

IA-J-11014/112/2022-IA-I
Government of India
Ministry of Environment, Forest & Climate Change
Impact Assessment Division

Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi-110 003
Dated: 25th November, 2022

Office Memorandum

Sub:- Standard Operating Procedure (SOP) for Post Environmental Clearance Monitoring and Compliance of the project -reg.

Background

The Ministry has established 19 Integrated Regional Office (IROs) vide Notification No. 1-5/2013-ROHQ dated 13th August, 2020 with a view to achieving mandated outcomes related to Monitoring and Compliance of the project in an improved, timely and effective manner.

2. As far as monitoring and compliance of EC conditions are concerned, as per para 10 of the EIA Notification, 2006, it is mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated EC conditions to the Ministry and its Integrated Regional Offices (IROs).

The prescribed SOP wrt the Monitoring & Compliance is as given below:

1. **IROs undertake inspection of the unit, with respect to the following scenarios:**
 - i. IRO identifies ambiguity in half-yearly compliance reports with respect to the stipulated EC conditions submitted by Project Proponent (PP).
 - ii. PP request IRO for issuance of Certified Compliance Report (CCR) in order to apply for expansion of the project under EIA, Notification 2006.
 - iii. Complaint received against the project.
 - iv. Direction from the Ministry based on PMO/VIP/PG/RTI etc. references.
 - v. Random Inspection of projects.
 - vi. Direction from Hon'ble court in various Court Matter.
2. Based on the observations during Monitoring IRO seeks Clarification/Action Taken Report (ATR) to the PP and submit Monitoring Report along with the clarification letter to the Ministry.
3. If PP fails to respond to it a reminder letter is sent by IA-Monitoring Cell allowing PP to submit ATR in 15 days.
4. **Action on the Monitoring Report by the Monitoring Cell:** Monitoring Cell of Ministry analyse the monitoring report submitted by IRO. Based on the observed Major and Minor partial/non-compliances clarification/ATR, if necessary, is sought from Project Proponent with direction to submit the response within a period of Thirty (30) days. If PP fails to submit the response of clarification/ATR letter within the time line period, a reminder letter as warning issued to the PP.

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5. The response submitted by PP is examined in the Ministry and the Action taken report submitted by PP is sent to IRO for further verification. Based on IRO's verification report following actions are contemplated:

- i. If no satisfactory action has been taken by the PP and EC conditions are yet to be complied Ministry may issue Show-Cause Notice under the Section 5 and other provisions which may include Section 15 and 19 of the Environment (protection) Act, 1986.
- ii. If it is observed that the non-compliances are not rectified, Ministry provides an opportunity to PP for clarification in personal hearing under the chairmanship of officer not below the rank of Joint Secretary. Based on the outcome of the personal hearing if necessary, direction for Compensation/Suspension of EC may be issued.
- iii. If it is observed that PP has taken credible action to comply with the condition and the action is expected to be completed with some additional time, Ministry grant additional time in which actions are expected to be completed by PP to fully comply with the conditions mentioned in the EC and submit the compliance report duly verified by concerned IRO to the Ministry.
- iv. If it is observed that PP has now complied with all the conditions and the same has been confirmed in the verification report, Ministry issues Action Closure Letter (ACL) to the PP with direction to continuously submit six monthly compliance report on time.
- v. If it is observed that PP has violated the provisions of EIA Notification, 2006 and attracts the provisions of SOP dated 07.07.2022, Monitoring Cell intimates the concerned sector for taking appropriate action as deem fit.

6. **Action after issuance of Show Cause Notice:**

- i. Monitoring Cell of the Ministry prescribes a time line of Fifteen (15) days or Thirty (30) days for submission of reply of SCN based on the gravity of non-compliances. If PP fails to submit the response of SCN within the prescribed time period, if necessary, a warning letter may be issued.
- ii. The response to SCN submitted by PP is examined in the Ministry and if found necessary the reply submitted by PP is sent to IRO for further verification. Based on IRO's verification report following actions are contemplated:
 - a. If it is observed that PP has now complied with all the conditions and the same has been confirmed in the verification report, Ministry issues ACL to the PP with direction to continuously submit six monthly compliance report on time.
 - b. If it is observed that the non-compliances are not rectifiable, Ministry provides an opportunity to PP for clarification during personal hearing under the chairmanship of officer not below the rank of Joint Secretary. Based on the outcome of the personal hearing if necessary, direction for Compensation/Suspension of EC may be issued.

