

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,

Ministry of Environment and Forest and Climate Change

And 5 others

... Respondent

INDEX TO THE TYPESET OF DOCUMENTS FILED BY THE SIXTH

RESPONDENT - VOLUME - III

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| 1. | 21.04.2022 | Reply filed on behalf of the 6 th Respondent to the Joint Committer Report dated 23 rd March, 2022 | | 1-30 |
| 2 | 11.12.2018 | Letter issued by the Department of Mining and Geology to the 6 th Respondent | R19 | 31-33 |
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Dated at Chennai on this the 21st April, 2022.

FILED BY



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

S. Sakthivel

Environmental Protection and Anti-Pollution Group

S/o P.K. Subramanyam

Alagu Vinayakar Kovil Street,

Fairland, Salem 636016

... Applicant

Vs

1. The Secretary to Government of India
Ministry of Environment and Forest and Climate Change
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi 110003
2. The Director,
Department of Geology and Mines,
Industrial Estate, Guindy, Chennai 600032
3. The District Collector,
Collectorate, Salem 636 001
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Siva Tower, 2nd Floor, Salem 636004
5. The Member Secretary,
Central Ground Water Authority
Jam Nagar House,
18/11 Man Singh Road, New Delhi 110011
6. The Managing Director,
Dalmia Bharat Sugar and Industries Ltd.



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SALEM-636 012.**

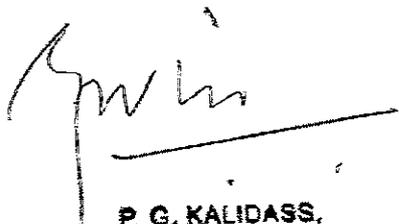
Chettichavadi, Jagir Magnesite and Dunite Mines,
Chettichavadi Village, Salem West Tk.
Salem 636 012

... Respondents

REPLY ON BEHALF OF THE SIXTH RESPONDENT TO JOINT COMMITTEE
REPORT DATED 23rd March 2022

The 6th Respondent (Answering Respondent) above named states as follows:

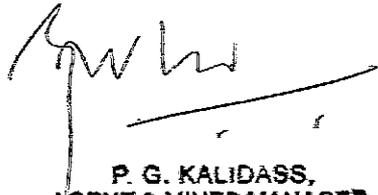
1. The Answering Respondent has filed a detailed reply dated 01.02.2022 to the Application where it has set out in detail the complete factual background and details as to the mining operations. The Answering Respondent had also filed replies to the individual reports of each member of the Joint Committee. The contents of the said replies filed by Answering Respondent, may be read as part and parcel of the present reply to the Joint Committee Report dated 23rd March 2022 (hereinafter referred to as 'JCR').
2. The address for service on the Answering Respondent is that of its Advocates M/s. S. Raghunathan, T. Poornam, Sharanya Vaidhyanathan and V.S.Rishwanth, Advocates having their office at 5th Floor, Haji S. Madharsha Building, No.148, (Old No.44) Second Line Beach, Chennai 600001.


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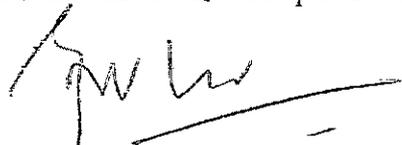
Preliminary Objections

3. According to paragraph 19 of JCR, the members of Joint Committee visited mining site of the Answering Respondent on 27th November 2021. However, the JCR has not furnished/annexed any documents relied upon by the members or documents, to demonstrate that the said visits and inspections were jointly conducted by the members of the Joint Committee. It is most respectfully submitted that it would not be fair and proper to consider the JCR. It is stated that the inspection was not jointly conducted by the members of the Joint Committee and the inspection ought to have been done in the presence of the officials/representatives concerned of the Answering Respondents. The JCR has been prepared based on the reports of Respondent No. 2 dated 03.01.2022 & 01.02.2022, to which the Answering Respondent has filed its objections. The JCR appears to merely endorse the observations of Respondent No.2, has sought to impute serious allegations of illegal mining on the Answering Respondent, without any application of mind or independent verification of facts. Therefore, for these reasons alone, the JCR ought not to be considered by this Hon'ble Tribunal.

4. The JCR has travelled beyond the mandate of fact finding as stipulated in the orders dated 6th October 2021, a perusal of the said order would show the mandate for fact finding is limited only up to the :-

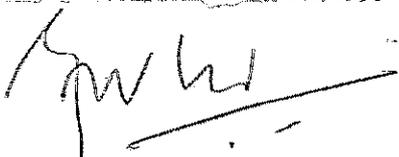

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- I. violations of environmental laws,
 - II. quantity of mineral extracted when Answering Respondent was in breach, if any, of environmental laws,
 - III. action taken by them for such violation, damage caused to environment by such violation,
 - IV. status of permission for extraction of ground water.
5. As against the said mandate, JCR has got into the facts of mineral removal without transport permits that too for the period 1978-79 onwards without noticing that the only allegation herein against the Answering Respondent is that the Answering Respondent is engaged in mining without grant of Environmental Clearance since August 2006 when the period of first renewal of mining lease expired. The JCR is bereft of facts and it contains baseless findings to the effect that Answering Respondent during the period 1979-80 to 2018-19, produced 44,67,502 MT of Magnesite and out of that quantity, cleared only 28,72,449 M.T. of Magnesite against valid transport permit and produced 1,11,68,755 MT, of Dunite out of which, cleared only 1,83,888 MT of Dunite with transport permit, that hence, the Answering Respondent has allegedly transported 15,87,322 MT of Magnesite and 1,09,73,016 M.T. of Dunite without valid transport permits.
6. As per JCR, assessment of the quantity of mineral removed is on the basis of *pit dimension*, JCR mentions number of pits as 32 but without mentioning dimension /measurements of any of such pits, gives an estimated quantity of mineral, which could have been possibly


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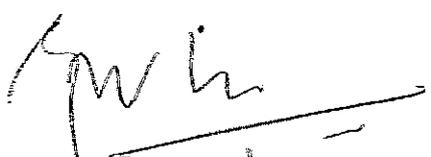
extracted by the Answering Respondent over a period of last more than five decades from these pits. The JCR also records quantity of waste dumps by referring to the number of waste dumps but without giving any measurements of such dumps. The JCR is bereft of any supporting documents, materials and measurements and the findings are entirely on vague presumptions and surmises and ought not to be considered.

7. As per paragraph 19 and 20 of JCR, members of the Joint Committee first visited mining site on 27th November 2021 and their Director of Geology & Mining vide orders dated 5th Dec 2021 delegated the authority of further inspections to a three-member team which team on 31st Jan 2022 submitted its report with above said findings of mineral removal without transport permits.
8. It is submitted that the said delegation is in violation of the orders dated 6th Oct, 2022 which categorically stated that only designated persons would be part of Joint Fact Finding Committee, which does not authorise of further delegation. Further JCR nowhere discloses the names of said three member's teams, when they visited the mining site and the report submitted by said team to the Joint Fact Finding Committee the findings of which forms part of JCR. Without making reference to such committee formed at the behest of Respondent No.2, the JCR appears to have incorporated the findings contained in the reports dated 03.01.2022 and 01.02.2022 filed by


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Respondent No.2, thereby defeating the entire rationale behind inspection through a Joint Committee, an exercise which would ensure an independent and transparent evaluation of the site conditions. As there has been no independent joint inspection by all the members of the Committee, the JCR ought not to be taken on record or considered by this Hon'ble Tribunal.

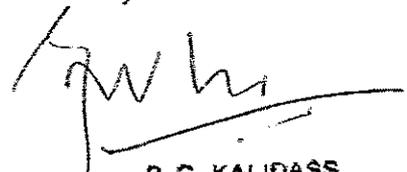
9. Besides, the Joint Committee has recorded inconsistent factual findings with respect to the number of pits found during the so-called joint inspection. While at Paragraph 22 (ii), the JCR records that a total 32 pits were noticed and the quantity of production mentioned has been estimated based on 32 pits, Paragraph 29 of JCR records that only 13 pits were noticed. The Committee has also not furnished any material or photographs to demonstrate the factual finding.
10. The aforesaid lackadaisical approach of the Joint Fact Finding Committee fails to inspire any confidence qua any of their findings hence, it is respectfully submitted that the JCR does not merit consideration by this Hon'ble Tribunal. It is submitted that considerable time has already lapsed since orders for formation of Joint Fact Finding Committee and the pendency of the present proceedings and the alleged findings are seriously prejudicial to the interests of the Answering Respondent. The JCR ought not to be taken on record for the aforesaid reasons.



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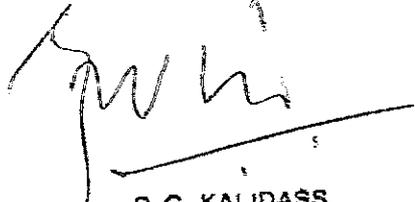
11. Without prejudice to the forgoing, before adverting to the alleged findings of the JCR, the Answering Respondent is placing on record the following facts relevant in the context of the findings of the Joint Committee: -

- I. The Application for grant of second renewal of the Answering Respondent's mining lease which was due in Aug 2006, was pending since 14th July 2005. Later, the Mining Lease in question got automatically extended till 31st March 2030, in view of Sec 8A (5) of the MMDR Act, as amended by MMDR Amendment Act 2015.
- II. The Application for grant of EC was first filed by the Answering Respondent on 9th Feb 2006 followed by revised applications in August 2010 / Jan 2012. The said application was kept pending by Respondent No.1, on the pretext of credible action against the Answering Respondent on the alleged ground of mining without EC during the period of deemed extension of Mining Lease with effect from 20th August 2006 onwards, despite unequivocal findings of Hon'ble High Court of Jharkhand High Court in the matter of Hindustan Copper Vs Union of India W.P. No, 2364 /2014 (orders dated 28.11.14), that processing of EC application and, credible action for alleged violation are independent of each other and processing of EC application cannot be withheld for want of credible action.
- III. Respondent No. 4 also issued air consent and water consent till 2013 (mentioned in paragraph 34 of JCR also) and thereafter it


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refused to issue consents to the Answering Respondent, for want of EC.

- IV. Since other Respondents, instead of disposing the aforesaid applications for environmental clearance and extension of mining lease, initiated civil and criminal proceedings against the Answering Respondent, on the alleged ground of mining without EC during the period of deemed extension of Mining Lease, hence the Answering Respondent voluntarily resorted to temporary suspension of its mining operations with effect from 27th January 2020.
- V. Subsequent thereto, Respondent No.1, started considering the EC application of the Answering Respondent, as a violation case as per MOEF Notification S.O.804 (E) dated 14.03.2017 and finally Terms of Reference (ToR) dated 5th Feb 2021, was issued to the Answering Respondent with one of the conditions being, furnishing of valid Mining Lease Documents.
- VI. In pursuance of ToR dated 5th Feb 2021, the Answering Respondent submitted its Environment Management Plan (EMP) on 29.11.2021. The Answering Respondent in its EMP requested, among others, for the Environment Clearance to be granted subject to the outcome of the pending litigations and without insisting for valid Mining Lease Documents. Thereafter, the Expert Appraisal Committee of MOEF (EAC) in its meeting held on 15th Dec 2021, directed the Answering Respondent to



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seek an amendment of the ToR, for removal of condition pertaining to valid mining lease documents.

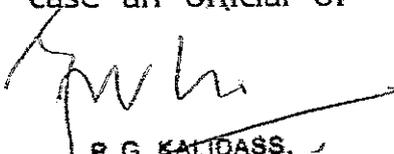
- VII. The issue of *deemed extension / subsistence* of mining lease of the Answering Respondent, in absence of EC, which was pending before Hon'ble High Court of Madras in W.P No 29275 /2016 filed by the Answering Respondent, came to be disposed of, *vide* orders dated 11th January 2022, with the following observations -:

"It is left open to the Petitioner-Company to submit all the required documents, including the Environmental Clearance Certificate issued by the Competent Authorities of the State, enabling the State Authorities to consider the case and take a decision and pass appropriate orders on merits and in accordance with law."

- VIII. In compliance of the recommendation of the EAC, the Answering Respondent *vide* its letter dated 31st January 2021 requested for aforesaid amendment of the TOR. A copy of said final order dated 11th January 2022 was also submitted with the said letter dated 31st January 2022.

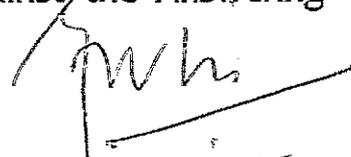
- IX. The issue of amendment of TOR was again considered by the EAC, in its meeting held on 15th Feb. 2022 and the EAC returned the EC proposal of Answering Respondents, with the following observation -:

"The proposal for Amendment in Terms of Reference was considered in the 46^t EAC meeting held during 15th to 17th February 2022. For this particular case an official of


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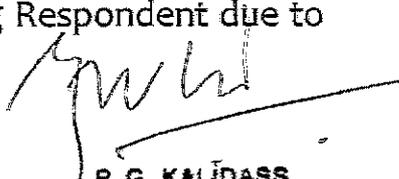
Department of Geology and Mining, Tamil Nadu was invited. It was mentioned that the mine lease was in operation since 1967 till 2019 without obtaining the Environmental Clearance. Therefore, it is a case of violation. The official of DMG, Tamil Nadu also submitted that currently as per the documents, this mine lease is not valid and does not come under deemed extension of mine lease validity as the Answering Respondent is not fulfilling the required conditions. It is also noted that there are many court cases currently in progress between the Answering Respondent 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 returned the proposal."

- X. The Application for EC has therefore been returned to the Answering Respondent, awaiting the final outcome of the litigations pending before the Hon'ble High Court of Madras concerning the alleged compensation imposed on the Answering Respondent, for mining without EC and on the question of deemed extension of mining lease.
- XI. The Tamil Nadu State Pollution Control Board has already initiated proceedings under the provisions of Environment Protection Act, Air Pollution (Control & Regulation) Act, Water Pollution (Control & Regulation) Act, against the Answering


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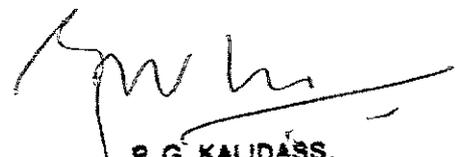
Respondent on the alleged ground of mining without EC, during period of deemed extension of its mining lease after August 2006. The State Mining Dept. U/s 21 (5) of MMDR Act, has also issued demands to pay compensation of INR 11.44 Crores (approx.) for mining of Dunite without EC for the period 2001-02 to 2018-19 and to pay compensation of INR 7.24 Crores (approx.) for mining of Magnesite without EC for the period 2001-02 to 2018-19. The enforceability of said demands and extension of mining lease in question till 31st March 2030, for want of environment clearance is pending in WA 834-835 of 2020 before Hon'ble High Court of Madras. All these matters are pending for adjudication and has been duly disclosed/filed in the proceedings before Respondent No.1 herein, for grant of EC.

12. It is clear from foregoing that the Answering Respondent has acted diligently, to comply with the regulatory requirements, however, the efforts of the Answering Respondent, has been defeated due to lackadaisical approach of the other Respondents resulting into (a) inordinate delay in the implementation of Environment Management Plan (b) loss of income to the Answering Respondent and State Exchequer as due the uncertainty created by the delay in disposal of said applications ,the Answering Respondent could not resort to the full-fledged operations (c) loss of direct and indirect employment opportunities which have been in wake of full-fledged operations (d) loss of reputation and goodwill of the Answering Respondent due to


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false allegations/ frivolous legal proceedings (f) loss of precious time of this Hon'ble Tribunal , other Hon'ble Courts and Competent Authorities in disposal of frivolous legal proceedings, all the above could have been avoided if only if the other respondents herein would also have acted diligently and in a time bound manner in disposing of the applications of the Answering Respondent.

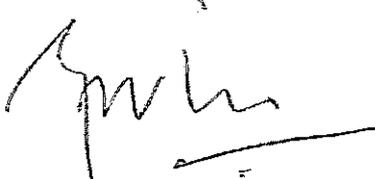
13. It is pertinent to mention here that for the purposes of grant of EC all Project Proponents are required to submit an Environment Management Plan to check and mitigate environmental degradation due to the operations of the project in hand, once the said Plan is approved, EC is granted subject to the condition that Project Proponent would implement Environment Management Plan failing which EC can be withdrawn.
14. In the case of the Answering Respondent, Environment Management Plan for the project could not be implemented, because disposal of the applications for grant of EC / grant of second renewal of mining lease has been delayed for a period of more than 15 years due to the reasons attributable to the other Respondents, nevertheless, the Answering Respondent while carrying out mining during the period of deemed extension took adequate measures for protection of environment, including those which are mentioned in the mining plans approved by Indian Bureau of Mines and there has been no allegation of breach of any environmental norms in the previous years. This


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clearly shows that the Answering Respondent cannot be made liable for damage, if any, caused to the environment due to mining operation during the period of deemed extension.

