

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)
CHENNAI
Original Application No. 213 of 2021 (SZ)**

S. Sakthivel ... Petitioner
Vs.
The Secretary to Government of India,
MOEF & CC and 5 others ... Respondent

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RESPONDENT – VOLUME VII**

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Dated at Chennai on this the 15th of February, 2023.

FILED BY

V.S. Rishwanth

M/s. S.Raghunathan
T.Poornam
Sharanya Vaidhyanathan
V.S. Rishwanth
Counsels for the 6th Respondent
Email: nrrandschennai@gmail.com
Phone: 044 - 25342012

- xiii. Project proponent needs to submit all the relevant documents for examination of violation in the Ministry.

Day 2: 15th December, 2021 (Wednesday)

2.1 Proposal for Environmental Clearance of Chettichavadi Jaghir Magnesite and Dunite Mine with the production capacity of 1.4 MTPA in the mining lease area of 449.364 ha located at Chettichavadi Village, Salem Taluk, Salem District, Tamil Nadu by M/s. Dalmia Bharat Sugar and Industries Limited – [File No: 23-227/2018-IA.III(V), Proposal No: IA/TN/MIN/241375/2018, Consultant: M/s. Aadhi Boomi Mining & Enviro Tech (P) Ltd] – EC

EAC Meeting Details:

EAC meeting	43 rd EAC meeting
Date of Meeting	14 th to 16 th December, 2021

2. Project details:

Name of the Proposal	Chettichavadi Jaghir Magnesite and Dunite Mines.	
Location	Village	Chettichavadi
	Tehsil/Taluka	Salem West
	District	Salem
	State / UT	Tamil Nadu
	Latitudes	11°43'09.71" to 11°44'36.233" N
	Longitudes	78°07'23.268" to 78°09'13.068" E
	SoI Topo sheet No.	58 I/2
Company's Name	M/s. Dalmia Bharat Sugar and Industries Ltd	
Accredited Consultant and certificate no.	M/s. Aadhi Boomi Mining & Enviro Tech (P) Ltd NABET/EIA/1821/RA 0103	
KML file	Submitted	
Seismic zone	Zone-III	

3. Category details:

Category of the project	Category "A", Project or Activity 1(a) – 3 for Mining of Mineral
Provisions	As per EIA Notification S.O. 1533 (E), dated 14th September 2006 and subsequent amendment
Minerals	Magnesite (Major mineral) and Dunite (Minor mineral)
Mining lease Area	449.364 ha

4. ToR Details:

ToR Proposal No.	IA/TN/MIN/73566/2018
Online application date for Form-I	19.03.2018
Documents Submitted	Form-I and Pre Feasibility Report
EAC meeting dates	28-29 Aug 2018, 25-26 Nov 2019, 30 Dec 2020
ToR Letter No.	F.No.23-227/2018-IA.III (V)
ToR grant Date	05.02.2021
Production capacity	Magnesite: 61,000 Ts / year, Dunite: 1,40,000Ts/ year.
Waste	11,99,000 TS
Total Excavation	14,00,000 TS
EIA/EMP uploaded on	29.11.2021

5. Lease Details:

Grant of initial mine lease for Magnesite mineral	The mining lease for Magnesite over an extent of 574.46 ha. in S.F.No.6 (un assessed dry waste land belonging to Govt. of Tamil Nadu) of Chettichavadi village, Salem Taluk & Dist. was sanctioned over a period of 20 years by G.O.Ms. No.903 Industries, Labour and Co-operation Department dated 25-2-1966.
Grant of mine lease for Dunite mineral	By G.O.M S.No. 801, 26th June 1976 another Mining Lease was granted over the same area of 574.46 ha land for mining of Dunite for a period of 10 years.
1 st Renewal of mine lease	By G.O.Ms.No.74 Industries Department dated 11th March, 1997 the Govt. of Tamil Nadu sanctioned the grant of first renewal of mining lease for Magnesite and Dunite over an extent of 531.98 hectares (to make them co-terminus) in S.F.No.6 of Chettichavadi village, Salem Taluk and District for a period of 20 years w.e.f. 20.8.1986 to 19.8.2006.
2 nd Renewal of mine lease	Application for second mining lease renewal was made on July 11, 2005 vide letter No. SL: GO: 55200(1). During the period 19.08.2006 to 11th January 2015 the mines were under deemed extension in view of Rule 24 (A) (6) of MCR 1960 read with order of injunction passed in MP No.1 of

	2006 in W.P.Nos. 25518 and 25519 of 2006 of the Honourable High Court of Madras. Presently, according to project proponent lease has been extended up to the period ending on 31st March 2030 in terms of Mines and Minerals (Development & regulation) Amendment Act 2015. Project Proponent from time to time vide its various letters including letter dated 17th Feb 2021 and letter dated letter dated 25th Sept 2021 had requested State Mining Dept. to issue valid mining lease documents. State Mining Dept. has not responded to the same. In this connection W. A. No. 834 & 835 are pending before Madras High Court.
Application for the Mining lease area and Date	Area: 449.364 Ha Date: 11-07-2005.
Validity of mine lease	31.03.2030 as per Sec 8(A)(5) of MMDR (Amendment) Act-2015.

6. Mining plan details:

Mining Plan(approved by Indian Bureau of Mines/DMG)	Letter No.	TN/SLM/ MG& DU/ ROMP-1646-MDS.
	Date	30.03.2021
	Validity	2021-22 to 2025-26 (till 31.03.2026)
Mining Parameters	Quantitative Description	
Bench Height	7.5 m Permitted	
Bench Width	15 TO 25 M	
Method of Mining	Open Cast Semi Mechanized Mining (Other than Fully Mechanized Mines).	
Individual bench slope	60° from Horizontal.	
Overall pit slope	45°	
Drilling/Blasting	Deep Hole Drilling 100-104 mm Dia& Small Dia 25 mm Dia Holes.	
RoM output size	14,00,000Tonnes.	
Life of mine	100 Years	
Transportation details	ROM by Dumpers & Mineral by 10 Tonners.	
Dumpers capacity	Dumpers 40 ts Capacity.	

7. Land Area Breakup:

Private land	-
Government land	Unassisted dry waste land belonging to Government

Total Mining lease area (MLA)	449.364 H.a
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8. Nearest village / town/ highway/railway station / water bodies

Particulars	Particular's Name	Distance & Directions
Nearest Village	Chettichavadi Village	850m (E)
Nearest Town	Salem	10 Km
Nearest Roadway	NH 7 - Salem – Bengaluru. SH 188 – Salem – Yercaud. Muthanaickanpatti Road (Salem) –	5.0 km – SW 3.12km – SE MDR 696 6.0km - SW
Nearest Railway station	Salem Junction Railway Station	6 km (S)

Water Bodies within 10km radius from the lease area

S.No	Water Bodies	Direction	Distance (km)
1	Kannankurichi Lake	SE	4.7
2	KannankurichiPuthueri	SE	4.64
3	Thathampatti lake	SE	7.97
4	Mariamman temple tank	SE	8.75
5	Selathampattiyeri	SW	7.05
6	Lake near Vellakalpatti	SW	1.12
7	Lake near NH 7	SW	2.9
8	Lake near Indiranagar	SW	3.14
9	Pallapatti Lake	S	6.50
10	Arisipalayam lake	S	7.07
11	Kumaragiri lake	S	8.5
12	Lake near Muthunaickenpatti	W	10
13	Lake near Anaigoundampatty –	W	7.7
14	Samuthiram Lake	W	4.40
15	Lake near Pagalpatti	W	6.21
16	Lake near RC.Chettipatti	NW	8.1
17	Lake near Kottaimettupatti	NW	7.64
18	Lake near Kamalapuram	NW	7.72
19	Lake near Vattakkadu	N	4.40

9. Water requirement:

Total water requirement	70 KLD	Fresh water	70 KLD
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		Treated water	
Source	Bore Hole		
Permission	LR.NO.OT8/AG-2/176/NOC/SALEM/2021 dt.17.11.2021.		