7. **Action in other scenarios:**

- i. If it is observed that there is imminent risk to the environment and health due to non-compliance by the PP, SCN with time line of Fifteen (15) days is issued to PP. If PP fails to submit the response of SCN within the prescribed time period, if necessary a warning letter may be issued otherwise after Fifteen (15) days personal hearing may be conducted under the chairmanship of officer not below the rank of Joint Secretary.

- ii. Based on the outcome of the personal hearing if necessary, direction for Suspension of EC or other prescribed action under EPA may be issued.
- iii. If it is observed that due to non-compliance, accident has already been taken place, Ministry may immediately suspend the EC of the project till all the conditions are complied and duly verified by concerned IRO.

By Registered Post/AD

F. No. J-11011/137/2006-IA. II (I)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
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New Delhi - 110003
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Dated: 20th September, 2018

To

The Head – Environment,
M/s. Electrosteel Steels Limited
(Formerly M/s. Electrosteel Integrated Limited),
Village – Siyaljori, P.O. – Jogidih,
P.S. Siyaljori, District – Bokaro,
Jharkhand – 828303.
E-mail: siddharth.pandey@vedanta.co.in

Subject: Revocation Order under Section 5 of Environment (Protection) Act, 1986 in view of violations pertaining to the environmental clearance of Integrated Steel Plant of M/s. Electrosteel Steels Limited (Formerly M/s. Electro Steel Integrated Limited) located at Bokaro District, Jharkhand – reg.

Sir,

Whereas Environmental Clearance for setting up of Integrated Steel Plant (3 MTPA) at Parbatpur, Jharkhand was accorded by Ministry of Environment, Forest and Climate Change (MoEF&CC) to M/s. Electro Steel Integrated Limited (Presently M/s. Electrosteel Steels Limited) vide letter no. J-11011/137/2006-IA.II(I) dated 21/02/2008 (**copy enclosed as Annexure -I**) subject to implementation of the various conditions and environmental safeguards contained therein., and

2. Whereas Jharkhand State Pollution Control Board (JSPCB) vide letter dated 18/05/2012 (**copy enclosed as Annexure -II**) informed the Ministry the following with respect to the environmental clearance accorded to M/s. ESL:

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- i. Company was carrying out the construction activities of the proposed plant at Bhagabandhmouza in Bokaro district instead of Parbatpur in the Chandankaniyari block of Bokaro district; and
 - ii. Construction activity was also being carried out on notified forest land as well as on land which is recorded as jungle-jhar in the revenue records.
3. Whereas MoEF&CC issued Show Cause Notice (SCN) under section 5 of the Environment (Protection) Act, 1986 to M/s. ESL vide letter of even no. dated 6/6/2012 (**copy enclosed as Annexure -III**), prima facie based on the report of the Jharkhand State Pollution Control Board (JSPCB) dated 18/05/2012 stating that why the environmental clearance dated 21/02/2008 should not be revoked. Whereas, it is also mentioned in the SCN dated 6/6/2012 that M/s. ESL may indicate, whether a person hearing is requested.
4. Whereas M/s. ESL vide letter no. Nil dated 20/6/2012 (**copy enclosed as Annexure -IV**) submitted its response to the issues raised in the SCN and also requested MoEF&CC to provide an opportunity for personal hearing.
5. Where as site inspection was carried out Regional Office of MoEF&CC at Ranchi during 3rd August, 2017 to 4th August, 2017 and submitted the inspection report to MoEF&CC vide letter no. 103-131/07/EPE dated 17/08/2017 (**copy enclosed as Annexure -V**) wherein substantive non-compliances/partial compliances have been reported.
6. Whereas, the Hon'ble High Court of Jharkhand vide its order dated 25/08/2018 (**copy enclosed as Annexure -VI**) in Writ Petition No. 1873 of 2018 in the matter M/s. Electrosteel Steels Limited Vs Jharkhand State Pollution Control Board and Ors directed the following:
- i. So far as decision of the Ministry of Environment, Forest & Climate Change are concerned, considering the fact that the unit of the petitioner is running unit and large number of employees are working in this unit of the petitioner, this court consider it appropriate that the issue regarding the environmental clearance of the petitioner should be decided at the earliest.