It is also pertinent to mention here that requirement of EC at the time of renewal of mining lease was introduced in 2004, however EIA Notification No. S.O.1533 (E) dated 14th Sep 2006 contained no such requirement, requirement of EC at the time of renewal was introduced by amendment in the said notification, by EIA Notification No. 695 (E) dated 4th April 2011. In the intervening period there was no such statutory requirement of EC at the time renewal of mining lease.

15. Moreover, the Environment Management Plan which has now been submitted by the Answering Respondent for grant of EC, pending for approval of Respondent No.1, includes the measures to mitigate the effect of environmental damage in past, starting from 1994 , (though, the Answering Respondent is obligated to take such measures from Aug 2006, or thereafter because the requirements of EC in case of the Answering Respondent becomes applicable upon renewal of its mining lease) as well as in future.
16. Some of the highlights of said Environment Management Plan are set out below:


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| Area | Proposed Budget INR/Lakhs |
|--|------------------------------|
| Dust Suspension / Avenue Planation | 162.50 |
| Water Management & Ground Water Recharge/ Energy Conservation by adapting Green Energy technology | 236.00 |
| Community Resource Augmentation | 208.44 |

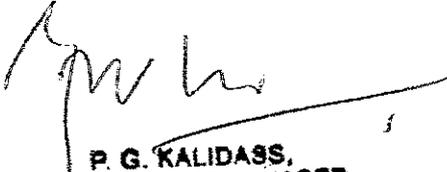
REPLY ON MERITS

Without pre-judice to the foregoing, the para-wise response of the Answering Respondent, are as under:

17. The contents of **paragraph 1 to 10** of JCR do not merit any reply.

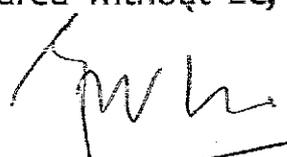
18. Re contents of **paragraph 11** of JCR, while fairly admitting that application for grant of EC is pending since Feb 2006 and that no EC has been granted, the JCR fails to give any reason for such inordinate delay which clearly shows that delay in timely disposal of the EC application is attributable to the Respondent No. 1 only and the Answering Respondent cannot be held responsible of the consequences due to delay in grant of EC.

19. Further the said paragraph under reply records that since the inception of mining lease in 1966, the Answering Respondent is carrying out mining operations without EC and it applied for EC in 2006. This requirement of EC was introduced first time in 1994 and, in the case of the Answering Respondent, it will be applicable on


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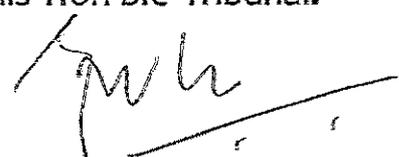
renewal of mining lease. Therefore, the said finding is erroneous and is contrary to the position of law enunciated by the Hon'ble Supreme Court /EIA Notifications . This indicates that the Joint Committee has proceeded in a mechanical manner, in pinning liability on the Answering Respondent, without appreciating the correct position of law and for this reason alone, the JCR ought not to be relied upon for the purposes of these proceedings.

20. The contents of **paragraph 12** of JCR merit no reply.
21. The contents of **paragraph 13 and 14** of JCR are denied. It is submitted that Office Memorandum dated 30th May 2018 which had been purportedly issued in wake of Judgement dated 2nd August 2018 passed by the Hon'ble Supreme Court in the matter of Common Cause (W.P No. 114/2014) to recover 100% of the cost of mined mineral excavated and cleared without EC at the first instance, do not have any statutory force because it has not been issued in pursuance of any specific provision of the Environment Protection Act. Further it also sought to impose penalty not stipulated under the provisions of Environment Protection Act. The aforesaid judgement of the Hon'ble Supreme Court has been rendered in context of the peculiar facts, and the said findings/observations cannot be applied as such without reference to the facts and circumstances of the case in hand. The said Office Memorandum stipulates, amongst others, the requirement of an unconditional undertaking by a project proponent to pay 100% of the cost of mined mineral excavated and cleared without EC, as a


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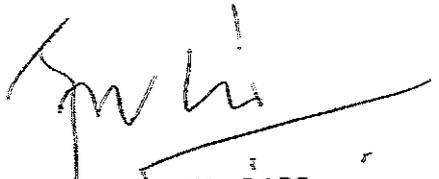
condition precedent, for consideration /grant of TOR and EC. The said unconditional undertaking purports to take away the right/ remedy of contesting the allegation of operations without EC hence the same is not legally enforceable.

22. The legality of the demand of INR 11.44 Crore as mentioned in the said paragraph under reply, is already sub-judice before Hon'ble High Court of Madras in WA No. 834/2020. The demands were raised by Third Respondent herein on 18th June 2019 and has already undergone first round of adjudication in W.P. No, 889 of 2020, hence the quantum of demand cannot be now revisited at this belated stage.
23. It is further denied that that the said demand has been issued in pursuance of above mentioned Office Memorandum. The demand has been raised U/s 21 (5) of MMDR Act. It is most respectfully submitted that the adjudication of said demand is not within the jurisdiction of this Hon'ble Tribunal.
24. The contents of **paragraph 15** of JCR are matters of record. The Writ Petitions are related to aforesaid demand of INR 11.44 Crore / deemed extension of mining lease.
25. The contents of **paragraph 16 and 17** of JCR merit no response.
26. The contents of **paragraph 18** of JCR are denied in as much as they are erroneous and contrary to the records before this Hon'ble Tribunal.

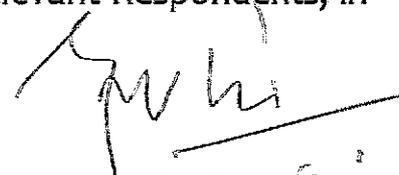

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The Answering Respondent has submitted its interim reply to demand memo of INR 7.24 Crore. The said demand of INR 7.24 Crore and demand of INR 11.44 crore are not enforceable in view of the differing views of the Hon'ble Principal Bench of Madras High Court and the Hon'ble Madurai Bench of Madras High Court. Answering Respondent in any case cannot be made liable for those demand because Answering Respondent acted bonafidely after duly applying for grant of EC. It is submitted that demands made by the Respondent authorities, for mining without EC, in the batch of writ petitions before the Hon'ble Principal Bench and the Hon'ble Madurai Bench, were issued without any opportunity of hearing. According to the common order dated 12th June 2020, passed by Learned Single Judge of the Principal Bench in Chennai, the opportunity of hearing in such cases of mass violation where fact of violation is not in dispute, is merely a formality and same can be dispensed with while the Hon'ble Madurai Bench in its order dated 19.08.2020 has observed that an opportunity of hearing is indispensable, irrespective of the facts. The appeals arising out of the Writ Petitions are now pending before the Hon'ble Division Bench of the Hon'ble High Court of Madras.

27. The contents of **paragraph 19** of JCR, concerning the visit and inspection of mining site on 27th Nov. 2021, is denied because the JCR contains no records of visit and/or inspection conducted during such visit.


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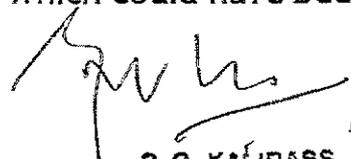
28. The contents of **paragraph 20** of JCR are of no consequence as these are mere statements without any supporting cogent evidence.
29. The contents of **paragraph 21** of JCR are denied and contents of of this reply under the heading Preliminary Objections are reiterated and reaffirmed in response to the paragraphs under reply.
30. The contents of **paragraph 22 to 25** of JCR are denied as it travels beyond the scope of mandate of fact finding exercise, given to the other Respondents vide orders dated 6th October 2021 passed by this Hon'ble Tribunal. The findings in said paragraphs are in realm of MMDR Act alone and by no stretch of imagination, be made part of these proceedings. The Answering Respondent reiterates that said mandate of fact finding exercise is limited to the environmental violation and the quantity of mineral extracted during the period of such environmental violation. It is an admitted position that in these proceedings the only allegation is mining without EC during the period of deemed extension of mining lease which starts from 20th August 2006. In such a scenario, the alleged violation of provisions of MMDR Act in respect of safety zones etc. and allegation of removal of huge quantities of minerals without transport permit for the period starting from F.Y 1978-79 to 2018-19 is unwarranted. It appears to have been placed to deviate the attention of this Hon'ble Tribunal from the apathetic and deplorable approach of other relevant Respondents, in



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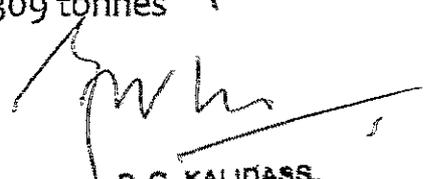
disposing of the applications for grant of EC and grant of mining lease renewal, in a time bound manner.

31. The paragraphs under reply contain findings to the effect that the Answering Respondent during the period 1979-80 to 2018-19 produced 44,67,502 MT of Magnesite and out of that quantity, allegedly cleared only 28,72,449 M.T. of Magnesite against valid transport permits and produced 1,11,68,755 MT of Dunite, out of which the Answering Respondent, allegedly cleared only 1,83 888 MT of Dunite with transport permit hence the Answering Respondent has transported 1587,322 MT of Magnesite and 1,09,73,016 M.T. of Dunite without valid transport permits. The said findings in the JCR is contrary to the records maintained by the Respondent No.2. In fact, vide its letter dated 11th Dec 2018, Respondent No.2, confirmed production figures of 28,72,449 M.T. of Magnesite and 1,83 888 MT of Dunite for the period of 1979-80 to 2018-19. It is submitted that clearance of mineral with /without transport permits is a matter MMDR Act 1957, and this Hon'ble Tribunal has rightly not directed to look into matters which are within the realm of the MMDR Act.
32. The assessment of the quantity of mineral removed, has been allegedly done, on the basis of *pit dimension*, however, the Report under reply only mentions the number of pits but fails to provide details as to the dimensions /measurements of the pits. Further, the JCR discloses an estimated quantity of mineral which could have been


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possibly extracted by the Answering Respondent over a period of more than five decades. The liability for the alleged excess mining has been imputed on the Answering Respondent, is based on presumptive values and is grossly contrary to the records maintained by Respondent No.2. The paragraph under reply also records quantity of waste dumps gives number of waste dumps, omits to give any measurements of such dumps.

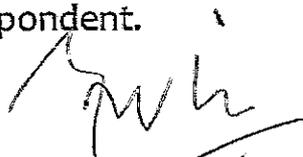
33. The Second Respondent has neither surveyed the mining area through Total Station Survey Station Equipments nor they took measurements of the pits and dumps. The Report under reply is based upon bird's eye view of the mining area and is based on presumptions and surmises alone. The findings of the Report deserve to be dismissed on these grounds alone.
34. The Second Respondent vide in its letter dated 11th December 2018 has confirmed production figures for the period 1979 -80 to 2018 -19. As per the said letter:-
- i. From 1979-80 to 2018-19 the total quantity of Magnesite production sums up to be 28,72,449.867 MT.
(As per the paragraphs under reply this quantity measures up to 44,67,502MT).
 - ii. From 1979-80 to 2018-19 the total quantity of Dunite production sums up to be 1,83,888.309 tonnes



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(As per the paragraph under reply this quantity measures up to 1,11,68755MT).

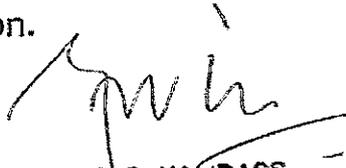
35. The quantities mentioned in the Report under reply are far above than the quantities of the production certified by the Second Respondent. This itself causes a serious doubt on the methodology and approach of the Respondent No.2 and of the Joint Committee which has in effect endorsed the observations of Respondent No.2.
36. The measurements based on *pit dimension method* that too for the period of last 40 years is rudimentary and is not a proper or a well-accepted method to determine the quantity of mineral removed. The measurements based on such methods cannot be relied upon to fasten any liability, in light of the facts that mining operations during all these periods have been in physical control of the Second Respondent. The Transport Permits had been issued by Second Respondent only upon according its own satisfaction vis-à-vis quantity of mineral removed and royalty and other dues paid upon thereon. The Answering Respondent had been regularly filing its returns prescribed under applicable Mining regulations. In fact, the Second Respondent had continuously and regularly issuing No Dues Certificates. It is more significant to note that there had been no allegations at any earlier point in time regarding removal of minerals without Transport Permits or removal of mineral in excess of the quantities mentioned in Transport Permits, except present findings, which are shock and surprise to the Answering Respondent.


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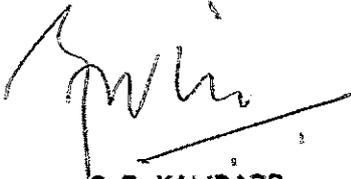
37. The Second Respondent in its report on the *pit dimension method* has also failed to take into consideration the mining lease area prior to 1966 which was not with the Answering Respondent. In fact, mining activity in the area was going on in the said area, even prior to 1966. Even if it is assumed to be correct, it cannot be relied upon for a mining area which is more than 50 years old that too for fastening statutory liability. The Second Respondent while giving production figures in its Report failed to appreciate that during 1979 to 2019 area of mining lease has itself changed as under:

| Duration | Area / Acre |
|---|---|
| 20 th Aug 1966 to 27 th July 1979 | 1386.36 |
| 28 th July 1979 to 19 th Aug.1986 | 1419 |
| 20 th Aug 1986 to 19 th Aug 2006 | 1314 |
| 20 th Aug 2006 to 31 st Oct 2017 | 1109.92 In 2006, applied for renewal of Mining lease over 449.364 Hectares (1109.92 Acres) and surrendered 82.616 Hectares (204.10 Acre) |

38. This clearly shows that the Report under reply is not based on any cogent data pursuant to any survey carried out in a scientific manner and hence the same is not fit for any consideration.

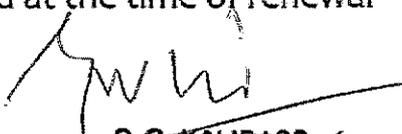

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39. It is pertinent to mention here that that as on 31st March 2021, the Answering Respondent has made arrear payments of royalty/dead rent. The Answering Respondent has also paid excess amount of Rs.5,31,176.00/- to the Department of Geology and Mining, Salem.
40. The Report under reply at the first instance assumes total quantity of excavation as 11,16,87,545 MT for period 1979 to 2019, without any scientific basis then applies recovery ratio of 4 % for Magnesite and 10% for Dunite treating the same as constants for the entire duration and as such, there is no basis or any rationale for the same. It is pertinent to mention here that according to Second Respondent quantity measurements are based on recovery ratios mentioned in prospective Mining Plans and not based on any records of actual measurement or records of actual recovery in comparison to the recovery ratio mentioned in the prospective mining plans, applied on the quantities arrived through pit dimension where the dimension of pits itself has not been mentioned, hence, no credence can be attached to such findings which are based on surmises and conjectures.
41. The allegation that there is no safety zone in north east and south east of mining lease area, is factually incorrect.



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42. The Answering Respondent reserve its rights to file detailed response to the further proceedings if any initiated by Second Respondent or the other Respondents, pursuant to the JCR, under reply.
43. The contents of **paragraph 26** of JCR merit no reply
44. The contents of **paragraph 27** of JCR are denied. The basis of calculation of demand of INR 1.11 Crore for unauthorised withdrawal has not been furnished with JCR or otherwise, hence the Answering Respondent reserves its rights to contest the same once such details are furnished. Further, since the consumption had been for domestic purpose only, the Answering Respondent cannot be held liable. It is also pertinent to mention here that water drawl from mining area has also been done at the instance of local administration to supply water in nearby 18 villages and to Salem City Corporation. The Answering Respondent in any case cannot be made liable for drawal of entire quantity of water. Moreover, without prejudice to the forgoing, this aspect is being taken care by the Answering Respondent in its EMP report, an amount of INR 84 lakhs has already been remitted for the said purpose. Answering Respondent had also been regularly paying water cess annually to Respondent No. 4. Answering Respondent had also got NOC from Central Ground Water Authority for domestic purpose on 17.11.2021.
45. The contents of **paragraph 28** of JCR are denied. It is submitted that in case of Answering Respondent EC was required at the time of renewal



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of mining lease and the disposal of application for renewal of mining lease is also pending since 14th July 2005 and the application for grant of EC in this regard is pending since 9th February 2006, for more than fifteen years.