10. Presence of Environmentally Sensitive areas in the study area :

Forest Land/Protected Area/Environmental Sensitivity Zone	Yes/No	Details of Certificate/letter/Remarks
Forest Land	No	Tamil Nadu Forest Dept C.NO.2378/2021.D1 dt.04.10.2021
National park	No	
Wildlife Sanctuary	No	

Schedule-1 species	Yes/No	Details of Certificate/letter/Remarks
Schedule-I species	No	Tamil Nadu Forest Department C.NO.598/2021 DATED 24.09.2021.

11. Green belt/plantation details:

Proposed area for green belt/plantation	6 Ha
Budget for green plant & plantation till the end of life of mine.	Rs.13,50,000/-
Budget for nursery	Rs.4,00,000 per Annum

Particulars for Green belt/plantation	Area covered (in Ha)
7.5 m barrier & non-mineralized zone	60 Ha
50 m safety zone of nallah, roads, electric lines	9 Ha
500 m safety zones of nearest habitation villages	10 Ha

12. Baseline details:

Baseline Data (Air / Water / Noise / Soil / Ground water table/ others)	
Period of baseline data collection	Dec -2020- Feb 2021
Season (Summer / Pre-monsoon / Post-monsoon / Winter)	Winter Season.

13. Public Hearing Details:

Advertisement for PH with date	01.08.2021
Date of PH	03.09.2021
Venue	Dalmia Old Colony Canteen Building. Opp. Wiegh Bridge. Chettichavadi Village, Salem West Taluk, Salem District, Tamil Nadu-636012.
Chaired by	Dist. Collector & District Environmental

	Engineer, TNPCBD.
Main issues raised during PH	Employment for the local Villages
Budget proposed for addressing issues raised during PH	Rs.0.34 Crore.

14. Court case details:

Court Case	Yes, 9 court cases are pending.
Details	<ol style="list-style-type: none"> 1. W.P.25518/2006 Madras HC 2. Writ Petition No.29275 of 2016 Madras HC. 3. Writ Petition (Civil) No. 114 of 2014 of Supreme Court 4. District Collector, Salem has also raised another demand vide order dated 8th July, 2020 directing project proponent to pay sum of INR 7.24 Crore on the quantity of Magnesite mined without EC for the period 1st April, 2000 to 31st August, 2018. 5. District Collector's demand of surface compensation of Rs.79,88,39,062 from 20.08.19 66 till 31.10.2017. 6. Show cause vide Proceeding Letter No.SLM0006/DEE/TNPCCB/S LM/RL/2014, dated 03.06.2014 by Tamil Nadu State Pollution Control Board U/s 19 of Environment Protection Act. 7. Show Cause vide Proceeding Letter No.FEF/TNPCCB/SLM/F/006 /20 by Tamil Nadu State Pollution Control Board U/s 19 of Environment Protection Act dated 4th May, 2020. 8. Show cause Notice dated 5thFebruary, 2013 under Water Act. Show cause Notice dated 5thFebruary, 2013 under Air Act. 9. Environmental Activist Mr.S.Sakthivel filed a petition before the Hon'ble NGT (SZ) raising certain Environmental issues against 6 respondents.

15. Affidavit/Undertaking details:

Affidavit	The project proponent submitted the Affidavit dated 21.10.2019 in accordance with the statutory requirement & judgment of Hon'ble Supreme Court dated 2nd August 2017 in writ Petition (civil) No. 114 of 2014 in the matter of common cause versus Union of India & Ores is submitted to MoEF&CC.
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16. Details of the EMP:

S.No.	Description	Item	Amount (In Lacs)
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1	Air and water quality management and monitoring	ETP, STP, settling tanks, raw water storage tank , drains , toe walls, settling ponds, etc.	15.00
		Asphalting of Roads Including Side Drains and Avenue Plantation - Approach Road To Mine & Permanent Haul Road	12.00
		Fencing around the Quarry	20.00
2	Green belt development	Green Belt Development Around Quarry, Colony, Service Buildings Etc., and compensatory afforestation.	12.50
3	Plant & Machinery to be Used for Pollution Control	17 KL Water Sprinklers (@Rs70.00 Lakhs/Unit)	70.00
		420Hp Dozers (@ Rs. 120.00 Lakhs/Unit)	120.00
Total			249.50

17. Details of project cost and employment:

Particulars	Details (Crore)
Capital Cost for Environment Protection	Rs.2.49
Budget for addressing the Public Hearing issues	Rs.0.34
Total Cost for EMP	Rs.3.49
Recurring Cost for EMP	Rs.0.2 Lakhs/Annum.
Project Cost	Rs.19.57
Employment	300 persons

18. Observation and Recommendation of the Committee:

The proposal for Environmental Clearance was considered in the 43rdEAC meeting held during 14th to 16th December, 2021. After detailed deliberations, the Committee observed that there were few lacunae in the chapter 13 of the EIA/EMP report. Since the mine is in operation since 1966 and stopped operation in 2018, the Committee observed through KML file that plantation was not adequate. Also, the Committee noted that many court cases are pending against the project proponent. The Committee also noted that the project proponent could not comply a specific condition (xviii) i.e “Valid mine lease documents from the State Department of mines be submitted with EC application” mentioned in the ToR granted vide letter no. 23-227/2018-IA.III (V) dated 05.02.2021 due to which the Committee suggested the project proponent to apply for amendment of ToR letter dated 05.02.2021. Therefore, the Committee **deferred** the proposal due to want of following information:

- 1) The project proponent needs to submit the revised land use-land cover and damage calculation needs to be re-worked particularly damage to ecology and biodiversity.
- 2) The project proponent needs to submit the revised Environmental Management Plan budget. Also, 3% of EMP budget needs to be added in the cost of damage assessment.
- 3) The project proponent needs to calculate the net profit by finance which also needs to be a part of damage assessment (3% of net profit has to be considered in CRAP)
- 4) The project proponent needs to revise the NRAP and CRAP accordingly. Particularly, air quality assessment needs to be revised in the plan.
- 5) Since, the project proponent could not comply with the specific condition (xviii) of ToR dated 05.02.2021, PP needs to seek for amendment of ToR by submitting the following evidences related to the following:
 - a) The project proponent needs to submit that Chettichavadi Jaghir Magnesite and Dunite Mine is owned by M/s. Dalmia Bharat Sugar and Industries Limited.
 - b) The instant mine lease has not been lapsed currently.
 - c) The copy of the court order which has permitted M/s. Dalmia Bharat Sugar and Industries Limited to continue operation in the absence of valid extension of mine lease by DMG.

2.2 Proposal for Terms of Reference for Humdara-Ghodepaiwadi block of Bauxite Mine with the production capacity of 0.3 MTPA in the mining lease area of 120.48 ha located at Hamdara- Ghodepaiwadi village, Rajapur Tehsil, Ratnagiri District, Maharashtra by Gamma Iron India Ltd. – [File. No: J-11015/106/2021-IA-II(NCM), Proposal No: IA/MH/MIN/240932/2021] – ToR

EAC Meeting Details:

EAC meeting	43 rd EAC meeting
Date of Meeting	14 th to 16 th December, 2021

on the air quality, noise quality be submitted with a snapshot of one week monitoring in the villages on the road. The project proponent should also explore the possibility of bypass road for transportation.

