which the lessee excavated / transported to a quantity of 1250 Cu.mts i.e., about 34000 Metric Tones of Silica sand illegally i.e., at deleted portion of the leased area at the time of renewal and requested to this office kindly take the necessary action for collection of the amounts duly issuing the Show cause notice as per MM(D&R) Act, 1957 and M.C. Rules, 1960 as detailed below:

The value of Silica sand which was excavated by the lessee M/s. Kumara Swamy Silica Mine was worked out on the basis of average values published by the IBM news paper for December 2009, January, 2010 & February, 2010 as follows:

Average Value of Silica Sand for December - 2009 : Rs. 57 Per - M.T.

Average Value of Silica Sand for January - 2010 : Rs. 61 Per - M.T.

Average Value of Silica Sand for February - 2010 : Rs. 85 Per- M.T.

Total- Rs. 203

Average for 3 months

Rs. 67.67 Per M.T.

Add 20% of Bench Mark Value of I.B.M

= Rs. 13.53 Per M.T.

Total Value

= Rs. 81.20 Per M.T

(a) Total Value of the excavated Mineral illegally = 34000 X 81.20 = Rs. 27,60,800

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(b) Royalty to be collected @ 8% on the value of the Mineral = Rs. 2,20,864
Total amount to be collected = Rs. 29,81,664

Further it is to inform that through the reference 3rd cited this office has issued Show cause notice to M/s. Kumara Swamy Silica Mine to submit their explanation why action should not be taken against subject mining lease holder as per the section 21 (5) of M&M (D&R) Act, 1957 on encroachment and illegal extraction of Mineral.

Further it is informed that agreeing the above Show cause notice dt: 22-10-2010 M/s. Kumara Swamy Silica Mines have approached the Hon'ble High court and Hon'ble High court vide reference 4th cited have granted interim stay of all further proceedings in pursuance of the impugned Show cause notice dated. 22-10-2010 until further orders.

Further it is informed that through the reference 5th cited the Hon'ble High court While disposing the Writ Petition leaving it open to the petitioner to submit explanation within two weeks from today.

Further the Asst. Director of Mines and Geology, Nellore has informed that M/s. Kumara Swamy Silica Mines have filed another W.P. No. 23172 of 2010 before the Hon'ble High court against the Show cause notice dated. 25-8-2010 of the Asst. Director of Mines and Geology (Vigilance), Nellore and the Hon'ble High Court grant similar interim stay orders. And this W.P. No. 23172 of 2010 also disposed by the Hon'ble High Court on 21-12-2012 with the similar direction as issued in W.P. No. 27709 of 2010. The Show cause notice dt. 25-8-2010 of the Asst. Director of Mines and Geology (Vigilance), Nellore also issued for the same amount of Rs. 29,81,664/-.

Further Asst. Director of Mines and Geology, Nellore has informed that the lessee submitted reply to this office on 28-01-2013. It is informed that as seen from the reply submitted by the lessee the main stress was done by the lessee that the pits mentioned in the panchanama are in the area of earlier under lease, which was deleted at the time of renewal grant in year 1998 vide G.O.Ms.No. 263, Industries and Commerce (M.I) department dt: 30-7-1998 and renewal execution made on 14-10-1998. But as per the panchanama the pits noticed are fresh ones and the Assistant clerks present of the lease holder at the time of inspection are not pointed the same.

Further Asst. Director of Mines and Geology, Nellore has informed that the connection of the lessee that their firm never meddle with any un-leased portion nor took up any mining activity their in and their firm is having extensive area of lease to extract mineral, if so indulging in extracting of minerals in un-leased area is highly improbable and there is no necessity for their firm to do so, without supporting evidence is not correct and far away from the ground reality recorded in the panchanama.

Further Asst. Director of Mines and Geology, Nellore has informed that stated by the lessee it is a fact that an extent of 173.62 Acres of Road margins, sona canal margins and depleted area was deleted at the time of 1st renewal. As such the Mannegunta road was present at that time. Hence, the lessee at any cost does not worked the areas of same margins of roads sona canals, boarder buffer margins of leased areas also without prior permission from the Mines safety / I.B.M. But the works / noted pits in the panchanama reveals that these are done within the safe margins of roads and sona canals. Whenever work either prior to delete the area from the original grant area at the time of renewal or later, without such permissions it liable for illegal extraction. As such without such permissions from the competent authority the explanations given by the lessee is not tenable under law.

From the above it is clear that the reply given by the lessee is not convincing in nature and not matched the ground reality and not having any supporting material evidence and hence not considerable in nature.

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Finally the Asst. Director of Mines and Geology, Nellore has requested to give necessary Demand notice to the lease holder M/s. Sri Kumara Swamy Silica Mine for collection of an amount of Rs. 29,81,664/- as per rule 27(5) of M.C. Rules 1960, and M.M.D.R Act 1957.

In view of the above circumstances M/s Kumara swmy Silica Mines is directed to pay the above said penalty of Rs. 29,81,664/- (Rupees Twenty Nine Lakhs Eighty One thousand, Six hundred and Sixty Four rupees only) as per Mines and Minerals (Regulation and Development) Act 1957 and as per Rule 27(5) of M.C. Rules, 1960 with in 15 days from the date of receipt of this notice in the following Head of Account, failing which necessary action will be initiated, for collection of the same under R.R. Act, and for cancellation the lease as per M.C. Rules 1960 & MM(Development and Regulation) Act 1957.

Head of Account:

0853 - Non Ferrous Mining and Metallurgical Industries
102 - Mineral Concession Fees, Rents, and Royalties
81 - Other Receipts

[Signature]
Deputy Director of Mines & Geology,
Guntur.

To
Sri. M/s. Kumara Swamy Silica Mines,
Momidi (Village & Post),
Chllakur (M),
S.P.S.R Nellore District.

Copy submitted to the Director of Mines and Geology, Hyderabad for favour of information.

Copy submitted to the Regional Vigilance and Enforcement officer, Nellore for favour of information.

Copy to Asst. Director of Mines and Geology, Nellore for information.

Copy to Asst. Director of Mines and Geology (Vigilance), Nellore for information.

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE AT CHENNAI

Appeal No.19 of 2020

B. Madhan Kumar Reddy
SPSR Nellore District

...Appellant

Vs

The Government of India,
Rep. by its Director,
Ministry of Environment, Forest
and Climate Change, New Delhi and others.

...Respondents

ADDITIONAL DOCUMENTS FILED ON BEHALF OF
RESPONDENT NO.7

K.S.VISWANATHAN
T.HEMALATHA
S.RATHI

COUNSEL FOR 7TH RESPONDENT

Date: 07.10.2021

Place: Chennai