46. The Answering Respondent during the period 20th August 2006 to 12th Jan 2012 operated its mines in terms of the relief granted by Hon'ble High Court of Madras, *vide* Interim Orders dated 17th August 2006 in W.P. No, 25518/2006/ deemed extension. Post 12th Jan 2015, the mining lease in question got automatically extended up to 31st March 2030, in terms of Sec 8A (5) of MMDR Act. Therefore, the finding that the Answering Respondent operated mines without EC, is erroneous.
47. The contents of **paragraph 29** of JCR are incorrect and denied in toto. The paragraph under reply records that Respondent No.1, has issued a letter dated 25th November 2020 to State Government to take action against the Answering Respondent U/s 19 of the Environment Protection Act, whereas Original Application correctly records in paragraph 21 that notice dated 4th May 2020 had already been issued by Sate Pollution Control Board in this regard. Further paragraph under reply records that total 13 mining pits were noticed in the mining area and measurement of the same was taken, but no such measurements are mentioned in the JCR, whereas paragraph 22 (ii) of JCR records that total 32 pits were noticed and the quantity of production has been estimated based on 32 pits, such contradiction


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raises serious doubts on the factual accuracy of the findings in the JCR.

48. The contents of **Paragraph 30 and 31** of JCR are correct. The Answering Respondent had already submitted its Environment Management Plan to Expert Appraisal Committee of Respondent No. 1 on 29th November 2021, in respect of the matters mentioned in paragraph under reply.

49. Paragraph 32 of JCR records that that in the meeting of Expert Appraisal Committee held on 15th Feb 2022, the State Mining Dept. strongly objected the grant of EC to Answering Respondent but JCR has failed to mention on what ground the EC was objected to in the said meeting. the EC application of the Answering Respondent, was returned, for the following reasons, as recorded in the minutes of the said meeting (prepared by Respondent No. 1):

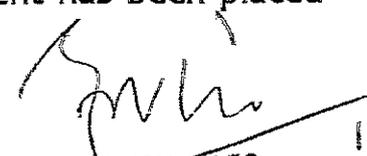
“The official of DMG, Tamil Nadu also submitted that currently as per the documents, this mine lease is not valid and does not come under deemed extension of mine lease validity as the Answering Respondent is not fulfilling the required conditions. It is also noted that there are many court cases currently in progress between the Answering Respondent and the State of Tamil Nadu.”

50. In this regard, it is submitted that observation of Respondent No. 2 that *this mine lease is not valid and does not come under deemed extension of mine lease validity*, is of no consequence for the purposes of grant of EC by Respondent No. 1. It is settled position of law that


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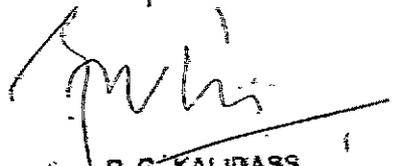
grant of EC is a prerequisite for all project including mining projects. The grant of EC alone does not grant any leasehold rights in the project proponent qua the mining lease area in question rather grant EC enables a project proponent for grant of mining lease by State Mining Dept. subject to other conditions.

51. It is submitted that the litigations mentioned in the said observation, mainly refers to the legal proceedings initiated either by other Respondents or by the Answering Respondent on the issue of mining without EC during the period of deemed extension. Even assuming that such allegations are sustained, the grant of EC cannot be deferred for the want of clear orders or directions. It is well-established position of law that grant of EC, is independent of outcome of credible action on such alleged violation, a position which has also been notified in Notification No. SO 804 (E) dated 14th March 2017 under which grant of EC of the Answering Respondent, is being considered.
52. The Answering Respondent reserves its right to respond to the reports mentioned in **paragraph 33** of JCR, once such reports are made available to it.
53. In so far as the averments made in **paragraph 34** of JCR are concerned, the Answering Respondent states that it has been placed in an unfair position by the pendency of its applications, and which could have been fairly resolved at the earliest point in time. Worse still is the position in which the Answering respondent has been placed


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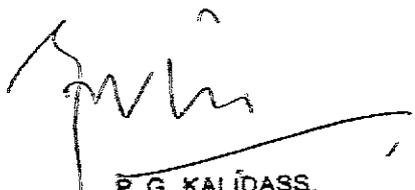
wherein on the one hand Respondent No. 1 has kept the application pending for grant of EC from last 16 years and, on the other hand Respondent No. 4 is refusing Air Consent and Water consent under the unfair pretext of lack of EC for the project.

54. The averments made in **paragraph 35** of JCR are denied. The application for grant of EC is pending since Feb 2006. The Answering Respondent is not aware of contents of letter dated 5th November 2014 as mentioned. It is also not clear from contents of paragraph 35 that on what basis enhanced production is being alleged. The paragraph under reply relies on some letter dated 5th Nov. 2014 of the Answering Respondent without furnishing copy of the same. The document relied upon, is close to eight years old and the Answering Respondent had not been able to locate the same from its records. Answering Respondent reserves its rights to respond to this paragraph 35 upon receipt of a copy of said letter dated 05.11.14 from Respondent No. 4.
55. The averments made in **paragraph 36** of JCR which directs Answering Respondent to move an application for grant of EC due to enhanced production is erroneous because the application for grant of EC is pending since 9th Feb 2006 with Respondent No. 1. The Answering Respondent has also provided copy of its letter dated 5th Feb 2014 based on which action is proposed for alleged enhanced production. The Answering Respondent reserves its rights to respond to this


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paragraph 36 upon receipt of copy of said letter from Respondent No.4.

56. The averments made in **paragraph 37 and 38** of JCR are contrary to each other. As per paragraph 37 credible action for alleged violation has been recommended vide letter dated 20th Nov 2020 of Respondent No. 1 while paragraph 38 correctly records that credible action for alleged violation had already been taken by Respondent No. 4 vide notice dated 4th May 2020. The Answering Respondent had already submitted its response to the said notice, vide letter dated 06/07/2020 contending amongst others, that charges levelled in the said notice are not maintainable.
57. In respect of the averments made in **paragraph 39** of JCR with regard to initiation of criminal proceedings U/s 200 of Cr. P.C. for offences U/s 17 -19 of Environment Protection Act, it is submitted that the notices to show cause issued by Respondent No. 4 in this regard, including notices on the alleged ground of mining without Air Consent and Water Consent, have yet not been finally adjudicated thereon until as on date. Hence recommendation to initiate criminal proceedings which in any case would be wholly unwarranted and in any case would be and is pre mature. The Answering Respondent reserves all its rights and remedies to contest such proposed criminal proceedings, before appropriate forum.

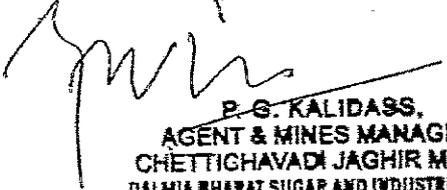


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58. The averments made in **paragraph 40** of the JCR is correct to the extent of orders dated 11th January passed by Hon'ble High Court of Madras in W.P. No. 29275/2016. With regard to direction contained in order dated 11.01.2022 in W.P.No. 29275/16, it is submitted that the Respondents therein were only required to conduct inspection and verify whether mining operations were done or not by verifying the statement made on behalf of the Petitioner as mentioned in the said order dated 11/01/202. The Answering Respondent reiterates its contention and stand as stated in order dated 11/1/2022 and confirms that it had already suspended their mining operations. The averments with regard to inspection of mining lease area of the Answering Respondent in pursuance of orders of this Hon'ble Tribunal has already been responded in above mentioned paragraphs.

It is prayed that this Hon'ble Tribunal may be pleased to take on record the above responses of the Answering Respondent and dismiss the Application, with costs and pass such further or other appropriate orders as this Hon'ble Tribunal may be deemed fit and proper in the facts and circumstances of the case and thereby render justice.

Solemnly affirmed before me on this
the 21st day of April, 2022 and
having signed his name in my presence


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BEFORE ME

From

Thiru.A.Balamurugan.,M.Sc.M.B.A,
Assistant Geologist/
Deputy Director (I/c),
Dept. of Geology and Mining,
Collectorate,
Salem-636 001.

To

Tvl. Dalmia Bharat Sugar and
Industries and Limited,
Salem.

Roc.45/2018/Mines A dated 11.12.2018.

Sir.,

Sub: Mines and Minerals - Salem District – Major Mineral – Magnesite lease granted to Tvl. Dalmia Bharat Sugar and Industries Limited, Salem – Salem Taluk-Chettichavadi Village - S.F.No.6(P) - over an extent of 531.75.0 Hectres - Magnesite and Dunite Production details requested - For obtaining MOEF Clearance – Details Furnished – Reg.

Ref: 1 G.O.Ms. No.74 Industries Department dated: 14.03.1997.

2 Tvl. Dalmia Bharat Sugar and Industries and Limited, Salem letter dated . 27.10.2018.

In the reference 1st cited, Mining lease was granted to Tvl. Dalmia Bharat Sugar and Industries and Limited, Salem for mining Magnesite in Salem taluk of Chettichavadi Village, S.F.No. 6(P) over an extent of 531.75.0 Hectres for a period of 20 years for a period of 20 years up to 19.08.2006. The second renewal application of Mining lease was forwarded to Government to the Commissioner of Geology and Mining, Chennai vide Rc No.980/2005/Mines-A, dated 20.01.2006. The Company was carrying out mining operation under the deemed

extension provisions contained in 24A(6) of Mineral concession rules 1960.

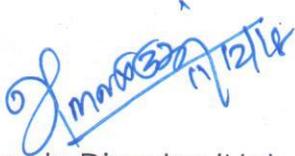
In the reference 2nd cited, Tvl. Dalmia Bharat Sugar and Industries and Limited has requested to furnish the production details of Magnesite of Tvl. Dalmia Bharat Sugar and Industries and Limited from 1979-80 to 2018-19 (upto Aug 2018) for obtaining clearance from MoEF.

In this connection, the production details of Magnesite and Dunite from 1979-80 to 2018-19 (upto Aug 2018) in respect of Tvl. Dalmia Bharat Sugar and Industries Limited as per pit mouth register is as follows.

Production details:

| Sl. No. | Year | Magnesite in M.T | Dunite in M.T |
|---------|-----------|------------------|---------------|
| 1 | 1979-80 | 96301.500 | Nil |
| 2 | 1980-81 | 120629.100 | Nil |
| 3 | 1981-82 | 130104.900 | Nil |
| 4 | 1982-83 | 85886.000 | Nil |
| 5 | 1983-84 | 114180.000 | 24.000 |
| 6 | 1984-85 | 119400.940 | 538.000 |
| 7 | 1985-86 | 104036.500 | 42.000 |
| 8 | 1986-87 | 92442.500 | 890.000 |
| 9 | 1987-88 | 92188.700 | 1137.000 |
| 10 | 1988-89 | 131801.200 | 2695.000 |
| 11 | 1989-90 | 138062.700 | 205.000 |
| 12 | 1990-91 | 139653.000 | Nil |
| 13 | 1991-92 | 140042.000 | Nil |
| 14 | 1992-93 | 151190.240 | Nil |
| 15 | 1993-94 | 53760.100 | Nil |
| 16 | 1994-1995 | 106724.420 | Nil |
| 17 | 1995-1996 | 96671.640 | 150.000 |
| 18 | 1996-1997 | 105983.460 | 60.000 |

| | | | |
|----|-------------------------------|------------|-----------|
| 19 | 1997-1998 | 102472.790 | 200.000 |
| 20 | 1998-1999 | 88041.010 | 1459.000 |
| 21 | 1999-2000 | 87357.840 | 1329.000 |
| 22 | 2000-2001 | 87932.880 | 0.000 |
| 23 | 2001-2002 | 66005.440 | 0.000 |
| 24 | 2002-2003 | 42187.428 | 1749.722 |
| 25 | 2003-2004 | 31432.453 | 1822.818 |
| 26 | 2004-2005 | 42374.484 | 1096.242 |
| 27 | 2005-2006 | 26887.140 | 7994.527 |
| 28 | 2006-2007 | 18671.430 | 2565.000 |
| 29 | 2007-2008 | 29554.628 | 1850.000 |
| 30 | 2008-2009 | 42227.866 | 1430.000 |
| 31 | 2009-2010 | 61738.768 | 13850.000 |
| 32 | 2010-2011 | 41698.568 | 5610.000 |
| 33 | 2011-2012 | 27482.870 | 3900.000 |
| 34 | 2012-2013 | 6651.081 | 15150.000 |
| 35 | 2013-2014 | 4124.538 | 9355.000 |
| 36 | 2014-2015 | 16596.206 | 47500.000 |
| 37 | 2015-2016 | 15038.052 | 37815.000 |
| 38 | 2016-2017 | 10343.074 | 11620.000 |
| 39 | 2017-18 | 3404.934 | 11720.000 |
| 40 | 2018-19 (upto Aug 2018) | 1167.487 | 131.000 |


 Deputy Director (I/c),
 Dept. of Geology and Mining,
 Salem.


 11/12/18


 11/12/18

- 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 |

37

| | |
|-------------------------------|-------------|
| Total Mining lease area (MLA) | 449.364 H.a |
|-------------------------------|-------------|

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. | 5.0 km – SW |
| | SH 188 – Salem – Yercaud. | 3.12km – SE MDR 696 |
| | Muthanaickanpatti Road (Salem) – | 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 |
|-------------------------|--------|-------------|--------|

| | | |
|------------|---|---------------|
| | | 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/TNPCB/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/TNPBC/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. |
|-----------|--|

16. Details of the EMP:

| S.No. | Description | Item | Amount (In Lacs) |
|-------|-------------|------|------------------|
|-------|-------------|------|------------------|

| | | | |
|--------------|--|---|---------------|
| 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 43rd EAC 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 |

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2. Project details:

| | | |
|---|---|------------------------------------|
| Name of the Proposal | Humdara-Ghodepaiwadi block of Bauxite Mine with the production capacity of 0.3 MTPA in the mining lease area of 120.48 ha | |
| Location | Village | Hamdara- Ghodepaiwadi |
| | Tehsil | Rajapur |
| | District | Ratnagiri |
| | State / UT | Maharashtra |
| | Latitudes | 16° 31'5.704"to16° 31'38.06" N |
| | Longitudes | 73° 23' 11.61" to 73° 24' 23.50" E |
| | SolTopo sheet No. | 47 H/6 |
| Company's Name | M/s.Gamma Iron India Ltd. | |
| Accredited Consultant and certificate no. | Mineral Engineering Services NABET/EIA/1922/RA0158 | |
| KML file | Submitted | |
| Seismic zone | II | |

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 |
| Mining lease Area | 120.48 ha |

4. ToR Details:

| | |
|------------------------------------|-----------------------------------|
| ToR Proposal No. | IA/MH/MIN/240932/2021 |
| Online application date for Form-I | 26.11.2021 |
| Documents Submitted | Form-I and Pre-Feasibility Report |
| Production capacity | 0.3 MTPA of Bauxite |
| Waste | 10,80,648 tonnes |

5. Lease Details:

| | | |
|------------------|-------------|--|
| Letter of Intent | In favor of | M/s. Gamma Iron India Ltd., Sindhudurg, has been declared as 'Preferred Bidder' in the e-auction process conducted by the Govt. of Maharashtra under Rule 9 (4) (b) (iii) of auction Rules |
| | Letter No. | MMN-0719/C.R.42(Part-4)/IND-9 |
| | Date | 13.09.2019 |
| | Area | 120.48 Ha |

Dalmia Bharat Sugar and Industries Limited

[Formerly : Dalmia cement (Bharat) Limited]
SALEM - 636 012 TAMILNADU

To, SL:MM:26150
The Member Secretary Date:31.01.2021
IA-Division, Ministry of Environment, Forest& Climate Change (Non
Coal Mines)
Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003.

Dear Sir,

Sub: Submission of letter seeking Amendment of TOR issued dated 05.02.2021 in accordance with recommendation and observation of Expert Appraisal Committee meeting held on 15.12.2021, Agenda Item no- 43.2.1-reg

Ref: (i) Our proposal No-IA/TN/MIN/241375/2018.
(ii) Minutes of Meeting of Expert Appraisal Committee held on 15th Dec 2021 Agenda Item No- 43.2.1 Observations& recommendations of the Committee.

Project Proponent in pursuance of ToR dated 5th Feb 2021 submitted its EIA & EMP Report. The said EIA and EMP report was considered by the Expert Appraisal Committee (EAC) in its 43rd meeting held on 15th December 2021.

EAC in its observations and recommendations contained in Item No. 18 of the minutes of said meeting observed amongst others that Project Proponent is required to revise its EIA and EMP in light of the observations contained in said Item No. 18 (1) to Item No. 18 (4) which are related to technical/ financial aspects of EMP. Project Proponent had complied with the said requirements and response in respect of the same is being tendered separately.