- 5) The budget does not include the amount of plantation for 21 Ha area as suggested in the conceptual plan progressively as well as suggested by EAC in the 30.36 Ha area of no-mining zone should also be included in the EMP budget.
- 6) The suggestion made by the EAC regarding the manual sizing of the mineral is also be re-looked into and mechanical sizing practice can be adopted for safety of labor.

1.2 Proposal for Amendment in Terms of Reference dated 05.02.2021 for Chettichavadi Jaghir Magnesite and Dunite Mine with the production capacity of 1.4 MTPA in the mining lease area of 449.364 ha located at Village Chettichavadi, Taluk & District Salem, State TamilNadu by M/s. Dalmia Bharat Sugar and Industries Limited – [File No: 23-227/2018-IA.III (V); Proposal No: IA/TN/MIN/254214/2022] – Amendment in ToR

EAC Meeting Details:

EAC meeting	46 th
Date of Meeting	15 th to 17 th February, 2022

2. Project details:

Name of the Proposal	Amendment in Terms of Reference dated 05.02.2021 for Chettichavadi Jaghir Magnesite and Dunite Mine with the production capacity of 1.4 MTPA in the mining lease area of 449.364 ha	
Location	Village	Chettichavadi Village
	Tehsil/Taluka	Salem West
	District	Salem
	State / UT	Tamil Nadu
	Latitudes	N 11°43'09.71" to N 11°44'36.233"
	Longitudes	E 78°07'23.268" and E 78°09'13.068"
	Soil Topo sheet No.	58 I/2
Company's Name	M/s. Dalmia Bharat Sugar and Industries Ltd.	
Accredited Consultant and certificate no.	M/s. Aadhi Boomi Mining & Enviro Tech (P) Ltd, Salem NABET/EIA/1821/RA 0103	
KML file	Submitted	
Seismic zone	Zone-III	

3. Category details:

Category of the project	Category "A", Project or Activity 1(a) – 3 for Mining of Mineral
Provisions	As per EIA Notification S.O. 1533 (E), dated 14 th September 2006 and subsequent amendments

Mining lease Area	449.364 ha
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4. Details of Terms of Reference:

Date of application	Proposal No	Details	Date of accord
19.03.2018	IA/TN/MIN/73566/2018	Chettichavadi Jaghir Magnesite & Dunite Mines for total excavation of 1.4 MTPA over an area of 449.364 ha located at Village Chettichavadi, Taluk & District Salem, Tamil Nadu of M/s. Dalmia Bharat Sugar and Industries Limited	05.02.2021
Production Capacity	Magnesite: 61,000 Ts / year, Dunite: 1,40,000Ts/ year.		
Soil	NIL		
Waste	11,99,000 TS		
Total Excavation	14,00,000 TS		
Reason for amendment	The project proponent could not comply with the specific condition (xviii) of ToR dated 05.02.2021 i.e. Valid mine lease documents from the State Department of mines be submitted with EC application, EAC in its 43 rd meeting held on 15.12.2021 suggested the project proponent to seek for amendment of ToR.		

5. Lease Details:

Grant of initial mine lease for Magnesite mineral	The mining lease for Magnesite over an extent of 574.46 ha. In S.F.No.6 (un assessed dry waste land belonging to Govt. of Tamil Nadu) of Chettichavadi village, Salem Taluk & Dist. was sanctioned over a period of 20 years by G.O.Ms. No.903 Industries, Labour and Co-operation Department dated 25-2-1966.
Grant of mine lease for Dunite mineral	By G.O.MS.No.801, 26th June 1976 another Mining Lease was granted over the same area of 574.46 ha land for mining of Dunite for a period of 10 years.
1 st Renewal of mine lease	By G.O.Ms.No.74 Industries Department dated 11th March, 1997 the Govt. of Tamil Nadu sanctioned the grant of first renewal of mining lease for Magnesite and Dunite over an extent of 531.98 hectares (to make them co-terminus) in S.F.No.6 of Chettichavadi village, Salem Taluk and District for a period of 20 years w.e.f. 20.8.1986 to 19.8.2006.
2 nd Renewal of mine lease	Application for second mining lease renewal was made on July 11, 2005 vide letter No. SL: GO: 55200(1). During the period 19.08.2006 to 11th January 2015 the mines were under deemed extension in view of Rule 24 (A) (6) of MCR 1960 read with order of injunction passed in MP No.1 of 2006 in W.P.Nos. 25518 and 25519 of 2006 of the Hon'ble High Court of Madras. Presently, according to project proponent lease has been extended up to

	the period ending on 31 st March 2030 in terms of Mines and Minerals (Development & regulation) Amendment Act 2015. Project Proponent from time to time vide its various letters including letter dated 17 th Feb 2021 and letter dated letter dated 25 th Sept 2021 had requested State Mining Dept. to issue valid mining lease documents. State Mining Dept. has not responded to the same. In this connection W. A. No. 834 & 835 are pending before Madras High Court.
Application for the Mining lease area and Date	Area: 449.364 Ha Date: 11-07-2005.
Validity of mine lease	31.03.2030 as per Sec 8(A)(5) of MMDR(Amendment) Act-2015.

6. Mining plan details:

Mining Plan(approved by Indian Bureau of Mines/DMG)	Letter No.	TN/SLM/ MG& DU/ ROMP-1646-MDS.
	Date	30.03.2021
	Validity	2021-22 to 2025-26 (till 31.03.2026)
Mining Parameters	Quantitative Description	
Bench Height	7.5 m Permitted	
Bench Width	15 TO 25 M	
Method of Mining	Open Cast Semi Mechanized Mining (Other than Fully Mechanized Mines).	
Individual bench slope	60° from Horizontal.	
Overall pit slope	45°	
Drilling/Blasting	Deep Hole Drilling 100-104 mm Dia& Small Dia 25 mm Dia Holes.	
RoM output size	14,00,000Tonnes.	
Life of mine	100 Years	
Transportation details	ROM by Dumpers & Mineral by 10 Tonners.	
Dumpers capacity	Dumpers 40 ts Capacity.	

7. Land Area Breakup:

Private land	-
Government land	Unassisted dry waste land belonging to Government
Total Mining lease area (MLA)	449.364 H.a

8. Presence of Environmentally Sensitive areas in the study area :

Forest Land/Protected Area/Environmental Sensitivity Zone	Yes/No	Details of Certificate/letter/Remarks
Forest Land	No	Tamil Nadu Forest Dept C.NO.2378/2021.D1 dt.04.10.2021
National park	No	
Wildlife Sanctuary	No	

Schedule-1 species	Yes/No	Details of Certificate/letter/Remarks
Schedule-I species	No	Tamil Nadu Forest Department C.NO.598/2021 dated 24.09.2021.

