

**Further Report by the Joint Committee of State Environmental Impact Assessment Authority (SEIAA), Karnataka and Karnataka State Pollution Control Board (KSPCB) in respect of M/s Sree Sai Industries, Haruvanahalli Village, Hospet Taluk, Ballari District, Karnataka submitted before the Hon'ble National Green Tribunal (NGT, SZ, Chennai) as per the order of the Hon'ble NGT vide order dated 15.02.2021 in the NGT O.A. No 13/2020 (SZ).**

In the Appeal No.13/2020(SZ) filed by Smt Padma Kodali W/o Sri Kodali Srinivas Rao, Haruvanahalli Village, Chilakanahatti Post, Hospet Taluk, Ballari District, Karnataka State, the Hon'ble National Green Tribunal (NGT) Southern Zone, Chennai issued an Order dated 23.01.2020 with a direction to look into the allegations made by the applicant and submit a factual and action taken report.

Accordingly, the industrial site of M/s Sri Sai Industries, Haruvanahalli Village, Hospet Taluk, Ballari District was jointly inspected by the State Environmental Impact Assessment Authority (SEIAA), Karnataka and Karnataka State Pollution Control Board (KSPCB) on 2<sup>nd</sup> March 2020 and submitted the Joint Committee Report to before the Hon'ble National Green Tribunal (NGT, SZ, Chennai) on 18.03.2020.

Further the applicant also filed objection to the Joint Committee report dated.18.03.2020. The Hon'ble National Green Tribunal (NGT) Southern Zone, Chennai issued an Order dated 15.02.2021 with a direction to file further report on the basis of the objections made by the applicant.

*Observations made by the Joint Committee on the objections raised by the applicant are given below:*

Sl No	Objection filed by the applicant on the joint Inspection Committee Report dated: 18-03-2018	Observations
1	The Applicant states that the Applicant is the resident of Haruvanahallivillage and as such she is well conversant with the facts and circumstances of the case.	No comments

2	<p>The Applicant further submits that the Joint Inspection Report dated 18-03-2020 by the Joint Inspection Committee of R1 and R2 according to the said Order dated 23-01-2020, is full of fabricated data entirely concealing the factual data, revelation of which does not allow the said R3 industry to be established in the present site.</p>	<p>The committee submitted the Joint Committee report after perusing all the documents. The committee has not fabricated the data and also has not concealed any facts.</p>
3	<p>The Applicant submits that, if these preliminary statements and this preface of the Applicant's objections to the Reply Affidavit of Authorities is not glossed over and an abject understanding is made by the Hon'ble Tribunal, before scrutinizing her point wise objections, it can avoid the pain of going through all the objections of the Applicant to the said Affidavit, which is a waste of time to Hon'ble Tribunal, as it is nothing but an effort to contradict the <b>entirely fabricated, false and concealed</b> replies of the authorities, that reflect their un-scrupulousness in forgetting their duty, cast upon them by 48A of the Constitution, to safeguard the Environment and the fact that they are bound by the highest duty of transparency and rectitude in submitting such an affidavit to this Hon'ble Tribunal, not even hesitating to state in 2<sup>nd</sup> point of their reply affidavit that the "Project authorities have informed that they are in the process of obtaining the Panchayat license for the unit" which is in itself proving the extent of misuse of polders by KSPCB in granting CFE to R3 without the Fundamental Clearance from the Concerned Rural Authority, i.e., the Panchayat, making it vivid that the construction of R3 is entirely illegal for the reason that the construction of any industry in Rural Area without obtaining NOC from Concerned Panchayat is not in accordance with the Law of the Land.</p>	<p>The SEIAA issued prior Environmental Clearance subject to compliance to certain conditions. The committee has not fabricated the data and also has not concealed any facts.</p> <p>The proponent has produced the Gram Panchayath NOC dated-15.10.2020.(ANNEXURE-R1)</p>

	<p>Reply dated 07-07-2020 [received on 12-07-2020] by the Applicant to the Applicant's RTI, from Panchayat office [Annexure-1-A] for a 2<sup>nd</sup> time, is itself a proof that the license is not issued till date to Respondent No.3, by the concerned Village Panchayat, in spite of a second application submitted by .the PP [Annexure-2-13]. The details of why the NOC is not issued till date are also submitted by the Applicant with this objections as Annexures-3 and 9 which are objection letters of all the people at plausible stake in the close neighborhood of R3 like the Applicant, the farmers' and shepherds' that are depending upon the lakes in abutting survey number of R3, their agricultural lands adjacent to R3 and the nearby forests.</p>	
4	<p>The Applicant submits that the one and only Aforesaid Reason is enough for the Applicant to urge the Hon'ble Tribunal, to order for the stoppage of the said R3 construction, as any industrial construction in Rural Area without Panchayat Permission / NOC [and an approved layout plan] is illegal according to the law of the land and it is a well known fact that no courts of law will allow [or allowed in the past] the continuation of such construction, in spite of being brought into the notice of the Tribunals/Courts with all required authorized proofs.</p>	<p>The project site is allotted by KIADB. The project proponent has obtained the NOC from Chilakanhatti Gram Panchayath on 15.10.2020</p>
5	<p>The Applicant further submits that all the documents regarding R3, are neither clear nor inter-related to each other, creating a lot of doubts to any normal person, since they are an outcome of the strategical proceedings, that took place, between all the concerned departments, after the Applicant filed a case in NGT in December2019, to find an escape route to R3 from all its blatant illegalities.</p> <p>The summary as observed from the documents submitted by the Authorities and the statements all in all show nothing but illegalities and mismatches in the</p>	<p>Compliance to these objections submitted in the earlier report.</p>

establishment of R3, i.e., R2 issued CFE [Annexure-29]:

A] to "GGBS Manufacturing" industry of 20,000 TPA capacity to bypass the necessity of obtaining EC:

- a] in agricultural lands
- b] in Non-industrial Area and
- c] the particulars of the industry is not cement industry
- d] to a site that has no license from concerned Panchayat.
- e] without a layout plan submitted by the said industry fi to an Orange Category industry

It can be concluded from the above said facts that the construction of R3, is in Agricultural lands and Non Industrial Area without obtaining licence from Panchayat,with all the aforesaid illegalities that cannot be remedied subsequent to the start of R3, especially when the case is in pending filed by the Applicant in this Hon'ble Tribunal as O.A.13 of 2020.

B] Infractions / defaults in grant of EC to R3 i.e., R1 issued EC to:

- a] agricultural area
- b] SEAC recommended grant of EC to Agricultural lands
- c] lands of Non-Industrial purpose or lands that are not converted for industrial use
- d] SEAC recommended for grant of EC to a site which already has construction started in it
- e] to a cement grinding industry of 60,000 MTPA capacity
- f] R1 granted EC without any lay out plan from R3

	g] To a red category industry	
6	<p>The Applicant from the aforesaid facts brings into the notice of the Hon'ble Tribunal, the controversial aspects derived from the details of CFE and EC of R2 and R1 as follows:</p> <p><b>a]</b> name of R3 to which CFE is granted by R2 'M/s SreeSai Industries', in survey nos.36/C1 and 36/C2 [both together 6.3acres], whose capacity is 20,000TPA that does not need EC for establishment according to the Authorities.</p> <p><b>b]</b> and the name of R3, in the application and during the SEAC Meeting is also the same 'M/s SreeSai Industries', in the same survey nos.36/C1 and 36/C2 [both together 6.30acres], but the capacity is 60,000 that needs EC.</p> <p><b>c]</b> the particulars of industry to which R2 issued CFE is, GGBS [Ground Granulated Blast furnace Slag unit] Manufacturing 1666 Tons/Month.</p> <p><b>d]</b> the particulars of the industry to which the EC is issued by R1 is Cement Grinding Industry in the same survey numbers 36/C1 and 36/C2.</p> <p><b>e]</b> CFE issued by R2 that does not need EC, cannot allow another Cement grinding industry in the same survey nos. land [which is only 6 acres of extent] that needs EC.</p> <p><b>f]</b> The R3 industry that obtained EC has not obtained CFE from R2</p> <p><b>g]</b> this grant of EC to R3, to a site which already has industry under construction, is regarded as <i>ex-post facto clearance</i> which is not legal. Ex-post facto clearances are judged to be illegal in all the cases that are brought into the notice of Hon'ble NGT, Principle Bench, New Delhi and Hon'ble Supreme Court. And Hon'ble NGT, Principle Bench, New Delhi has quashed the Notifications of MoEF regarding this twice in the year 2012 and 2013.</p>	Compliance to these objections submitted in the earlier report.

	<p><b>h]</b> R3 industry that obtained CFE is for an Orange Category industry whereas the EC obtained from R1 is for a Red Category industry.</p> <p><b>i]</b> it is now questionable whether the illegal construction going on right now in the same survey numbers 36C1 &amp; 36C2, with all the aforesaid illegalities is "GGBS Manufacturing" industry named M/s SreeSaiIndustries of 20,000 TPA capacity or "Cement Grinding Unit" named M/s SreeSai Industries of 60,000 MTPA capacity that obtained EC from R1 and no CFE from R2.</p>	
7	<p>The Applicant further submits that it is pertinent to mention in this context, the legality and validity of EC granted to R3 by SEIAA, and the recommendation made by SEAC for the same since R1 did not provide any details of the same to this Hon'ble Tribunal at least to defend itself from the prime allegations of the Application.</p>	<p>The validity of EC is 7years as per EIA Notification 2006.</p>
8	<p>The Applicant further in this context feels it necessary to submit some important materials of Form I to Hon'ble Tribunal on behalf of R3 as the Applicant is well aware of her / the surroundings, being as close as 150 meters from R3 since R1 is not willing to disclose / furnish the copy of Form 1 to Applicant when tried to seek through Point No.1 in her RTI, details of which are as follows:</p> <p>A] Applicant's RTI to R1 on 11-02-2020 seeking copies of(Annexure-34-a):</p> <ol style="list-style-type: none"> <li>1] Form I</li> <li>2] Pre-feasibility Report</li> <li>3] additional clarifications furnished in response to the observations of SEAC, Karnataka.</li> </ol> <p>B]Reply from R1 dated 24-02-2020 asking</p>	<p>The details sought by the applicant under RTI have been furnished from the PIO, SEIAA.</p> <p>The SEAC appraised the proposal as per the Form-I, Form-IA, prefeasibility report and other statutory documents submitted by the proponent along with the application following the due procedure of law on the criteria of sustainable development, subject to compliance to certain conditions and recommended for issue of EC for the Establishment of cement grinding unit with a total capacity of 60000MTPA.</p> <p>The land allotted by KIADB to the proponent and EC was issued with a condition that the proponent to leave the buffer from nalas/water</p>

Applicant to send Rs.194/- towards 96 pages of documents sought by the Applicant (Annexure-34-b):

C] Applicant sent Rs.200 through Postal Orders on 11-03-2020 (Annexure34-c):

D] SEIAA received Postal Orders on 13-03-2020 [Postal acknowledgment (Annexure-34-d)]:

E] No reply from SEIAA for nearly 3 long months after the receipt of the Postal Orders of Rs.200/- to which Applicant sent an email dated 08-06-2020 reminding the same (Annexure-34-e):

F] Only some part of (1 out of 3) the information sought through RTI is sent by R1 intentionally omitting the copies of Form I, and the additional clarifications of ---- observations of the SEAC (1 & 3).

Following are the details of Form I being submitted by the Applicant [who lives in the same place] on behalf of R3:

II of Form I:

II S.No.1.22 Stream crossing:

[a] Blocked a stream, that originates in North-West corner passing from outside the Applicant's chick shed land of survey number 34/2 shown as number 19 in Google picture in Annexure no. 2-B in page 54 of O.A. which is already diverted by the existing Sponge Iron Industry will now be blocked by R3 construction (details of which are seen in Google Picture submitted as Annexure-2 by Applicant in O.A.).

[b] Blocked another stream in Southern part of 36/C of R3 which is numbered as 20 in Google picture in Annexure no.2-B of the same page 54 of O.A.

bodies if exists within his project site.

The nearest distances from the water bodies, forests etc have been furnished in the earlier Joint Committee report.

1.24 The land surface of Applicant's chick shed land changed making it useless and unfit for the construction of her chick-shed with stagnant water due to the blockage of natural stream mentioned above regarding point 1.22

1.25 Transport is done through kacha road all along North boundary of Applicant's poultry land from NH passing in agricultural lands of poor farmers who are paid for it causing a lot of dust and sound pollution to Applicant's Poultry Farm all along a stretch of 400 meters to her Northern boundary from NH.

1.27 The construction is going on in an open area without any temporary boundary or compound wall causing lot of construction pollution to water bodies Heere-kere and Hosa-kere lakes of nearly 400 acres in abutting land of R3 and the surrounding agricultural lands of poor farmers.

1.30 (a) There is loss of native species in the lakes in abutting land of R3 like tortoises, fish etc. which are seen dying already by the existing Sponge Iron Industry pollution of M/s Saivijay Pragati Steel Udyog Pvt. Ltd.,

(b) Butterflies are no more seen in the area already by the existing Sponge Iron Industry Pollution (both dust and odour).

(c) Number of birds and animals in the forests that are in a radius of 150 meters (according to Forest Dept. survey number 101) to 500 meters are reduced by already existing Sponge Iron Industry, the number of which may further decrease by the R3 industry in future.

(d) Number of Birds that migrate from Arabia to

the lakes in abutting survey number of R3 are, already reduced. The establishment of R3 may entirely may effect the number of migrating birds which may even result in complete stoppage of this migration.

2.1 Undeveloped agricultural land developed by R3 by raising the level of the land by 3ft to block the stream 19 & 20 as shown in Google Picture Annexure-2-B, in Page no.54 of D.A.

2.2 PP is using bore-well in GOMAALU which is a land for grazing cattle and sheep of poor farmers of surrounding 3 villages, without CGWA / KGWA permission which is illegal [Annexure-35].

3.1 Hazardous substances are clinker and gypsum ground to fine powder, the Cement. This fine powder is very easily carried to distant places like Notified Bandri Reserve Forest, etc. as this area is very windy being 1800ft above the sea level.

Point 5.2 to 5.5 is fine dust of cement clinker, coal and fly ash which is hazardous to human health and birds of the Applicant Poultry being very close in the down-wind.

5,8 There is already un-describable amount of Hazardous Pollution from the already existing DRI Unit i.e., M/s SaivijayPragati Steel Udyog Pvt. Ltd., in abutting land of Applicant chick-shed and R3 (which means DRI Unit is in between the R3 and Applicant's chick-shed land abutting on either side by R3 and Applicant's Chick-shed land.

6 Regarding Sound Pollution: 6.1 to 6.7 are all a nuisance to Applicant which does not allow her chick-shed to be in the proposed land as the 25gms day old chicks cannot withstand any of the above sound pollutions mentioned above in Point

6.1 to 6.7, caused by R3 which enhances the already existing Sponge Iron Industry sound pollution.

7 Risk of Contamination: There is a lot of risk of contamination by 7.1 to 7.5 points under this heading.

9 Factors which should be considered which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities [like that of the Applicant's poultry] in the locality.

9.2 The site is already declared as an 'Industrial Area' which will have an impact on the environment causing irreparable damage to the very near by lakes reserve forests and the wild life in it along with the Applicant's Poultry Farm.

9.3 R3 has set a precedent for later development as an 'Industrial Area'.

9.4 R3 will have cumulative effect on the Applicant's sensitive Poultry Farm of 1.5lac layer birds due to its close proximity along with other existing Sponge Iron Industry with similar effect.

[III] Environmental Sensitivity:

Sl No	Areas	Name / Identity	Ariel Distance (Within 15 km proposed project location boundary)
1	Areas protected under international conventions, national or local legislation		Not understood

	for their ecology - icalland scape, cultu ral or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biosphere, mountains, forests		<p><u>Wetlands:</u> Wet lands of Gollarahalli-Maagani in an extent of 600 acres at an aerial distance of 500 meters to the North and North-east direction of R3.</p> <p><u>3 Water coarses:</u> streams / Brookes</p> <p>I. from North-west corner (no.19 in GooglePicture site Annexure-2-B of Page 54 of 01A.) passes through R3 site.</p> <p>II. from South-East corner passing through R3 site to South.</p> <p>III. from North-east corner merging at point '0' as seen in Google picture of Annexure-2-B in Page 54 of 0.A. passes as no. 19 in the West of R3 site.</p>

Water bodies:

I. Heere-kere in Survey number 166 of Basavanadurga village in an extent of 200 acres is in abutting land of R3 site

II. Hosa-kere in an extent, of nearly 150 acres is a continuing lake connected by a canal to Heere-kere to East and to R3 site.

Mountains:

I. Sandur mountains are at an aerial distance of 10kms from R3.

II. Small mountain to the North east corner at a distance of 40-50 meters to R3 in the Northeast corner.

iii] Small hillock towards South east of R3.