REGD. OFFICE : DALMIAPURAM(TAMILNADU) - 621 651.
HEAD OFFICE : HANSALAYA (11TH&12TH FLOORS)
15, BARAKHAMBIA ROAD, POST BOX 364
NEW DELHI - 110 001.

EAC in its observations and recommendations contained in Item No. 18 (5) of the minutes of said meeting also noted that Project Proponent has not been able to furnish *Valid Mining Lease Documents*, which is one of the conditions of ToR dated 5th Feb 2021.

Further upon the submissions of Project Proponent, EAC agreed to dispense with the requirement of *Valid Mining Lease Documents* and directed Project Proponent to seek amendment of ToR by submitting evidences related to certain facts [Item No. 18 (5) of the Minutes of Meeting], response of Project Proponent in this regard is as under:

| S.No | Observations and recommendations of EAC - Para 18 (5) of Minutes of Meeting dated 15.12.2021 | Responses of Project Proponent |
|------|---|---|
| 1 | <p>The Project Proponent Needs To Submit That Chettichavadi Jaghir Magnesite And Dunite Mine Is Owned By M/S. Dalmia Bharat Sugar And Industries Limited.</p> <p>The Instant Mine Lease Has Not Been Lapsed Currently</p> | <p>The lease hold rights over the mining lease is based on following documents</p> <ol style="list-style-type: none"> a. G.O M.S. No. 74 dated 11.03.1997 for the duration granting first renewal of mining lease for the period 20 August 1986 to 19th August 2006. A copy of the same is enclosed herewith as Annexure No-I. b. Application dated 11th July 2005 for second renewal of mining lease. A copy of the same is enclosed herewith as Annexure No-II. c. Deemed extension of mining lease up to 31st March 2030 in view of Sec 8 (A) (5) of MMDR Act. d. Last Transport permit dated 18.11.2019 issued by Mining Dept. A copy of the same is enclosed herewith as Annexure No-III. e. Mining operations have been temporarily suspended since January 2020 to await grant of EC. |

| | | |
|---|---|---|
| | | <p>An application had also been filed by Project Proponent with State Mining Dept. for extension the period of temporary suspension. The said application is also pending for disposal. Copy of notice of temporary submission and copy of application dated 14.07.2021 for extension of the period of temporary suspension is enclosed as Annexure No-IV (a) (b).</p> <p>f. The Review of Mining Plan approved by IBM Chennai Region for 5 years from 2021-22 to 2025-26 for Mining Magnesite and Dunite over an area of 449.364 Ha in respect of our Chettichavadi Jaghir Magnesite and Dunite Mines of Dalmia Bharat Sugar and Industries Ltd vide letter dated 30.03.2021. Copy of the letter is enclosed as Annexure No- V.</p> <p>Note - The application (dated 11th July 2005) for renewal of mining lease has yet not been disposed of by Mining Dept. The effect of delay in grant of EC on the mining lease is sub-judice in W.P. No. 835/2021 - Dalmia Bharat Sugar and Industries Ltd. Vs State of Tamil Nadu.</p> |
| 2 | <p>The Copy Of The Court Order Which Has Permitted M/S. Dalmia Bharat Sugar & Industries Limited To Continue Operation In The Absence Of Valid Extension Of Mine Lease By Department of Mines and Geology.</p> | <p>Copy of Interim Order dated 17th August 2006 in W.P. No. 25518/2017 passed by Hon'ble High Court of Madras is enclosed herewith as Annexure VI. The said order is still in force and Writ Petition is pending for disposal.</p> <p>Copy of Interim order dated 21st October 2016 in Writ No- 29275/2016 passed by Hon'ble High Court of Madras is enclosed herewith Annexure VII. This order remained in force till 11th Jan 2022.</p> |

It is further submitted that Project Proponent in Writ No, 29275 /2016 before Hon'ble High Court of Madras sought relief for issuance of Transport Permits by State Mining Dept. without insisting for grant of EC. In the said writ Madras High Court vide Interim Orders dated 21.10. 2016 directed State Mining Dept. to issue Transport Permit. The said writ has now been disposed vide orders dated 11th January 2022 with following observations

It is left open to the Petitioner-Company to submit all the required documents, including the Environmental Clearance Certificate issued by the Competent Authorities of the State, enabling the State Authorities to consider the case and take a decision and pass appropriate orders on merits and in accordance with law.

A copy of final order dated 11th Jan 2022 is enclosed herewith as **Annexure No-VIII.**

In view of the forgoing facts, above mentioned orders of High Court, read with Sec 8 (A) (5) of MMDR Act, it is most humbly submitted that mining lease of the Project Proponent is in subsistence as on date with deemed extension up to 31st March 2030 and submission of *Valid Mining Lease Documents* is not required to be considered a pre-condition for grant of EC.

It is therefore most respectfully prayed that requirement of submission of *Valid Mining Lease Documents* as contained in ToR be dispensed with and EC may be issued without insisting for *Valid Mining Lease Documents*.

Thanking You.

Your's Faithfully,
For Dalmia Bharat Sugar & Industries Ltd,



[Handwritten Signature]

P.G. Kalidass,
Agent & Supdt of Mines,

Chettichavadi Jaghir Magnesite and Dunite Mines.

Encl:
Annexure-I, II, III, IV, V, VI, VII, VIII.

- 9 APR 1997

GOVERNMENT OF TAMILNADU

ABSTRACT

Mines and Minerals - Mining Lease - Magnesite and Dunite - Salem Taluk and District - Chettichavadi village - over an extent of 1314 acres - First renewal of mining lease application of Tvl.Dalmia (Bharat) Limited - Grant of first renewal of mining lease - Orders - Issued.

INDUSTRIES (MMDI) DEPARTMENT

G.O.Ms.No.74.

Dated the 11th , March 1997.

Read:

1. G.O.Ms.No.903, Industries, Labour and Cooperation Department, dated 25.2.1966.
2. Mining lease renewal application of Tvl.Dalmia Cements (Bharat) Limited, dt. 20.4.1983 and 27.6.1989.
3. From the Collector of Salem District, letter D.Dis.No. 376/83, dated 22.11.1983.
4. From the Director of Geology and Mining, letter No.20117/B3/83, dated 20.8.1984.
5. Government letter No.64647/MMDI/81-29, dated 24.11.1984.
6. G.O.Ms.No.801, Industries Department, dated 26.6.1976.
7. Mining Lease renewal application of Tvl.Dalmia Cements (Bharat) Limited, dt.16.8.1983, and 12.5.1989.
8. From the Collector of Salem District, letter D.Dis.No.2467/85(A) dated 17.3.1986.
9. From the Director of Geology and Mining, letter No.20722/B4/85, dated 27.5.1986.
10. From the Collector of Salem District, letter No.K.Dis. 2552/88, dated 15.6.1989.
11. From the Director of Geology and Mining, letter No.19585/B4/88, dated 12.7.1989.

ORDER:

In G.O.Ms.No.903, Industries, Labour and Cooperation Department dated 25.2.1966, a mining lease for magnesite over an extent of 1418.97 acres in S.No.6 (poramboke unassessed waste, dry) of Chettichavadi village, Salem taluk and District was sanctioned to Tvl.Dalmia Cements (Bharat) Limited for a period of 20 years. The lease deed was executed on 20.8.1966 and hence the lease period expired on 19.8.1986.

2. Tvl. Dalmia Cements (Bharat) Limited, has applied for grant or first renewal of mining lease over the above said area for a period of 20 years. The Collector of Salem District and the Director of Geology and Mining have forwarded the mining lease renewal application in 1984 itself. At that period, Tamilnadu Magnesite had a proposal for a Chemical Beneficiation Plant

and hence wanted part of the area to be given to them. Based on their request Director of Geology and Mining, suggested that 3/5th of the area viz. 531.72 hectare (851.40 acres) alone may be renewed to M/s Dalmia Cements. However, Government gave an assurance in Government letter No.64647/DI/81-25, dated 24.11.1984 that the mining lease would be renewed for a further period of 20 years. But when the renewal was not granted from 1986, M/s Dalmia Cements filed a W.P.No.12358/86 in High Court for directing Government to grant the renewal and also not to interfere with the rights of the company in the entire leasehold area. The High Court in its order dated 17.11.1986 issued interim injunction, which was later made absolute on 23.7.1987. M/s Dalmia Cements is continuing mining operation based on the court order.

3. In the meanwhile in G.O.Ms.No.801, Industries, dated 26.6.1976 another mining lease for Dunite was granted to Tvl.Dalmia Cements Limited, Tiruchirappalli, over an extent of 1386.36 acres in S.No.6 of Chettichavadi village, Salem taluk, Salem District for a period of 10 years. Subsequently, the actual extent was amended as 1314.00 acres in Government letter No.87124/D1/76-4, dated 1.8.1987. The lease deed was executed on 12.9.1977. The applicant firm has filed its first renewal application in time. The Collector, Salem has forwarded the renewal mining lease application of the applicant to the Government for taking a decision according to the present policy of the State Government. The Director of Geology and Mining has requested the Government to consider the renewal application for dunite while disposing of the application of the firm for Magnesite since the area is one and the same for both the minerals.

4. The renewal applications for both magnesite and dunite were not processed in Government in view of Writ Petition pending in High Court. The company filed another W.P.No.7531/87 for grant of renewal for dunite and High Court ordered disposal by 15.9.1987. As both magnesite and dunite occur together, Government felt that the Court's decision on the earlier Writ Petition may be awaited.

5. The present position is that, though the lease is not renewed, Tvl.Dalmia Cements (Bharat) Limited is enjoying the benefit of renewal for the last 10 years. The Government after careful examination of the mining lease renewal applications for magnesite and Dunite of Tvl.Dalmia Cements (Bharat) Limited, with reference to the recommendation of the Collector of Salem and the Director of Geology and Mining, have decided to grant first renewal of mining lease for Magnesite and Dunite and make them Co-terminus over an extent of 1314 acres of land in S.No.6, of Chettichavadi village, Salem District, classified as unassessed dry waste, for a period of 20 years from 20.8.1986 to 19.8.2006 subject to the condition that all the dues to Government including surface rent from the date of deemed renewal (20.8.1986) should be paid at the time of execution of lease deed.

6. In exercise of the powers conferred under section 10(3) of Mines and Minerals (Regulation and Development) Act 1957 (Central Act 67 of 1957) the Governor of Tamilnadu hereby sanction the grant of first renewal of mining lease for magnesite and Dunite over an extent of 1314 acres (to make them Co-terminu in SF.No.6 of Chettichavadi village, Salem taluk, Salem District for a period of 20 years with effect from 20.8.1986 to 19.8.2006 subject to the condition that all the arrears of revenues and other dues to Government from the date of deemed renewal (20.8.1986) should be paid at the time of execution of the lease deed and other usual conditions mentioned in the Appendix to this order.

7. The rates of royalty dead rent and surface rent shall be as follows:

Royalty:

Magnesite - Rs.25/- (Rupees twenty five only) per tonne.

Dunite - 12% (Twelve percent of sale price at pits mouth.

Dead Rent

First year of lease : NIL

Second year to fifth:Rs. 30/- (Rupees thirty) per hectare
year of lease. per annum

Sixth year to tenth : Rs. 60/- (Rupees sixty only) per hectare
year of lease. per annum

Eleventh year of :Rs.90/- (Rupees ninety only) per hectare
lease and onwards. per annum

Surface rent

Annual rent for the surface right shall be paid at the rate fixed by the District Collector, Salem District in addition to the land revenue and other cesses.

Water rate:

As such rates as land revenue and other cesses assessable on the land shall be paid.

8. The applicant firm shall deposit as security for the due observance of terms and conditions of the lease, a sum of Rs.2,000/- (Rupees two thousand only) as prescribed in rule 32 of Mineral Concession Rules, 1960 before the lease deed is executed.

9. The terms and conditions specified in the appendix to this order are subject to further modifications, additions and alterations as may be included in the lease deed when finalised.

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10. The District Collector, Salem District is requested to take necessary further action for execution of the lease deed in the prescribed form after satisfying the requirement mentioned in para 6 above. As soon as the deed is executed, the date of such execution should be reported to Government and the Director of Geology and Mining. The Collector is also requested to ensure compliance by the lessee of amended provisions of Mines and Minerals (Regulation and Development) Act 1957 and Mineral Concession Rules, 1960 and other Acts and Rules including the Forest (Conservation) Act 1980 before the lease deed is executed.

(BY ORDER OF THE GOVERNOR)

P.C. CYRIAC,
SECRETARY TO GOVERNMENT.

To
The Director of Geology and Mining,
Guindy, Chennai-32.

The Collector of Salem District, Salem.

✓ Tvl. Dalmia Cements (Bharat) Limited,
Dalmiapuram, Tiruchirappalli Perumbidugu
Muthurayar District, Tiruchirappalli.

The Secretary to Government of India,
Ministry of Mines,
Department of Mines,
Shastri Bhavan,
New Delhi 110 001.

The Regional Controller of Mines,
Indian Bureau of Mines,
C₁A- CGO Complex, Rajaji Bhavan,
Besant Nagar, Chennai-90.

Copy to: The Industries (OP.2) Department, Chennai-9.

SC/SF

//FORWARDED / BY ORDER//

mk/19/3

[Handwritten signature]

[Handwritten signature]
SECTION OFFICER.

[Handwritten signature]
24/3

Salem - 636 012.

Tamil Nadu, India.

☎ : 91 (427) 448450
 Grams : DALMAGSITE
 Telex : 0450 - 202 DC SL IN
 Fax : 91 (427) 447998

The Secretary to the Government
 Industries (MMDI) Department
CHENNAI: 600 009

SL:GO:55200(1)
 July 11, 2005

Thro' The District Collector, Salem.

Sir,

We are submitting the application form in Form J in ^{triplicate} ~~duplicate~~ under Rule 24A of MCR 1960 for renewal of the part of the Mining Lease over an area of 449.364 hectares for mining Magnesite and Dunite in the S.F.No. 6 classified as unassessed dry waste in the Chettichavadi village, Salem Taluk and District, granted through the G.O. Ms. No.74 dated 11th March 1997 by Industries (MMDI) Department.

We have enclosed along with the application form all the required particulars and documents in Annexures, Figures and the Mining Scheme volumes approved by the COM (SZ) IBM, Bangalore as shown hereunder for your scrutiny and kind consideration.

List of Annexures, Figures and volumes enclosed herewith:

01. State Bank of India challan No.051002 dated 27.06.05 - Annexure - I, in duplicate
02. Attested copy of the certificate of Incorporation No.8 of 1951 - 1952 - Annexure - II, in duplicate
03. Mining dues clearance certificate for Dalmia Cement (Bharat) Ltd., - Annexure - III, in duplicate
04. Mining dues clearance certificate for Dalmia Cement (Bharat) Ltd., C/o. Dalmia Magnesite Corporation - Annexure IV, in duplicate
05. Affidavit that upto date income tax returns are filed and income tax is paid - Annexure V, in duplicate
06. Affidavit that upto date income tax returns are filed and income tax is paid issued by the Company Secretary of Dalmia Cement (Bharat) Ltd., - Annexure VI, in duplicate
07. Affidavit supporting the status of Mining Leases - Annexure VII, in duplicate

:: 2 ::

08. G.Os. for grant of Mining Leases / Renewal of Mining Leases, in duplicate
Magnesite & Dunite Minerals Mining Lease in Tamil Nadu.
- (a) G.O.Ms.No.74 dated 11th March 1997 – Annexure VIII
- Limestone Mineral Mining Leases in Tamil Nadu.**
- (b) G.O. Ms. No. 534 Industries Department dated 27th August 1998 – Annexure IX.
- (c) RC No. 17783/MM4/2002 dated 27.01.2004 – Annexure X.
- (d) RC No.14812/MM4/2003 dated 25.05.2005 – Annexure XI
- (e) G.O.Ms.No.2802 Department of Industries, Labour and Co-operated dated 31st May, 1965– Annexure XII.
- (f) G.O.Ms. No.262 Industries (MMA2) Department dated 15.11.1995 – Annexure XIII.
- (g) G.O.Ms. No.263 Industries (MMA2) Department dated 15.11.1995 - Annexure XIV.
- (h) G.O.Ms.No. 2 Industries (MMA2) Department dated 05.01.93 – Annexure XV.
- (i) G.O.Ms. No.258 Industries (MMA2) Department dated 14.11.1995 – Annexure XVI
- (j) G.O.(3D)No.1 Industries (MMA2) Department dated 08.01.2002 – Annexure XVII
09. General Power of Attorney of the Whole Time Director Shri N.Gopalaswamy – Annexure XVIII
10. Plan showing surrender of part Mining Lease areas to be surrendered.-Fig.No.I
11. Plan showing the area applied for renewal of Mining Lease. Fig. No.II

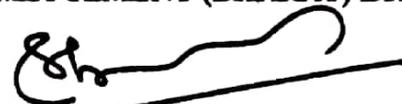
:: 3 ::

12. Approved copy of the Mining Scheme with a volume containing plans & Sections in Plates.
13. Approved copy of the Progressive Mine Closure Plan with a volume containing Plans & Sections in Plates.