9. Green belt/plantation details:

Proposed area for green belt/plantation	6 Ha
Budget for green plant & plantation till the end of life of mine.	Rs.13,50,000/-
Budget for nursery	Rs.4,00,000 per Annum

Particulars for Green belt/plantation	Area covered (in Ha)
7.5 m barrier & non-mineralized zone	60 Ha
50 m safety zone of nallah, roads, electric lines	9 Ha
500 m safety zones of nearest habitation villages	10 Ha

10. Court case details:

Court Case	Yes, 9 court cases are pending.
Details	<ol style="list-style-type: none"> 1. W.P.25518/2006 Madras HC 2. Writ Petition No.29275 of 2016 Madras HC. 3. Writ Petition (Civil) No. 114 of 2014 of Supreme Court 4. District Collector, Salem has also raised another demand vide order dated 8th July, 2020 directing project proponent to pay sum of INR 7.24 Crore on the quantity of Magnesite mined without EC for the period 1st April, 2000 to 31st August, 2018. 5. District Collector's demand of surface compensation of Rs.79,88,39,062 from 20.08.19 66 till 31.10.2017. 6. Show cause vide Proceeding Letter No.SLM0006/DEE/TNPCCB/S LM/RL/2014, dated 03.06.2014 by Tamil Nadu State Pollution Control Board U/s 19 of Environment Protection Act. 7. Show Cause vide Proceeding Letter No.FEF/TNPCCB/SLM/F/006 /20 by Tamil Nadu State Pollution Control Board U/s 19 of Environment Protection Act dated 4th May, 2020. 8. Show cause Notice dated 5thFebruary, 2013 under Water Act. Show cause Notice dated 5thFebruary, 2013 under Air Act. 9. Environmental Activist Mr.S.Sakthivel filed a petition before the Hon'ble NGT (SZ) raising certain Environmental issues against 6 respondents.

11. Affidavit/Undertaking details:

Affidavit	The project proponent submitted the Affidavit dated 21.10.2019 in accordance with the statutory requirement & judgment of Hon'ble Supreme Court dated 2nd August 2017 in writ Petition (civil) No. 114 of 2014 in the matter of common cause versus Union of India & Ores is submitted to MoEF&CC.
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12. Details of the EMP:

S.	Description	Budget
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No		
1	Safety kits for 320 persons @ Rs 1000 per head	Rs. 3,20,000
2	Water Sprinkling & Spraying	Rs.15,00,000
3	Afforestation for @ 75 per tree	Rs. 2,00,000
4	Noise & Vibration	Rs. 1,00,000
5	Drainage- Parapet -Retention Wall	Rs. 5,00,000
Total		Rs 26.2 Lakhs

13. Details of project cost and employment:

Particulars	Details (Rs. In Crore)
Capital Cost for Environment Protection	Rs.2.49
Budget for addressing the Public Hearing issues	Rs.0.39
Total Cost for EMP	Rs. 26 Lakhs/annum
Recurring Cost for EMP	Rs.0.2 Lakhs/annum.
Project Cost	Rs.19.57
Employment	300 Nos

14. Observation and Recommendation of the Committee:

The proposal for Amendment in Terms of Reference was considered in the 46th EAC meeting held during 15th to 17th February 2022. For this particular case an official of Department of Geology and Mining, Tamil Nadu was invited. It was mentioned that the mine lease was in operation since 1967 till 2019 without obtaining the Environmental Clearance. Therefore, it is a case of violation. The official of DMG, Tamil Nadu also submitted that currently as per the documents, this mine lease is not valid and does not come under deemed extension of mine lease validity as the project proponent is not fulfilling the required conditions. It is also noted that there are many court cases currently in progress between the project proponent and the State of Tamil Nadu. The Committee was of the opinion to wait for the clear-cut decision of the Hon'ble court in the matter before considering the request of amendment of removal of specific condition (xviii) of ToR letter dated 05.02.2021 i.e. Valid mine lease documents from the State Department of mines needs to be submitted with EC application. After detailed discussions, the committee **return** the proposal.

1.3 Proposal for Amendment in Terms of Reference dated 16.12.2021 of Kannur (Wadi area) Limestone Block (auction block) with production capacity of Limestone 12MTPA & 0.581 MTPA of waste including top soil with two nos. of crushers of 2000 TPH having mining lease area of 550 Ha located at Villages Ingalggi, Basaveshwaranagara, Halkatta, and Kundanoor, Taluka Chittapur, District Kalaburagi, Karnataka by M/s ACC Limited [File. No: IA-J-11015/76/2021-IA-II (NCM); Proposal No: IA/KA/MIN/252066/2022] - Amendment in ToR

EAC Meeting Details:

EAC meeting	46 th
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COMMISSIONERATE OF GEOLOGY AND MINING

From

Thiru.J.Jayakanthan, I.A.S.,
Commissioner of Geology and Mining,
Guindy, Chennai – 600 032.

To

The Secretary,
O/o, The Secretary of MoEF&CC,
Indira Paryvaran Bhavan,
Jor Bagh, New Delhi – 110 003.

Rc.No.1355/MM9/2006 dated 09.12.2022

Sir,

Sub: Mines and Minerals – Major Mineral – Magnesite & Dunite – Salem District – Chettichavadi Village – Government lands - over an extent of 574.46.0 Ha. - S.F.Nos. 6 – Tvl.Dalmia Bharath and Sugar Industries Ltd., – For want of EC for Mining Magnesite and Dunite – remarks furnished regarding lease and dues – Reg.

- Ref 1. Representation of Tvl.Dalmia Bharath and Sugar Industries Ltd., dated: 16.08.2022.
2. Government Letter No. 277/MMA.1/2022-1, dated: 27.09.2022.

Kind attention is invited to the references cited above.

2) Tvl.Dalmia Bharath and Sugar Industries Ltd., have requested to consider mining lease granted to them in S.F.No.6 in Government Poramboke lands of Chettichavadi Village, Salem West Taluk Salem District for mining Magnesite and Dunite is in subsistence, subject to the outcome of all pending litigations, so that the mining lease can recommence mining operations.

3) In this regard, the followings are submitted:

- i. In respect of demand raised for Surface Right compensation to a sum of Rs. 79 Crores, Tvl.Dalmia Bharath and Sugar Industries Ltd., vide W.P. No.2517/2018 had obtained interim stay in the Hon'ble High Court of Madras.
- ii. In respect of demand raised for EC Violation to a sum of Rs. 18.69 Crores, Tvl.Dalmia Bharath and Sugar Industries Ltd.,

has filed W.A.No. 834 and 835 of 2020 and it is pending before the Hon'ble High Court of Madras.

- iii. As per Section 8A(5) of the amended Act 2015, the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act,2015, where mineral is used for captive purpose, shall be extended and be deemed to have been extended upto a period ending on the 31st March 2030, with effect from the date of expiry of renewal last made, or till the completion of renewal period, if any, or a period of 50 years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and condition of the lease have been complied with.

3) In this connection, since the above lease is valid upto 31.03.2030, Tvl.Dalmia Bharath and Sugar Industries Ltd., is directed to remit the EC violation amount of Rs.18.69 Crs and Surface Right Compensation amount of Rs. 79 Crs after the disposal of the following cases which are pending before the Hon'ble High Court of Madras:

1. W.P.No. 2517/ 2018- Surface Right compensation
2. W.A.No. 834 & 835/2020- EC Violation.


Commissioner of Geology and Mining

Copy to:
The Dalmia Bharath Sugar and Industries Limited.,
Dalmiapuram,
Tiruchirapalli - 621 651

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- xviii. The Project Proponent shall also organize employment-based apprenticeship/ internship training program every year with appropriate stipend for the youth and other programs to enhance the skill of the local people. The data should be maintained for the training imparted to the persons and the outcome of the training, for the assessment of the training program should be analyzed periodically and improved accordingly. The Project Proponent shall give preference to the local people for employment.
- xix. The Project Proponent needs to provide the RO drinking water supply to the local people.
- xx. The Project Proponent shall conduct the awareness programs to local people on modern agriculture practices, organic farming and other related activities in consultation with experts from Department of Agriculture, Krishi Vigyan Kendra (KAK) etc.,
- xxi. The Project Proponent needs to obtain the star rating as per the guidelines of Ministry of Mines within 3 years of commencement of mining operations.
- xxii. The Project Proponent should periodically monitor and maintain the health records of the mine workers digitally prior to mining operations, at the time of operation of mine and post mining operations. Regular surveillance on Silicosis shall be carried through regular occupational health check-up every year for mine workers. PP shall also organize medical camp for the benefit of the local people and also the monitor the health impacts due to mining activity.
- xxiii. The mining lease holders shall, after ceasing mining operations, undertake regrassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The implementation report of the above said condition shall be submitted to the Ministry's Integrated Regional Office.