Forests: The site of R3 is surrounded all around by:

i. a forest land of

				<p>100 acres of sy. Number 101 of Gollarahalli village at a distance of 250 meters from R3 to the North.</p> <p>II. a forest land of 42.86 in syno., 119/1 of Basavanadurgavillage at a distance of 150 meters to the East of R3.</p> <p>III. Notified Bandri Reserve Forest of 17,500 acres extends from East to South of R3 at an aerial distance of 600 meters.</p> <p>IV. Chilakanahatti Palmyra Reserve at an aerial distance of 2 kms from R3 to South-west corner.</p> <p>V. Also Chilakanahatti Sandal Reserve at an aerial distance of 2 kms to the South-west of R3.</p> <p>VI. Notified. Nandibanda Reserve Forest of 6,500 acres at a distance of not even 500 meters to the West of R3 site.</p> <p>VII. Sandur Reserve</p>	
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			<p>Forest of 36,000 acres to North-east of R3.</p> <p>iii. Gunda Reserve Forest of 5,978.88 acres</p> <p>ix. Gunda Reserve Forest Extension of 1,711.93 acres at an aerial distance of 3kms from R3 site to the North East corner.</p> <p>x. all the above mentioned 9 'Reserve Forests lands are situated with-in a minimum of 150 meters to a maximum of 5kms radius from R3 site.</p>	
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, overwintering, migration		<p>All the areas of Notified Reserve Forests as mentioned above in Point no.2 of this column are used by birds like peacocks, parrots, sparrows and many such birds for nesting, breeding, foraging, resting including by birds (Storks of different kinds and- sizes) that migrate to the said lakes from Arabia.</p>	

4	Inland coastal, marine or underground waters		
5	State, National Boundaries		
6	Routes of facilities used by the public for access to recreation or other tourist, pilgrim areas,		There is a Bandijaada called Garaga-Magimavinahalii road connecting all the surrounding villages between the said 2 villages used for the convenience of farmers and their bullock Carts to transport agricultural products of the surrounding agricultural lands shown in Google picture as Annexure-2-B in page 54 of O.A.
7	Defense Installations		--
8	Densely populated or built up area		1. Densely populated village Haruvana-halli at a distance of 800-900meters from

			<p>village to the South of R3 site.</p> <p>ii. Another village Gollarahalli, at an aerial distance of not even 800-900meters to the Northeast corner of R3 site.</p>
9	<p>Areas occupied by sensitive manmade land uses (Hospitals, Schools, places of worship, community facilities)</p>		<p>Applicant's land of 22.5acres starting from a close vicinity of 150meters from R3 is a manmade sensitive land used for sensitive agricultural activity of Poultry Farming which is nothing but Fauna.</p>
10	<p>Areas containing important, high quality or scarce resources (Ground water, surface resources forestry, agriculture, fisheries, tourism, minerals)</p>		<p>Heere-kere lake in abutting land of R3, Heere-kere lake which is its continuation with a connecting canal in Gollarahalli. Wet lands of 600acres at a distance of 500meters, all the 8 Reserve Forests that are mentioned in point no.2 of this column and fishery in the said lakes is carried out by local villagers are the areas containing high quality</p>

			resources 50+10 Iacs by the Hon'ble Principle Bench, NGT, New Delhi, on NOV 19 2018 and 28 JAN 2019 towards compensation to environmental damage. It is still continuing to operate as usual polluting the surroundings without executing the Orders dated 28-01-2019 of the Hon'ble NGT, Principle Bench, New Delhi with the support of Authorities
11	Areas susceptible to natural hazard which could cause the project to present environmental problems. (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)		--

	<p>The Applicant further submits that it is a well known fact that the disclosure in Form I constitutes the very foundation of, the process which is initiated on the basis of the information supplied by the PP. Following the disclosure in Form I TORs is formulated which leads to the preparation of EIA report.</p>	<p>The Environmental clearance for the Cement grinding industry has been issued as per the EIA Notification 2006 and the Office Memorandum dated 24.12.2013 issued by MoEF &amp; CC, GOI and details submitted in the earlier report.(ANNEXURE-R2)</p>
9	<p>Thus the Applicant submits that duty cast upon the PP to make a full complete and candid disclosure of all aspects bearing upon the environment in the area of study, whether done or not is not an issue of ambiguity since R1 failed to furnish the same either to Applicant or to this Hon'ble Tribunal.</p> <p>The PP is duty bound to make a proper disclosure and the highest level of transparency is required to avoid the mischief of the PP's disclosures in Form I, is accompanied by a declaration of PP that the EC will be liable to be rejected in the event of suppression or mis-statement of material facts.</p> <p>If the PP has submitted the data of Point 9 of Column III of Form I, SEAC would not have recommended R1 for grant of EC to R3 as the details of Column III of Form I regarding R3 site are as follows:</p> <p>Thus Form I requires a disclosure of ESZs, Reserve Forests within an aerial distance of 15kms.</p> <p>The PP thus responded to the disclosures required for areas which are important or sensitive for ecological reasons like Wet lands, water bodies or water sources.</p> <p>It is questionable as to whether coastal zones, bio-spheres, mountains and forests in Form 1 or not.</p> <p>The PP is required to submit Form 1, complete with</p>	<p>The nearest distances from the water bodies, forests etc have been furnished in the earlier Joint Committee report.</p> <p>There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.</p>

	<p>relevant details of the Proposed Project and the status of the environment. The TORs which is finalized by the SEAC is hence must be founded on the disclosure made by the PP.</p> <p>It is mandatory to submit the EIA report by SEAC while recommending SEIAA for issue of EC to any project without which an assessment of not only the project site but also of an area surrounding the project site within an area of 15kms is not complete.</p> <p>Various environmental issues like the presence of lakes in survey number 166 (in an extent of approx. 200+200) in abutting survey numbers of R3, presence of Applicant's Poultry Farm and her proposed chick-shed land at a distance of only 150meters which is an agricultural activity of fauna, presence of 100acres of Forest area in survey number 101 (according to Annexure submitted by the Authorities) of Gollarahalli village, Forest area of 42 acres in survey number 119/1 at a distance of only 150meters, Notified Nandibanda Reserve Forest of 6,500acres at 500m.eters to Northwest, Sandur Reserve Forest of 36,000acres to the east at an aerial distance of 6kms, Gunda. Reserve Forest at an aerial distance of 3kms to North-east of R3, on which the local farmers and shepherds are concealed by PP and R2 failed to collate the issues and the response of PP before submitting required documents to SEAC.</p>	
10	<p>The Applicant further states that from the documents procured by her from the website of SEIAA it is clear that neither SEIAA nor SEAC respected the provisions of Form 1 of EIA Notification 2006 nor the Manual for the Guidelines of Cement Industry and the SEIAA Meetings and the SEAC recommendations are done as a name sake formalities because:</p> <p>A] On the aspect of appraisal the Minutes of SEAC Meetings recommending the grant of EC to</p>	<p>As per the office memorandum dated 24.12.2013 issued by MoEF &amp; CC,GOI. The cement grinding unit involving &gt;90% of the transportation of raw materials and finished products are to be appraised as B2 category industries.</p> <p>In the instant case the project proponent intends to transport</p>

<p>R3 contain not a single line 'on the EIA report' which is mandatory and base before it recommending to R1.</p> <p><b>B]</b>The SEAC was required to state its reasons for recommending grant of EC to R3 in terms of EIA Notification 2006.</p> <p><b>C]</b>The reasons must indicate that there was an appraisal by SEAC</p> <p><b>D]</b>It is nowhere mentioned on what basis SEAC recommendations are made.</p> <p><b>E]</b> The Applicant submits that SEAC as an expert body has failed to furnish reasons and is not clear on the basis of what conditions that are germane to the exercise of its functions recommended SEIAA for grant of EC to R3.</p> <p><b>F]</b>SEAC thus failed to apply its mind to relevant considerations including the environmental consequences of the project in spite of Applicant's e-mails to some of the SEAC members [Annexure-3A &amp; 38 in O.A.] who are experts from outside government, objecting the recommendations for grant of EC to R3 as a person at plausible stake doing Poultry Farming business which is nothing but fauna.</p> <p><b>G]</b> SEAC failed to evaluate the environmental consequences of the proposed R3 i.e., Cement Grinding Industry. SEAC did not either respect the procedures mentioned in 2006 Notification or in addition to it, Guidelines Manual for Cement Industries which furnishes a significant sign post in the procedure envisaged prior to grant of EC.</p>	<p>clinker from Sedam which is at a distance of 299 Km by railway &amp; the Gypsum is transported from the Tuticorin which is at a distance of 908 Km by railway. The clinker &amp; Gypsum is transported to the industrial site by road distance of 16.92 Km. Hence the project proponent has provided these details to the SEAC to confirm the eligibility of the project to get qualified to be B2 category.</p>
<p>11</p> <p>The Applicant in the backdrop submits that there can be no manner of doubt that Form I is an important ingredient in the entire process envisaged under the 2006 Notification. Hence Clause(V1) of Para 8 of the 2006 Notification provides that deliberate concealment or submission of false or misleading information or data</p>	<p>SEIAA issued EC with a condition that the concealing factual data or submission of false/fabricated data may result in revocation of EC.</p>

	<p>which is material to screening or scoping or appraisal or decision on the Applicant shall make the application liable for rejection and lead to the cancellation of a prior EC granted on that basis. The declaration of the PP required a similar effect.</p>	
12	<p>The Applicant further submits that, a new ambiguity is created regarding R3 by the perusal of Annexures-1-B&amp; C, which are notices issued to R3, which also arise new aspects of controversies, as the summary of the said Notices received by Applicant through RT1 reads as follows:</p> <p><u>Notice No.1.dated 28-11-2019</u> : "You, the owners of K.B.Steels are being served this notice regarding the above said subject, which is a complaint received on 24-11-2019 from the Villagers / Public of Haruvanahalli and Gollarahatti about your construction without obtaining License from Panchayat. You are asked to submit the Old industry License i.e., its survey number, Pahani [ROM along with other documents relating to the said license and lay out plan of the present expansion of the said construction, within 2 days. You are directed to stop the construction immediately in failure of obtaining the License. In case of continuation of the said construction without obtaining License it will be reported to the higher authorities to take legal action."</p> <p><u>Notice No.2. dated 06-12-2019 19 days after the issuance of 1st Notice</u>]:</p> <p>"You, the owners of K.B.Steels are being served this notice, regarding the above said subject which is a complaint received on 24-11-2019 from the Villagers / Public of Haruvanahalli and Gollarahatti on about your construction without obtaining License from Panchayat. You are asked to submit the old industry i.e., its survey number, Pahani [ROM along with other documents relating to the said license and lay out plan of</p>	No comments

	<p>the present expansion of the said construction, within 2 days. You are directed to stop the construction immediately in failure of obtaining the License. In case of continuation of the said construction without obtaining License it will be reported to the higher authorities to take legal action.</p> <p>It is observed that the expansion construction is still being continued in spite of the issuance of notice. Hence you are informed through this notice that the higher authorities will be informed to take legal action in case of your further continuation of the said construction."</p>	
13	<p>The Applicant further states that from the above notices, it is understood that the R3 has informed [details not known whether said orally or in writing by R3 to Panchayat] the Panchayat that the industry is an expansion of the PP's already existing industry named M/s K. B. Steels, which is in survey no 37/C and 34/4C, the abutting survey no. 34/2 of the Applicant that has obtained license from Panchayat for M.S. INGOTS manufacturing.</p>	No comments
14	<p>The Applicant further submits that the R3 industry being construction in K B Steels premises is a distorted fact as R3 industry construction is being done in 36/C1 &amp; 36/C2, according to CFE and EC of R3 and in reality. Thus all the aforesaid distorted statements of R1, R2 and R3 are creating a lot of ambiguity, which is a result of they, being desperate to find an escape route, from the allegations of the Applicant's and illegalities in the establishment of R3.</p>	The industrial area is allotted by KIADB to the proponent and this land is not the K B steel premises.
15	<p>The Applicant further submits that, the other exit strategy invented by all the Respondents, to pull out R3 from all its illegalities and make it legal in the eyes of law, is the declaration of the said R3 survey numbers along with the survey number '37/C', the survey no. of K.B. Steels [against which O.A.14/2020 is filed by Applicant] as</p>	No comments

	'Industrial Area' by KIADB.	
16	The Applicant in this regard is requesting the Hon'ble Tribunal to note that it is clear from the aforesaid facts that the lands of R3 on which the Applicant filed O.A. 13 & 14 are the only lands declared as industrial area.	R3 land is allotted by KIADB.
17	The Applicant earnestly begs / prays this Hon'ble Tribunal to have an intensive reading of Annexure-12A, 12B and 15 to have a deep understanding regarding the illegalities in declaring the said land of R3 as industrial area.	No comments
18	The Applicant further submits that this declaration by KIADB is the heights of strategy ever made by any Authorities, not being inhibitive about the whole world knowing, that they are in collusion with the PP.	No comments
19	The Applicant further also submits that if this declaration is given a legal status, there will be no meaning for EP Act, Environmental Rules and the Indian Law as a whole and there is no need for Hon'ble NGTs or any other courts as, anybody can construct any industry including Highly Polluting Ones listed under 3[a] and [b] of. Schedule I, in the abutting survey numbers, of lakes, big poultries which are nothing but fauna, as near as 150, 250, 450 and 500 meters to Notified Reserve Forests as big as 6,500, 17,500 acres, including Sandur Reserve Forest of 36,000 acres and Gunda Reserve Forest at 3-5kms Arial distance, without obtaining Panchayat Permissions, not converting lands to industrial purpose that makes the Goddess of Law bend her head down with shame.	No comments
20	The Applicant further submits that the Authorities are taking for granted the Hon'ble Tribunal for not meted out for their deliberate false statements and fabricated data in favor of PP.	Committee not submitted any false statements and fabricated data.
21	The Applicant further states that the Project Proponents (PPs) are well aware of that they are not	The nearest distances from the boundary of the project site to the

	<p>meted out for producing false data in Form-I</p> <p>The Applicant further states that as long as the Authorities' machinations end up in protecting the violators, PPs come to know that the probability of them being hauled up by the Tribunals, Courts is small, making them take the Authorities for granted, as a result of which they are un-interruptedly successful in establishing even Highly Polluting Industries, like the present Cement Grinding one, even in the abutting lands of big lake of more than in 200 acres extent, having another lake of 150acres extent, connected by a canal between them and Notified Forests at a distance of only 150 meters, 250 meters, 450 and 600meters and get away with it, with the false data provided by them in Form-I, making it a name sake one.</p>	<p>nearest lake, forest etc was submitted in the earlier report. It reveals that the project site is not located within the buffer area of the forest or water bodies.</p>
22	<p>The Applicant further submits that according to Article 20(1), R3 which has commissioned its action of construction without conversion of land for Industrial Purpose i.e., in. Agricultural lands, in non-industrial area without obtaining Panchayat License, is illegal and this illegal status cannot be changed as legal by the acquisition of land by KIADB, that happened after the commission of offence. R3 has no Panchayat License till date which is also an offence and violation of law as on date.</p>	<p>The proponent has produced the Gram Panchayat NOC and KIADB allotment letter.</p>
23	<p>The Applicant further submits that the strategies of Authorities to find an exit out for R3 from its illegalities, is prohibited by Article 20(1) that does not accept <i>ex-post facto law</i>. The argument of Authorities that the R3 site now does not need land conversion, being in an industrial area, which is said to be declared by KIADB, without undergoing any of the mandatory clearances and proceedings, 6 months after the commission of offence of illegal industrial construction in Agricultural lands, 3 months after the case is filed by the Applicant and when the case is still pending in the Hon'ble NGT is null and void and not</p>	<p>No comments</p>

	acceptable according to Article 20(1) of our Constitution.	
24	<p>The Applicant further submits that the <i>ex-post facto</i> clearances are judged to be unsustainable in law according to the Hon'ble Supreme, Court orders even recently in last month of July 2020, in case of Alembic.....(Annexure-31)</p> <p>Article 20(1) of our Constitution says that <i>no person shall be convicted of any offence except for a violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which have been inflicted under the law in force at the time of the commission of the offence.</i></p>	No comments
25	The Applicant further submits that all those who exercise public powers have the accountability and ought to work within the democratic provisions of the Constitution.	No comments
26	The Applicant further also states that an act of government repugnant to the Constitution is void.	No comments
27	The Applicant submits that the Authorities are emphatically testing the duty and province of the Hon'ble Tribunal.	No comments
28	<p>The Applicant further, is defending before hand, predicting the chances of Authorities' availing themselves of the new amendment of Industries Act 2002, made on 26th June 2020 by Govt. of Karnataka, to defend themselves from their machinations that resulted in the illegal establishment of R3, as follows:</p> <ol style="list-style-type: none"> <li>I. the courts have authorities to pronounce upon the constitutionality of the legislature and executive of the Govt. i.e., the courts possess power and authority to decide and pronounce the constitutional validity of the provisions of the statutes made by the legislature.</li> <li>II. the power of legislature is limited</li> </ol>	No comments

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| <ul style="list-style-type: none"> <li>III. there is a Supreme Law over the Ordinary Statutory / Legislated law</li> <li>IV. any act of the ordinary law making bodies which contravene with the Supreme Law are void.</li> <li>V. if the provisions of the statutes are found to be violation of any of the Articles of the Constitution, which is the "touchstone" for the validity of all laws, the courts are empowered to strike down the said provision.</li> <li>VI. when the acts of authorities (executives) are harming the constitutional values and deny the rights, that have been definite under the Indian Constitution to the citizens of India, the tribunals / courts play very important role as protection for safeguarding the rights of people.</li> <li>VII. the tribunals / courts will not forget their primary duty for application of Rule of Law</li> <li>VIII. the laws which take array / abridge the fundamental rights are liable to be struck down as <i>ultraviresor</i> void by the courts tribunals under Article 13(a)</li> <li>IX. it is the Constitution that is Supreme and all statute laws must be in conformity with the constitutional requirements.</li> <li>X. (Judicial Review) Courts protect civil rights and liberty by striking the laws that violate the Constitution.</li> <li>XI. The Constitution of India is Supreme Paramount Law un-changeable by ordinary means or it is at a level with ordinary legislative Acts and like other Acts is alterable when the legislature shall please to alter.</li> <li>XII. The Tribunals 1 Courts cannot adopt passive</li> </ul> |  |
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	<p>attitude making the aggrieved party suffer the legislative tyranny. The courts are organs that possess the authority empowered by the Constitution to play an active role and to declare such legislation void if it violates Constitution.</p> <p>XIII. The Applicant with all the aforesaid arguments is concluding that the amendment of 2002 Industries Act by Karnataka Government has no constitutional validity as it is in violation of Article 20(1) and also of Article 21, 21A and 51(G) of the Constitution in the present case.</p> <p>The Authorities are expecting the Hon'ble Tribunal which is (envisaged) vested with powers to decide about the Constitutional Validity of the Provisions of the Statute.</p> <p>The Authorities also have emphatically forgotten or seem to be ignorant about the fact that, if the Provisions of the Statutes are found to be volatile of any of the Articles of the Constitution which is the touchstone for the validity of all the laws in the country, the courts are empowered to strike down the said provisions.</p>	
29	<p>The Applicant also wants to bring into the notice of this Hon'ble Tribunal, that R3 industry has not obtained NOC from CGWA/KGWA [<u>Annexure-14-A</u>], without which no industry is entitled to draw underground water R3 has not even yet applied for NOC from KGWA/CGWA. The R3 industry has started its construction drawing underground water, from a bore well in Heere-kere area, a land in which R3 has no right to dig a bore well and is drawing water without obtaining NOC from KGWA. <u>Annexure-14</u> is a proof for the same. This infraction of R3 is also against Revenue Rules, the bore well being in Government land and also against EP Act 1986 which mandates industries to obtain NOC from CGWA/KGWA.</p>	<p>They are utilizing the water only for drinking purpose.</p>
30	<p>The Applicant further states that, bringing the topic irrelevantly about obtaining CFE, CFO for the</p>	<p>The re-categorization notification for poultry farm more than 1 lakh</p>