We now request your goodselves to grant the renewal of the part of the Mining Leasehold over an extent of 449.364 hectares and do the needful.

Thanking you,

Yours faithfully
for DALMIA CEMENT (BHARAT) LTD.,



S. VEERARAGHAVAN
GENERAL MANAGER

Encl : as above.

ktr:

FORM J
APPLICATION FOR RENEWAL OF MINING LEASE
 - in duplicate -
 (Rule 24 A)

To

The Secretary to the Government
 Industries (MMDI) Department
 CHENNAI : 600 009

Through : The District Collector, Salem

Sir,

We request for renewal of our mining lease under the Mineral Concession Rules, 1960. (A sum of Rs.2,500/- being the application fee payable under sub-rule (3) (i) (a) of rule 22 of the said rules has been deposited. State Bank of India , Salem Challan No. 051002 dt. 27.06.2005 is enclosed.

2. The required particulars are given below :

- | | | |
|-------|--|---|
| (i) | Name of the applicant with complete address: | Dalmia Cement (Bharat) Ltd., C/o Dalmia Magnesite Corporation Salem : 636 012 |
| (ii) | Is the applicant a private individual/private company/ public company/firm or association ? | A public limited company |
| (iii) | In case the applicant is - | Not applicable |
| | (a) an individual, his nationality | An attested copy of the Certificate of Incorporation of the Company is enclosed. |
| | (b) a company, an attested copy of the certificate of registration/incorporation shall be enclosed) | Not applicable |
| | (c) a firm or association, the nationality of all the partners of the firm or members of the association | Not applicable |
| (iv) | Profession or nature of business of the applicant | Mining of Magnesite & Dumite Minerals. Manufacture of Dead Burnt Magnesite/ Monoliths & Magnesia Carbon Refractory Bricks |

- (vi.a) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed)
- No. ROC 512/2005/Mines-A/dated 26.4.05 (copy enclosed)
- (vii) an affidavit, that up-to-date Income tax returns, as prescribed under the Income Tax Act, 1961, have been filed, and the tax due, including the tax on account of self-assessment has been paid)
- An affidavit that up-to-date income tax returns filed and the tax due has been paid, dated 8th April, 2005 is enclosed
- (viii(a) Particulars of the mining lease of which renewal is desired.
- An extent of 1314 acres (531.98 ha) land in S.No.6 of Chetti Chavadi Village, Salem Taluk & District, classified as unassessed dry waste, mining lease expiring on 19.8.2006. Presently the company desires to apply for renewal of mining lease over an area of 449.364 ha. and surrender part lease areas measuring 82.616 ha. as shown in the enclosed Survey Plans.
- (b) Details of previous renewal granted, if any
- Renewal of Mining Lease sanctioned in G.O.Ms. No. 74 Industries (MMDI) Dept. dated 11th March, 1997. Govt. of India Lr.No.24159/MMDI/91-2 dt. 9.12.97 and Govt.(Industries Dept) Lr.No.5036/MMDI/98-1 dt. 12.3.98
- (ix) Period for which renewal of mining lease is required
- Renewal of Mining Lease is required for 20 years from 20.8.2006
- (x) Whether renewal is applied for the whole or part of the Leasehold
- Renewal of Mining Lease is applied for part of the leasehold i.e.449.364 ha.
- (xA) (a) Does the applicant continue to have surface rights over the area of the land for which he requires renewal of the mining lease.
- The leasehold area is classified as unassessed dry waste, owned by the Government.
- (b) If not, has he obtained the consent of the owner and occupier for undertaking mining operations. If so, the consent of the owner and occupier of the land obtained in writing be filed.
- Not applicable

- (xB) Particulars of the areas mineral-wise in each State duly supported by affidavit for which the applicant or any person joint in interest with him.
- Status of Mining Leases applied /held by Dalmia Cement (Bharat) Ltd. in Tamilnadu as on 1.6.05 supported by an affidavit are enclosed :
- (a) already holds under mining lease : 1581.660 acres
- (b) has already applied for but not granted; or 2095.360 acres
- (c) being applied simultaneously Nil
- (xC) a mining plan which shall include -
- (a) the plan of the area showing the nature and the extent of the mineral body, spot or sports where the excavation is to be done in the first year and its extent, a detailed cross-section and detailed plan of spot(s) of excavation passed on prospecting data gathered by the applicant, a tentative scheme of mining (for the first five years of the lease.)
- The Mining Scheme approved by the Controller of Mines (SZ), IBM, Bangalore vide letter No. TN/SLM/MG/MS -170 /SZ dt. 18.9.2003 and the Progressive Mine Closure Plan, a component of the Mining Scheme approved by the Controller of Mines (SZ), IBM, Bangalore vide letter No. TN/SLM/MG/MS-170 / SZ dt. 27.10.2004, incorporating all the required particulars and the plans and sections in plates valid upto the date of lease expiry i.e. 19.8.2006 are enclosed herewith.
- (b) the details of geology and lithology of the area, the extent of manual mining and through machines //do//
- (c) annual program and plan for excavation (for five years) and //do//
- (d) the plan of the area showing natural water courses; limit of reserved and other forest areas and density of trees, assessment of impact of mining activity of Forest, Land surface and Environment including air and water pollution, and details of the scheme for afforestation, land reclamation, use of pollution control devices). //do//
- (xD) Is the mineral going to be used in his own industry ? So give full details, (for " own industry " See Explanation under Rule 24B)
- Yes, the Raw Magnesite produced from the Chetti Chavadi Jaghir Mines is entirely for self consumption in our own plant for the manufacture of Dead Burnt Magnesite, which in turn is used for manufacture of Refractory monoliths, Magnesia Carbon Bricks and high thermal Shock resistant magnesite bricks in our Plant

- (xi) In case the renewal applied for is only for part of the leasehold :
- (a) the area applied for renewal 449,364 ha. of land
- (b) description of the area applied for renewal (description should be adequate for the purpose of demarcating the plot)
- LOCATION OF THE AREA**
- The mining leasehold area is situated in the Chetti Chavadi village in Salem District in the Registration District of SALEM Sub-District and Thana SALEM bearing cadastral Survey No.6. The Chettichavadi village forms part of the Chalk Hills of Salem and is located between Latitudes 11° 43'15" and 11°44'30", Longitudes between 78° 07'00" & 78° 08'20" and falling within the limits of Survey of India Topo Sheet No. 58 I/2. The leasehold area lies to the East of Karunkaradu. To the south of this area lies the Nagaramalai Reserve Forest. The northern boundary of the lease area coincides with the limits of the Kurumbapatti Reserve Forest lying at the South Western foot of the Shevaroy Hills. In the North, adjoining this area lies the mining lease area of Tamil Nadu Magnesite Ltd. and in the West lies the Mining Lease area of Burn Standard Company Ltd.
- (c) particulars of map of the leasehold with area applied for renewal clearly marked on it (attached) Map enclosed
- (d) particulars of existing or created dumps of ore, if any. The existing stock of Raw Magnesite ore as on 01.07.2005 is 199282.124 tonnes
- (xii) Means by which the mineral is to be raised, i.e. by hand, labour or mechanical or electric power. Mining by semi-mechanised method
Ore collection, dressing & stacking are done manually. Drilling, dozing, spoil removal are carried out by heavy earth moving machinery.
- (xiii) Manner in which the mineral raised is to be utilised :
- (a) for manufacture in India - For Dead burning in Rotary kilns either by feeding direct or through Ore Beneficiation Plant
- (b) for exports to foreign countries -

(c) in the former case the industries in connection with which it is required, should be specified. In the latter case, the countries to which the Mineral will be exported and whether the mineral is to be exported after processing or in raw form should be stated.

It is required in

- (i) Refractory industry
- (ii) Cement industry
- (iii) Chemical industry
- (iv) Ferro Chrome industry
- (v) Dunite is used in Refractory industry and in Foundry as olive sand.

(xiv) Details of output during the last Three years and phased program for production during the next three years along with a layout plan for development, if any.

Output during the past 3 years

| | <u>Raw Magnesite (MT)</u> | <u>Dunite (MT)</u> |
|-----------|---------------------------|--------------------|
| 2002-2003 | 42187 | 1749 |
| 2003-2004 | 31431 | 1823 |
| 2004-2005 | 42081 | 96 |

Production program for the next 3 years

| | | |
|-----------|--------|------|
| 2005-2006 | 42,500 | 3000 |
| 2006-2007 | 42,500 | 3000 |
| 2007-2008 | 60,000 | 3000 |

Layout plans for development enclosed.

(xv) In case of coal, details of existing railway transport facility available and additional transport facility, if any, required.

Not applicable.

(xvi) Any other particulars which the applicant wishes to furnish Nil

We do hereby declare that the particulars furnished above are correct and are ready to furnish any other details, including accurate plans as required by you before the Grant of renewal of the lease.

Yours faithfully

For Chetti Chavadi Jaghir Magnesite Mines
Of Dalmia Cement (Bharat) Limited



Signature and designation of the
Applicant

N. GOPALASWAMY
Whole Time Director
DALMIA CEMENT (BHARAT) LTD.
DAMBURAH-621 621
DIST. TRICHY (TAMILNADU)

Place: Salem-12,

Date: 06-07-2005

N.B : If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached).

Dalmia Cement (Bharat) Ltd

Salem - 636 012.

Tamil Nadu, India.

☎ : 91 (427) 23456
 Grams : DALMAGSITTE
 Telex : 0450 - 202 DC SL II
 Fax : 91 (427) 23456

-In Triplicate-

The Secretary
 Industries (MMDI) Department
 Govt. of Tamilnadu
CHENNAI : 600 009

SL:GO:55200 (1)
 July 11, 2005

Thro' : The District Collector, Salem.

Sir:

Sub : Submission of our proposal to surrender part lease area of 82.616 hectares out of the total 531.98 hectares of the Chettichavadi Jaghir Mines Lease area in S.F.No.6 of Chettichavadi village, Salem Taluk & District, Tamilnadu.

We submit to state that as per Government Order in G.O.No.74, Department of Industries Labour and Co-operation dated 11th March, 1997, we, Dalmia Cement (Bharat) Limited, Dalmiapuram and having our Head Office at 11th & 12th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi - 110 001, were granted with renewal of mining lease for a period of 20 years from 20.08.1986 to 19.08.2006 for mining Magnesite and Dunite Minerals over an extent of 531.98 hectares (1314 acres) in S.F.No.6 of Chettichavadi village, Salem Taluk and District, Tamilnadu.

Out of the total mining lease area of 531.98 hectares, presently we have applied for renewal of part mining lease area over an extent of 449.364 hectares only in Form J under Rule 24A of MCR 1960 vide our letter even dated for mining Magnesite and Dunite.

Assistant Director
 of Geology & Mining
 SALEM - 636 007.

We also submit hereby our proposal to surrender part lease area measuring 82.616 hectares as detailed hereunder:

(a) Part mining lease area in 'C' Block on the north:

A portion of the area demarcated on the northern most part of the lease area measuring 61.80 hectares is proposed to be surrendered for the following reasons:

- (i) Mineral reserves have been removed upto the level of 360 m.RL above MSL. Further, it is not possible to win the ore economically due to very poor ore availability in this part.
- (ii) In the central and eastern parts of the area there are non ore bearing areas.
- (iii) On the northern and western sides it has common boundaries with the Tamil Nadu Magnesite limited mining area and Burn Standard Company Limited mining area respectively. It is not possible to carry out mining operations in these directions as we have reached the safe limits by maintaining prescribed bench heights. Further, we are constrained to mine deeper until upper benches are extended beyond the common boundaries which is not feasible for us.

(b) Part mining lease area in the 'B' Block on the east:

A portion of the area demarcated on the eastern border of the lease area measuring 1.93 hectares marked as b(i) being developed by the local village panchayat as a pond for irrigation purpose and another portion of the land which is devoid of ore and under encroachment by the local villagers measuring 2.93 hectares marked as b (ii) totalling 4.86 hectares of land is proposed to be surrendered for the following reasons:



-3-

(i) These areas are not useful for our mining activities.

(c) Part mining lease area in 'A' Block on the west:

A portion of the area demarcated on the western most part of the lease area measuring 15.147 hectares is proposed to be surrendered for the following reasons:

- (i) Major portions of this area are non-ore or very low ore bearing areas and hence ore availability is very poor.
- (ii) In the western most part, the top benches have already been pushed to the ultimate limits by maintaining prescribed bench heights and widths. We cannot push the benches on the north into the adjoining Burn Standard company area also since the lease area is very very narrow here.

(d) Part Mining Lease area in MT Block in the South:

A portion of the land on the eastern border of the MT Block under encroachment by local villagers for long measuring 0.809 hectare is proposed to be surrendered for the following reasons:

- (i) The area is under encroachment by the local villagers since long.
- (ii) The area is totally barren and is devoid of any ore.
- (iii) The area is very narrow and will not be useful for our mining activities.



-4-

Totally the Company proposes to surrender 82.616 hectares.

| <u>Block</u> | <u>Demarcation</u> | <u>Area</u> |
|--------------|--------------------|-----------------|
| C. Block | (a) | 61.80 hectares |
| B. Block | b (i) | 1.93 hectares |
| | b (ii) | 2.93 hectares |
| A. Block | (c) | 15.147 hectares |
| MT Block | (d) | 0.809 hectares |
| TOTAL | | 82.616 hectares |

Area proposed to be applied for
Mining lease renewal 449.364 hectares

Total lease area at present 531.980 hectares
Please see part mining lease area surrender plan enclosed.

We now request your goodselves to accept our proposal to
surrender part lease area over 82.616 hectares and grant
renewal of the part of the mining lease hold over an extent
of 449.364 hectares.

We are enclosing herewith a SBI receipt PTN NO.73 dt 19.7
for an amount of Rs. 2000/- towards deposit amount.
Kindly do the needful.

Thanking you,

Yours faithfully
For Chettichavadi Jghir Magnesite Mines
Of Dalmia Cement (Bharat) Limited

N. Gopalaswamy

Signature and designation of the
Applicant.

N. GOPALASWAMY
Whole Time Director
DALMIA CEMENT (BHARAT) LTD.
DALMIA PURAM-621 021
DIST. TRICHY (TAMILNADU)

Place : Salem-12,

Dated : 11.7.2005.

Encl as above



FORM - DReceipt of application for renewal of mining leaseSee rule 23(4)GOVERNMENT OF TAMIL NADU

Roc.980/2005/Mines-A/

Dated: 11-7-2005.

Received the application with the following .
enclosures for renewal of mining lease of Tvl. Dalmia
Cement (Bharat) Limited, C/o. Dalmia Magnesite Corporation,
Salem-636 012 on 11-7-2005 for about 449.36.4 hectares of
poramboke land located in S.F.No. 6 of Chettichavadi
village, Salem Taluk, Salem District for mining Magnesite
and Dunite.

Enclosures:

- 1) Application in Form-J in triplicate
- 2) Chalan for Rs.2500/- remitted at S.B.I.Salem on 27-6-2005
- 3) Attested copy of the Certificate of Incorporation No.8,
of 1961-1952
- 4) Mining dues clearance Certificate for Dalmia Cement
(Bharat)Limited issued by the Collector, Trichirapalli.
- 5) Mining Dues clearance certificate for Dalmia Cement
(Bharat) Limited issued by the Collector, Perambalur.
- 6) Mining dues clearance certificate for Dalmia Cement
(Bharat)Limited issued by the Collector, Salem.
- 7) Affidavit that upto date income tax returns are filed
and income tax is paid .
- 8) Affidavit that upto date income tax returns are filed
and income tax is paid issued by the Company Secretary
of Dalmia Cement (Bharat)Limited.
- 9) Affidavit supporting the status of Mining leases.
- 10) G.Os for grant of mining leases/renewal of mining lease
1. G.O.Ms.No.74, dated 11-3-1997.- Magnesite & Dunite.

P.T.O.