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- ii. It is further observed that it is open to the petitioner to approach the Union of India with their proposal/ application for regularization of the alleged violation, without prejudice to their rights (including right, title, interest, possession and nature of property of the petitioner) and advance submissions before the respondent authority of Union of India pursuant to the show cause notice issued to them dated 6.6.2012 and the appropriate authority may, if possible, simultaneously consider the aforesaid application of the petitioner for regularization along with the show cause reply of the petitioner such that entire dispute is decided and the petitioner may also have a clarity about the fate of its unit. The decision which is to be taken by the Union of India be brought on record by either of the parties by filing supplementary affidavit latest by 25.09.2018.
- iii. It is made clear that this court has not gone into the merits of the claim of the petitioner and it will be open to the respondent no 3 i.e., MoEF&CC to take decision as per law.
- iv. Post this case on 27.09.2018.

7. Whereas MoEF&CC provided an opportunity to M/s. ESL for a personal hearing particularly to the issues raised in the SCN and inspection report of Regional Office – Ranchi in accordance with the principles of natural justice. The hearing took place at 10.00 Hrs on 10/09/2018 at Indus Hall, Indira Paryavaran Bhawan, MoEF&CC, New Delhi. The written submissions have been received from M/s. ESL vide letter dated 7/9/2018 (copy enclosed as Annexure –VII), JSPCB vide letter dated 6/9/2018 (copy enclosed as Annexure –VIII), State Forest Department, Govt. of Jharkhand vide letter dated 6/9/2018 (copy enclosed as Annexure –IX) and District Collector cum District Magistrate, Bokaro vide letter dated 8/9/2018 (copy enclosed as Annexure –X). During the hearing, M/s. ESL submitted supplementary reply (copy enclosed as Annexure –XI). The list of participants is enclosed as Annexure –XII.

8. Whereas the written submissions/supplementary reply received from the parties concerned have been examined in the Ministry in detail. The point wise observations to the issues are given as below:

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I. With respect to shifting of project site

Company was carrying out the construction activities of the proposed plant at Bhagabandhmouza in Bokaro district instead of Parbatpur in the Chandankaniyari block of Bokaro district.

Response of M/s.ESL

- As per the Form I of the EIA Notification 2006, proponent is not required to indicate the specific final location with reference to Plot/Survey/Khasra No./Village/Tehsil/District/State, etc.,The prescribed Form – 1 also did not require the proponent to indicate its location w.r.t. Longitude or Latitude. As such the location 'Parbatpur', indicated in the application was tentative. As per the layout plan submitted along with the EIA report (Figure 2.1, page 2.18) at the time of grant of environmental clearance, plant site is located at South of Parbatpur.
- Public hearing held at Siyaljori school covers the villagers from Bhagabandh. Villagers from Bhagabandh have participated in the hearing.
- Exact location of the steel plant was in the process of determination when the application for EC was made to MoEF&CC.
- NEERI confirmed that study area considered was 10 km radius from the centre of proposed plant area and during public hearing, people from Bhagabandh/Chas block were present. Based on this confirmation, MoEF&CC vide letter dated 2/12/2011 issued a letter to M/s. ESL stating that the revised lay out plan is located within the EIA Study area.

Comments/views of the JSPCB

- Consent to Establish (CTE) was granted by JSPCB to establish the 3MTPA Integrated Steel plant at mauza South Parbatpur of Chandankiyari block of Bokaro District. However, M/s. ESL has shifted its plant site from mauza South Parbatpur of Chandankiyari block of Bokaro District to mauzaBhagabandh of Chas block of Bokaro District.
- JSPCB also reported that the Google Earth image shows that the plant is located about 5.30 km away from actual location mentioned in EIA report.

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- M/s. ESL cannot change the location of project without due approval and it will come under the category of violation.

**Comments/views of the Dept. of Forest, Environment and Climate Change,
State Govt. of Jharkhand**

- M/s.ESL did not establish the steel plant at Parbatpur. Instead, they legally shifted the site and constructed the said plant on lands in Bhagabandh, Hutupathar, Bandhdih of Chas block and in Silajori of Chandankiyari block of Bokaro District.
- State Government has further informed that by actually establishing the steel plant at changed location in other villages, M/s.ESL has violated the conditions of environmental clearance granted vide letter dated 21/02/2008 which leads to immediate application of the provisions of the section (8) sub-clause (vi) of the EIA Notification, 2006 pertaining to deliberate concealment and/or submission of false or misleading information.