1.3 Chettichavadi Jaghir Magnesite and Dunite Mine of M/s. Dalmia Bharat Sugar and Industries Limited for Total Excavation of 1.4 million Tonne per annum (MTPA)/ [including 0.06 million tons of Magnesite, 0.12 million tons of Dunite, Waste, O.B, Inter Burden, Top Soil etc.] in the mine lease area of 449.364 ha, located at Chettichavadi Village, Salem Taluk, Salem District, Tamil Nadu - [File No: 23-227/2018-IA.III(V), Proposal No: IA/TN/MIN/241375/2018, Consultant: Aadhi Boomi Mining & Enviro Tech (P) Ltd] - Environmental Clearance (Violation)

The instant proposal is for mining of Magnesite and Dunite in Chettichavadi Jaghir Magnesite and Dunite Mine for Total Excavation of 1.4 million Tonne per annum (MTPA)/ [including 0.06 million tons of Magnesite, 0.12 million tons of Dunite,

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Waste, O.B, Inter Burden, Top Soil etc.] in the mine lease area of 449.364 ha, located at Chettichavadi Village, Salem Taluk, Salem District, Tamil Nadu.

2. The details of the project as ascertained from the document submitted by the Project Proponent and as revealed from the discussions held during the meeting is given as under:

- i. The mine lease area is located between Latitude: 11°43'09.71"N to 11°44'36.233"N and Longitude: 78°07'23.268"E to 78°09'13.068" E. The mine lease area falls under the Survey of India Toposheet No: 58 I/2 and falls in Seismic Zone-III.
- ii. The proposed project activity is listed at schedule no. 1(a) Mining of Minerals and falls under Category "A" as the mine lease area is greater than 250 ha and appraised at the Central level.
- iii. The Project Proponent obtained Terms of Reference (ToR) vide ToR Lr.No: 23-227/2018-IA.III(V) dated 05.02.2021 for mining of Magnesite and Dunite in Chettichavadi Jaghir Magnesite and Dunite Mine for Total Excavation of 1.4 million Tonne per annum (MTPA)/[including 0.06 million tons of Magnesite, 0.12 million tons of Dunite, Waste, O.B, Inter Burden, Top Soil etc.] in the mine lease area of 449.364 ha under Ministry's Notification dated S.O 804(E) dated 14.03.2017.
- iv. The proposal was earlier considered in the 43rd EAC (Non-Coal Mining) meeting held during 14th -16th December, 2021 wherein the EAC deferred the proposal. The Project Proponent submitted the information on 11.03.2022 in Parivesh. But the Project Proponent did not comply to the observation of EAC and in view of the above additional details sought by the Ministry on 27.04.2022, 22.08.2022, 12.09.2022, 04.10.2022 and 22.11.2022 to provide the valid mine lease document and thereafter the Project Proponent submitted the information on 21.12.2022 in Parivesh. Accordingly, the proposal was reconsidered in the 9th EAC (Non-Coal Mining) meeting held during 17-18 January, 2023.

Based on observation of EAC in its 43rd EAC (Non-Coal Mining) meeting held during 14th -16th December, 2021 compliance of observation of EAC made by Project Proponent, are detailed below:

i. The project proponent needs to submit the revised land use-land cover and damage calculation needs to be re-worked particularly damage to ecology and biodiversity.

Reply by the Project Proponent: The Project Proponent submitted the revised land use/land cover due to production of ore and waste handling in the year 1993-94 and 2018-19 as given under: -

S.	Type of Land Use	1993-94	2018-2019	Additional Area
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No		Area (Ha)	Area (%)	Area (Ha)	Area (%)	damaged (Ha) during 1994-2019
1.	Area of Excavation	356.25	79.28%	366.89*	81.65%	10.64
2.	Storage for Topsoil	0.5	0.11%	0.5	0.11%	-
3.	Overburden dumps	44.483	9.89%	46.853	10.43%	2.37
4.	Mineral Storage	2.51	0.55%	3	0.67%	0.49
5.	Infrastructure (workshop) Administrative buildings etc.)	1	0.19%	1	0.22%	-
6.	Roads	4.89	0.92%	4.89	1.09%	-
7.	Greenbelt & Boundary Plantation	14.15	3.15%	19.23	4.28%	-
8.	Area which will remain untouched	25.581	5.69%	7.001	1.56%	-
Total		449.364	100%	449.364	100%	13.20

The Project Proponent submitted that the additional land use area during the violation period (1994-2019) is 13.20 Ha. Further, PP submitted that the budget of the damage cost for land environment was revised from Rs 13.50 Lakhs to Rs 80.85 Lakhs

Cost of damage on land environment @ 5 Lakhs per Ha	Rs 66.00 Lakhs
Cost of damage on Ecology and Biodiversity @ Rs 75 Per tree for density of 1500 Trees per Ha for 13.20 Ha of damage land	Rs 14.85 Lakhs
Revised Total Cost	Rs 80.85 Lakhs

ii. The project proponent needs to submit the revised Environmental Management Plan budget. Also, 3% of EMP budget needs to be added in the cost of damage assessment.

Reply by the Project Proponent: The Project Proponent submitted that the budget of the revised EMP is Rs 26.2 Lakhs. The breakup of the same is given as under:

S. No	Description	Budget
1	Safety kits for 320 persons @ Rs 1000 per head	Rs. 3,20,000
2	Water Sprinkling & Spraying	Rs.15,00,000
3	Afforestation for @ 75 per tree	Rs. 2,00,000
4	Noise & Vibration	Rs. 1,00,000
5	Drainage- Parapet -Retention Wall	Rs. 5,00,000
Total		Rs 26.2 Lakhs

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Further, the Project Proponent submitted that the 3% of EMP budget for non-compliance during violation period 1993-94 to 2018-19 (26 Years) = 26.2 x 3% x 26 = Rs 20.43 Lakhs is added in the cost of damage assessment.

iii. The project proponent needs to calculate the net profit by finance which also needs to be a part of damage assessment (3% of net profit has to be considered in CRAP).

Reply by the Project Proponent: The Project Proponent submitted that the 3% of Net Profit incurred during violation period 1993-94 to 2018-19 (26 Years) = Rs 24.43 Lakhs.