<p>Applicant's Poultry from KSPCB by the Authorities, in the Point no.2 of the prime allegations of the Applicant, inspite of knowing the fact that any poultry constructed in the year 2000 does not need CFE from R2 and:</p> <ol style="list-style-type: none"> <li>a) It is quite disturbing to note that the authorities having entirely forgotten their actual duty of issuing a notice to the Applicant soon after the said notification is published in 2016, in spite of her enquiry in the year 2015 through Annexure-4-A, being involved in unauthorized activities like seeking information through a letter to Panchayat[Annexure-4-C] about the Applicant's Panchayat Permission for her poultry, which is none of its duty is now not hesitating to bring the topic in this context.</li> <li>b) issuing a notice to the Applicant, to obtain CFE / CFO for her poultry [Annexure-4] after the Applicant filed a case in this Tribunal against R3 and</li> <li>c) also not giving reply to Applicant's. RTI (because they have not issued to any other poultries) [Annexures-5-A] enquiring about the notices issued to others, more than 1 lakh birds capacity poultries in and round Ballari [Dist.], now are not at all feeling guilty neither for blaming the Applicant for not obtaining CFE for her Poultry nor for issuing CFE to the said R3 industry without NOC from Panchayat. This reveals the one and only fact that R2 is treating the Applicant as personal enemy for reasons known only to it which indirectly also reveals the fact that is in collusion with the PP.</li> </ol>	<p>birds is covered under consent mechanism. Hence notice issued.</p> <p>The RTI application was attended vide letter No 582 Dt: 30.09.2020 and vide No 680 Dt: 21.10.2020.</p> <p>The proponent has produced the Gram Panchayat NOC and KIADB allotment letter.</p>
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31	The Applicant further submits that, it is questionable as to how can one expect R2 to give factual data, when it is vivid to this Hon'ble Tribunal, from the aforesaid facts that R2 is treating the Applicant as personal enemy and stood to defeat her allegations irrationally concealing all the factual data with no supportive documents at all, for reasons known only to it.	Committee not concealed any factual data.
32	The Applicant need not object any of the deliberate lies and irrelevant answers submitted to this Hon'ble Tribunal by the Authorities in their reply Affidavit, if the Hon'ble Tribunal kindly obliges to read all her annexures and pay keen attention in understanding the area in question which is very clearly depicted in Google Picture submitted as Annexure-2 in. O.A. of the Applicant that is being posed a threat by the cumulative pollution with the already existing one and the Applicant's agony to protect the Applicant's livelihood [Poultry] along with the area that does not in the least deserve to be declared an industrial area by KIADB.	No comments
33	The Applicant further submits in this context that, if the Authorities' replies to the Applicant's allegations are accepted and upheld by this Hon'ble Tribunal, the right of the Applicant's Appeal meaningfully to this Tribunal, is rendered a fable and illusion making the EP Act a crude joke, paying lip service, while promising access to justice, but in reality depriving such right to the Applicant.	No comments
34	The Applicant also states that Annexure-6 of R2, which is its inspection Report regarding the site inspection done before sanctioning CFE to R3, is full of imaginary Slag Industries, Crushers and Sponge Iron Industries that do not exist at all in reality. It is an attempt of KSPCB's picturisation to this Hon'ble Tribunal, that the area is already with industries by concealing the big fact of the existence of	The unit land is allotted by KIADB.

	<p>Applicant's Poultry and her chick-shed lands which are in the abutting lands of the approach road of the said project [which is already being used by another Sponge Iron Industry against which the Applicant has already filed a case] in a stretch of nearly 400mtrs out of 550 meters to R3 from NH, which means the maximum area from NH up to 150 meters away from R3 is the Applicants lands, which has to suffer all the dust and sound pollution of the said Approach road, which is not Asphalted till date in spite of Hon'ble Tribunal, Principle Bench, New Delhi, Order dated 28/01/2019 [<u>Annexure-10-D</u>] and no chance of it being Asphalted in future according to CPCB reply to this Hon'ble Tribunal as in <u>Annexure-10-E</u>.</p> <p>This is nothing but another un-ethical attempt of R2 to ruin Applicant's life further which has already in the past been the cause to deprive the Applicant off from constructing her chick-shed. All the aforesaid facts are depicted in Google picture, page 53, 54 and 55 of Original Application and the Hon'ble Tribunal is kindly prayed to have a thorough observation of the same to understand reality.</p>	
35	<p>The Applicant further states that, this is nothing but making the Applicant's poultry a defective one resulting in loss of her income of rent from her tenant as they grow their chicks 40kms away and transport them to the Applicant's Farm after they attain laying age and Annexure-7 and 8 reveal this fact. The other reason for the Applicant's Poultry not having a chick-shed is that the day old chicks do not withstand the hazardous pollution of the already existing Sponge Iron Industry, which made the tenants of Applicant's Poultry not inclined to rear the chicks in the said premise [this is clearly written in Annexure-7].</p> <p>Thus the Applicant who established her poultry in the</p>	<p>It is to be informed that, the Cement Grinding unit is not listed under 17 Category highly polluting industry. No hazardous pollutants generated by this activity.</p>

	<p>year 2000 is still being ruined more and more by the Authorities' machinations being in collusion with industries which is clearly depicted by the aforesaid False, Concealed and Fabricated reports of R1 and R2.</p>	
36	<p>The Applicant further brings into notice the "heights" of concealed and fabricated data of the authorities to the Hon'ble Tribunal as follows:</p> <p>[a]the concealment of existence of 2 big water bodies / lakes from the abutting survey number 166 [as shown in Annexure-9-A] of the project site extending up to 1.5kms to the East in more than 300 acres.</p> <p>[b] the concealment of existence of the Applicant's Sensitive Poultry, which is nothing but fauna, extending from 150 meters away from the said project site to the NH in an extent of 22.5 acres in a stretch of 350370 meters as seen in Google picture in Original Application.</p> <p>[c] the concealment of the existence of Gollarahalli Forest in an extent of more than 100acres in survey number 101 [Annexure-9-B] of Gollarhallivillage at a distance of only 500mtrs from the said project which is a sensitive area. Survey number 119/1 of Basavanadurga as seen in the sketch submitted in O.A. of the Applicant is also a forest land which is hardly at a distance of 300 meters from project site. These 2 forest lands continue to merge into 17,500 acres of Notified Bandri Reserve forest.</p> <p>[d]the concealment of the presence of Notified Nandi-bandi Reserve Forest of 6,500acres at only 475 meters to the North-west and Notified Bandri Reserve Forest in 17,500 acres at an aerial distance of 600 meters to the East and South-east of the said project.</p>	<p>The nearest water bodies and forest areas from the project site were submitted in the earlier Joint Committee report.</p>

	<p>[e] The concealment of submitting Form-I, Topography etc. to the Hon'ble Tribunal, [submitted by PP to the Authorities], for the perusal of this Hon'ble Tribunal.</p> <p>[f] R2 forgot the fact that the CFE issued to R3 is for a site which is in "Non Industrial Area" which is clearly mentioned in the first page of the said CFE [Annexure-29]</p>	
37	<p>The 'heights of fabrication' in the authorities report is the presence of Crushers, Slag units and Sponge Iron Industries and the presence of Notified Bandri Reserve Forest at a distance of 1.5kms.</p> <p>There are no slag units at all which is proved by <u>Annexure-10-C</u> a reply from SEO, KSPCB, Ballari, to the Applicant's RTI. When questioned on the day of 1st Appellate in his office at Ballari on 9<sup>th</sup> July 2020, he is not ashamed to say that he "does not know what slag industry is." What is more surprising is that he did not hesitate to lie to that extent that he does not even know anything about the said inspection report with false and fabricated data of <u>annexure-6</u>. Applicant's email dated 9<sup>th</sup> July, regarding the same submitted as <u>Annexure-10-C</u> is the proof for the same.</p>	No comments
38	<p>The Applicant further states that the R1, has stated that "it has not received any complaints from public against R3 establishment" which will be proved wrong by Annexure-11-A, B, and C. The Applicant, predicting the danger of her livelihood being into more trouble by the establishment of new industries, has started writing objections to both R2 and R1 from 2018.</p> <p>The Applicant in this context wants to know whether the Applicant's only complaint and objections</p>	The project is categorized as B2 & Environmental clearance for the Cement grinding industry has been issued as per the EIA Notification 2006 and the Office Memorandum dated 24.12.2013 issued by MoEF & CC, GOI.

	<p>against the R3 establishment are not sufficient enough to be considered, being a person at plausible stake as near as 200meters or as "Aggrieved Person," running a very Sensitive Livestock [which is nothing but Fauna] business site, in the close vicinity of 200mtrs to R3 or not?</p> <p>R3, i.e., SEIAA Karnataka, not respecting the Applicant's right under Article-21 bestowed upon her by our Constitution is quite disturbing.</p> <p>This statement of the Authorities is ridiculous, for forgetting their machinations that ended up in finding an escape route to PP from undergoing Public consultation, by applying the Notification of MOEF, to make R3 categorized as B2, in spite of it being B1 according to EIA Notification 2006, making the public forget that environment is a right, guaranteed under Article 21 to them.</p>	
39	<p>Authorities need to know that in many cases Supreme Court of India has expressed in its judgments of many cases that the Environment Protection Act, 1986 and EIA Notification 2006 are the means adopted, to protect the right in discharge of the obligations enjoined under Article-48A of the Constitution. Citizens have a right to know and also equal right to object to any activity that may impair the right to environment. The R1 and R2 in the present case are clearly found to impair the Applicant's right to environment along with the Applicant's other fundamental rights of living and healthy living under Article 21 of the Constitution.</p>	No comments
40	<p>The Applicant also states that any project which is likely to affect or impact a remote community, who are in the present context poor illiterates like most others, are unlikely to know about the Project</p>	No comments

	Clearances or possess the wherewithal to question or appeal.	
41	<p>The Applicant further states that R1 and R2 which are unable to respect and give ethical support to the Applicant's objections, on the other-hand giving false and fabricated reports, is talking about the objections from innocent villagers, who know nothing but to suffer silently, the atrocities of industries that are established violating the Environmental norms illegally.</p> <p>The expectation of R3, to receive complaints from villagers is nothing but making a crude joke out of EP Act 1986, indirectly saying that the Applicant is not a human being or Citizen of India that has the right under Article 21 of our Constitution and</p>	No comments
42	<p>The Applicant also states that there is no doubt that the repetition of the word "Sustainable Development" frequently by the Authorities, regarding the setting up of R3 industry, in such an Ecologically Sensitive area, gives one, whoever is well acquainted with the area in question, an impression that the Authorities have undoubtedly stooped without any scruples, forgetting the duty cast upon them by Article 48-A, to ruin the Forests and Ecology as a whole, not realizing the meaning and importance of the word "Sustainable Development," in Protecting Environment from Industrial Development, to safeguard our natural resources for future Generations.</p> <p>If R1 or R2 <u>had known the meaning of 'Sustainable Development'</u>, they would have not let either R3 to establish the Cement Grinding Industry listed under 3[b] of the <u>Schedule</u> or let <u>KIADB declare the said area in question be declared as "industrial area" to avoid grave</u></p>	There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.

	<p>repercussions for the entire area in question and public securities. If distance from R3 to forests being only 150mtrs from forest land of survey no. 119/1, 250mtrs from forest land of survey no. 101, 500mtrs from Notified Nandibanda Reserve Forest of 6,500 acres, 700mtrs from Notified Bandri Reserve Forest of 17,500 acres, Sandur Reserve Forest. of 36,000 acres at a distance of 3kms and Gunda Forest at 5kms being downwind to this area is legal and sustainable development, there is no necessity of departments like PCBs, SEIAAs, MoEF in India.</p> <p>R1 should read at least Page Number 42, 43 and 44 in order of SUPREME COURT OF INDIA, CIVIL APPELLATE JURISDICTION, of Civil Appeal No.12251 of 2018 [Annexure-19] to learn how to respect Forests in the least before repeatedly using the words, "Sustainable Development" and "the area is an industrial area," regarding the area in question.</p>	
43	<p>The Applicant further submits that another, frequently used word by that the "area is an industrial area whenever it finds no answer for the Applicant's allegation is nothing but a hint to the Applicant, which sounds to the Applicant as though RI is saying "we will not leave you torturing further until you end up in suiciding" which is sure to happen if the area really becomes an industrial area.</p>	No comments
44	<p>The Applicant is sure to become blind with her sensitive moisture less eyes details of which are submitted as <u>Annexure-30</u>.</p>	No comments
45	<p>The authorities are not talking about sound pollution and its tolerance by Applicant's 25gram body weighing chicks.</p> <p>Whether precautions are taken or not is not the answer required by the Applicant from the Authorities. The R3 is listed under 17 Category Highly Polluting Industries of CPCB, which according to Authorities, also is an activity</p>	<p>The distances from the Forest, water bodies etc from the project site has been submitted in the earlier report, which reveals that the project site does not fall within the buffer zones and ESAs</p>

	<p>involving in grinding of gypsum, clinker and fly ash in a dry condition involving in a lot of dust emission along with sound.</p> <p>When the Applicant is unable to prove the Hon'ble Tribunal the existence of 2 big Notified Reserve Forests of 17,500 and 6,500 acres each and lakes of more than 300 acres in the very abutting survey number of the site in question, all of which are being publicly enjoyed by the whole world, even in Google picture and enjoyed by the people around in this area are unable to be proved being camouflaged by the veil of Inspection Reports and false reply Affidavits by the Authorities, with no supportive documents except one or two which also give only. "approximate" figures, that are "neither killing the snake nor breaking the stick" kind of reports with also false data, ex. the Forest Dept. Hospet report in the present context, submitted by the authorities as annexure 33 who knows what is what in the R3 industry, that has no Layout Plan at all, into which nobody neither has access nor allowed to enter, even if one is given liberty by courts to enter, like how it happened to the Applicant in case of 2 of the Applicant's earlier cases filed in Hon'ble Tribunal.</p>	
46	<p>The Authorities in Point No.28 in their reply is said to be not generating heat. statement that <i>there is no heating process</i> by R3, but according to CFE it has a furnace and no furnace</p>	<p>There are no furnaces in the industry.</p>
47	<p>The Applicant further states that, a poultry farmer who established 20 years prior to the said industry has by all means the right to demand the Authorities not to grab her Right of Article 21 and to let the Applicant continue her sensitive poultry activity in a pollution free environment.</p> <p>The callous and stony attitude of authorities not being</p>	<p>No comments</p>

	<p>guilty of their misuse of powers in giving CFE to a Sponge Iron Unit in the past, in the abutting lands of the Applicant's Poultry farm, which resulted in the ruin and closure of her poultry till 3 years back, now trying to push her into more tragedy, by permitting for another Highly Polluting Industry listed under the Schedule and declaring the whole sensitive area with lakes and forests as industrial area.</p>	
<p>48</p>	<p>The Applicant further submits that, since it is clear from the replies of the authorities, who is defiant to accept the allegations of the Applicant with their false, concealed and fabricated data with almost absolutely no supportive documents in support of their defense, it is urged by the Applicant to the Hon'ble Tribunal, to take into the consideration the Google pictures submitted by the Applicant as <u>annexure-2-a, b and c</u> in her O.A., which can never be a faulty ones, depicting the exact placements of all the places from NH to R3 site, that are in discussion about the area in question, for a keen understanding of the aforesaid allegations made by the Applicant, and show its discretion regarding the allegations of the Applicant, by the corum of this Hon'ble Tribunal bench, comprising of expert member also, who possesses the scientific know-how and also expertise knowledge in the subject, that makes them think whether, the Applicant's day old chicks of 25-30gm weight can withstand the:</p> <ol style="list-style-type: none"> <li>I. pollution of an already existing Highly Polluting Sponge Iron Industry, with none of the antipollution measures complied, having its cooler discharge point "without Hood system with dust collector" being very close as 100mtrs, in the abutting land of the Applicant's land to the south and the fugitive emissions of the heaps above its compound wall which are not even 100meters [being in the</li> </ol>	<p>Committee not concealed and fabricated the data. The distance from the chick shed to the project site is 450meters as per the google map. (ANNEXURE-R4)</p>

boundary of abutting land of Applicant] from her chick-shed land

- II. the pollution of present R3 Cement Grinding Industry, which is again involving in dry grinding of clinker with gypsum and fly ash, which will be a cumulated one with the already existing one, at a distance of only 150mtrs to the North of the said Applicant's chick-shed land.
- III. the sounds of the already existing. Sponge Iron Industry, which is Dry Reduction industry [DRI1 process, that generates a lot of sound in its process of starting from feeding iron ore, coal and lime stone to the kiln, all of which are sound generating materials to the end of final product which is sponge iron [iron balls like], until it is transported by vehicles involving in making sounds while loading of metallic ball like sponge iron and plying of the same, along with sounds of unloading of raw materials and other unknown metal beating and rattling sounds, in the abutting land of her chick-shed to the South, at a distance of not even 20mtrs [since the industry is in abutting land of Applicant's chick-shed, with common wall in between].
- IV. the sounds of horns and those made by the vehicles while plying on the kacha approach road, which is not Asphalted in spite of Hon'ble NGT Order dated 28/01/2019, in the abutting land of Applicant's chick-shed, passing along its boundary with no margin of at least 5-10mtrs from the Applicant's proposed chick-shed, on the other side to the North.
- V. the sounds in the abutting land to the East of Applicants chick-shed are due to the vehicles,

since it is a parking place of the vehicles of Sponge Iron Industry which means the chick-shed is surrounded by dust and sound pollutions on all the 3 sides of Applicant's chick-shed, with sponge iron industry in abutting land to the South, approach road in abutting land of Applicant to North and parking place of the industry to the east of the Applicant's chick-shed, after which is R3 industry; and decide whether it is justifiable / reasonable to expect the Applicant to:

- a) continue her poultry activity with the aforesaid sounds and hazardous dust, from all the 3 sides in the abutting lands of Applicant when the day old chicks are impossible to be reared in the said land
- b) continue her poultry without constructing a chick-shed and be at the mercy of the tenant with whatever rent the tenants offer, taking advantage of the said deficiency
- c) sacrifice her right of healthy living and livelihood under Article 21 of the Constitution, in the area in question, by letting the R3 industry to be established to put her into more agony, 20 years after the Applicant's Poultry is set up, foregoing her right of first go first over the area in question
- d) keep quiet, being a mute spectator, not protesting the irresponsibility of the Authorities, who are failing to do their duty cast upon them, by Article 48-A and doing contrary to it by misusing powers vested with them, concerned in the least, destroying the forests, lakes,

natural streams and wildlife of our country, in spite of being paid for the same

- e) be an undutiful citizen of India, not performing the duty cast upon her by Article 51A [g], to protect and improve the environment including forests, lakes, rivers and wildlife.
- f) fore-go a monthly income of Rs. 60,000 - 70,000 deducted by her tenant for not having chick-shed according to Annexure-7
- g) keep her sheds idle and eventually get soiled like that of one of her sheds, if this tenant refuses to take it for lease, for a second term, because of a certain percentage of loss in egg production, that definitely occurs due to the hazardous pollution, and the aforesaid deficiency of not having a chick-shed.
- h) let her eye condition deteriorate further, finally leading to blindness as mentioned in Annexure-30
- i) vacate her house for fear of further damaging her eyes condition irreparably, along with the condition of her husband's respiratory problem, which are unheard and found no remedy, in spite of approaching this Hon'ble tribunal more than 6 long years back, regarding the already existing pollution, which is uninterruptedly continued till date against the Order of this Hon'ble Tribunal dated 28/01/2019 because of the authorities being in collusion with the existing industry.