Observations of MoEF&CC

- Environmental Clearance granted by the MoEF&CC is site specific. As per the environmental clearance accorded, M/s. ESL must establish the 3.0 MTPA ISP at Parbatpur in the Chandankiyari block of Bokaro district whereas M/s. ESL has established and operating Integrated Steel Plant at Bhagabandhmouza of Chas block of Bokaro District without the prior approval of MoEF&CC.
- As per the monitoring report of Regional Office – Ranchi, approximate geographical location of proposed site as mentioned in EIA report is 23°40' N latitude & 86 ° 20' E longitudes. However as per Google Earth image, the steel plant is located approximately 5.3 km from the above mentioned co-ordinate i.e., 23°40' N & 86 ° 20' E). Copy of the google image is enclosed as **Annexure –XIIA.**
- As per MoEF&CC vide O.M. No. J-11013/41/2006-IA.II(I) dated 22/01/2010 stated that any shift in project location after holding public hearing will be deemed to be a new proposal and will be appraised afresh as per the

procedure prescribed under EIA Notification, 2006 provided that the respective Expert Appraisal Committee (EAC) is satisfied that the shift is so minor as to have no change in EIA/EMP.

- In Writ Petition No. 2247 of 2012, Ministry filed a Counter Affidavit in the Hon'ble Court of Jharkhand stating that the clarification issued on 2/12/2011 is not an approval /amendment to the environmental clearance for change in location of the project site. In accordance with the Ministry's OM dated 22/01/2010, any shift in project location after holding public hearing will be deemed to be a new proposal and will be appraised afresh as per the procedure prescribed under EIA Notification, 2006 provided that the respective Expert Appraisal Committee (EAC) is satisfied that the shift is so minor as to have no change in EIA/EMP. Copy of the affidavit is enclosed as ***Annexure XIIB.***

In view of the above, it is clear that M/s. ESL has violated the general condition no. ii of the EC dated 21/02/2008 and also violated the provisions of the EIA Notification, 2006.

II. With respect to involvement of Forest land

Construction activity was also being carried out on notified forest land as well as on land which is recorded as jungle-jhar in the revenue records.

Response of M/s.ESL

- Claim of Forest Department of Government of Jharkhand regarding certain portions of plant area being forest land due to notification dated 24.05.1958 is untenable as this notification was issued in terms of provision to Section 29(3) of the Indian Forest Act.
- M/s. ESL mentioned various Court orders claiming that their project is not located in Forest land and they have purchased Raiyati land.
- Law laid down that the raiyati lands of the vendors cannot be declared protected forest. Hence, M/s. ESL had made bonafide statement in their application for grant of EC that; 'no forest land was involved' as ESL duly

acquired the land of the plant area from such Raiyats holding proper right, title and interest in their lands.

Comments/views of the Dept. of Forest, Environment and Climate Change, State Govt. of Jharkhand

As per Annexure VI of the written submission of Dept. of Forest, Environment and Climate Change, State Govt. of Jharkhand, it is noted that DFO, Bokaro in the meeting held on 29/04/2009 with representatives of M/s. ESL stated clearly that non-forestry work is being done in notified Forest land and informed ESL to obtain NOC. DFO had shown original copy of the cadastral map proving that steel plant is located in notified Forest land. Further, DFO instructed M/s. ESL to stop the non-forestry work in said Forest land.

M/s. ESL has encroached upon 220.88 acres of protected Forest land notified under Section 29 of Indian Forest Act, 1927 vide Government of Bihar gazette Notification No. C/F-17014/58-1429R dated 24/05/1958 in 4 villages, i.e., Bhagabandh, Silajori, Hutupathar and Bandhdih. The said notification clearly mentions that owner of the land notified is Govt. of Bihar (Presently, Govt. of Jharkhand). The encroached forest land is located in 4 villages i.e., Bhagabandh (147.39 acres), Silajori (71.83 acres), Hutupathar (0.78 acres) and Bandhdih (0.88 acres). All these lands fall within the administrative jurisdiction of Bokaro Forest Division of Jharkhand Forest Department. Thus, the company has committed offences under the provisions of the Indian Forest Act, 1927. Further, the Company has not so far applied for diversion of notified forest land for non-forestry purpose, thereby, constituting violation of Forest (Conservation) Act, 1980 also. The majority of the notified protected forests which were encroached by the company were also recorded as Jungle Jhari in the record of Rights framed under section 8(3) of Chotanagpur Tenancy Act, 1908. Therefore, in terms of the Hon'ble Supreme Court order dated 12/12/1996 in Civil appeal no. 202/1995 T.Godaverman Thirmulkpad Vs Union of India, these lands should be treated as "Forest" for the purpose of Forest Conservation Act, 1980, irrespective of title (or) possession. Out of 220.88 acres, only 17.68 acres in village Bhagabandh is the subject matter of a legal dispute over the title. In the remaining 202.20 acres, there is no title dispute. Hence, M/s. ESL has undeniably encroached upon government