Limestone Mineral Mining leases in TamilNadu.

ii. G.O.Ms.No.534, Industries, dated 27-8-1998.

iii. ~~Ex~~ Commissioner's Proceedings Rc.No.17783/
MM4/2002/dated 27-1-2004.

iv. Director's Proceedings Rc.No.14812/MM4/2003
dated 25-5-2005.

v. G.O.Ms.No.2802, Industries & Labour and Co-operate
dated 31-5-1965.

vi. G.O.Ms.No.262, Industries (MMA2)Department,
dated: 15-11-1995.

vii. G.O.Ms.No.263, Industries (MMA2)Department,
dated: 15-11-1995.

viii. G.O.Ms.No. 2, Industries (MMA2) Department,
dated: 5-1-93.

ix. G.O.Ms.No.258, Industries (MMA2)Department,
dated: 14-11-1995.

x. G.O.(3D)No.1, Industries (MMA2) Department,
dated: 8-1-2002.

11. General Power of Attorney of the Whole Time Director
Shri N. Gopalaswamy.

12. Plan showing surrender of part Mining lease areas
to be surrendered.

13. Plan showing the area applied for renewal of
mining lease.

✓ 14. Approved copy of the Mining Scheme with a volume
containing plans & Sections in Plates.

✓ 15. Approved copy of the Progressive Mine Closure Plan
with a volume containing Plans & Sections in Plates.

Place: Salem

Date : 11-7-2005,

FOR COLLECTOR, SALEM.

To

11.7.2005
Tvl. Dalmia Cement (Bharat) Limited,
C/o. Dalmia Magnesite Corporation,
Salem-636 012.

11/7/05



Industries (MMAI) Department,
Secretariat, Chennai-600 009.

Letter (Ms) No.191/MMAI/2011 Dated: 29.12.2011

From
Dr.N.SundaraDevan, I.,A.S.,
Principal Secretary to Government.
To
M. Dalmia Bharat Sugar and Industries Limited
Dalmiapuram, 621 651
Tiruchirappalli District.

Sir,

Sub: Industries - Mines and Minerals - Major Minerals-M/s. Dalmia Bharat Sugars and Industries Limited (formerly Dalmia Cement Bharat Limited) - Change of name of Company-Taken on Record-Orders-Issued.

Ref: 1. From Commissioner of Geology and Mining, letter No.8491/MMS/2011, dated 20.10.2011.
2. High Court, Chennai order dated 8.12.2011 W.P.Nos.25518 & 25519/2006 and Contempt Petition No.1849/2011
3. The Company Secretary, Dalmia Bharat Sugar and Industries Limited, Letter dated 12.12.2011 & dated 20.12.2011.

I am directed to refer to your letters third cited and to inform that the change of name of M/s. Dalmia Cement (Bharat) Limited into M/s. Dalmia Bharat Sugars and Industries Limited has been 'taken on record' by the Government.

2. The receipt of this letter may be acknowledged.

Yours faithfully,

M. Sundara Devan
2.1.2012
for Principal Secretary to Government

Copy to:
The Advocate General,
High Court,
Chennai 104.
The Commissioner of Geology and Mining,
Guindy, Chennai 32.
The District Collector, Salem.



Sundara Devan
2/11/14

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twenty First day of October Two Thousand Sixteen

PRESENT

THE HON'BLE MR. JUSTICE T. S. SIVAGNAMAM

WP.No.29275 of 2016

and WMP.25308/2016

M/S. DALMIA BHARAT SUGAR & [PETITIONER IN BOTH THE PETITIONS]
INDUSTRIES LTD, (PREVIOUSLY KNOWN AS
DALMIA CEMENT (BHARAT) LTD.,) A
COMPANY INCORPORATED UNDER THE INDIAN
COMPANIES ACT 1913, HAVING ITS REGISTERED
OFFICE AT DALMIAPURAM DISTRICT, TIRUCHIRAPALLI
TAMILNADU, INTER ALIA, CARRYING ON BUSINESS
UNDER THE NAME AND STYLE OF DALMIA
MAGNESITE CORPORATION AT SALEM,
TAMILNADU 636 012 REP BY ITS
MANAGING DIRECTOR, MR. JAI HARI DALMIA

vs

1 THE STATE OF TAMIL NADU [RESPONDENTS IN BOTH THE PETITIONS]
REP. BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES LABOUR AND
CO-OPERATION, FORT ST. GEORGE,
CHENNAI-9.

2 THE SECRETARY
INDUSTRIES DEPARTMENT (MMDI) &
(MMCI), FORT ST. GEORGE,
CHENNAI-9.

3 THE COMMISSIONER
DEPARTMENT OF GEOLOGY AND
MINING, GUINDY INDUSTRIAL ESTATE,
CHENNAI-32

4 THE DEPUTY DIRECTOR,
GEOLOGY AND MINING,
COLLECTORATE COMPLEX,
SALEM

5 THE DISTRICT COLLECTOR,
SALEM-636 001.

AZ 0099229

Writ Petition under Article 226 of the Constitution of India praying that in the circumstance stated therein and in the affidavit filed therewith the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order direction of like nature

(i) Forbearing the respondents from interfering with the mining operations of the petitioners in the petition Schedule Premises and directing the respondents to continue to issue permits to excavate minerals namely Magnesite and Dunite on payment of the requisite royalty and without insisting on an Environmental Clearance Certificate (in WP.No.26275/2016) and;

(ii) To pass an order of ad interim injunction, restraining the respondents, their men, agents and servants from interfering with the mining operations of the petitioners in the petition Schedule Premises and to continue to issue permits to remove the excavated minerals namely Magnesite and Dunite on payment of the requisite royalty, (in WMP.25308/2016) pending disposal of the above WP.29275/2016 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.T.POORNAM AND MR.RAHUL BALAJI, Advocate for the petitioner in both the petitions and of MR.V.AYYADURAI, AAG ASST. BY MR.S.DIWAKAR, Special Government Pleader on behalf of the Respondents the court made the following order:-

Heard Mr.T.Pooranam, and Mr.Rahul Balaji, learned counsels appearing for the petitioner and Mr.S.Ayyadurai, learned Additional Advocate General assisted by Mr.S.Diwakar, learned Special Government Pleader appearing for the respondent.

2. The petitioner seeks for issuance of a Writ of Mandamus, to forbear the respondents from interfering with the mining operations of the petitioner in the petition schedule premises and to direct the respondent to continue to issue permits to excavate minerals namely Magnesite and Dunite on payment of the requisite royalty and without insisting on an Environmental Clearance Certificate.

3. The controversy, which has arisen in this case leading to the filing of the Writ Petition, is on account of the fact that the minerals which were subject matter of the quarrying done by the petitioner, have now been notified as a minor mineral. Pursuant to an ordinance promulgated on 12.01.2015, wherein Section 8A of the Mines and Minerals (Development and Regulation), was brought into vogue and since on and from the said date, the minerals in the schedule were declared to be minor minerals vide notification, dated 10.02.2015, which were hitherto major minerals.

AZ 009923

4. The larger issue, which is canvassed in this Writ Petition, has to be decided after the respondents file their counter affidavits including the Central Government whose stand is very relevant while deciding the relief that can be granted to the petitioner, but however in the interregnum, on account of the notification issued, the petitioner is unable to transport the mined minerals and therefore, they sought for an interim prayer.

5. Though the learned Additional Advocate General would submit that the issue, whether such permits can be granted without obtaining the Environment Clearance Certificate, has to be considered in the main Writ Petition and the current problem has arisen only on account of the fact that minerals in question have been declared to be minor minerals. Therefore, till the matter is heard and decided, the respondent should not refuse to issue transport permits.

6. Accordingly, till the Writ Petition is finally heard, there will be a direction to the concerned respondents to continue to issue transport permits to remove the excavated minerals, as was done hitherto until further orders.

Admit. Issue Rule Nisi.

Call for records returnable by 18.11.2016.

Post the main Writ Petition on 18.11.2016.

-sd/-

21/10/2016

/ TRUE COPY /

[Signature] 4-11-16
 Sub-Assistant Registrar (Statistics / C.S.)
 High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT,
 GOVERNMENT OF TAMIL NADU, DEPARTMENT OF
 INDUSTRIES LABOUR AND CO-OPERATION,
 FORT ST. GEORGE, CHENNAI-9.

2 THE SECRETARY
 INDUSTRIES DEPARTMENT (MMDI) & (MMCI),
 FORT ST. GEORGE, CHENNAI-9.

3 THE COMMISSIONER
 DEPARTMENT OF GEOLOGY AND MINING,
 GUINDY INDUSTRIAL ESTATE, CHENNAI-32

4 THE DEPUTY DIRECTOR,
GEOLOGY AND MINING, COLLECTORATE COMPLEX,
SALEM

5 THE DISTRICT COLLECTOR,
SALEM-636 001.

C.C. to M/S.T.POORNAM Advocate Sr.No.14562

The Special Government Pleader, High Court, Madras 104. Sr.No.14536

Order

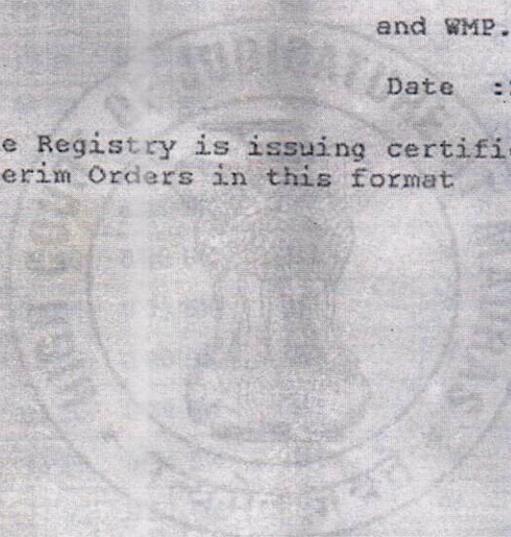
in
WP.29275/2016

and WMP.25308/2016

Date :21/10/2016

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format

RP(30.09.2016)
BRI 03/11/2016



W.P. 29275/16
and

WMP 25308/16

+

HIGH COURT OF JUDICATURE

MADRAS

S. R. No. 14562

Carbon Copy application
made 24-10-266

Application Returned 200

Application Represented 200

Application made ready 2-11-266

Copy delivered 15-11-266

[Handwritten mark]

[Signature]
Secy. to the
C.C. Section



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WP No.29275 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-01-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.29275 of 2016

M/s.Dalmia Bharat Sugar and Industries Limited,
(Previously known as 'Dalmia Cement (Bharat) Ltd'),
a Company incorporated under the
Indian Companies Act, 1913, having its
Registered Office at Dalmiapuram,
District, Tiruchirapalli, Tamil Nadu,
Inter alia, carrying on business under
the name and style of Dalmia Magnesite
Corporation at Salem, Tamil Nadu 636 012
Represented by its Managing Director,
Mr.Jai Hari Dalmia.

..

Petitioner

vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Industries Labour and Cooperation,
Fort St. George,
Chennai – 600 009.
- 2.The Secretary,
Industries Department (MMDI) and (MMCI),
Fort St. George,
Chennai – 600 009.



WP No.29275 of 2016

WEB COPY

3.The Commissioner,
Department of Geology and Mining,
Guindy Industrial Estate,
Chennai – 600 032.

4.Deputy Director,
Geology and Mining,
Collectorate Complex,
Salem.

5.The District Collector,
Salem – 636 001.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with the mining operations of the petitioner in the Petition Schedule Premises and directing the respondents to continue to issue permits to excavate minerals namely Magnesite and Dunite on payment of the requisite royalty and without insisting on an Environmental Clearance Certificate.

For Petitioner : Mr.T.Poornam

For Respondents-1 to 5 : Mr.R.Shanmugasundaram,
Advocate General Assisted by
Mr.K.M.D.Muhilan,
Government Advocate.



WP No.29275 of 2016

ORDER

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The relief sought for in the present writ petition is to forbear the respondents from interfering with the mining operations of the petitioner in the Petition Schedule Premises and directing the respondents to continue to issue permits to excavate minerals namely Magnesite and Dunite on payment of the requisite royalty and without insisting on an Environmental Clearance Certificate.

2. The learned counsel for the petitioner made a submission that the petitioner-Company had already suspended their mining operations and submitted an application for Environmental Clearance Certificate before the Competent Authority and the process is in advanced stage and they are waiting for orders.

3. The learned Advocate General made a submission that the question of suspension of mining operations by the petitioner-Company would not arise at all, in view of the fact that no lease has been granted in favour of the petitioner by the State. Pursuant to the judgment of the



WP No.29275 of 2016

Supreme Court in the case of **Common Cause vs. Union of India and Others [(2016) 11 SCC 455]**, the Environmental Clearance Certificate

becomes mandatory for the purpose of grant of lease by the State. Therefore, only in the event of furnishing Environmental Clearance Certificate, the case of the petitioner-Company needs to be considered, but not otherwise.

4. The learned Advocate General further made a submission that all other requirements are also to be complied with for the purpose of grant of lease in accordance with the provisions of the Act and the Rules.

5. Thus, it is made clear that petitioner-Company is required to submit necessary Environmental Clearance Certificate and comply with all other requirements under the provisions of the Act and the Rules, enabling the Competent Authorities of the Department to consider the case for grant of lease for carrying on the mining operations strictly in consonance with the Act and Rules in force.

6. In the present case, the writ itself is to forbear the respondents



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from interfering with the mining operations of the petitioner-Company and the petitioner-Company have made a submission that they are not carrying on any mining operations at present. It is left open to the petitioner-Company to submit all the required documents, including the Environmental Clearance Certificate issued by the Competent Authorities of the State, enabling the State Authorities to consider the case and take a decision and pass appropriate orders on merits and in accordance with law. The respondents are directed to conduct inspection and verify whether mining operations were done or not, by verifying the statement made by the learned counsel for the petitioner.

7. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

11-01-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

5 / 6



WEB COPY



WP No.29275 of 2016

S.M.SUBRAMANIAM, J.

Svn

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Department of Industries Labour and Cooperation,
Fort St. George,
Chennai – 600 009.
- 2.The Secretary,
Industries Department (MMDI) and (MMCI),
Fort St. George, Chennai – 600 009.
- 3.The Commissioner,
Department of Geology and Mining,
Guindy Industrial Estate,
Chennai – 600 032.
- 4.Deputy Director,
Geology and Mining,
Collectorate Complex,
Salem.
- 5.The District Collector,
Salem – 636 001.

WP 29275 of 2016

11-01-2022

भारत सरकार / GOVERNMENT OF INDIA
खान मंत्रालय / MINISTRY OF MINES
भारतीय खान ब्यूरो / INDIAN BUREAU OF MINES

क्षेत्रीय खान नियंत्रक कार्यालय / OFFICE OF THE REGIONAL CONTROLLER OF MINES

Telephone no : 044 24914461/1570
Telefax no 044-24911295
Email ID ro chennai@ibm.gov.in

C-4-A Rajaji Bhavan
CGO complex, Besant Nagar
Chennai - 600 090

No TN/SLM/MG&DU/ROMP-1646 MDS

Dated 30.03.2021

To
M/s. Dalmia Bharat Sugar and Industries Ltd.
C/o. Dalmia Magnesite Corporation
Salem - 636 012.

Sub. : Approval of Review Mining Plan with PMCP for Chettichavadi Jaghir Magnesite and Dunite Mine over an extent of 449.364 Hectares in S.F.No.6/1 in Chettichavadi Village, Salem Taluk and District, Tamilnadu submitted by M/s.Dalmia Bharat Sugar and Industries Ltd. under Rule 17(1) of MCR, 2016.

Ref. : Party letter No.SL:MM:26141-B dated 19.03.2021.

Sir,

In exercise of the powers delegated to me under Rule 16 of Minerals (Other than Atomic & Hydro Carbon Energy Minerals) Concession Rules, 2016 vide Gazette Notification No. S.O. 1857(E) dated 18.5.2016 issued by the Controller General, Indian Bureau of Mines under F.No. T-43004/CGBM/MM(DR)/2015, I hereby approve the above said Review of Mining Plan for **Magnesite & Dunite** mineral only. This approval is subject to the following conditions.