<p>The Applicant, after bringing all the above said objections into the notice of this Tribunal, is now begging the Hon'ble Tribunal, to preserve her Right under Articles 21 and to let her enjoy discharging her duty under Article-51A[g], acknowledging the legality and genuinity in her Allegations, along with those of the public in their complaints submitted as <u>Annexures-9-A, 11-A,B and C, 12-A and B, 14-B, 16, 18, etc.</u> and stop the machinations of the people who are involved in declaring the said ecologically sensitive area as an industrial area</p>	<p>There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.</p>
<p>There are many allegations of the Applicant that are left unanswered by Authorities. The authorities did not answer 50% of the Applicant's prime allegations starting from allegation no.1 to 50 except point nos.2, 4, 6, 10, 12, 13, 16, 33 and 37, one of which being very important Bio-Diversity of the area in question.</p>	<p>Since there are repetitive allegations made by the applicant, the committee made a report on the prime allegations.</p>
<p>Applicant's allegation nos. 3, 5, 7, 8, 9, 11, 14, 15, 17, 18, 19, and 20 are not specifically mentioned in detail but are regarded as 'Acceptance' by the Authorities since they are left unanswered. Regarding these allegations the Applicant is humbly requesting the Hon'ble Tribunal to go through Page no 9 to 23 of O.A., for a fresh knowledge regarding the aforesaid allegations.</p>	
<p><u>The unanswered allegations no's 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 38, 39, 40, 41, 42, 46, 49 are reproduced as follows in Italics with their original Serial Numbers in O.A. 13 and are given a status of "acceptance" by Authorities, as any allegation is equal to acceptance:</u></p>	
<p><i>21.</i> The Applicant further submits that the Proposed Project neither has confined its boundary of the Proposed Project site by a wall / fencing [nor taken up plantation</p>	<p>No comments</p>

	<p>around the said Proposed Project] before starting the construction of industry infrastructures which is also punishable under law.</p> <p>The above one is the Applicant's 21<sup>st</sup> allegation.</p> <p>The above allegation of the Applicant is skipped to be answered by the applicant, which means the authorities have no answer to contradict the truth and <u>the silence is regarded as Authorities' acceptance to the said allegation of the Applicant 'Acceptance no.11</u></p>	
	<p>22. The Applicant further submits that Respondent No.1 is not of the opinion that not using the powers vested with it is equal to misuse of powers. Thus the <u>Authority has completely forgotten the fact that (not using its power is as equal as) misuse of powers by it is undoubtedly a punishable crime under NGT Act, Section 28.</u></p> <p>Being silent to the above allegation number 22 of the Applicant, is also considered as acceptance of Authorities to the said allegation, which is <u>Acceptance no. 2</u></p> <p>Their misuse of power is clearly seen in the R3 industry establishment which is issued CFE by R2 without Panchayat Permission and Land Conversion in Non-Industrial Area.</p>	<p>As per the EIA Notification 2006 and subsequent amendments SEIAA issued EC.</p> <p>The land is allotted to proponent through KIADB.</p> <p>They have submitted NOC from the Panchayath.</p> <p>The industry has obtained the Consent for operation on 30.12.2020 for operation of GGBS of capacity 20000 TPA.</p>
	<p>23. The Applicant also states that SEAC, SEIAA and KSPCB have entirely forgotten that there are a number of factors that are to be considered by the regulatory authorities in citing industries like that of Respondent No.3 and that, care should be taken to minimize the adverse <u>impact of the industry on the immediate neighborhood [which are Applicant's big layer poultry farms, lakes and 4 Reserve Forests in present case] as</u></p>	<p>There is no Notified Ecologically sensitive areas are found at the close vicinity of the project site.</p>

<p><u>well as distant places like the vast Forest area of Sandur Forest of 36,400 acres.</u></p> <p>No answer to the above allegation number 23, is regarded as <u>acceptance no.3 by Authorities</u> to the said Applicant's allegation.</p> <p>A distance of 15kms is to be maintained from forests including deemed forests [Annexure-19] will provide a complete answer to this issue.</p>	
<p>24. The Applicant from all the above mentioned facts concludes that the said authorities have also entirely failed to keep in view that, some of the natural rights sustaining systems and some specific land uses are sensitive to industrial impacts because of their nature and extent of fragility and that they [the authorities] are formed with a view to protect such sights and to <u>make industries maintain a specific distance as far as possible from the specific areas and to improve the efficiency of protecting the environment and mankind, enforcing different kinds of legislations to achieve and</u></p> <p>Being silent to the above allegation number 24, is Acceptance no.4 by the Authorities to Applicant's allegations.</p> <p>No specific distance maintained on the contrary R3 is given CFE &amp; EC in the abutting land of a big water body of 150 to 175 acres which continues into another pond Environment and mankind.</p>	<p>The nearest distance from the water bodies is reported in the earlier report, which reveals that the project site is not located within the buffer zone.</p>
<p>25. It is also disturbing for the Applicant to submit that the authorities have also forgotten that, General Siting Factors whether:</p> <p>I. the land selected is Prime Agricultural land that should not be converted for industrial purpose, [It is till date not converted into industrial purpose].</p> <p>II. the land acquired is sufficiently large to grow</p>	<p>The land is allotted to proponent through KIADB.</p> <p>The proponent mentioned that 33.05% will be developed as per statutory norms in the application to EC.</p> <p>The proponent submitted the</p>

<p>appropriate greenery all around the industry, [it is only 6.3lacres with no provision for greenery and a land of at least 25acres is needed for industries like R3].</p> <p>III. the Lay Out Plan of the Proposed site when the industry comes up in the area confirms that the landscape of that area and its scenic features are not disturbed or marred, that are very clearly mentioned in Technical EIA Guidance Manual for Cement industry Prepared for MoEF, GOI, by IL&amp;FS Ecosmart Limited, Hyderabad, 2009 [No Lay-out, plan till date].</p> <p>The present case is a Prime Agricultural land which has no sufficiently large space for appropriate greenery of 33% around it and finally the Proposed Project in the present area will mar the Landscape of the area affecting the scenic features of that place [Annexure-2].</p> <p>The Proposed Project requires at least 25 acres of land to take up greenery all around the project would efficiently stop dust to a large extent and to provide space for parking and weigh bridge.</p> <p>The above very important allegation number 25 of my O.A. is not being answered by Authorities is very disturbing and is regarded as <u>acceptance no.5</u></p>	<p>layout plan along with the application.</p> <p>Technical EIA Guidance Manual for Cement industry Prepared for MoEF, GOI, by IL&amp;FS Ecosmart Limited, Hyderabad, 2009 will be applicable to the projects which attract EIA. But the present project is appraised as B2 project as per EIA Notification 2006 and its amendments.</p>
<p>26. The Applicant also submits that the construction of the Proposed Project would definitely worsen the already marred landscape of that area because:</p> <p>I. the existing industries are constructed over the 'Bandi-jada' [Bullock Cart Road of 20ft width' meant for Agricultural purpose, according to the Revenue Records) as seen in Annexure-2 which is a bullock cart road of 20ft wide for the use of Agriculturists, that connects Magimavinahallivillage in the West and. Garaga</p>	

<p>village in the North East corner of the. Proposed site, into which the bullock cart road from Haruvanahalli village also merges just behind the already existing industries, blocking and abruptly ending the road in the existing industries' premises. The Applicant has left her 34/2 land unfenced only because of this Bandijadawhich became useless effort by the Applicant due to construction of the existing industries over the. Bandijada in their premises.</p> <p>II. the Brook starting from North West corner of R3 at a distance of approximately 350mtrs, goes all along Bandijada until it enters the site of the existing industries where 'it used to' join with another brook from South West corner of existing industries, forming a triangular point 'o' as seen in Annexure-2-C, that finally 'used to reach' the said lake has been blocked by the construction of the existing industries, not letting the brooks take their natural path which is resulting in flooding of the 34/2 survey number land of the Applicant making it fit for nothing.</p> <p>The above allegation of 26 in O.A. is also not answered by the authorities which is their acceptance no.6. Letters of villagers to concerned authorities claiming their right over Bandi-jaada [cart road] is submitted as annexure-16 by Applicant in this objections filed by her.</p>	<p>The project site is a notified industrial area. However the proponent stated that the cart road will be maintained as it is and kept open for use of general public.</p>
<p>27. The Applicant further submitted that her Survey Number 34/2 which is supposed to be her chick shed area according to her poultry plan, hasalready lost itsnormal featuresof a good useful land due to stagnation of brooks water whose paths are blocked by the construction of the already existing industries as shown in Annexure-2-A, making the</p>	<p>The land is allotted by KIADB to the proponent. The SEIAA issued EC with a condition that the proponent to leave a buffer mandated for nalas or water bodies.</p>

<p>Applicant's 34/2 land unfit for neither cultivation nor for the construction of chick shed for which purpose the Applicant has purchased the land.</p> <p>Project, which takes place in the diverted path of the brook, the features of the Applicant's said land will be further more marred.</p> <p>The above allegation cannot be contradicted by anyone as it is the true situation and landscape of the area in question, hence the authorities are helpless to contradict it making it acceptance no.7 [farmers complaint regarding this is submitted by the Applicant].</p> <p>The natural stream being already obstructed and stagnant in Applicant's land is seen in Annexure-2-A of Original Application.</p>	
<p>28. The Applicant further states that if the Project Proponent of the said project has precisely summarized the project details and also the likely environmental concerns in his pre feasibility report and by the filling of Form I, Valued Environmental Components [VECs] might have been identified for the said project by SEAC. The SEAC relying upon the concealed and fabricated data provided by the Project Proponent, failed to evaluate the impacts of the said project on the environment and neighborhood, not having the minimum logical thinking as to how far it is ethical to rely upon someone forgetting entirely about the Fundamental Rule of Natural Justice and forget the purpose of their appointment which is to avoid even the lowest possible and minimum loss to any of the living organisms along with environment as a whole by the hazardous pollution of the proposed Project which falls under 3[b] of schedule I, of EIA Notification 2006.</p>	<p>The SEAC appraised the proposal as per the Form-I, Form-IA, prefeasibility report and other statutory documents submitted by the proponent along with the application following the due procedure of law on the criteria of sustainable development, subject to compliance to certain conditions and recommended for issue of EC.</p>

<p>Above-allegation number 28 of O.A. is also accepted by authorities being silent and having nothing to contradict it as they intentionally avoided evaluating VECs as they do not let R3 establish in the said site if they are mentioned and it is acceptance 8</p>	
<p>29. The Applicant further submits that it is unfortunate and disturbing to the Applicant that it has become necessary for her to submit the Topography of R3 only because of the Authorities failure to act according to the prescribed procedures mentioned in the Environmental Acts and Rules and DA Notification 2006 and manuals that are there to guide them. It is questionable as to whether the authorities have given their consent for EC even after knowing the Topography submitted by the Project Proponent or were lenient not persisting on submission of the same by Project Proponent.</p> <p>This not being contradicted by authorities is acceptance -9</p>	<p>The SEAC appraised the proposal as per the Form-I, Form-IA, prefeasibility report and other statutory documents submitted by the proponent along with the application following the due procedure of law on the criteria of sustainable development, subject to compliance to certain conditions and recommended for issue of EC</p>
<p>30. When this is how the panel minimizes its responsibility it is questionable as to what is the purpose of the existence of the committee/panel and different stages of screening, scoping etc. that are necessary to identify the concerns and issues which may affect the project decisions before issuing the EC to Proposed Project.</p> <p>Thus in the present case the SEAC has failed to:</p> <p>a.evaluate Valued Environment Components [VECs] of the natural resources and human world, the value of which are considered valuable and are likely to be affected by the Proposed Project:</p> <p>1.natural resources are lakes in abutting land of Proposed Project 2.my poultry is also a component of human world</p>	<p>The nearest distance from the water bodies, Forests etc are submitted in the earlier report. There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.</p>

*b.* attributed value for social, environmental, aesthetic or ethical reasons [no values attributed towards the said list].

*c.* assess the indirect additive or even synergistic effects due to the other projects or activities or even induced developments on the same environmental components as would be considered direct effects. [Sponge Iron Industry is already creating a lot of pollution with no Pollution Control measures applied]

*d.* assess whether there would be a large change in the environmental conditions by the establishment of this Proposed Project [The birds that migrate from Arabia to the said lakes every year are already reduced to more than 50% which may result in their disappearance due to R3 industry in future.

*e.* assess whether there are any receptors of other types like flora, fauna and other businesses like that of the Applicant, which will be affected by the start of the Proposed Project. [the birds in the nearby forests and the migrating birds from Arabia are affected along with Applicant's poultry birds].

*f.* assess whether it would be difficult to avoid or reduce or repair or compensate for the affect caused to the VECs in the neighborhood [they skipped to mention lake of 200acres in abutting land of R3, a forest land of 100acres in Sy. no.101 only 100meters, another forest land in sy. no. 119/, another at 250meters, Notified Bandri Reserve Forest at 750meters in 17,500acres, Notified Nandi-bandi Reserve Forest in 6,500acres at 500meters, Sandur Forest in 36,000acres at 8kms, Gunda Forest in acres in 3kms, ChilakanahattiPalmyra Forest in acres at 3kms, etc.

<p><i>g.</i> also to assess from the information provided by the PP the geographical features within 15kms around the project for actual EIA studies and</p> <p><i>h.</i> assess many other such important factors that are not understandable by a common man like the Applicant.</p> <p>No answer to contradict the above allegation and is hence an acceptance no.10 by authorities</p>	
<p>31. It is further submitted by the Applicant that since most of the Applicant's RTIs are not given replies until they reach the status of Second Appeal which takes more than an year, the Applicant did not want to undergo such pain of gathering any information from the concerned authorities. SEAC and SEIAA regarding R3 Industry, whether they have obtained all the details from the PP by the submission of Form 1, TORs, Pre-feasibility report etc. as mentioned in the 4.3.6 of Technical EIA Guidance Manual for Cement Industries, Prepared for Ministry of Environment and Forests, Government of India, by IL&amp;FS Ecosmart Limited Hyderabad, September 2009, is kindly requesting this Hon'ble Tribunal to confirm the same from the Respondents</p> <p>Authorities silence to the above allegation number 31 of O.A. is acceptance no.11. They did not provide any of the above required information to the Hon'ble Tribunal.</p>	<p>Project appraised as B2 category &amp; Environmental clearance for the Cement grinding industry has been issued as per the EIA Notification 2006 and the Office Memorandum issued by MoEF&amp;CC,GOI vide dated 24.12.2013 regarding the categorization of category B projects.</p>
<p>32. The Applicant also submits that SEAC and SEIAA are supposed to take into consideration all the important points of the above said Manual namely points 4.2.4, 4.3, 4.3.3, 4.3.5, and especially regarding the location of site</p> <p>The above objection since not executed by SEAC and SEIAA are accepting the allegation as acceptance no.12.</p>	<p>Project appraised as B2 category &amp; Environmental clearance for the Cement grinding industry has been issued as per the EIA Notification 2006 and the Office Memorandum issued by MoEF&amp;CC,GOI vide dated 24.12.2013 regarding the categorization of category B projects.</p>

<p>33. It is further submitted by the Applicant that in sub paragraph (d) of Paragraph 5-of the EIA Notification 2006, it is clearly mentioned that SEAC has to inspect the site to appraise the impact of the project in the surrounding area and the environmental compatibility of the project if established in the proposed site. It is evident from the same paragraph of the said Notification that the Environmental Clearance was given after screening and appraising of the projects by 'government constituted bodies' i.e., SEIAA, Karnataka and SEAC who are independent bodies.</p> <p>Answer of authorities is generic without detailed application of EIA Notification 2006 regarding R3 which is listed under 3[b] of the schedule. Acceptance-13</p>	<p>As per para 5 of EIA Notification 2006 the authorized members of the EAC and SEAC, concerned may inspect any site(s) connected with the project or activity in respect of which the prior EC is sought, for the purpose of screening or scoping or appraisal. There is no mandate to inspect every project which requires EC.</p>
<p>34. The Applicant further submits that it is questionable as to why the SEAC has by-passed its duty of inspecting the site in the present case, forgetting entirely about its responsibility of conserving the environment by inspecting the site to assess its impact on the environment and the surrounding sensitive areas if any</p> <p>Not answered. Acceptance-no.14. In none of their reports the presence of my big poultry, extending from NH to R3 at a stretch of nearly 400meters by the side of which the Authorities have to go by to reach R3 site, is mentioned to be present. The intention of concealment is itself a proof for their collusion with R3 and self interest in establishing the industry.</p>	<p>The SEAC appraised the proposal as per the Form-I, Form-IA, prefeasibility report and other statutory documents submitted by the proponent along with the application following the due procedure of law on the criteria of sustainable development, subject to compliance to certain conditions and recommended for issue of EC</p>
<p>35. The Applicant also submits that it is disturbing to note that the SEAC which is comprised of independent experts such as Environmental Quality Experts, Sectoral Experts in Project Management, Life Science Experts in Floral and Faunal Management, Forestry and wildlife experts, Microbiological Experts having enough intelligence in different fields of study, have</p>	<p>The SEAC appraised the proposal as per the Form-I, Form-IA, prefeasibility report and other statutory documents submitted by the proponent along with the application following the due procedure of law on the criteria of</p>