Year	Actual Production Magnesite	Value Of Magnesite As Per lbm Rate	Total Production* lbm Cost (Magnesite) 2*3	Actual Production Dunite	Value Of Dunite As Per lbm Rate	Total Production* lbm Cost (Dunite) 5*6	Total Production Cost Of Magnesite And Dunite (4+7)	Total Expense Incurred For Mine Development Activity (C)	Net Profit / Loss (8-9 Rs.)	3% Of Net Profit
1	2	3	4	5	6	7	8	9	10	11
1993-94	53760.1	910.25	48935131.03	0	80.25	0	48935131.03	62784025	- 13848893.98	0
1994-95	106724.42	968	103309238.6	0	88.54	0	103309238.6	81047294	22261944.56	667858.34
1995-96	96671.64	1067	103148639.9	150	101.48	15222	103163861.9	85994600	17169261.88	515077.86
1996-97	105983.46	1165	123470730.9	60	118	7080	123477810.9	109990466	13487344.9	404620.35
1997-98	102472.79	1264	129525606.6	200	136.41	27282	129552888.6	118809072	10743816.56	322314.50
1998-99	88041.01	1216	107057868.2	1459	149.29	217814.11	107275682.3	119832016	- 12556333.73	0.00
1999-2000	87357.84	1337	116797432.1	1329	152.91	203217.39	117000649.5	116092977	907672.47	27230.17
2000-01	87932.88	1177	103496999.8	0	125.383	0	103496999.8	119838815	- 16341815.24	0.00
2001-02	66005.44	1337	88249273.28	0	138.6	0	88249273.28	104222826	- 15973552.72	0.00
2002-03	42187.428	1390	58640524.92	1749.722	187.5	328072.875	58968597.8	78863690	- 19895092.21	0.00
2003-04	31432.453	1422	44696948.17	1822.818	235.92	430039.2226	45126987.39	84048048	- 38921060.61	0.00
2004-05	42374.484	983	41654117.77	1096.242	225	246654.45	41900772.22	77201119	- 35300346.78	0.00
2005-06	26887.14	1178	31673050.92	7994.527	132.44	1058795.156	32731846.08	78295400	- 45563553.92	0.00
2006-07	18671.43	1551	28959387.93	2565	133.41	342196.65	29301584.58	61621383	- 32319798.42	0.00
2007-08	29554.628	1413.5	41775466.68	1850	150	277500	42052966.68	60395010	- 18342043.32	0.00
2008-09	42227.866	1504	63510710.46	1430	200	286000	63796710.46	80469835	- 16673124.54	0.00
2009-10	61738.768	1574.83	97228064.01	13850	300	4155000	101383064	99092814	2290250.009	68707.50
2010-11	41698.568	1823	76016489.46	5610	300	1683000	77699489.46	94623810	- 16924320.54	0.00
2011-12	27482.87	1841.58	50611903.73	3900	500	1950000	52561903.73	80473917	- 27912013.27	0.00
2012-13	6651.081	2549.25	16955268.24	15150	647.5	9809625	26764893.24	70572649	- 43807755.76	0.00
2013-14	4124.538	3082.5	12713888.39	9355	750	7016250	19730138.39	53085526	- 33355387.62	0.00
2014	16596.206	3172.92	52658433.94	47500	800	3800000	90658433.94	77067533	13590900.94	407727.03

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-15										
2015-16	15038.052	2977.75	44779559.34	37815	800	30252000	75031559.34	74035624	995935.343	29878.06
2016-17	10343.074	3817	39479513.46	11620	800	9296000	48775513.46	53052478	-	0.00
2017-18	3404.934	3857	13132830.44	11720	800	9376000	22508830.44	53210803	-	0.00
2018-19	1167.487	3899	4552031.813	131	800	104800	4656831.813	43847561	-	0.00
TOTAL (Rs)									-	2443413.80
									380457632.3	

iv. The project proponent needs to revise the NRAP and CRAP accordingly. Particularly, air quality assessment needs to be revised in the plan.

Reply by the Project Proponent: The Project Proponent submitted the revised damage assessment for emission of air pollutants from Rs 3.18 Cr to Rs 3.55 Cr as given under in Table. PP also submitted that cost of Rs 3.55 Cr considered in Natural Resource Augmentation Plan (NRAP) & Community Resource Augmentation Plan (CRAP).

Year	Excess Production (Tonnes)	Total emission from various activities as per Table 2 (kg/day)				Cost per Kg of Emission (in Rs.)				Revised Damage cost per annum (InRs.)
		PM _{2.5}	PM ₁₀	SO _x	NO _x	PM _{2.5}	PM ₁₀	SO _x	NO _x	
1994-95	1193764	4.28	36.69	0.002	10.067	524	340	165	96	₹ 31,21,565.54
1995-96	1318728	2.84	25.53	0.002	6.794					₹ 32,89,835.97
1996-97	1398430	3.10	27.42	0.002	7.373					₹ 35,44,078.61
1997-98	1291858	2.88	25.37	0.002	6.827					₹ 32,80,021.14
1998-99	724860	1.72	14.69	0.001	4.043					₹ 19,11,098.94
1999-2000	661528	1.60	13.54	0.001	3.748					₹ 17,64,439.55
2000-01	672660	1.61	13.69	0.001	3.777					₹ 17,82,619.90
2001-02	962352	1.80	17.47	0.001	4.437					₹ 22,22,259.85
2002-03	260244	0.97	6.75	0.000	2.135					₹ 9,15,054.47
2003-04	267732	0.86	6.33	0.000	1.914					₹ 8,51,721.37
2004-05	440532	1.28	9.85	0.001	2.898					₹ 13,10,592.38
2005-06	267912	0.88	6.42	0.000	1.956					₹ 8,63,720.33
2006-07	228168	0.65	5.12	0.000	1.484					₹ 6,69,397.24
2007-08	331416	0.95	7.42	0.000	2.163					₹ 9,74,656.54
2008-09	935188	2.15	18.65	0.001	5.076					₹ 24,02,061.04
2009-10	138228	0.50	3.61	0.000	1.103					₹ 4,83,767.76
2010-11	881832	2.51	21.33	0.001	5.884					₹ 23,10,501.64
2011-12	353088	0.97	7.68	0.000	2.225					₹ 10,23,945.65
2012-13	144500	0.51	3.65	0.000	1.127					₹ 4,90,226.65
2013-14	76623	0.29	2.06	0.000	0.641					₹ 2,77,978.89
2014-15	65376	0.88	4.33	0.000	1.758					₹ 6,39,631.18
2015-16	179064	0.94	5.73	0.000	1.977					₹ 8,04,259.35
2016-17	116372	0.46	3.13	0.000	0.998					₹ 4,30,348.31
2017-18	27761	0.23	1.28	0.000	0.465					₹ 1,83,005.68
2018-19	11848	0.04	0.33	0.000	0.081					₹ 42,366.02

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Total	₹ 3,55,89,154.01
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Summary of Damage Assessment Cost

S. No	Environmental Activity	Previously proposed Damage Cost	Revised Damage Cost
1	Land Environment	Rs. 13,50,000	Rs.66,00,000
2	Ecology & Bio-Diversity	-	Rs.14,85,000
3	3 % of EMP cost saved in the past 26 years	Rs,2,00,000	Rs.20.43,000
4	3 % of Net Profit during Violation Period	-	Rs.24,43,413
5	Air Environment	Rs.3,18,68,661	Rs.3,55,89,154
6	Water Environment	Rs.84,15,493	Rs.84,15,493
7	Solid waste Management	Rs.41,18,610	Rs.41,18,610
	TOTAL	Rs.4,59,52,764 /-	Rs.6,06,94,670/-

Remediation Plan

Remediation Plan (Cost in Rs.Lakhs)										
Sl. No	Component Remediation	Remediation Proposed	Description	Locations	Unit Rate in Rs.	Total Qty.	Total Cost in Lakhs	Phasing years in Lakhs		
								Year-I	Year-II	Year-III
1a.	Air & Noise Environment	Dust suppression	Providing Wind Barrier And Vertical Greenery To Villages Adjacent / Running Parallel To ML Area	Chettichavadi	Rs.10,00,000/- per 100 meter	650 Meters	₹ 65.00	₹ 20.00	₹ 20.00	₹ 25.00
1b	Noise Environment and Ecology	Avenue Plantation	Plantation of total 6500 Nos. of native plants at Rs.1500 per sapling, including maintenance for 3 years in nearby villages and periphery of the project	Chettichavadi Velakkalpatti Kondapanayakanpatti Senaigowandanur Karuppur	Rs.1500 per Plant	6500	₹ 97.50	₹ 32.50	₹ 32.50	₹ 32.50
Sub-Total – A (1a+1b)							₹ 162.5	₹ 52.5	₹ 52.5	₹ 57.5