- 1) That the Review of Mining Plan (including Progressive Mine Closure Plan) is approved without prejudice to any other law applicable to the mine/area from time to time whether made by the Central Government, State Government or any other authority.
- 2) That this approval of the Review of Mining Plan (including Progressive Mine Closure Plan) does not in any way imply the approval of the Government in terms of any other provision of the Mines & Mineral (Development & Regulation) Act, 2015 or the Mineral Concession Rules, 2016 or any other law including Forest (Conservation) Act, 1980, Environment Protection Act, 1986 and the rules made there under.
- 3) That this Review of Mining Plan (including Progressive Mine Closure Plan) is approved without prejudice to any other order or direction from any court of competent jurisdiction.
- 4) Provisions of the Mines Act, 1952 and Rules & Regulations made thereunder including submission of notice of opening, appointment of manager and other statutory officials as required by the Mines Act, 1952 shall be complied with.
- 5) The Provisions made under MM(D&R) Act, 2015 (Amended) and Rules made thereunder shall be complied with.
- 6) The contents of circular No. 2/2010 issued by the Chief Controller of Mines, IBM, Nagpur vide his letter No. 11013/3/MP/90-CCOM Vol. VII dated 06.04.2010 shall be complied with on or before 31.08.2021 as time limit communicated by the Commissioner of Geology & Mining, Govt. of Tamilnadu vide their letter No.Rc.No.2921/MM4/2016 dated 09.03.2021
- 7) The execution of Mining Plan / Review of Mining Plan shall be subjected to vacation of prohibitory orders / notices, if any.
- 8) This approval of mining operations and associated activities is restricted to the mining lease area only. The mining lease area is as shown on the statutory plans under rule 32 of Mineral Conservation and Development Rules, 2017, by the lessee. Indian Bureau of Mines does not take any responsibility regarding correctness of the boundaries of the lease shown on the ground with reference to the lease map and other plans furnished by the lessee.

- 9) The Environmental Monitoring Cell of the Company shall continue monitoring ambient air quality, dust fall rate, water quality, soil sample analysis and noise level measurements on various stations established for the purpose both in the core zone and buffer zone, as per Department of Environment guidelines and keeping in view IBM's Circular No.3/92, season-wise every year or by engaging preferably the services of an Environmental laboratory approved by MOEF/CPCB. The data so generated shall be maintained in a bound pagged register kept for the purpose and the same shall be made available to the inspecting officer on demand.
- 10) If anything is found to be concealed as required by the Mines Act in the contents of Review of Mining Plan and proposal for rectification has not been made, the approval shall be deemed to have been withdrawn with immediate effect.
- 11) Yearly report as required under Rule 26(2) of MCDR,2017 setting for the extent of protection and rehabilitation works carried out as envisaged in the approved progressive mine closure plan and if there is any deviations, reasons thereof shall be submitted before 1st July of every year to the regional office, IBM, Chennai.
- 12) The Review of Mining Plan is approved for the proposals contained therein and as applicable from 01-01-2024 for the mining activities to be carried out within the mining leasehold. The earlier instances of irregular mining/illegal mining, if any, shall not be regularized through the approval of this document.
- 13) The financial assurance submitted should be renewed before expiry of the same.
- 14) In case mining lease falls within a radius of 10 kms. of National Park/Sanctuary, recommendations of NBWL have to be obtained as per the orders of the Hon'ble Supreme Court in I.A. No. 460/2004.
- 15) This approval is subject to the mining operations as per the proposals shall be carried out only after obtaining necessary clearances from MOEF, Pollution Control Board, Forest Department etc
- 16) This approval is subjected to the extension of the validity of the mining lease by the State government as per Section 8A(5) of MMDR Act, 2015 (Amended).
- 17) This approval is subject to submission of DGPS Plan duly authenticated by the State Government and submission of modifications in the approved Mining Plan if, consequent to the authentication of DGPS Survey Plan, any change in mining lease area is accepted by the State Government.
- 18) This approval is subject to the conditions as per the directions given in WP(c)No.114/2014 given by the Hon'ble Supreme Court of India should be taken care while implementing the proposals given in the PMCP part of the documents.

Yours faithfully,

Encl. Copy of approved Review of Mining Plan
(including Progressive Mine Closure Plan)

(वी.जयकृष्ण बाबु / V. Jaya Krishna Babu)
क्षेत्रीय खान नियंत्रक / Regional Controller of Mines

Copy for information to:-

1. ✓ Shri P.G. Kalidass, Qualified person, Chettichavadi Jaghir Magnesite & Dunite Mines, M/s. Dalma Bharat Sugar and Industries Ltd., Salem - 636 012.
2. The Commissioner of Geology & Mining, Government of Tamilnadu, Guindy, Chennai - 600 032 along with copy of the approved Review of Mining Plan.

Encl. As above.

(वी.जयकृष्ण बाबु / V. Jaya Krishna Babu)
क्षेत्रीय खान नियंत्रक / Regional Controller of Mines

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Seventeenth day of August Two Thousand Six

PRESENT

THE HON'BLE MR. JUSTICE K.RAVIRAJA PANDIAN

MP No.1 of 2006

IN WP.25518/2006

DALMIA CEMENT (BHARAT) LTD. [PETITIONER]
A COMPANY INCORPORATED UNDER THE INDIAN
COMPANIES ACT 1913, HAVING ITS REGISTERED
OFFICE AT DALMIAPURAM,
DIST.TIRUCHIRAPALLI,
TAMIL NADU, INTER ALIA, CARRYING
ON BUSINESS UNDER THE
NAME AND STYLE OF
DALMIA MAGNESITE CORPORATION AT
SALEM, TAMIL NADU 636 012,
REP.BY ITS LEGAL
ADVISOR S.N.MITTAL.

Vs

1 THE STATE OF TAMILNADU [RESPONDENTS]
REP.BY ITS SECRETARY TO GOVT.,
DEPARTMENT OF INDUSTRIES
LABOUR AND CO-OPERATION,
FORT ST.GEORGE, CHENNAI-9.

2 THE DISTRICT COLLECTOR
SALEM 636001.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of ad interim injunction restraining the respondents their men, agents, servants and persons claiming under or through them from interfering with the mining of the aforesaid minerals by the petitioner at the Petition Schedule Premises and to continue issue permits for removal of excavated minerals from the petition schedule premises on payment of the requisite royalty pending disposal of the application dated 11.7.2005 pending W.P.No.25518/2006.

[Handwritten signature]
2/11/14

AI 004719

SCHEDULE (XEROX COPY ENCLOSED):

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. T. POORNAM, Advocate for the petitioner and of Mr. R. THIRUGNANAM, SPL.G.P. (on behalf of the Respondents), the court made the following order:-

The learned counsel for the petitioner submits that the original lease period granted in favour of the petitioner has expired by 19.8.2006 and the petitioner has preferred an application on 11.7.2005 for renewal of the lease. However, the Respondents - State Government has not disposed of the said Application as on date.

In view of the statutory provision, i.e. Rule 24(A)(6) of the Mineral Concession Rules, 1960 if an application for renewal made within the time referred to in sub-rule (1) is not disposed of by the State Government, the lease period shall be deemed to have been extended by a further period till the State Government passes orders thereon, there will be an order of interim injunction.

JUDICATE
-sd/-
17/08/2006
/ TRUE COPY /
18.8.06
Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVT.,
GOVERNMENT OF TAMIL NADU, DEPARTMENT OF
INDUSTRIES LABOUR AND COOPERATION, FORT ST.
GEORGE, CHENNAI-9.

2 THE DISTRICT COLLECTOR
SALEM 636001.

dm
2/11/14

AI 00471

C.C. to, M/S. T. POORNAM Advocate on payment of necessary charges S.R.No. 17947

The Special Government Pleader, High Court, Madras - 104.

Order

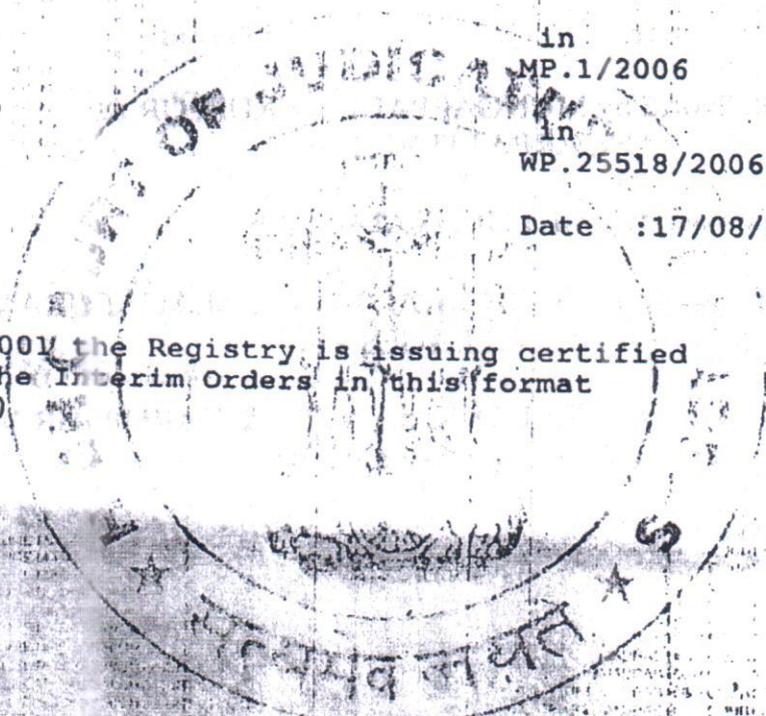
in
MP.1/2006

in
WP.25518/2006

Date :17/08/2006

From 26.2.2001 the Registry is issuing certified copies of the Interim Orders in this format NR(18.8.2006)

NM
18/8



Handwritten signature
2/11/14

AI 004719

All that tract of lands situated at CHETTICHAVADI VILLAGE in SALEM in the Registration District of SALEM Sub-District and Thana SALEM bearing Cadestral Survey No.6, containing an area of 1314 acres or thereabouts delineated on the plan hereto annexed and thereon coloured RED and bounded as follows:

Name of the District : Salem
 Name of the Taluk : Salem
 Name of the Village : Chetichavadi

13. On the North by MUNGALPADI, KARUPPUR & THATHAYANGARPATTI VILLAGES

14. On the East by CHETTICHVADI LANDS

15. On the South by VELLAKKALPATTY, ALAGAPURAM & CHETTICHAVADI VILLAGES and

16. On the West by VELLAKKALPATTY & KARUPPUR VILLAGES hereinafter referred to as "the said lands".

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 2/11/47



Minutes of 46th EAC (Non-Coal Mining) Meeting held during 15th to 17th February, 2022

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" |
| | 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, 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 |

84

| | |
|-------------------|------------|
| Mining lease Area | 449.364 ha |
|-------------------|------------|

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 17th Feb 2021 and 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 |

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 20.08.1966 till 31.10.2017. 6. Show cause vide Proceeding Letter No.SLM0006/DEE/TNPCB/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/TNPBC/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. |
|-----------|--|

12. Details of the EMP:

| S. | Description | Budget |
|----|-------------|--------|
|----|-------------|--------|

| 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 Ingalgi, 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 |
|-------------|------------------|



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 मार्च, 2017

का.आ. 804(अ).—पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1705(अ) तारीख 10 मई, 2016, पर्यावरणीय अनापत्ति के निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन की प्रक्रिया को पूरा करने के लिए, जिनमें स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पर्यावरण संघात अधिसूचना 2006 के अधीन पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन किया है, द्वारा उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

2. और उक्त राजपत्र की प्रतियां जनता को 10 मई, 2016 को उपलब्ध करा दी गई थीं ;
3. और पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सभी सुझावों या आक्षेपों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है ;
4. पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अध्याधीन, अधिनियम की धारा 3 की उपधारा (1) के अधीन केंद्रीय सरकार को ऐसे सभी उपाय करने की शक्ति है, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार तथा पर्यावरण प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के प्रयोजनों के लिए आवश्यक और समीचीन समझती है ;
5. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 केंद्रीय सरकार को निदेश देने के लिए सशक्त करती है, जो इस प्रकार है "केंद्रीय सरकार किसी अन्य विधि में किसी बात के होते हुए भी, किन्तु इस अधिनियम के उपबंधों के अधीन रहते हुए इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कृत्यों के निर्वहन में किसी व्यक्ति, अधिकारी या प्राधिकरण को लिखित निदेश दे सकेगी और ऐसा व्यक्ति, अधिकारी या प्राधिकरण ऐसे निदेशों का अनुपालन करने के लिए आवद्ध होगा ;

6. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने उल्लंघन के मामलों में पर्यावरणीय अनापत्ति अनुदत्त करने के लिए प्रक्रिया स्थापित करने के लिए तारीख 12.12.2012 और तारीख 27.06.2013 को एक कार्यालय जापत जारी किया है ;
7. हिन्दुस्तान कापर लिमिटेड बनाम भारत संघ के मामले में 2014 की रिट याचिका (मिविल) सं0 2364 में माननीय झारखंड उच्च न्यायालय के तारीख 28 नवंबर, 2014 के आदेश के अनुसरण में माननीय न्यायालय ने यह अभिनिर्धारित किया कि तारीख 12 दिसंबर, 2012 के कार्यालय जापत के अधीन पैरा सं0 5(i) और पैरा सं0 5(ii) की शर्तें अवैध और अमंवेधानिक थीं और न्यायालय ने यह और अभिनिर्धारित किया कि अभिकथित अतिक्रमण की कार्रवाई स्वतंत्र कार्यवाही और पृथक् कार्यवाही होगी और इसलिए पर्यावरण अनापत्ति के लिए प्रस्ताव पर विचार करने के लिए परियोजना प्रस्तावक के विरुद्ध कार्रवाई आरंभ करने की प्रतीक्षा नहीं की जा सकती। माननीय न्यायालय ने यह व्यवस्था और दी कि पर्यावरण अनापत्ति के प्रस्ताव की परीक्षा इसके गुणगुण, पर्यावरण विधियों के अभिकथित अतिक्रमण के लिए किसी प्रस्तावित कार्रवाई से मुक्त आधार पर की जानी चाहिए ;
8. और राष्ट्रीय हरित अधिकरण की प्रधान न्यायपीठ ने 2015 के मूल आवेदन सं0 37 तथा 2015 के मूल आवेदन सं0 213 में तारीख 7 जुलाई, 2015 के अपने आदेश द्वारा यह अभिनिर्धारित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 या पर्यावरण समाघात निर्धारण अधिमूचना, 2006 तथा तटीय विनियमन जोन अधिमूचना, 2011 के अतिक्रमणों वाले निर्देश के निबंधनों या पर्यावरण अनापत्ति या तटीय विनियमन जोन अनापत्ति के प्रस्तावों पर विचार के विषय पर तारीख 12 दिसंबर, 2012 और 24 जून, 2013 के कार्यालय जापत पर्यावरण समाघात निर्धारण अधिमूचना, 2006 के उपबंधों को परिवर्तित या संशोधित नहीं कर सकते थे और अधिकरण ने उसे अपास्त कर दिया था ;
9. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को कतिपय प्रस्ताव, निर्देशों के निबंधनों और पर्यावरणीय अनापत्ति के लिए पर्यावरण समाघात निर्धारण अधिमूचना, 2006 के अधीन ऐसी परियोजनाओं के लिए प्राप्त हो रहे हैं, जिन्होंने स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पूर्व पर्यावरणीय अनापत्ति को प्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन कर दिया है ;
10. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने पर्यावरण की क्वालिटी के संरक्षण और उसमें सुधार के प्रयोजन के लिए और पर्यावरणीय प्रदूषण का उपशमन करने के लिए यह आवश्यक समझा कि वह सभी निकाय, जो पर्यावरण संघात निर्धारण अधिमूचना, 2006 के अधीन पर्यावरण विनियम का अनुपालन नहीं कर रहे हैं, को समीचीन रीति में पर्यावरणीय विधियों की अनुपालना के लिए उनके अंतर्गत लाया जाए ;
11. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ऐसी परियोजनाओं और क्रियाकलापों को शीघ्रतम पर्यावरणीय विधियों की अनुपालना के अधीन लाना आवश्यक समझता है न कि उन्हें अविनियमित और बिना किसी जांच के छोड़ना, जो पर्यावरण के लिए अधिक नुकसानदायक होगा तथा इस उद्देश्य को अग्रसर करने के लिए भारत सरकार ऐसी सत्ताओं को, जो अनुपालक थे, अनुपालक बनाने के लिए समुचित रक्षोपायों के साथ पर्यावरणीय अनापत्ति प्रदान करना आवश्यक समझती है, प्रक्रिया ऐसी होनी चाहिए, जो पर्यावरण समाघात निर्धारण अधिमूचना, 2006 के उपबंधों के उल्लंघन पर रोक लगाए, जिसमें अनुपालना और अनुपालना के धनीय लाभ भयोपरित हों तथा पर्यावरण के नुकसान के लिए समुचित रूप से प्रतिकर हो ;
12. और माननीय उच्चतम न्यायालय ने इंडियन काउंसिल फार एन्वायरो-लीगल एक्शन बनाम भारत संघ (बिछड़ी गांव औद्योगिक प्रदूषण का मामला) में 13 फरवरी, 1996 को निर्णय देते समय विधि के सभी सुसंगत उपबंधों का विश्लेषण किया और यह निष्कर्ष दिया कि पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन नुकसानी की वसूली की जा सकती है (1996(3) एससीसी 212)। माननीय न्यायालय ने यह संप्रेक्षित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 केंद्रीय सरकार (या, यथास्थिति, उसके प्रतिनिधि) को "ऐसे सभी उपाय करने, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन समझे....." अभिव्यक्त रूप से सशक्त करती है। धारा 5 केंद्रीय सरकार (या उसके प्रतिनिधि) को अधिनियम के उद्देश्यों को प्राप्त करने के लिए निदेश जारी करने की शक्ति प्रदान करती है। धारा 2(क), धारा 3 और धारा 5 में "पर्यावरण" की विस्तृत परिभाषा के अनुसार केंद्रीय सरकार को ऐसी सभी शक्तियां हैं, जो "पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन" हैं। केंद्रीय सरकार, ऐसे सभी उपाय करने और ऐसे सभी निदेश जारी करने के लिए सशक्त है, जो पूर्वोक्त प्रयोजन के लिए आवश्यक हो। इस मामले में उक्त शक्तियों के अंतर्गत गाढ़े कीचड़ को हटाने, उपचारिक उपाय करने और उपचारिक उपाय करने की लागत को उल्लंघन करने वाले उद्योग पर अधिरोपित करने की शक्ति भी है तथा इस प्रकार वसूल की गई रकम का, उपचारिक उपायों को कार्यान्वित करने के लिए उपयोग करना भी है। माननीय न्यायालय ने यह और संप्रेक्षित किया है कि उपचारिक उपायों को कार्यान्वित करने के लिए अपेक्षित लागत का उद्ग्रहण धारा 3 और धारा 5 में अंतर्निहित है, जिसे अत्यधिक विस्तृत और व्यापक भाषा में व्यक्त किया गया है। पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 और धारा 5 जल और वायु अधिनियमों के अन्य उपबंधों के अतिरिक्त सरकार को ऐसे सभी निदेश करने के लिए और ऐसे सभी उपाय करने के लिए सशक्त करते हैं, जो "पर्यावरण" के संरक्षण और संवर्धन के लिए आवश्यक या समीचीन हों, जिस अभिव्यक्ति को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 2(क) में अत्यधिक विस्तृत और व्यापक शब्दों में परिभाषित किया गया है। इस शक्ति के अंतर्गत किसी उद्योग कि निकट किसी क्रियाकलाप को प्रतिषिद्ध करने, उपचारिक उपायों को कार्यान्वित करने का निदेश देने और जहां कहीं आवश्यक हो, उल्लंघन करने वाले उद्योग पर उपचारिक उपायों