<p>recommended SEIAA, Karnataka for issuance of EC to the Proposed Project relying upon the TORs and particulars submitted by Project Proponent entirely ignoring the Fundamental Rule Of Natural Justice.</p> <p>This allegation number 35 of D.A. is not answered, acceptance no.15.They misused the powers vested with them.</p>	<p>sustainable development, subject to compliance to certain conditions and recommended for issue of EC</p>
<p>36. The Applicant also submits that it is questionable in this regard as to whether the absence of this panel and its recommendations to SEIAA, Karnataka for the grant of EC to the Proposed Project, would have caused any extra danger/damage than that of by their present decision, to the health and well being of mankind and the environment.</p> <p>Thus, SEAC and SEIAA, Karnataka is of the opinion that it can do anything and get away with it as it did in other cases of the Applicant's complaints which is a regrettable and pitiable thing to be accepted by the people of Environmental concern.</p> <p>Silence to the above allegation number 36 of D.A. by SEAC and SEIAA, is acceptance no.-16</p>	<p>No comments</p>
<p>38. The Applicant further submits that the condition of Applicant's eyes and her husband's respiratory problem because of this Proposed Project which is also a Red Category industry, falling under 3 (b), Schedule I of EIA Notification 2006 will definitely be worsened and has to permanently vacate and abandon her house as has already been doing now.</p> <p>The Hon'ble is begged to understand the above allegation by going through the Annexure-30 keenly. Silence to the above allegation number 38 of O.A., is acceptance no.18</p>	<p>No comments</p>
<p>39. The Applicant feels that being an open place and the area being located in an elevated one at about 1800ft above sea level there is always speedy wind in this area.</p>	<p>There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.</p>

<p>Due to this reason the dust is very easily carried off heavily settling down finally in the. Notified Bandri Reserve Forest after leaving its effect on nearly 500 acres of lands that are located in between here and there by the lake and forest during downwind i.e., April to October. From October to April the wind direction changes to the opposite direction which is the Applicant's agricultural lands and poultry farm extending from 175 meters away from the Proposed Project till the National Highway.</p> <p>The above allegation number 39 of O.A. being unanswered, is acceptance -19</p>	
<p>40. The Applicant further submits that Peacocks that used to come from nearby Notified Bandri Reserve Forest, (small part of forest R.0,13 is Sy. Nos. 119/1, 138, 167, 168 &amp; 169 is mentioned in this list) to the said lake and its surroundings during morning times are now coming very rarely or almost stopped coming for the last 3, 4 years.</p> <p>Authorities cannot contradict this real fact hence left unanswered giving the allegation a status of acceptance no.20.</p> <p>Even birds from Arabia that used to migrate in large number are now reduced to a great extent. [Pictures in Original Application]</p>	<p>There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.</p>
<p>41. This Applicant further submits to the Hon'ble Tribunal to consider this area as a Sensitive Area being surrounded by lakes in the North-east and East and. Notified Bandri Reserve Forest of extent of 17,500 acres extending from South-East to South and Notified Nandibanda Reserve Forest in an extent of 6,500 acres to the North-west at a distance of 400 meters from Proposed Project site, that have wild animals like Cheetas, Leopards, Deers, Wild boars, Bears, Rabbits, Wild-cats, Monkeys, Apes, Peacocks and other species</p>	<p>No Notified Ecologically sensitive areas are found at the vicinity of the project site.</p>

<p>of Colorful Birds etc. which constitute the fauna of this area, because KIADB has acquired (and is still in the process] nearly 45 acres [Annexure-13] of poor agricultural farmers' lands, which are exactly in the center of the above said boundaries situate at Basavanadurgam &amp; Haruvanahalli villages, Hosapete Taluk, Ballari District, Karnataka State and direct the authorities to evaluate the VECs in a thorough manner before issuing EC, CFE &amp; CFO to any other industries in a radius of 1km around the Heere-kere commonly called as Gollarahalli Kere, as is already brought into their notice by the farmers of both the villages.</p> <p>The applicant submits that it is quite disturbing to note the Authorities, who avoided answering most of the allegations of the Applicant, that are to be answered, attempted to answer the begging/pleading of the Applicant saying, that the area in controversy "is a notified industrial area surrounded by other industries" which is nothing but asking the Tribunal not to accept her prayer.</p> <p>This shows that they know only to "take their pay" but "not why they are paid for".</p>	
<p>42. The Applicant further submits that from all the above facts, and the way the authorities are trying to conceal the facts, that are posing a threat to mankind and environment as a whole, it is clear that SEIAA and SEAC are not at all concerned about the environment or ecology, for which purpose they are appointed.</p> <p>They know to take their pay but forgot "why they are being paid for"</p> <p>The authorities have no option than to accept the above allegation giving the allegation a status of acceptance no.21.</p>	No comments

<p>43.The Applicant further submits that the request of exemption to be granted from obtaining EC by the Project Proponent, naturally to meet his self interest, is in a way meaningful. But the same which is being supported by the authorities is nothing but a huge retrograde step in the area of Environment Conservation.</p> <p>Authorities' silence to this is acceptance no.22</p>	<p>No comments</p>
<p>44. The Applicant further submits that all the above mentioned undutiful and unethical attempts of SEAC and SEIAA take us back to a pre-2004 scenario i.e., prior to the issuance of EIA framework.</p> <p>The above allegation is acceptance no.23.</p>	<p>No comments</p>
<p>45.The Applicant believes that the steps taken by SEAC and SEIAA, Karnataka to issue EC to the said Cement Grinding Industry will have a disastrous effect on Environment and would cause irreparable and irreversible damage to the Environment as a whole. SEAC and SEIAA, Karnataka who are burdened with the duty to save environment as a whole, is unable to think that the magnitude of Environmental foot-prints would cause immense environmental damage by the unregulated establishments of Highly Polluting industries like the present Proposed Project adding to the pollution of its already existing neighboring projects resulting a cumulative impact.</p> <p>The authorities did not care to contradict the above allegation and hence it is acceptance no.24</p>	<p>The EC has been issued considering the information furnished by the proponent in the Form-I, prefeasibility report and other statutory documents submitted by the proponent along with the application following the due procedure of law on the criteria of sustainable development, subject to compliance to certain conditions.</p>
<p>46. It is also pertinent to mention in this context that <b>Annexure-14</b> is a supportive document relevant to the present case. The Western end of Sandur Forest is called Garaga. Forest which is at a distance of 2kms areal distance to the East of the-Proposed Project which is continued as Notified Bandri Reserve Forest of 17,250 acres extending from. North-east corner to South-east =corner of the said</p>	<p>There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.</p>

<p>Proposed Project at a distance of 200meters, after the 400acres Gollarahalli-lake which is existing adjacent to the Proposed Project.</p> <p>The Eastern boundary and the South Eastern boundary of this Notified Bandri Reserve Forest are only at an areal distance of 2kms from Sandur. Thus the Proposed Project is surrounded by the said lakes and a vast area of forests to its. East, North-East and South-East direction, which are habitats for animals like bear, jackals, monkeys, fox, few tigers and birds like peacocks and other species.</p> <p>This important allegation regarding the ecologically sensitive forests is proved to be right by authorities submitting the report of Forest Dept. of Hospet. Hence the above allegation is acceptance no. 25</p>	
<p>47. The Applicant further submits that the Rule of Natural Justice is that no person can be a judge in his own cause. SEIAA has forgotten the fundamental Rule of Natural Justice in its departmental proceedings and has completely forgotten that it being a disciplinary authority should be impartial and free from bias.</p> <p>Acceptance no.26. R2 issuing notices only to the Applicant informing about the Notification of MoEF about the necessity of obtaining CFO for her poultry leaving all the other poultry farmers in and around Ballari is a proof for R2's biased attitude to Applicant.</p>	
<p>48. The Applicant also submits that SEIAA has forgotten that its entirely unethical and undutiful biased attitude towards the Project Proponent of the. Proposed Project is marring the healthy being of the entire Sensitive Area of the proposed site along with that of the livelihoods and lives of innocent poor illiterate farmers and the Applicant.</p> <p>Acceptance no.27.</p>	No comments

	<p>49. The Applicant finally submits that if R1 has issued EC to after the recommendations made by SEAC on 30<sup>th</sup> October, which is to be likely in the month of November, the EC has no validity and should be revoked as SEIAA has no authority to issue EC after the start of construction as the industry should be delisted because the law mandates prior approval it ought not be averred as post activity approval or Ex-post facto permission. Any such 'B' Category industry as the present case is regarded as Category 'A' and has to obtain its EC from the Centre Level i.e., MoEF according to the Notification issued by MoEF on 14-03-2017 and also according to the Circular of KSPCB dated 23-03-2017 regarding the same.</p>	<p>The KSPCB has issued the Consent for Establishment to M/s Sri Sai Industries for setting up of GGBS (Ground Granulated Blast Furnace Slag) Plant of capacity 20000 TPA at Sy. No 36/C1 and 36/C2, Haruvanahalli Village, Hospet Taluk, Ballari District vide letter No.315040 Dated:26.09.2019.</p> <p>The GGBS is not covered under EIA notification 2006 &amp; hence do not require EC. Accordingly the proponent started construction activity.</p> <p>The industry has obtained the Consent for operation from KSPCB on 30.12.2020 for operation of GGBS of capacity 20000 TPA.</p>						
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	<p>the information found from online/internet [Annexure-1] is a Cement Grinding industry of 60,000 TPA, which is a Red category, falling in the list of 17 Highly Polluting Industries of Schedule-I. Since these Survey Numbers are very adjacent to an already existing Secondary Metallurgical Industry called M/s K B Steels and a primary metallurgical industry called M/s SaivijayPragathi Steel Udyog Pvt Ltd which are already causing a lot of hazardous pollution not following any of the important environmental norms and the sites in which they are in are not compatible ones with environment, the establishment of the said proposed industry which is not only highly air polluting one but also a highly noise polluting one which makes the lives of the surrounding agricultural poor farmers more miserable along with that of the Applicant's and Environment as a whole due to the cumulative impact of all the said industries which form a cluster with common walls having no gap between</p>		<p>Consent for operation form KSPCB on 30.12.2020 for operation of GGBS of capacity 20000 TPA.</p> <p>There is No Notified Ecologically sensitive areas are found at the vicinity of the project site.</p>
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	each of them.	
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Factual data & Applicant's Opinion:-

CFE issued by KSPCB without Panchayat permission is invalid and need to be revoked.

It is also not valid as it has no approved Lay-out Plan.

The Applicant submitted objection letters to RI and R2 one of them being Annexure-11 dated 30/05/2019. It is questionable as to why the Authorities are not letting the Applicant enjoy her right bestowed upon her as Article-21 of our Indian Constitution, who gave the authorities to grab my fundamental right of healthy living.

EC is not issued following due procedure of law. It is issued on 11/12/2019 after the Applicant filed a case in Hon'ble NGT and in spite of her objections to Members of SEAC in October 2019.

According to EIA Notification 2006, construction cannot be started by any industry without obtaining EC from the concerned authority and since the EC is granted to an already under construction industry. It is regarded as *ex-post facto clearance*, which is said to be illegal and unsustainable in the law of the land as mentioned in 20 (A) of our Constitution according to the Supreme Court in the month of July, 2020 Judgment also saying.

Obtaining CFE from KSPCB for a lower capacity without EC from SEIAA and later increasing the capacity and applying for EC from SEIAA is misuse of law proving the machinations of the authorities with some self interest.

The project is not at all, according to the criteria of sustainable development as it is

<p>destroying the eco-system and environment with 2 ponds / lakes of a total extent of 380acres starting from, the abutting survey nos. 166 of the project site and surrounded by Notified Bandri Reserve Forest of 17,500acres, starting from a close vicinity of 250meters as Gollarahalli Forest of survey no.101 [Annexure=9].</p> <p>It also mar the livelihood of the Applicant which is a sensitive livestock business started 20 years ago which is already being at a plausible stake by the existing Sponge Iron Industry being in the abutting survey number.</p>			
Sl No	Objections filed by the applicant	Observation made in joint inspection	<p>The project site is allotted by KIADB.</p> <p>The project proponent has obtained the NOC from Chilakanhatti Gram Panchayath on 15.10.2020</p>
2.	<p>The Applicant submits that the Applicant's life has already become a tragedy, by the establishment of three industries namely, M/s Rosvar to the West &amp; M/s SaivijayPragati Steel Udyog Pvt. Ltd., to the East a Large, Primary Metallurgical Sponge Iron Industries which are falling in the list of 17 Highly Polluting Industries of Schedule I, under EIA Notification 2006, and a Secondary Metallurgical Industry named M/s K.B. Steels also to the East, very adjacent to her livestock business of 1.5lac layer birds, against all the</p>	<p>The applicant has claimed that she has established poultry of capacity 1.5 lac layers bird. This is an activity requiring Consent For Establishment &amp; Consent For Operation in accordance with Water(Prevention &amp; Control of Pollution), Act, 1974. From the available records no such CFE/CFO have been obtained from KSPCB.</p> <p>The Project authorities have informed that they</p>	

	<p>environmental rules and acts that are enacted for the safety of people at plausible stake and environment as a whole, in the years from 2007-08. The industries are established even without the approval from local Panchayat and also from the concerned environmental authorities.</p>	<p>are in the process of obtaining the Panchayat License for the unit.</p>	
<p><b><u>Factual Data and Applicant's Opinion:</u></b></p> <p>KSPCB by all means can penalize the Applicant for the same but not include the said issue irrelevantly in this matter.</p> <p>Obtaining Panchayat License after the start of construction is against the Law of the Land and need to be penalized for the same and stop construction until obtaining the said license. The CFE issued by KSPCB without NOC from Panchayat is against the law of the land and need to be revoked.</p>			
<p>SI No</p>	<p><b>Objections filed by the applicant</b></p>	<p>Observation made in joint inspection</p>	<p>The KSPCB has issued the Consent for Establishment to M/s Sri Sai Industries for setting up of GGBS (Ground Granulated Blast Furnace Slag) Plant of capacity 20000TPA at Sy. No 36/C1 and 36/C2, Haruvanahalli Village, Hospet Taluk, Ballari District vide letter No.315040 Dated:26.09.2019. The GGBS is not covered under EIA notification 2006 &amp; hence do not require EC. Accordingly the proponent started construction</p>
<p>3.</p>	<p>The Applicant further submits that the main reason for filing this Application is that the Applicant was alarmed and disturbed to note from the On-line/internet information that SEAC, Karnataka has recommended to issue EC regarding</p>	<p>The application submitted by the project authorities seeking EC under EIA Notification, 2006 have been considered in accordance to law.</p> <p>The SEAC apprised the proposal based</p>	

<p>'SEIAA IND 34 2019' to SEIAA, Karnataka (henceforth known as 'R1') in its 233rd Meeting held on 30-10-2019 for the establishment of a new 'Cement Grinding Industry' named M/s SreeSai Industries in the very next survey numbers viz. 36/C1 and 36/C2, of the already existing above said two industries that are existing in Survey Nos.34/C, 37/A, 37/B and 37C [the existing two industries and the said Proposed Project are shown clearly in Annexure-2-A, B, C]</p>	<p>on the information furnished by Form-I, pre-feasibility report and other documents/information submitted by the proponent along with the application and by following the due procedure of law on the criteria of sustainable development and have recommended for issue of EC for the Establishment of Cement Grinding unit with a total capacity of 60,000 TPA.</p>	<p>activity. The industry has obtained the Consent for operation from KSPCB on 30.12.2020 for operation of GGBS of capacity 20000 TPA.</p>
<p><b><u>Factual Data and Applicant's opinion:-</u></b></p> <p>Issuing EC for the Project that is already under construction is against the Law of the Land. EC issued by SEIAA in spite of Applicant's objection is illegal.</p> <p>Issuing to EC to Cement Grinding Industry of 60,000MTPA in the same premises of GGBS industry of 20,000TPA capacity that is issued CFE by R2, it being small land of 6.30 acres is questionable.</p> <p>EC is also issued against the Applicant's objection since 2018 latest being before the issuance of EC in NOV 2019.</p> <p>Authorities repeatedly mentioning sustainable development has no meaning at all as it is going</p>		

	<p>to ruin the already existing 20 year old livestock business of the Applicant and also the future and present generations of poor farmers that are depending upon agriculture and rearing of cattle and sheep that graze in the nearest forest and drink water from these ponds very next to the said industry.</p> <p>Farmers and shepherds objections are submitted as <b>Annexure-9.</b></p>			
	<p>Sl No</p>	<p><b>Objections filed by the applicant</b></p>	<p>Observation made in joint inspection</p>	<p>This industry is not listed in 17 categories of highly polluting industries.</p> <p>There is No Notified Ecologically sensitive areas are found at the close vicinity of the project site.</p>
<p>4.</p>		<p>It is pertinent here to mention that by the establishment of the said Proposed Project, which is falling in the list of 17 Highly Polluting Industries of Schedule I, the Applicant's poultry will be prone to more risk by the synergistic effect of a Cluster of Highly Polluting Industries, which will be formed along with that of the already existing ones [even though M/s K.B. Steels is non operating, there are hazardous pollution causing activities being carried out in its premises] which also belong to the same Red Category Industries of 'B1', which is allowed to be done only in industrial areas/estates, but not in a ecologically sensitive area</p>	<p>The project Proponent has informed that the Cement Grinding unit has been establishment to local demand for a sustainable development &amp; to provide the local employment.</p> <p>The Environmental clearance has been issued with conditions &amp; the unit will be sustainable on the environmental point of view, upon ensuring compliance to the said conditions.</p>	

<p>surrounded by agricultural lands and agricultural activities like that of the Applicant's.</p>			
<p><b>Factual Data, and Applicant's opinion:-</b>  ThePP has no right to disturb the ecologically sensitive ponds and forests by establishing an industry listed under 17 Categories of Highly Polluting Industries in the name of sustainable development and providing local employment.</p> <p>Providing local employment is only a lame excuse as it deprives many poor villagers' livelihoods Annexure-12submitted as a proof for this.</p> <p>Villagers are longing to save the lakes and their Agricultural lands for their future generations. They say that they love their farming and hate working in industries.</p> <p>If the demand for sustainable development and to provide local employment is true the PP need not find an escape route to Public Hearing, under the pretext of MoEF Notification.</p> <p>The authorities are using the word 'sustainability' very frequently to misguide the Hon'ble Tribunal. It is very disturbing to hear the word being misused by the authorities.</p> <p>The "condition" talked about SEIAA is already not complied by R3 which is NOC from KGWA/CGWA annexure 13 is the proof.r3 started the construction itself fundamentally not complying one ofSEIAAs major conditions and also failed to obtain Panchayat Permission.</p>			
<p><b>Sl No</b></p>	<p><b>Objections filed by the applicant</b></p>	<p><b>Observation made in joint inspection</b></p>	<p>There is no notified ecological sensitive site in the vicinity of proposed project.</p>
<p>5.</p>	<p>it is not even 10meters away</p>	<p>As seen from</p>	

from 2 big Lakes Heere-kere and Hosa-kere in an extent of 87.21acres and 80.67acres respectively along with some other survey numbers of lake area viz. 144/A, 145/A, 151/A, 152/A, 154/A, 155/A, 159/A, 164/A, 166 etc. and unclaimed lands of 8, 28, 32, 33, 34/2, 44/b, 61, 65/B, 69/1, 69/3, 69/5, 69/8, 69/9, 81, 82, 90, 94, 95, 103/A, 107/B/2, 108, 117, 117/D, 119/2, 119/3, 119/4, 119/5, 120, 122, 123, 123/1, 123/2, 124/6A, 124/6B, 124/6C, 124/6D, 124/i, 136/D, 139, 140/1, 141/a, 141/A/1, 142/A/1, 144/B/2A2, 147, 148, 150, 158, 159/B, 162/B, 163/C, 164/B, 170/1 etc. are the survey numbers that constitute the lake area [Annexure-4] all of them put together called as Gollarahalli-Kere in an extent of more than 400acres.

the project site and the village map the Heere-Kere is at a distance of about 120 meters and Hosa-Kere is at a distance of about 1.5 Km from the boundary of the project site.