Natural Resource Augmentation Plan

Natural Resource Augmentation Plan (Cost in Rs.Lakhs)									
Sl.	Component	Proposed	Description	Locations	Unit Rate in Rs.	Total	Total	Phasing years	

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No	Remediation	Activity			I Qty.	Cost	Year - I	Year - II	Year - III
2a.	Natural Resource Augmentation Plan	Water Management & Ground Water Recharge	Development of Rain Water Harvesting and ground water recharge structure 5 Nos Each in nearby 5 villages	1. Chettichavadi- 10 Nos 2. Velakkalpatti -10 Nos 3. Kondapanayakanpatti - 10 Nos 4. Senaigowandanur -10 Nos 5. Karuppur-10 Nos	50 nos.	₹ 28.5	₹ 9.5	₹ 9.5	₹ 9.5
			Restoration and Cleaning of water bodies like ponds, Nallahs, Streams, etc in and around the lease area	1. Chettichavadi Village 2. Velakkalpatti Village 3. Kondapanayakanpatti Village.	Rs.13,00,000/each village	5 nos.	₹ 65.00	₹ 21.66	₹ 21.66
2b.			Construction of Check Dams of size 4 Mtr Length X 2 Mtr Height X 1 Metre Width in nearby villages	1. Chettichavadi Village 2. Velakkalpatti Village 3. Kondapanayakanpatti Village.	5 nos.	₹ 65.00	₹ 21.66	₹ 21.66	₹ 21.66
2c.		Energy Conservation by adapting Green Energy technology	Providing 40 W Solar Street Lighting (including panels, inverters, wiring, structure, connectors, junction boxes, etc.) in nearby villages @ Rs.77, 500 per unit.	1. Chettichavadi Village – 20 Nos 2. Outside area Around ML area – 30 Nos 3. Sides of Public roads connecting ML Boundary gate till factory gate - 50 Nos	100 nos.	₹ 77.5	₹ 25.83	₹ 25.83	₹ 25.83
Sub-Total – A (2a+2b+2c)						₹ 236.00	₹ 78.65	₹ 78.65	₹ 78.7

Community Resource Augmentation Plan

Community Resource Augmentation Plan (Cost in Rs.Lakhs)										
Sl. No	Component Remediation	Proposed Activity	Description	Locations	Unit Rate in Rs.	Total Qty.	Total Cost	Phasing years		
								Year-I	Year-II	Year-III

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3a.	Community Resource Augmentation Plan	Development of infrastructure	Construction / expansion of following as per requirement from local village panchayats or municipality in nearby villages at Rs.50,00,000 /- per village Public Toilets / Bath Rooms Overhead Water storage Tanks Compound Wall around Buildings at nearby Government Schools. Bus stops Public Library Public Children park Primary Health centre	Chettichavadi Village Velakkalpatti Village Kondapanaickanpatti Village Karuppur Town Panchayat	Rs.50,00,000 /- per village	4 Nos Villages	₹ 132.00	₹ 44.00	₹ 44.00	₹ 44.00
3b.		Supply of Equipments	Provision of following in nearby government schools, Sports Materials @ Rs.1.5 Lacs Lump Sum cost 1 Nos Water Purifiers @ Rs.0.5 each cost Computers with Network facility facilitating Smart Class @ Rs.3 Lacs Lump Sum cost	1. Chettichavadi Village = 2 Schools 2. Velakkalpatti Village = 1 School	Rs.5,00,000/- per School	3 Nos.	₹ 15.00	₹ 5.00	₹ 5.00	₹ 5.00
3c.		Improving socio-economic & Health conditions	Providing following medical equipment's to nearby Primary Health Centres. 5 Nos Patient Beds with height adjustment @Rs.0.25 Lac each unit 1 Nos ECG Machine @ Rs.0.5 Lacs Each unit	1. Chettichavadi Village 2. Velakkalpatti Village 3. Kondapanaickanpatti Village 4. Karuppur Town Panchayat	Rs.10,24,000 /- per village	6 Nos	₹ 61.	₹ 18.35	₹ 18.34	₹ 18.34

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			1 Nos Portable X- Ray Machine @ Rs.1.5 Lacs each unit 5 Nos Vital Monitors @ Rs.1.00 Lac Each 8 Nos SHYCOCAN (Viral Attenuation Device including CoVID 19) @ Rs.0.30 Lacs each							
Sub-Total – C (3a+3b+3c)							₹ 208.4 4	₹ 69.48	₹ 69.48	₹ 69.48
Grand Total A +B +C (Rs.)							₹ 606.9 4	₹ 200.6 3	₹ 200.6 3	₹ 205.6 8

**Budget for Remediation Plan, Natural Resource Augmentation Plan and Community
Resource Augmentation Plan**

S.No	Environmental Activity	Previously proposed Cost (Rs.)	Revised Cost (Rs.)
1	Remediation Plan	127.50	162.50
2	Natural Resource Augmentation Plan	155.00	236.00
3	Community Resource Augmentation Plan	177.60	208.44
Sub Total		460.10	606.94
4	2% Contribution from capital cost against community welfare activities under OM dated 30.09.2020 based on PH requirements (CER)	34.00	39.14
TOTAL		494.10	646.08

v. Since, the project proponent could not comply with the specific condition (xviii) of ToR dated 05.02.2021, PP needs to seek for amendment of ToR by submitting the following evidences related to the following:

- a) The project proponent needs to submit that Chettichavadi Jaghir Magnesite and Dunite Mine is owned by M/s. Dalmia Bharat Sugar and Industries Limited.
- b) The instant mine lease has not been lapsed currently.
- c) The copy of the court order which has permitted M/s. Dalmia Bharat Sugar and Industries Limited to continue operation in the absence of valid extension of mine lease by DMG.

Reply by the Project Proponent: The Project Proponent submitted the letter from the Office of the Commissionerate of Geology and Mining vide Rc.No.1355/MM9/2006 dated 09.12.2022 stating that the lease is valid upto 31.03.2030, Tvl. Dalmia Bharath and Sugar Industries Ltd., is directed to remit the EC violation amount of Rs 18.69 Cr and Surface Right Compensation amount of Rs 79 Cr after the disposal of the following cases which are pending before the Hon'ble High Court of Madras:

1. W.P.No. 2517/2018-Surface Right Compensation
2. W.A.No. 834&835/2020 – EC Violation.

3. Observation and Recommendation of the Committee:

The Project Proponent/Consultant informed the EAC that a letter has been obtained from the Office of the Commissionerate of Geology and Mining vide letter dated 09.12.2022 stating that the lease is valid upto 31.03.2030, Tvl. Dalmia Bharath and Sugar Industries Ltd., is directed to remit the EC violation amount of Rs 18.69 Cr and Surface Right Compensation amount of Rs 79 Cr after the disposal of the following cases which are pending before the Hon'ble High Court of Madras (1) W.P.No. 2517/2018-Surface Right Compensation and (2) W.A.No 834&835/2020 - EC Violation. The EAC observed that the Project Proponent has submitted the District Survey Report (DSR) signed by the Dept. of Geology & Mining, Salem and the Collector Salem on May 2019 as per Ministry's Notification S.O 3611(E) dated 25.07.2018. The EAC asked about the status of District Survey Report to be approved by the SEIAA as mining of Dunite is involved in this instant proposal. The Project Proponent informed the EAC that the Dunite is a minor mineral if it occurs alone and if the Dunite occurs along with the major mineral it is considered as a major mineral for the purpose of approval of mining plan and the mine lease documents also involves both Magnesite and Dunite.