की लागत अधिरोपित करने की शक्ति भी है। प्रत्यर्थियों के उपचारिक उपायों की लागत की अदायगी के दायित्व का प्रश्न दूसरे दृष्टिकोण से भी देखा जा सकता है, जिसे अब सार्वभौमिक रूप से ठोस सिद्धांत के रूप में स्वीकार किया गया है, जैसे "प्रदूषणकर्ता संदाय करता है" का सिद्धांत। "प्रदूषणकर्ता संदाय करता है, सिद्धांत की यह मांग है कि प्रदूषण द्वारा कारित नुकसान को रोकने या उसका उपचार करने की वित्तीय लागत इस वचनबंध, कि जो प्रदूषण कारित करता है या ऐसे माल का उत्पादन करता है, जो प्रदूषण कारित करता है, के साथ होती है।"

13. (1) इसलिए अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि परियोजना या क्रियाकलाप या विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या क्रियाकलाप, जिनके द्वारा पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पूर्व पर्यावरणीय अनापत्ति अपेक्षित है भारत के किसी भाग में, यथास्थिति, केंद्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय सरकार या राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति प्राप्त किए बिना, जिसमें प्रक्रिया या प्रौद्योगिकी में परिवर्तन के साथ क्षमता में वर्धन या दोनों को शामिल किया गया है, को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा और उसमें निम्नलिखित रीति में विनिर्दिष्ट प्रक्रिया के अनुसार ब्यौहार किया जाएगा ;

(2) उम दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहां तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण संघात निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर अनुदत्त की जाएगी।

(3) उल्लंघन के मामलों में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के उपबंधों के अधीन संबंधित राज्य या राज्य प्रदूषण नियंत्रण बोर्ड द्वारा परियोजना प्रस्तावक के विरुद्ध कार्रवाई की जाएगी और इसके अतिरिक्त परियोजना को पर्यावरण अनापत्ति अनुदत्त किए जाने तक प्रचालन करने के लिए या अधिभोग प्रमाणपत्र जारी किए जाने के लिए अनुमति नहीं दी जाएगी।

(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित संबंधित क्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्याप्त पर्यावरणीय सुरक्षोपायों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भर्णीय रूप से चलाया जा सकता है ; और उम दशा में जहां विशेषज्ञ मूल्यांकन समिति का निष्कर्ष तकारात्मक है, विधि के अधीन अन्य कार्रवाईयों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।

(5) उम दशा में जहां पूर्वोक्त उप पैरा (4) के विन्दु पर विशेषज्ञ मूल्यांकन समिति के निष्कर्ष सकारात्मक हैं, इस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना तैयार करने के लिए समुचित निदेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय नुकसान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यायित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय नुकसान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्यकता अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।

(6) विशेषज्ञ मूल्यांकन समिति, पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उदभूत आर्थिक फायदे की तत्स्थानी होगी।

(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने

से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।

14. ऐसी परियोजनाएं और क्रियाकलाप, जो इस अधिसूचना की तारीख को उल्लंघनकारी हैं, इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए आवेदन करने के पात्र होंगे और परियोजना प्रस्तावक इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए केवल इस अधिसूचना की तारीख से छह मास के भीतर ही आवेदन कर सकते हैं।

[फा. सं. 22-116/2015-आईए-III]

मतोज कुमार सिंह, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION**

New Delhi, the 14th March, 2017

S.O. 804(E).—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), *vide* number S.O. 1705(E), dated the 10th May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

2. And whereas, copies of the said notification were made available to the public on the 10th May, 2016;

3. And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government.

4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;

5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as “Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.

7. Whereas, the Hon’ble High Court of Jharkhand had passed an order dated the 28th November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *Versus* Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12th December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon’ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

8. And whereas, Hon'ble National Green Tribunal, Principal Bench *vide* its order dated 7th July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12th December, 2012 and 24th June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;
9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;
10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;
11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;
12. And whereas, Hon'ble Supreme Court in *Indian Council for Enviro-Legal Action Vs. Union of India* (the Bichhri village industrial pollution case), while delivering its judgment on 13th February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures..... Hon'ble Court has further observed that levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures can also be

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looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution". 13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-

(2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.

(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

(6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

रजिस्ट्री सं० डी० एल०-33004/99

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-section (II)

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अधिसूचना

नई दिल्ली, 4 अप्रैल, 2011

का.आ. 695(अ).—केन्द्रीय सरकार ने, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा (3) की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन जारी की गई भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का०आ० 1533(अ), तारीख 14 सितंबर, 2006, द्वारा निदेश दिया था कि उसके प्रकाशन की तारीख से ही, नई परियोजनाओं या क्रियाकलापों का अपेक्षित संनिर्माण या उक्त अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार या आधुनिकीकरण, प्रक्रिया और या प्रौद्योगिकी में परिवर्तन सहित क्षमता में परिवर्धन करते हुए भारत के किसी भाग में, यथास्थिति, केन्द्रीय सरकार से या केन्द्रीय सरकार द्वारा इसमें विनिर्दिष्ट प्रक्रिया के अनुसार उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा केवल पूर्व पर्यावरण अनापत्ति के पश्चात् ही किया जाएगा;

और, उक्त अधिसूचना में प्रयुक्त “निर्मित क्षेत्र” पद के संबंध में स्पष्टीकरण का उपबंध करने और अधिसूचना के भिन्न-भिन्न पैराओं को पारस्परिक रूप से संगत बनाने के लिए भी तथा ऐसे अनाशयित परिवर्तनों को प्रत्यावर्तित करने के लिए जो राजमार्ग परियोजना से संबंधित पर्यावरणीय समाघात निर्धारण अधिसूचना, 2006 की अनुसूची में विशेषकर मद्र संख्या 7(च) के सामने प्रविष्टि में का.आ. 3067(अ), तारीख 1 दिसंबर, 2009 द्वारा संशोधन करते समय अधिसूचना में किए गए थे और उक्त अधिसूचना में उपयुक्त संशोधन करने के इस प्रयोजन के लिए विनिश्चय किया गया है।

और उक्त पर्यावरण (संरक्षण) नियमों का नियम 5 का उपनियम (3) का खंड (क) यह उपबंधित करता है कि जब कभी केन्द्रीय सरकार यह विचार करती है कि किसी उद्योग पर या

किसी क्षेत्र में किन्हीं प्रक्रियाओं या प्रचालन को चलाने पर, प्रतिषेध या निर्बंधन अधिरोपित करना चाहिए तो वह ऐसा करने के लिए अपने आशय की सूचना देगी;

और उक्त पर्यावरण (संरक्षण) नियमों का नियम 5 का उपनियम (4) यह उपबंधित करता है कि उपनियम (3) में किसी बात के होते हुए भी, केन्द्रीय सरकार को जब कभी यह प्रतीत होता है कि ऐसा करना लोकहित में है, वह उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्ति दे सकेगी;

अतः, अब, केन्द्रीय सरकार, उक्त पर्यावरण (संरक्षण) नियमों, के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित उक्त पर्यावरण (संरक्षण) अधिनियम की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में,-

(I) पैरा 6 में “सभी मामलों में पर्यावरणीय अनापत्ति मांगने के लिए कोई आवेदन,” शब्दों के पश्चात् “परियोजना प्रस्तावक द्वारा” किया जाएगा ।

(II) पैरा 7, के खंड (i) के उप पैरा II क्रम (2) विस्तारण के उप पैरा (i) के अंतिम वाक्य में “अनुसूची की मद 8 में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (संनिर्माण, नगरी/ वाणिज्यिक, काम्पलैक्स/आवासन)” के स्थान निम्नलिखित शब्द रखे जाएंगे, अर्थात्:-

“अनुसूची की मद 8(क) में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (निर्माण और संनिर्माण परियोजना)” ।

(III) अनुसूची में,-

(i) मद 1(क) के सामने , -

स्तंभ (5) में की प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् -
“साधारण शर्तें लागू होंगी ।

टिप्पणः

(i) ऐसे खान पट्टे के नवीकरण के प्रक्रम पर पूर्व पर्यावरणीय अनापत्ति भी अपेक्षित है जिसके लिए आवेदन, नवीकरण की तारीख से एक वर्ष पूर्व किया जाना चाहिए ।

(ii) खनिज पूर्वक्षण छूट प्राप्त है ।”

(ii) मद 7(च) के सामने , -

स्तंभ (4) में की प्रविष्टि के स्थान पर “ (i) सभी राज्य राजमार्ग परियोजनाएं; और” के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

“ (i) सभी नई राज्य राजमार्ग परियोजनाएं ” ।

(iii) मद 8(क) के सामने,-

स्तंभ (5) में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

“इस अधिसूचना के प्रयोजन के लिए निर्मित क्षेत्र को “बेसमेंट (बेसमेंटों) सहित, समस्त मंजिलें एक साथ रखे जाने पर निर्मित या आच्छादित क्षेत्र और अन्य सेवा क्षेत्र जो निर्माण/संनिर्माण परियोजनाओं में प्रस्तावित किए गए हैं” के रूप में परिभाषित है ।”

(IV) परिशिष्ट 5 के पैरा 3 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात्:-

“ 3 जहां कोई लोक परामर्श आज्ञापक नहीं है वहां आकलन, विहित आवेदन प्रारूप-1 और पर्यावरणीय समाघात निर्धारण रिपोर्ट के आधार पर अनुसूची की मद 8 से भिन्न सभी परियोजनाओं और क्रियाकलापों की दशा में किया जाएगा । अनुसूची की मद 8 की दशा में इसके विलक्षण परियोजना चक्र को ध्यान में रखते हुए संबंधित पर्यावरणीय निर्धारण समिति या राज्य पर्यावरणीय निर्धारण समिति प्रारूप-1, प्रारूप-1क, धारणा योजना और पर्यावरणीय समाघात निर्धारण रिपोर्ट [केवल 8(ख) के अधीन सूचीबद्ध परियोजनाओं के लिए अपेक्षित] के आधार पर परियोजनाओं या क्रियाकलापों का आकलन करेंगी और पर्यावरणीय अनापत्ति को प्रदान करने के संबंध में परियोजना पर या अन्यथा सिफारिशें करेंगी तथा पर्यावरणीय अनापत्ति के लिए शर्तें भी नियत करेंगी” ।

[फा. सं. 3-101/2010-आईए. III]

डा. नलिनी भट्ट, वैज्ञानिक 'जी'

टिप्पण: मूल नियम, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में अधिसूचना सं. का0आ0 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और का0आ0 1737(अ), तारीख 11 अक्टूबर, 2007 और का0आ0 सं. 3067(अ), तारीख 1 दिसंबर, 2009 द्वारा संशोधित किए गए थे ।

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**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 4th April, 2011

S.O. 695(E).— Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S.O. 1533(E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on or from the dates of its publication, the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process and or technology shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act in accordance with the procedure specified therein;

And whereas, it has been decided to provide clarification with regard to the term "built up area" used in the said Notification and also to make various paras of the Notification mutually consistent and to restore the unintentional changes, which got into the Notification while making amendment vide S.O. 3067 (E) dated 1st December, 2009, in particular the entry against item no. 7(f) in the schedule to the EIA Notification, 2006 relating to highway projects and for this purpose to issue suitable amendments in the said Notification.

And whereas, clause (a) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules provides that, whenever the Central Government considers that

prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, sub-rule (4) of rule 5 of the said Environment (Protection) Rules provides that, notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3);

Now therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the said Environment (Protection) Act, read with clause (d) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules, the Central Government hereby makes the following amendments in the said Notification, namely:-

In the said notification, -

(I) In para 6, for the existing words "An application seeking prior environmental clearance in all cases shall be made", the following words shall be substituted, namely:-

"An application seeking prior environmental clearance in all cases shall be made by the project proponent".

(II) In para 7, in sub-para 7 in clause (i), sub para II, stage (2) – scoping, sub para (i), in the last sentence, for the words "activities listed as Category 'B' in item 8 of the schedule (Construction / Township / Commercial Complexes / Housing)", the following words shall be substituted, namely:-

"Activities listed as Category 'B' in item 8(a) of the schedule (building and construction projects)".

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(III) In the Schedule, -

(i) against item 1(a), -

in column (5), for the entries, the following entries shall be substituted, namely:-

"General conditions shall apply.

Note:

- (i) Prior environmental clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal.
- (ii) Mineral prospecting is exempted."

(ii) against item 7(f), -

in column (4), for the entry "(i) All State Highway Projects; and" the following entry shall be substituted, namely:-

"(i) All New State Highway Projects".

(iii) against item 8(a), -

in column (5), for the entry, the following entry shall be substituted, namely:-

"The built up area for the purpose of this Notification is defined as "the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building / construction projects"."

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(IV) In Appendix V, for para 3, the following para shall be substituted, namely:-

"3. where a public consultation is not mandatory, the appraisal shall be made on the basis of prescribed application Form-1 and EIA report, in the case of all projects and activities other than item 8 of the schedule. In the case of item 8 of the schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise projects or activities on the basis of Form-1, Form-1A, conceptual plan and the EIA report [required only for projects listed under 8(b)] and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance".

[F. No. 3-101/2010-IA. III]

Dr. NALINI BHAT, Scientist 'G'

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O. 1737(E), dated the 11th October, 2007 and S.O. No. 3067(E) dated 1st December, 2009.



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

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Thu, Apr 21, 2022 at 6:48 PM

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Cc: POORNAM THANGAPERUMAL <poornamt@yahoo.com>, rishwanth@nrrslaw.com

Sirs/Madam,

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

Please find attached, a scanned copy of the paper book - Volume III filed on behalf of our client, containing the Reply of the 6th Respondent to the Report of the Joint Committee dated 23rd March, 2022 and other annexures.

Kindly Acknowledge Receipt.

 [O.A. No. 213 of 2021 - Typeset of Documents Vol...](#)

Yours faithfully

T.Poornam

Counsel for the 6th Respondent

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