**Factual Data and Applicant's Opinion:-**

Heere-kere starts from the abutting survey number 166 of the Project which is seen in the map submitted as **annexure-17** by the Applicant site as also seen in the OA of the Applicant.

Applicant. submits that the non contradiction by the Authorities regarding the details of survey numbers mentioned above by the applicant proves that the Applicant's allegation is true.

Hosa-Kere which is 1.5km is true, but the entire 1.5km from the abuttingSurvey number of Project

Site is the continuity of Heere-Kere [survey number 166 as seen in Annexure-9 water i.e., the pond extending from the Project Site to a Km or 1.5 Km distance in a total extent of nearly 380 acres of land merging into another lake called Hosa-Kere with a gap of 100meters in between.

This Pond/Lake which is the only drinking water source for all the cattle and sheep of surrounding 3 villages is already being polluted by the existing sponge iron industry M/s SaivijayPragati Steel which is very next to the present project. This allegation of Applicant is proved through the complaints of the villagers to the authorities submitted along with this objection as Annexure-11.

The word used by the authorities "as seen from project site" reflects their attitude of not being ready to accept the fault that the Heere-kere land starts from the abutting survey number of the said Project i.e., R3. The inspection is done during Feb/March which is mid-summer when the lake water recedes to the lowest place; after all the water is used for irrigating GollarahalliMaagaaniAnnexure-11.

Even when it recedes it is not 120meters, it is 70-80meters from R3. Construction of R3 in abutting survey number is illegal. When the PP has confirmed the forests by making the forest department confirm the same it is questionable as to what stopped the PP to confirm the distance of the pond/lake from the project site by making the revenue authorities confirm the same. The Applicant submits that the reluctance of the authorities to confirm the lake survey numbers with the Revenue Authorities like how they confirmed Forest lands with Forest Authorities is that they did not want to reveal the truth in

the allegation of the Applicant.

"As seen from project site" is true since the water that was till the boundary of project site receded as it is used for irrigating the Maagani lands of Gollarahalli.

In rainy season the water, high tide of the pond touches the Project site and the bore-well without CGWA/KGWA permission [Annexure-13] is also in this lake area which is illegally being used by the said Project. Recent letters of villagers regarding this allegation is submitted as Annexure-14 which are complaints of villagers to Revenue Authorities.

Sl No	Objections filed by the applicant	Observation made in joint inspection
6.	<p>There are swamps which occupy bits and pieces of govt. lands around these lakes [Annexure-4] some of which are cultivated by farmers at the time of early monsoon when the pond is not full.</p> <p>The Survey Nos. 36/A-1.41acres, 36/B-0.82acres, 36/D-2.00acres, 36/E-10.64acres, 36/E/P1-10.64acres, 36/F-0.75acres, 36/G-0.65acres, 36/J2-0.14acres, 36/K-1.06acres, 36/L-1.68acres and 38-</p>	<p>The proposed project site bounded by road towards West, Govt Land to the East and North and another industry which is under operation to the South-West.</p> <p>The project authorities informed that the proposed project site is a Notified Industrial Area. The Govt land adjacent to the project site is a barren waste land, not fit for cultivation. It is called 'Kallumatti' in the records of rights, which means rocky</p>

<p>(8.68acres) [Annexure-6] are all in the name of government pertaining to Haruvanahalli village, are spread around the east and northern boundary of proposed site of R3, also fall under Haruvanahalli village.</p>	<p>outcrop.</p>
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**Factual Data and Applicant's Opinion:-**

Govt. Road being to the west is not true. The road is blocked by the construction of existing industries as shown in the sketch submitted in O.A. of the Applicant. Annexure-14, a complaint of the villagers regarding the blockage of the said road is now submitted as a proof to prove the Authorities reply as a fabricated one. The authorities reply is irrelevant being silent to the most part of Applicant's allegation.

The mentioning of "kallumatti" is also irrelevant, which is an effort of misleading the Hon'ble NGT.

Instead of contradicting the Applicant's survey number is wrong mentioning of "Kallumatti" with no specific documents is meaningless.

PP can find any escape routes for the sake of meeting their self interest, but it is questionable as to what is the reason behind the authorities', whose duty is to safeguard environment, supporting the escape route of PP ignoring the existence of ecologically sensitive ponds/lakes of nearly 300 acres, Notified Bandri Reserve Forest of 17,500acres and Notified Nandibanda Reserve Forest of 6,500acres, being very close as 50meters and 700meters and 500mtrs respectively.

None of the authorities' statements or the PP's is

supported by any supportive documents. They are generic statements without any supportive documents or sketches.			
SI No	<b>Objections filed by the applicant</b>	Observation made in joint inspection	The details submitted in the earlier report.
7.	it is very close as 450mtrs from Notified Nandibanda Reserve Forest of 6,500 acres is to the North-West Corner of Proposed Project as shown in ANNEXURE-2-A	The distance between the Boundary of the Notified Nandibanda Reserve Forest and the boundary of the project site is about 540 meters as per records certified by forest department.	
<p><u>Factual Data &amp; Applicant's Opinion:-.</u></p> <p>Using the word "About" in the Reply itself is hint that it is false. The actual distance is only 500mtrs. Is this not enough for the Authorities to understand the area in question to be ecologically sensitive?</p>			
SI No	<b>Objections filed by the applicant</b>	Observation made in joint inspection	
8.	next to the Gollarahalli-kere spreading all long the bank of North-east, East and South-east of the Proposed Project is the Notified Bandri Reserve Forest of 17,500acres. Some part of this forest comprising of survey numbers 119/1 of 42.52acres, 138 of 185acres, 167 of 27.96acres, 169 of 755.48acres which	As per the letter signed by the Forest Department, the project site located at an approximate distance 1419 meter from the boundary of the Notified Bandri Reserve Forest. Copy enclosed as Annexure-3.	

<p>totally put together form an extent of 1,011 acres extent of 'Basavanadurgam' village, [this 'extinct village' is the boundary of Haruvanahalli village] extends till almost as close as 100mtrs from the Proposed Project of survey numbers 36/C1 &amp; 36/C2.</p>			
<p><u>Factual Data &amp; Applicant's Opinion:</u> Annexure-3 submitted by the Authorities has the word "approximately" creating a doubt in itself that it is "not precise". It also clearly says that a Forest Land of survey number 101 (more than 100 acres) is only at a distance of 250 meters [0.25 km] which is against environmental norms and is enough to declare the area as ecologically sensitive.</p>			
<p>SI No</p>	<p>Objections filed by the applicant</p>	<p>Observation made in joint inspection</p>	
<p>8.</p>	<p>there is Chilakanahatti Palmyra Reserve in an extent of 798 acres and Chilakanahatti Sandal Reserve which is 698 acres [Annexure-7] in the same Chilakanahatti village at an arial distance of 1000mtrs to the South-West Corner from the Proposed Project. The proposed site falls under this village Panchayat.</p>	<p>As per the topo map furnished by the project proponent the chilakanahatti Palmyra Reserve Forest is at a distance of 2.93 Km.</p>	
<p><u>Factual Data &amp; Applicant's Opinion:-</u></p>			

<p>Does the topo map furnished by the PP show the Heere-kere and Hosakere being next to the Project Site? The Applicant along with this objection is submitting the map/sketch, which shows survey number 36 C1 and C2 of the said project is the abutting land of Heere-kere lake in, survey number 166, as Annexure-9</p>		
Sl No	Objections filed by the applicant	Observation made in joint inspection
10.	there are nearly more than 200 acres of maagaani wet lands irrigated by the said lakes which are at an arial distance of 200mtrs [which is North end of the lake] to the North-East corner of the said project site.	As per Google map furnished by the project proponent the Maagani wet lands are at a distance of 806.5meters.
<p><b><u>Factual Data &amp; Applicant's Opinion:-</u></b></p> <p>Whatever may be the distance of the Maagani lands (Wet) from the said Project the area from the Project site to Maagani lands is entirely occupied by the HEERE-KERE pond/lake water starting from the Abutting land of the said site of survey no. 166 of the extinct village Basavanadurga. It is questionable whether the Google picture submitted by the PP shows Heere-kere or not.</p>		
Sl No	Objections filed by the applicant	Observation made in joint inspection
11.	it is not even 425meters from NH against the CPCB guidelines of being at least 500mtrs from NH.	The distance between the boundary of NH and the Boundary of Project Site is 555 meters.
<p><b><u>Factual data &amp; Applicant's Opinion:-</u></b></p> <p>False and fabricated data many times do not match the Notified Nandibanda Reserve Forest</p>		

	<p>which is on the other side of NH is said to be "approximately" 540meters from the project it is in fact only 450mtrs. The distance of Notified Nandibanda Reserve Forest to the east margin of NH is at least 70-80meters which, if deducted from 450 comes to not even 400mtrs which is the actual distance of the project from NH as, against CPCB Distance Criteria of at least 500 meters from NH.</p>								
	<table border="1"> <thead> <tr> <th data-bbox="150 667 271 757">Sl No</th> <th data-bbox="271 667 660 757">Objections filed by the applicant</th> <th data-bbox="660 667 986 757">Observation made in joint inspection</th> </tr> </thead> <tbody> <tr> <td data-bbox="150 757 271 1115">12.</td> <td data-bbox="271 757 660 1115">it is very next to already existing 2 Highly Polluting Industries of Large, Red Category which would create a synergistic pollution by the establishment of the new Proposed Project</td> <td data-bbox="660 757 986 1115">The project site is a notified industrial area by KIADB</td> </tr> </tbody> </table> <p><b><u>Factual Data &amp; Applicant's Opinion:-</u></b>  <b>This</b> Notification, as Industrial Area by KIADB is null and void, as it is not done by-passing the mandatory procedures prescribed in KIADB Act after the Applicant's approach to the Honble Tribunal to find an escape route from the illegal establishment by R3. This area with more than 300acres of pond/lake surrounded by 17,500acres of Notified Bandri Reserve Forest and 6,500 acres of Nandi Banda Forest cannot be Notified as Industrial Area which disturbs the ecology and environment (<b>Annexure -21</b>)  The authorities being mute spectators, not contradicting the Notification as environmentally unsustainable is to be questioned.</p>	Sl No	Objections filed by the applicant	Observation made in joint inspection	12.	it is very next to already existing 2 Highly Polluting Industries of Large, Red Category which would create a synergistic pollution by the establishment of the new Proposed Project	The project site is a notified industrial area by KIADB		
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13.	the Southern end of 'BMM Ispat Nigam Industry' which is nearly in 5,000 acres of land, extends up to Danayakana-kere which is at an arial distance of 2kms from the Proposed Project site.	As per the map submitted by the PP, Dananayaka-Kere is at a distance of 4.02 Km from the boundary of the project site.	
<p><b><u>Factual Data &amp; Applicant's Opinion:-</u></b></p> <p>The reply of the authorities is a big lie.</p> <p>No comments to this, as the Applicant feels that it is enough if she can make the. Authorities prove that the Abutting survey number 166 of said project is not Heere-Kere with Supportive Documents and Sketches in place of their generic statements.</p>			
Sl No	Objections filed by the applicant	Observation made in joint inspection	The project site is allotted by KIADB.
14.	the survey numbers 36/C1 & 36/C2 of the Proposed Project site are still agricultural lands that are not converted for industrial purpose. Not only this, the land is acquired from the poor people, which are allotted to them by the government. According to Section 79(b) of the Karnataka Land Reforms Act, these lands that are allotted by the govt. to the poor can be owned by anyone only for the purpose of agriculture, but not for the industrial use.	The project authorities have informed that the project site in Sy No 36/C1 & 36/C2, Haruvanahalli Village is a notified Industrial area and Hence do not require a separate land conversion order.	

<p><u>Factual Data &amp; Applicant's Opinion:-</u>          At the time of applying CFE, the site is an Agricultural land. The CFE issued by KSPCB is also to agricultural land which is against the law of the land.          The PP should have waited until the land is completely notified as Industrial Area by KIADB.          This Notification is done 2 months after the Applicant approached this Hon'ble Tribunal. KIADB cannot be allowed to Notify this particular area as industrial area which is ecologically very sensitive surrounded by the ponds/lakes and Notified Forests.</p>			
SI No	Objections filed by the applicant	Observation made in joint inspection	SEAC categorized the project as B2 as per the office memorandum dated: 24-12-2013 issued by MoEF & CC GOI.
15.	that 90% of their transport is mainly through 'railway track' which is at a distance of 16.92 kms.	The project proponent intends to transport clinkers from sedam which is at a distance of 299 Km to the nearest railway station & the Gypsum is transported to the industrial site by road distance of 16.92 km. Therefore 90% of the distance is covered by rail.	
<p><u>Factual Data &amp; Applicant's Opinion:-</u>          This explanation made by the authorities to put B1 into B2 category takes away the right of public participation before the establishment of units like that of R3 which makes no sense for public hearing at all.</p>			
SI No	Objections filed by the applicant	Observation made in joint inspection	Estimate cost submitted by the proponent at the time of application for EC is 3.0 crores.
16.	that the total cost of the industry is only 'Rs.3cr'	The project authorities have informed that the estimated project cost is Rs 3 Cr.	

<p>Factual Data &amp; Applicant's Opinion:-</p> <p>Any estimated cost cannot be far less than the real cost and issue regarding this is with a mal-intention alleged by the Applicant in her Original Application.</p>			
SI No	Objections filed by the applicant	Observation made in joint inspection	SEAC categorized the project as B2 as per the office memorandum dated: 24-12-2013 issued by MoEF & CC GOI.
15.	<p>the whole paragraph is so shrewdly and confusingly drafted by using numbers like "90%, 1.8%, 6%, 2% and 50% of 2% 50%" and so on making one's attention drawn only towards the numbers and that the "90% of the transportation is done through Railway track", which is the starting of the confusing sentence, making one feel that the Proposed Project has an axis to Railway track which is as biggest lie as the 2nd paragraph of the same 26th page of the copy of the said Proceedings of SEAC [Annexure-1] in which the Project Proponent states that they would maintain Greenery for 10 years all along the 'haulage road' length of 16.92kms (nearly 17kms), which is nothing but National Highway-13 (old).</p> <p>It is questionable here as to</p>	<p>As per the office memorandum dated: 24-12-2013 issued by MoEF &amp; CC GOI. The cement grinding unit involving &gt;90% of the transportation of raw materials and finished</p>	

	<p>how far is it justifiable to rely upon a person that has no ethical responsibility of planting greenery all around his industry and has no place at all for the same, would plant trees all along 17kms of Haulage road which is a public property being a National Highway.</p>								
<p><b><u>Factual Data &amp; Applicant's Opinion:-</u></b></p> <p>According to the argument of the PP all industries falling under the list of 17 category Highly Polluting Industries, "IF" having a railway line at a distance of 20-30kms are categorized as Category B2.</p> <p>if this is true there is no meaning for the listing of Cement industries under 3 [b] of Schedule I, providing an escape route to all the industries listed under this from obtaining EC from SEIAA as any area has a railway line in the vicinity of 25-30kms/</p>									
	<table border="1"> <thead> <tr> <th>Sl No</th> <th>Objections filed by the applicant</th> <th>Observation made in joint inspection</th> </tr> </thead> <tbody> <tr> <td>18.</td> <td>It is to be noted in this context that, if there is a Rule/Concept that all the 'B1' Category Industries that fall under Schedule I, having railway line at a distance of 17/20kms from their proposed site, for the transportation of their goods, are exempted from undergoing the mandatory processes of Public Hearing, Screening, Scoping etc</td> <td>The Environment Clearance for the cement grinding industry has been issued as per the EIA</td> </tr> </tbody> </table>	Sl No	Objections filed by the applicant	Observation made in joint inspection	18.	It is to be noted in this context that, if there is a Rule/Concept that all the 'B1' Category Industries that fall under Schedule I, having railway line at a distance of 17/20kms from their proposed site, for the transportation of their goods, are exempted from undergoing the mandatory processes of Public Hearing, Screening, Scoping etc	The Environment Clearance for the cement grinding industry has been issued as per the EIA		SEAC categorized the project as B2 as per the office memorandum dated: 24-12-2013 issued by MoEF& CC GOL.
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according to EIA Notification 2006, before obtaining EC from the concerned authorities, and are regarded them as 'B2' Categories, almost all the new projects of Red Category in Ballari District need not undergo the above said mandatory processes for obtaining EC because, almost every area around Ballari has an axis for Railway track within 17-20/25kms in and around Ballari District which is a hub for Red Category Industries [like Sponge Iron, Pelletization and Beneficiation etc].

notification , 2006 and the Office Memorandum dtd: 24-12-2013 issued by MoEF& CC, GoI

**Factual Data & Applicant's Opinion:-**

In the democratic set up all the authorities discharging Public Duties must be responsible for their conduct and there should be no secrets. People of India have a right to know every Public Act, every decision which is done in a public way, by the public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one way, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security.

It is because of this reason the Rule of putting a board outside the industry with all the details of CFE, CFO and EC Conditions displayed has come into force.