The Project Proponent informed the EAC that an area of 13.20 Ha utilized during the violation period (1994-2019). The damage cost for land environment was revised from Rs 13.50 Lakhs to Rs 80.85 Lakhs by taking into account of 13.20 Ha. The Consultant also informed the EAC that the budget of the revised EMP is Rs 26.2 Lakhs and 3% of EMP budget for non-compliance during violation period from 1993-94 to 2018-19 (26 years) i.e., Rs 20.43 Lakhs is added in the cost of damage assessment. Further, the Project Proponent informed the EAC that 3% of Net Profit incurred during violation period from 1993-94 to 2018-19 (26 Years) is estimated as Rs 24.43 Lakhs. The Project Proponent also informed the EAC that the damage assessment for emission of air pollutants revised from Rs 3.18 Cr to Rs 3.55 Cr and the same is considered in Natural Resource Augmentation Plan (NRAP) and Community Resource Augmentation Plan (CRAP). Project Proponent also informed the EAC that the budget for Remediation Plan, Natural Resource Augmentation Plan and Community Resource Augmentation Plan revised from Rs 494.10 Lakhs to Rs 646.08 Lakhs.

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The EAC asked about the present status of the court cases/litigations pending against the project and also the status of the credible action taken by the State Govt. against the Project Proponent under the section 19 of E(P)A, 1986. The Project Proponent informed the EAC that the Tamil Nadu Pollution Control Board on several occasions issued Show Cause Notices under Air and Water Act. The EAC was of the view that the Project Proponent is confusing with the Show Cause Notice and the credible action to be taken by the State Govt. Project Proponent also informed that no court case has been filed w.r.t section 19 of E(P)A, 1986. The EAC observed that the credible action is yet to be initiated by the State Govt. against the Project Proponent under the section 19 of E(P)A, 1986.

The EAC asked the Project Proponent whether the payment of Rs 18.69 Cr for EC Violation and Surface Right Compensation amount of Rs 79 Cr has been paid or not. The Project Proponent informed the EAC that w.r.t. the order of Hon'ble Supreme Court dated 02.08.2017 in Writ Petition (Civil) No 114 of 2014 in matter of Common Cause vs Union of India and Ors" demand has been raised by the Dept. of Geology & Mining for mining of Magnesite and Dunite without EC. The EAC noted that the Hon'ble Supreme Court vide judgment dated 02.08.2017 has passed a detailed order interpreting Section 21(5) of the MMDR Act and directing payment of 100% penalty for illegal mining operations with reference to the relevant statutes, which *inter-alia*, include the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Forest (Conservation) Act, 1980 and the Mines and Minerals (Development & Regulation) Act, 1957. An appeal against the EC violation has been filed and is pending before Hon'ble High Court. The EAC also noted that there is no stay order on demand notice. The authorized representative of project proponent (Shri Ambuj Kumar Shrivastava, General Manager- Legal) shouted at the Members of the EAC and obdurately expressed that we are not running anywhere and will make payment subject to the outcome of the court case. The EAC expressed their objection against the Project Proponent for using the malcontent language before the EAC. The EAC took a stringent view and the EAC warned the Project Proponent for their vile behaviour before the EAC. The EAC opined that a suitable representative from project proponent side may be nominated to attend the meeting before EAC in future.

The EAC was of the view that the above said court case matter not yet finalized. The EAC observed that there is no clarity on the many pending court cases and show cause notices and its present status. The EAC asked the Project Proponent to submit the details of all the court cases/show cause notices/litigations in a chronological manner and its present status. Further, the EAC noted that as per submission of the Project Proponent obtained from the Forest Range Officer, Tamil Nadu Forest Department vide letter dated 24.09.2021, fauna such as Leopard, Sloth Bear, Gaur and Common Peafowl are found in the study area whereas the Project Proponent/ Consultant has submitted that there is no presence of Schedule-I

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Species in the study area which is contradictory. The EAC opined that the Project Proponent needs to submit the revised letter from the Forest Department clearly mentioning the type of Schedule in the study area of 10 km radius and accordingly the Project Proponent needs to submit the proof of submission of Wildlife Conservation Plan made to the Forest Dept with the timeline for implementation and budget. Based on the above discussions held, the EAC **deferred** the proposal for want of following additional information: -

- i. The project to be consider after deposit of demand raised by State authorities w.r.t Hon'ble Supreme Court common cause Judgement dated 2.08.2017. PP shall submit the proof of payment.
- ii. The Project Proponent needs to submit the details of all the court cases/show cause notices/litigations in a chronological manner and its present status with the supporting court orders/documents.
- iii. The Project Proponent needs to submit the status of the credible action to be initiated by the State Govt. against the Project Proponent under the section 19 of E(P)A, 1986 in reference to the Ministry's letter dated 25.11.2020.
- iv. The Project Proponent needs to submit the revised letter from the Competent Authority, Forest Department clearly mentioning the type of Schedule Species in the study area of 10 km radius and accordingly the Project Proponent needs to submit the proof of submission of Wildlife Conservation Plan made to the Forest Dept with the timeline for implementation and the budget proposed.
- v. The Project Proponent needs to submit the District Survey Report for Dunite to be approved by the SEIAA, Tamil Nadu.
- vi. The Project Proponent needs to submit the complete copy of the Approved Mining Plan dated 30.03.2021 in Parivesh.
- vii. The Project Proponent needs to submit the valid NABET Accreditation Certificate of the Consultant in Parivesh.
- viii. The Project Proponent needs to submit the undertaking as per Ministry's OM dated 05.10.2011 and also the Consultant needs to submit the undertaking as per Ministry's OM dated 04.08.2009.
- ix. The Project Proponent needs to reupload the EIA/EMP report along with the contents of the EIA/EMP report in Parivesh.

1.4 Majhgawan Diamond Mine of M/s NMDC Ltd with total excavation of 13.90 LTPA [ROM Kimberlite ore @ 8 LTPA and Overburden removal @ 5.90 LTPA for production of 1.00 lakh carats of Diamonds per annum] with the mine



Nataraj Rao Raghu & Sundaram <nrrandschennai@gmail.com>

O.A. No. 213 of 2021 - S.Sakthivel Vs. Secretary, MoEF and 5 others - National Green Tribunal, Chennai

Nataraj Rao Raghu & Sundaram Advocates <nrrandschennai@gmail.com> Wed, Feb 15, 2023 at 7:14 AM

To: Shanmuganathan Dharmarajan <DShanmuganathan@outlook.com>, "vivek.adv.tharai@gmail.com" <vivek.adv.tharai@gmail.com>, "secy-moef@nic.in" <secy-moef@nic.in>, "geomine@nic.in" <geomine@nic.in>, "collrslm@nic.in" <collrslm@nic.in>, "deetnpcbslm@gmail.com" <deetnpcbslm@gmail.com>, "cgwa@nic.in" <cgwa@nic.in>, Ardhendumauli Prasad <mail@ardhendumauli.com>, "saisathyajith@gmail.com" <saisathyajith@gmail.com>, cgmchennai32@gmail.com

Cc: POORNAM THANGAPERUMAL <poornamt@yahoo.com>, Rishwanth V S <rishwanthvs@gmail.com>

Sirs,

We act for the 6th Respondent in the Subject O.A.


Please find attached a scanned copy of the paper book(Volume VII) filed on behalf of the 6th Respondent.

Kindly Acknowledge Receipt.

Yours faithfully
T.Poornam
Counsel for the 6th Respondent

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