	<p>Boards displaying the details of Highway road quality all along High Ways is also part of this motto. The reply of the Authorities is nothing but making the laws of the land meaningless as an attempt of grabbing the fundamental rights from public unscrupulously by the Authorities.</p>		
Sl No	Objections filed by the applicant	Observation made in joint inspection	There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.
15.	<p>The Applicant states that instead of feeling guilty for establishment of M/s PSUPL., M/s K.B. Steels and M/s Roswar that came into existence by their negligence, sandwiching the Applicant's Sensitive Layer Poultry Farm in between the said Highly Polluting Industries, which is very elaborately brought in to their notices through her letters to them since 2014, the authorities who are responsible to safeguard the fauna of my Layer Poultry Farm, declaring it as a Sensitive Agricultural Activity in consultation with Agriculture/Horticulture according to Point No.4 of the CPCB Guidelines of Sensitive Areas [Annexure-8], now have again decided to give EC for the establishment of another Red Category, "Cement Grinding Industry" very next to the said already existing 3, Red Category, Highly Polluting Industries is</p>	<p>The project site is a Notified Industrial Area. The cement grinding unit has been given EC on the basis of sustainable development, subjected to ensuring compliance to the conditions.</p>	

nothing but pushing the Applicant "from frying pan to the fire"	
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Factual Data & Applicant's Opinion:-

If this area which is surrounded by 2 big lakes/ponds of 300acres in exactly ABUTTING Survey no of the said project and 2 Notified Reserve Forests at a distance of 500meters and a big Agricultural Activity of 1.5lac poultry at a distance 200meters is declared as industrial area there is no necessity of MOEF, CPCB, SPCBs or SEIAAs except to benefit the Authorities to meet their self-interests.

The answer is not clarifying the Applicant's allegation that the Applicant is being pushed from frying pan to fire by giving consents for the said industry which is hardly at a distance of 200meters from the Chick-shed land of her poultry.

Chick-shed of any poultry should be in a remote place with no sound pollution or air pollution as the 25grams weight chicks cannot withstand both of the said nuisances which cause sometimes half of the flock mortality within no time due to their piling in corners. a single horn blown in the vicinity of chick-shed is enough to kill sometimes half the flock depending upon the intensity of the sound this the reason Applicant choose the present site for her poultry which is ruined by the Authorities who are still planning to continue the same.

Establishment of a Sponge Iron Industry which is in the abutting survey number of the Applicant's chick-shed-land against the sensitive area guidelines of CPCB made the Applicant's poultry devoid of chick-shed as it would be a failure if constructed in the said abutting land of a sponge iron industry.

Sl No	Objections filed by the applicant	Observation made in joint inspection
20.	The Applicant further states that the farmers that came to know from public talk about the establishment of Cement Industry, anticipating the added danger to the already existing one to their lives and livelihoods, have also written objection [Annexure-9] letters to Panchayat ,SEIAA and KSPCB	No complaints have been received from the farmers to SEIAA regarding the project proposal in question.
<p>Annexure- 9 is the proof to say that SEIAA does not hesitate to lie to any extent. You cannot overlook even one single person who is at plausible stake lie. The Applicant who also invested crores in the said area 6 years prior to any of the said industries came into existence which is enough to claim her right over the said area to lead her Sensitive Poultry uninterrupted and to save her Fundamental Right of Article 21 [especially 21-A] nearest vicinity established 13 long years back.</p> <p>Because of the strong objections of the farmers' along with the Applicant only, the concerned Panchayat has not issued its permission Objection letters to Panchayat Development Officer (PDO) by Farmers and villagers submitted as <b>Annexure-3</b></p> <p>Illiterate farmers writing, to KSPCB and Panchayat itself is enough and it is ridiculous to know SEIAA say this without any inhibitions</p>		
Sl No	Objections filed by the applicant	Observation made in joint inspection

21.	<p>the existing industries are constructed over the 'Bandijada' [Bullock Cart Road of 20ft width' meant for Agricultural purpose, according to the Revenue Records) as seen in Annexure-2 which is a bullock cart road of 20ft wide for the use of Agriculturists, that connects Magimavinahalli village in the West and Garaga village in the North East corner of the Proposed site, into which the bullock cart road from Haruvanahalli village also merges just behind the already existing industries, blocking and abruptly ending the road in the existing industries' premises. The Applicant has left her 34/2 land unfenced only because of this Bandijada which became useless effort by the Applicant due to construction of the existing industries over the Bandijada in their premises.</p>	<p>The project Site is a notified Industrial area. However, the proponent has submitted that the cart road will be maintained as it is and kept opened for use to general public.</p>	
<p><u>Factual Data &amp; Applicant's Opinion:-</u></p> <p>The reply is unbelievable and unfeasible, only projecting the Authorities' extent of their trials to make people fools out of their replies</p>			
Sl No	Objections filed by the applicant	Observation made in joint inspection	

22	The Applicant also submits that SEAC and SEIAA are supposed to take into consideration all the important points of the above said Manual namely points 4.2.4, 4.3, 4.3.3, 4.3.5, and especially regarding the location of site.	The EC has been issued considering the information furnished by the proponent in the Form I, pre-feasibility report and other statutory documents submitted by the proponent along with the application following the due procedure of law on the criteria of sustainable development, subject to compliance to certain conditions.	The EIA manual refers only for the projects which attracts EIA. Whereas this project is categorized as B2 as per the office memorandum dated: 24-12-2013 issued by MoEF& CC GOI.
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**Factual Data & Applicant's Opinion:-**

The Applicant submits that this reply of the Authorities is nothing but washing off of their hands from being penalized if that situation arises and is also a trial of pushing the blame on R3 that EC is issued depending upon information submitted by R3 in Form I

There is no doubt that the repetition of the word frequently "Sustainable Development" by the Authorities, regarding the setting up of R3 industry in such an Ecologically Sensitive area, gives one whoever is well acquainted with the area in question,. an impression that the Authorities do not definitely know the meaning of the said word which has great importance in Protecting Environment in the name of industrial Development, 'to safeguard our Globe for future Generation.

Sl No	Objections filed by the applicant	Observation made in joint inspection	SEAC categorized the project as B2 as per the office memorandum dated: 24-12-2013 issued by MoEF& CC GOI.
23.	It is further submitted by the Applicant that in sub paragraph (d) of Paragraph 5 of the EIA Notification 2006, it is clearly mentioned that SEAC has to inspect the site to appraise the impact of the project in the surrounding area and the environmental compatibility of the project if established in the proposed site. It is evident from the same paragraph of the said Notification that the Environmental Clearance was given after screening and appraising of the projects by 'government constituted bodies' i.e., SEIAA, Karnataka and SEAC who are independent bodies.	As per the EIA Notification 2006, inspection of proposed site by SEAC is not mandatory. The EIA notification, 2006 at para 7(i)(IV)(ii) reads as following: "The appraisal of all projects/activities which are not required to undergo public consultation, or submit on EIA report, shall be carried out on the basis of the prescribed application form I and Form IA as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee"	
<p><u>Factual Data &amp; Applicant's Opinion:-</u> But the said EIA Notification 2006 included Cement Industries under B1 category.</p>			
Sl No	Objections filed by the applicant	Observation made in joint inspection	There is no Notified Ecologically sensitive areas are found at the vicinity of the project site.

24.	<p>The Applicant also submits that the establishment of the Proposed Project will definitely worsen the already prevailing alarming conditions, it being also a coal based one whose activities at all different stages including the final stage of packing and disposal are highly fugitive emitting, worsening the lives and livelihoods of the poor farmers and fish rearing along with that of the environment as a whole. The layer poultry birds of the Applicant are definitely at more risk than they are now already in, by the pollution of M/s PSUPL and M/s K.B. Steels premises.</p>	<p>The industry is not coal based cement industry. The project authorities have submitted that, it is on grinding unit, they will not manufacture clinkers by burning lime stone and coke, they will directly purchase clinkers from main producers and they grind the same with slag, gypsum and flyash to produce cement.</p>
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Factual Data & Applicant's Opinion:-

The grinding of clinker, gypsum slag and fly ash all in the dry form is a Highly Polluting Process. The Applicant also requests the Authorities in this context, to delete the said industry from the said list to avoid their pain of submitting all these fabricated data taking the side of PPs.

Authorities who always act innocent and are reluctant to talk about Applicant's Poultry which is nothing but that they are trying to conceal the fact that my poultry is present in the close vicinity, mentioning of which does not allow any industry to be established abutting my poultry or in its

<p>surroundings which are 'sensitive to industries' dust and sound pollution [fauna in the Forests are also sensitive to sounds]</p> <p>Chicks up to the age of 14 weeks pile up to a corner for every small sound like that of dog barking also along with horns of vehicles, metallic sounds of loud noise frequently heard from such industries grinding of clinker, gypsum etc. in dry form make a lot of sound that is not recommended by any idiot in this universe at a vicinity of 200mtrs from any chick-shed unless they intend to ruin the poultry farmers.</p>			
Sl No	Objections filed by the applicant	Observation made in joint inspection	<p>There is no Notified Ecologically sensitive area found at the vicinity of the project site.</p> <p>Proponent submitted KIADB allotment letter and Gram Panchayat NOC.</p>
25.	<p>This Applicant further submits to the Hon'ble Tribunal to consider this area as a Sensitive Area being surrounded by lakes in the North-east and East and Notified Bandri Reserve Forest of extent of 17,500acres extending from South-East to South and Notified Nandibanda Reserve Forest in an extent of 6,500acres to the North-west at a distance of 400mtrs from Proposed Project site, that have wild animals like Cheetas, Leopards, Deers, Wild boars, Bears, Rabbits, Wild-cats, Monkeys, Apes, Peacocks and other species of Colorful Birds etc. which constitute the fauna of this area, because KIADB has acquired [and is still in the process] nearly 45acres [Annexure-13] of poor agricultural farmers'</p>	<p>The project site is a notified industrial area surrounded by other industries.</p>	

lands, which are exactly in the center of the above said boundaries situate at Basavanadurgam&Haruvana halli villages, HosapeteTaluk, Ballari District, Karnataka State and direct the authorities to evaluate the VECs in a thorough manner before issuing EC, CFE & CFO to any other Industries in a radius of 1km around the Heere-kere commonly called as Gollarahalli-Kere, as is already brought into their notice by the farmers of both the villages.	
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Factual Data & Application's Opinion:-

Authorities are trying to skip answering the Applicant's allegation. It is their duty to either say that the Applicant's allegation is wrong or right. Just saying that it is declared as industrial area by KIADB is not the answer for most of my allegations. [Annexure-1-A]

The declaration by KIADB is done 2 months after the Applicant filed the case in Hon'ble Tribunal as O.A.44 of 2019.

This is illegal activity of KIADB to declare the said ecologically sensitive area with notified forests and lakes in a radius of 500mtrs from the said project especially when there is a case pending in Hon'ble Tribunal regarding the same and against the objections of all the surrounding farmers because of which the Panchayat did not issue its license/NOC.

The answer given by authorities that 'the area is already surrounded by industries is the biggest lie in this whole universe which is proved by Annexure- 19 which are emails to the SEO by Applicant questioning about his Fabricated data The SEO, KSPCB Ballari was trying to act innocent

when asked about the same in 1<sup>st</sup> Appellate conducted in his office 3 days back through my email Annexure-20 to him regarding the same is a proof that the entire inspection report is full of such fabricated data and, concealed data with no mentioning of presence of lakes of 300acres extending up to 2km from the abutting land of the said project site, presence of Gollarahalli forest at 250mtrs [as mentioned in annexure 3 of reply affidavit of authorities in].

It is nothing but an escape route machinated by authorities, to support the PP of the said project.

If any area like the one in question with 2 big water bodies in abutting survey numbers and forests within 500meters is declared as industrial area there is no meaning for the existence of departments like MoEF, SEIAA, CPCB, KSPCB, etc

When the authorities pay silence to any allegation or not contradicting it means that the allegation of the applicant is 100% true that is to be accepted by the tribunal with no doubt.

Sl No	Objections filed by the applicant	Observation made in joint inspection	
26.	The Applicant finally submits that if R1 has issued EC to after the recommendations made by SEAC on 30th October, which is to be likely in the month of November, the EC has no validity and should be revoked as SEIAA has no authority to issue EC after the start of construction as the industry should be delisted because the law mandates prior approval it ought not be averred as post activity approval or Ex-post facto permission. Any such 'B'	The project authorities have started construction activity for establishment of GGBS plant, for which the KSPCB has issued the Consent For Establishment vide letter No: 315040 dtd: 26-09-2019 for manufacture of 20,000 TPA. The GGBS plant does not require EC under EIA notification 2006. The project authorities have	The industry has obtained the Consent for operation form KSPCB on 30.12.2020 for operation of GGBS of capacity 20000 TPA.

	<p>Category industry as the present case is regarded as Category 'A' and has to obtain its EC from the Centre Level i.e., MoEF according to the Notification issued by MoEF on 14-03-2017 and also according to the Circular of KSPCB dated 23-03-2017 regarding the same.</p>	<p>taken EC from SEIAA, Karnataka vide letter No: SEIAA 34 IND 2019 dtd: 11-12-2019 for Cement Grinding unit with a total capacity of 60,000 TPA. As stated by the proponent the cement grinding unit is yet to be started.</p>	<p><u>Factual Data &amp; Applicant's Opinion:-</u> This EC is invalid as it is issued, against the objections of the Applicant who is at plausible stake in spite of her Approach to this Tribunal as O.A.44/2019 in NOV 2019</p>						
<table border="1"> <thead> <tr> <th data-bbox="159 981 252 1070">Sl No</th> <th data-bbox="252 981 689 1070">Objections filed by the applicant</th> <th data-bbox="689 981 975 1070">Observation made in joint inspection</th> </tr> </thead> <tbody> <tr> <td data-bbox="159 1070 252 1803">27.</td> <td data-bbox="252 1070 689 1803"> <p>The preparation of cement includes 'calcining the materials' in rotary kiln, cooling, resultant clinker, mixing the clinker with gypsum and milling and bagging the finished cement. Cement manufacture causes environmental impacts at all stages of the process. These include emissions of airborne pollution in the font of dust, gas emissions of fuel (CO<sub>2</sub>, NO<sub>x</sub>, SO<sub>2</sub> and CO) from the kiln pre-calciners.</p> </td> <td data-bbox="689 1070 975 1803"> <p>The proposed unit is a cement grinding unit, where in the clinkers is ground to the final product are packed pneumatic-cally. As per the proponent all the precautions will be taken to prevent pollution.</p> </td> </tr> </tbody> </table>	Sl No	Objections filed by the applicant	Observation made in joint inspection	27.	<p>The preparation of cement includes 'calcining the materials' in rotary kiln, cooling, resultant clinker, mixing the clinker with gypsum and milling and bagging the finished cement. Cement manufacture causes environmental impacts at all stages of the process. These include emissions of airborne pollution in the font of dust, gas emissions of fuel (CO<sub>2</sub>, NO<sub>x</sub>, SO<sub>2</sub> and CO) from the kiln pre-calciners.</p>	<p>The proposed unit is a cement grinding unit, where in the clinkers is ground to the final product are packed pneumatic-cally. As per the proponent all the precautions will be taken to prevent pollution.</p>			<p><u>Factual Data &amp; Applicant's Opinion:-</u> The authorities are not talking about SOUND pollution and its tolerance by Applicant's 25gram body</p>
Sl No	Objections filed by the applicant	Observation made in joint inspection							
27.	<p>The preparation of cement includes 'calcining the materials' in rotary kiln, cooling, resultant clinker, mixing the clinker with gypsum and milling and bagging the finished cement. Cement manufacture causes environmental impacts at all stages of the process. These include emissions of airborne pollution in the font of dust, gas emissions of fuel (CO<sub>2</sub>, NO<sub>x</sub>, SO<sub>2</sub> and CO) from the kiln pre-calciners.</p>	<p>The proposed unit is a cement grinding unit, where in the clinkers is ground to the final product are packed pneumatic-cally. As per the proponent all the precautions will be taken to prevent pollution.</p>							

weighing chicks.

Whether precautions are taken or not is not the answer by the Applicant.

A poultry farmer who established 20 years prior to the said industry, has by all means the right to demand her Right of Article 21 to continue her sensitive poultry in a pollution free environment.

The Applicant questions whether she has to continue her poultry or close it down because it cannot withstand the sounds of the vehicles and industry along with the already prevailing ones.

Sl No	Objections filed by the applicant	Observation made in joint inspection
28.	Cement manufacturing releases CO <sub>2</sub> in the atmosphere both directly when calcium carbonate is heated, producing lime and carbon dioxide, and also indirectly through the use of energy if its production involves the emission CO <sub>2</sub> . The majority of carbon dioxide emissions in the manufacture Portland cement (appropriate 60%) are produced from the chemical decomposition of limestone at lime, an ingredient in Portland cement clinker.	There is no heating process in proposed unit. It is only a grinding unit.

Factual Data & Applicant's Opinion:-

Authorities skipped to answer whether the said unit releases CO<sub>2</sub> or not and authorities asking a person at plausible stake to rely upon somebody, who is a violator of law constructing an industry without NOC from Panchayat, to comply with something in

this world of fabricated data is meaningless.

Sl No	Objections filed by the applicant	Observation made in joint inspection	
29.	The use of Electrostatic Precipitators [ESP] on kilns has not been successful in controlling pollution in case of already existing industries like many industries in India. Discharge of large quantities of dust into surroundings in causing drop in crop yield, mattering entirely the nearby coconut plantation and the big poultry of the Applicant and damage to other trees by its settlement on the leaves.	The proponent has proposed to install dust collector & Bag filter for the Air Pollution control.	There is no Notified Ecologically sensitive area found at the vicinity of the project site.  They have provided the bag filter as the Air Pollution Control measure.

Factual Data & Applicant's Opinion:-

Any industry that has the necessity of bag filters is a highly dust polluting industry which is not sustainable by my poultry.

The Applicant who has established her poultry has the right to objectsaid industry establishment because it cannot withstand the pollution and sounds of the industry and its vehicles that ply by the side of her chick shed. Applicant's Sensitive Poultry and industries listed under Schedule I do not go hand in hand.

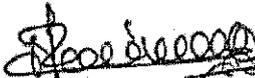
Sl No	Objections filed by the applicant	Observation made in joint inspection	
30.	The scenic features are also further more disturbed by the blocking of the already diverted brook paths by the construction of the R3	The project site is a notified industrial area. No scenic features are disturbed.	

industry.

Factual Data & Applicant's Opinion:-

This is the Biggest Lie ever made by any authority, regarding a "very beautiful and serene place with lakes and Forests all around it giving one the literal meaning of scenery", for the reason which made the Applicant chose this place as the "best" place for her Poultry to flourish successfully, having the word "Environment" prefixed before his/her designation, being given the powers to safeguard the environment. The said word "Environment" prefixed before the names of the 2 officers Mr. Sridhar and Mr. Uma Shankar, will hang its head down with shame waiting eagerly for their retirement to be deleted from their names.

The word "Scientific" tagged along with the SEIAA Karnataka, officer Mr. Ravi Kumar will also do the same with shame to be tagged with his name until his retirement from the said service.

  
(Ravikumar.J.K) 3/6/2021  
Scientific Officer Gr-I  
SEIAA, Karnataka  
Bangalore

  
(H. Raju)  
Regional Senior Environmental  
Officer, Zonal Office,  
Ballari.

  
(P. K. Umashankar)  
Environmental Officer,  
Regional Office, Ballari.

ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ ಬಳ್ಳಾರಿ



ತಾಲೂಕು ಪಂಚಾಯತಿ ಹೊಸಪೇಟೆ

# ಗ್ರಾಮ ಪಂಚಾಯತಿ ಕಾರ್ಯಾಲಯ ಚಿಲಕನಹಟ್ಟಿ

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ಸಂ:ಗ್ರಾಪಂಚಿ/ನಿ.ರಾ.ಪ್ರ.ಪತ್ರ/ನಮೂನೆ

ದಿನಾಂಕ:15.10.2020

## ನಿರಾಕ್ಷೇಪಣಾ ಪ್ರಮಾಣ ಪತ್ರ

ವಿಷಯ:- ಸಣ್ಣ ಕೈಗಾರಿಕೆ ಪ್ರಾರಂಭಿಸಲು ಶ್ರೀ ಸಾಯಿ ಇಂಡಸ್ಟ್ರೀಸ್ ಹಾರುವನಹಳ್ಳಿ ರವರಿಗೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ನೀಡುವ ಕುರಿತು.

ಉಲ್ಲೇಖ:- 1. ಜಿಲ್ಲಾ ಏಕಗವಾಕ್ಷಿ ಕಮಿಟಿಯ ಪರವಾನಿಗೆ, Vide DICbly/DLSWA/152/

4.13/2019-20/271 dated 13.06.2019

2. KIADB ಯಿಂದ ಭೂಮಿ ಹಂಚಿಕೆ ಪತ್ರ KIADB/HO/ALLOT

/SUC/22926/2812/2020-21 dated 22.07.2020

3. KIADB ಭೂಮಿಯನ್ನು ಹಸ್ತಾಂತರ ಪತ್ರ KIADB/BALLARI/ DO/234/2020-21

dated 05.08.2020

4. ರಾಜ್ಯ ಪರಿಸರ ಮಾಲಿನ್ಯ ಮಂಡಳಿಯಿಂದ CPE ಪಡೆದಿರುತ್ತಾರೆ Vide

concent order CTE 315040 dated 26.09.2019

5. ನಿಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ: ದಿನಾಂಕ;01.10.2020

6. ಗ್ರಾಮೀಣ ಅಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂಚಾಯತ ರಾಜ್ ಇಲಾಖೆ ಸುತೋಲೆ ಸಂಖ್ಯೆ:

ಗ್ರಾಅಪ/481/ಗ್ರಾಪಂಅ/2016 ದಿನಾಂಕ 27.02.2018

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ಮೇಲಿನ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೆ// ಶ್ರೀ ಸಾಯಿ ಇಂಡಸ್ಟ್ರೀಸ್ ಹಾರುವನಹಳ್ಳಿ, ಚಿಲಕನಹಟ್ಟಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಆದ ನೀವು ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಕೋರಿ ಉಲ್ಲೇಖ 05 ರಂತೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು. ಉಲ್ಲೇಖ 01ರಿಂದ 04ರವರೆಗಿನ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪರಿಶೀಲಿಸಿ, ತಾವು ಸಣ್ಣ ಕೈಗಾರಿಕೆ ಉದ್ಯಮದಾರರಾಗಿದ್ದು(ರೂ. 5.00 ಕೋಟಿಗಳವರೆಗೆ), ಈ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರದ ಹಿಂಬದಿಯಲ್ಲಿ ಸೂಚಿಸಿರುವ ಷರತ್ತಿಗೊಳಪಟ್ಟು ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ದಿನಾಂಕ;19.05.2020 ರಂದು ನಡೆದ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ನಿರ್ಣಯಿಸಿದಂತೆ, ನೀವು ತಮ್ಮ ಎಲ್ಲಾ ನಿಗದಿತ ದಾಖಲೆಗಳನ್ನು ದಿನಾಂಕ 01.10.2020 ರಂದು ಒದಗಿಸಿರುವುದರಿಂದ, ರೂ.5000/- ಗಳ ನಿರಾಕ್ಷೇಪಣಾ ಶುಲ್ಕ ಪಾವತಿಸಲು ತಮಗೆ ಸೂಚಿಸುವುದರೊಂದಿಗೆ ತಮಗೆ ಸಣ್ಣ ಕೈಗಾರಿಕೆಯನ್ನು ಪ್ರಾರಂಭಿಸಲು ಈ ಪಂಚಾಯತಿ ವತಿಯಿಂದ ಯಾವುದೇ ಅಭ್ಯಂತರ ಇರುವುದಿಲ್ಲವೆಂದು ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರವನ್ನು ನೀಡಲಾಗಿದೆ.

ಕುರಿತು ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರವನ್ನು ನೀಡಲಾಗಿದೆ.  
ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಚಿಲಕನಹಟ್ಟಿ

Rathananda B  
ಆಧಿಕಾರಿ

ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಚಿಲಕನಹಟ್ಟಿ

ಷರತುಗಳು:

1. ಈ ನಿರಾಕ್ಷೇಪಣಾ ಪ್ರಮಾಣ ಪತ್ರ ಯಾವ ಉದ್ದೇಶಕ್ಕೆ ನೀಡಲಾಗಿದೆಯೋ ಉದ್ದೇಶಕ್ಕೆ ಮಾತ್ರ ಉಪಯೋಗಿಸತಕ್ಕದ್ದು.
2. ಇತರೆ ಇಲಾಖೆಗಳ ಪರವಾನಿಗೆ ಪಡೆಯುವ ಅವಶ್ಯಕತೆ ಇದ್ದಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ನೀಡಿರುವ ನಿರಾಕ್ಷೇಪಣಾ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಹಕ್ಕೆಂದು ಪರಗಣಿಸಲಾಗತಕ್ಕದ್ದಲ್ಲ.
3. ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಪೂರ್ವಾನುಮತಿಯಿಲ್ಲದೆ ವಿನಃ ವಿದ್ಯಾರಣ್ಯದಲ್ಲಿ ಯಾವುದೇ ಬದಲಾವಣೆಯನ್ನು ಮಾಡಬಾರದು.
4. ಅಭಿವೃದ್ಧಿ ಕಾಮಗಾರಿಗಳು ಮುಗಿದ ನಂತರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಟ್ರೇಡ್ ಲೈಸೆನ್ಸ್ ಶುಲ್ಕ ಭರಿಸಿ ಪ್ರಮಾಣ ಪತ್ರ ಪಡೆಯತಕ್ಕದ್ದು.
5. ವಿದ್ಯಾರಣ್ಯ ಅಂಗೀಕಾರ ಕೋರಿಕೆ ಸಂಬಂಧ ಸಲ್ಲಿಸಲಾಗಿರುವ ದಾಖಲೆ ಅಥವಾ ಬೇರೆ ಯಾವುದೇ ಮಾಹಿತಿಯು ತಪ್ಪಾಗಿದ್ದಲ್ಲಿ ಸದರಿ ವಿದ್ಯಾರಣ್ಯಕ್ಕೆ ನೀಡಿರುವ ನಿರಾಕ್ಷೇಪಣಾ ಪ್ರಮಾಣ ಪತ್ರ ತಾನಾಗಿ ರದ್ದುಗೊಳ್ಳುತ್ತದೆ.
6. ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ ಗ್ರಾಅಪ/481/ಗ್ರಾಪಂಅ/2016 ದಿನಾಂಕ 27.02.2018 ರಂತೆ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ತೆರಿಗೆ ನಿಗದಿಪಡಿಸಿಕೊಂಡು ವಾರ್ಷಿಕ ತೆರಿಗೆಯನ್ನು ಕೆಐಎಡಿಬಿಗೆ ಖಡ್ಡಾಯವಾಗಿ ಪ್ರತಿ ವರ್ಷ ಪಾವತಿಸತಕ್ಕದ್ದು. ಇದಕ್ಕೆ ಪ್ರತಿ ವರ್ಷ ಆದಾಯ ತೆರಿಗೆ ಇಲಾಖೆಗೆ ತಾವು ಸಲ್ಲಿಸುವ ಬ್ಯಾಲೆನ್ಸ್ ಶೀಟ್ ನ್ನು ಚಾರ್ಟೆಡ್ ಅಕೌಂಟೆಂಟ್ ಮುಖಾಂತರ ದೃಢೀಕರಿಸಿ ಗ್ರಾ.ಪಂಗೆ ಸಲ್ಲಿಸುವುದು.
7. ಸದರಿ ಕೈಗಾರಿಕ ಘಟಕದಿಂದ ಹೊರದೂಡುವ ಹೋಗೆ.ಅನಿಲ ಹಾಗೂ ಇತರೆ ಕಲ್ಮಶಗಳನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ತಡೆಗಟ್ಟಿ ಸಾರ್ವಜನಿಕರ ಆರೋಗ್ಯಕ್ಕೆ ಯಾವುದೇ ರೀತಿಯ ಹಾನಿಯಾಗದಂತೆ ಹಾಗೂ ಪರಿಸರ ಮಾಲಿನ್ಯವಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳತಕ್ಕದ್ದು.
8. ಹಾಲಿ ಇರುವ ಗ್ರಾಮ ಪಂಚಾಯತಿ ನಿಯಮವಳಿಗಳಿಗೆ ಹಾಗೂ ಮುಂದೆ ಬದಲಾವಣೆಯಾಗುವ ಕರ್ನಾಟಕ ಗ್ರಾಮ ಸ್ವರಾಜ್ ಮತ್ತು ಪಂಚಾಯತ ಅಧಿನಿಯಮ 1993ರ ನಿಯಮವಳಿಗಳಿಗೆ ಬದ್ಧರಾಗಿರತಕ್ಕದ್ದು.

No. J-13012/12/2013-IA-II (I)  
Government of India  
Ministry of Environment and Forests

Paryavaran Bhawan  
CGO Complex, Lodhi Road  
New Delhi - 110 003

Dated 24<sup>th</sup> December, 2013

**OFFICE MEMORANDUM**

**Subject: Guidelines for consideration of proposals for grant of environmental clearance Environmental Impact Assessment (EIA) Notification, 2006 and its amendments – regarding categorization of Category 'B' projects/activities into Category 'B1' & 'B2'.**

The EIA Notification, 2006 mandates prior Environmental Clearance (EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (UTEIAA). The EIA Notification, 2006 prescribes that Category 'B' projects, will be further categorized as category 'B1' and 'B2' (except for Township and Area Development Projects) for which the Ministry of Environment & Forests (MoEF) shall issue appropriate guidelines from time to time - provisions under '7.1 Stage(1)-Screening' of the Notification refer. The projects categorized as B1 will require EIA Report for appraisal and to undergo public consultation process (as applicable). Projects categorized as 'B2' will be appraised based on the application in Form-I accompanied with the Pre-feasibility Report and any other documents.

2. In compliance with such a requirement under the EIA Notification and to examine other issues, the MoEF had constituted vide O.M No. J-11013/12/2013-IA-II(I) dated 30.01.2013, an Expert Committee, under the Chairmanship of Director, NEERI, Nagpur. The Committee has since submitted its report. The recommendations of the Committee have been examined by MOEF and the following has been decided w.r.t. categorization of Category 'B' projects/activities into Category 'B1' & 'B2' listed in the Schedule of EIA Notification, 2006 and its amendments:

**I. Mining of Minerals**

**Mining of minor minerals**

As of now, mining projects of minor minerals with less than 50 ha of mining lease area are categorized as Category 'B' as per Notification S.O.2731(E) dated 9<sup>th</sup> September, 2013. Also vide OM No.L-11011/47/2011-IA.II(M) dated 24.06.2013, guidelines have been issued regarding categorization of mining projects of 'brick earth' and 'ordinary earth' having lease area less than 5 ha as category 'B2' subject to stipulations stated therein.

In the above backdrop, the projects of mining of minor minerals, categorized as Category 'B' are hereby categorized as 'B2' as per the following:

- (i) 'Brick earth' / 'Ordinary earth' mining projects having lease area less than 5 ha will be considered for granting EC as per the aforesaid guidelines issued by MOEF on 24.6.2013.
- (ii) 'Brick earth' / 'Ordinary earth' mining projects with mining lease area  $\geq 5$  ha but  $< 25$  ha and all other minor mineral mining projects with mining lease area  $< 25$  ha, except for river sand mining projects will be appraised as Category 'B2' projects. These projects will be appraised based on following documents:
  - (a) Form -1 as per Appendix-I under EIA Notification, 2006
  - (b) Pre-feasibility report of the project
  - (c) Mining plan approved by the authorized agency of the concerned State Government

Provided, in case the mining lease area is likely to result into a cluster situation, i.e., if the periphery of one lease area is less than 500 m from the periphery of another lease area and the total lease area equals or exceeds 25 ha, the activity shall become Category 'B1' Project under the EIA Notification, 2006. In such a case, mining operations in any of the mine lease areas in the cluster will be allowed only if the environmental clearance has been obtained in respect of the cluster.

- (iii) No river sand mining project, with mine lease area less than 5 ha, may be considered for granting EC. The river sand mining projects with mining lease area  $\geq 5$  ha but  $< 25$  ha will be categorized as 'B2'. In addition to the requirement of documents, as brought out above under sub-para (ii) above for appraisal, such projects will be considered subject to the following stipulations:
  - (a) The mining activity shall be done manually.
  - (b) The depth of mining shall be restricted to 3m/water level, whichever is less.
  - (c) For carrying out mining in proximity to any bridge and/or embankment, appropriate safety zone shall be worked out on case to case basis to the satisfaction of SEAC/SEIAA, taking into account the structural parameters, locational aspects, flow rate, etc., and no mining shall be carried out in the safety zone so worked out.
  - (d) No in stream mining shall be allowed
  - (e) The mining plan approved by the authorized agency of the State Government shall inter-alia include study to show that the annual replenishment of sand in the mining lease area is sufficient to sustain the mining operations at levels prescribed in the mining plan and that the transport infrastructure is adequate to transport the mines material. In case of transportation by road, the transport vehicles will be covered with tarpoline to minimize dust/sand particle emissions.
  - (f) EC will be valid for mine lease period subject to a ceiling of 5 years.

Provided, in case the mining lease area is likely to result into a cluster situation i.e. if the periphery of one lease area is less than 1 km from the periphery of another lease area and total lease area equals or exceeds 25 ha, the activity shall become Category 'B1' Project under the EIA Notification, 2006. In such a case, mining operations in any of the mine lease areas in the cluster will be allowed only if the environmental clearance has been obtained in respect of the cluster.

## II. Other projects or activities

The guidelines for categorizing some of the other category of projects or activities into 'B1' or 'B2' out of the category 'B' projects listed in schedule to EIA Notification, 2006, as amended from time to time, are as follows. These projects will be appraised based on Form-1 as per Appendix-I under EIA Notification, 2006, as amended and pre-feasibility report of the project.

S. N. of Schedule	Activities	Category B2	Category B1
1 (d)	Thermal Power Plants	Thermal power plants based on coal/lignite/naphtha and gas of capacity $\leq$ 5 MW.	Thermal power plants based on coal/lignite/ naphtha and gas of capacity > 5 MW and < 500 MW.
2 (b)	Mineral Beneficiation	The mineral beneficiation activity listed in the Schedule as Category 'B', with throughput $\leq$ 20,000 TPA, involving only physical beneficiation.	All other mineral beneficiation activity falling in the Schedule as Category 'B'.
3 (a)	Metallurgical Industries (ferrous & non-ferrous)	All non toxic secondary metallurgical processing industries involving operation of furnaces only, such as induction and electric arc furnaces, submerged arc furnaces, and cupola with capacity > 30,000 TPA but < 60,000 TPA provided that such projects are located within the notified Industrial Estates.	All other non toxic secondary metallurgical processing industries falling in the Schedule as Category 'B'.
3 (b)	Cement Plants	All stand-alone grinding units listed in the Schedule as Category 'B' subject to the condition that transportation of raw material and finished products shall be primarily* through Railways.	All stand-alone grinding units listed in the Schedule as Category 'B' where the transportation of raw material and finished products is not primarily through Railways.
4 (d)	Chlor Alkali Industry	All Chlor Alkali plants with production capacity <300 TPD (located within notified industrial area) listed in the Schedule as Category 'B'.	All Chlor Alkali plants with production capacity < 300 TPD (located outside notified industrial area) listed in the Schedule as Category 'B'.
4 (f)	Leather/Skin/Hide Processing Industry	All new or expansion projects of leather production without tanning, located within a notified industrial area/estate, listed in the Schedule as Category 'B'.	All others projects listed in the Schedule as Category 'B'

5 (a)	Chemical Fertilizers	Single Super Phosphate (SSP) plants involving only the activity of granulation of SSP powder.	All other Single Super Phosphate (SSP) plants listed in the Schedule as Category 'B'.
5 (d)	Manmade Fibres Manufacturing	All manmade fibre manufacturing units producing fibres from granules or chips.	All other manmade fibre manufacturing units listed in the Schedule as Category 'B'
7 (g)	Aerial Ropeways	All Aerial Ropeway projects, listed in the Schedule as Category 'B', should be categorized as Category B2.	

\* transportation by railways should not be less than 90% of the traffic (inward and outward put together)

3. The guidelines for categorization of Category 'B' projects/activities into Category 'B1' & 'B2' are applicable only to those projects/activities mentioned above. All the other Category 'B' projects/activities listed under the Schedule of EIA Notification, 2006 and its amendments shall be considered as Category 'B1' projects and appraised as per the procedure prescribed in the EIA Notification.

4. The information filled in Form-1 by the project proponent inter-alia relates to land, water and energy requirement, use of hazardous substances, disposal of hazardous waste, emissions from combustion of fossil fuels, emissions from production process, handling and disposal of hazardous waste, etc. In case the concerned SEAC, based on the information provided by the project proponent in Form-1, comes to the conclusion that a project though falling in Category 'B2' as per these guidelines needs to be appraised as 'B1' Category project, it will accordingly be appraised as 'B1' category project notwithstanding the provisions under these guidelines.

This issues with the approval of the Competent Authority.

  
 (Dr. P.B. Rastogi)  
 Director  
 Telefax : 24342436

To,

1. All the Officers of I.A Division
2. Chairpersons/Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons/Member Secretaries of all the SPCBs/UTPCCs

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