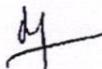
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notified and demarcated 'Protected Forests' thus violating both Indian Forest Act, 1927 and Forest (Conservation) Act, 1980.

Comments/views of the JSPCB

As per provisions of Forest (Conservation) Act, 1980, no authority can divert Forest land for non-forestry activity without prior approval of the Central Government. The Hon'ble Supreme Court in Civil appeal no. 202/1995 T.GodavermanThirmulkpad Vs Union of India in its order dated 12.12.1996 has interpreted the word "Forest" for the purpose of implementation of Forest (Conservation) Act, 1980. According to Hon'ble Supreme Court Order dated 12/12/1996, the word "Forest" must be understood according to the dictionary meaning and all lands which are recorded as forest or its synonyms in Government records will attract provisions of Forest Conservation Act even if utilized/diverted for non-forestry purpose irrespective of their ownership. This order further stated that even if the title is in the name of tenant and the land is recorded as Forest or its synonyms in Government records then provisions of Forest Conservation Act, 1980 shall be applicable. JSPCB has further submitted that records placed in the file shows that 273 acres of land of plot number 1120, 1159, 1389 and 1321 of village Bhagabandh of Chaos block has been recorded in revenue records (or) rights (Khaityan) as jungle-jhari (or) jungle. Out of 273 acres, 220.88 acres of land is said to be notified as protected forest. M/s. ESL while taking environmental clearance from MoEF&CC has concealed vital information regarding "No Forest Land is involved".

Observations of MoEF&CC

As per the EC accorded, total project area was 1350 acres and no forest land was involved. However, as per the monitoring report of the Regional Office – Ranchi, random point at various sites/ location (latitude, longitude) within the plant premises were recorded through GPS instrument. Digital forest map of Chas range (where the M/s Electrosteel Integrated Ltd. Plant is located) was obtained from State Forest Department, Government of Jharkhand. After correlation and Superimposition, it was observed that many structures/infrastructures of the steel plant seems to be located on notified forest.



On the basis of the written submissions of Dept. of Forest, Environment and Climate Change, Dept. of Forest, Environment and Climate Change, State Govt. of Jharkhand and JSPCB, it is noted that M/s. ESL has encroached upon 220.88 acres of protected Forest land located in the 4 villages Bhagabandh, Silajori, Hutupathar and Bandhdih without prior approval of the Competent Authorities concerned. The Company has not so far applied for diversion of notified forest land for non-forestry purpose. Thus, M/s. ESL has violated the provisions of Indian Forest Act, 1927 and Forest (Conservation) Act, 1980.

III. With respect to encroachment of Revenue land

District collector cum District Magistrate (DM) of Bokaro District vide his letter no. 2070/RTI dated 08.09.2018 has given reply to MoEFCC, New Delhi enclosing C.O., chas (Bokaro) report and C.O., Chandankyari (Bokaro) report. As per the C.O. Chas (Bokaro) report M/s Electro steel has encroached total 142.90 acres pure Govt. land apart from encroaching notified forest land in chas circle. C.O. Chas (Bokaro) has also mentioned in his letter that M/s Electro Steel has also encroached river Izri. C.O. chas has further mentioned that M/s Electrosteel has gone to Hon'ble High Court of Jharkhand after District Administration order. The Hon'ble Court had ordered that "Until further order, no corrective other shall be taken against the petitioner pursuant to the impugned order. As per C.O. chandankyari (Bokaro report M/s Electro Steel has encroached total 120.65 acres of Govt. land in chandakyari circle.

Observations of MoEF&CC

M/s. ESL has encroached upon 142.90 acres of pure Govt. land in chas circle and 120.65 acres of Govt. land in chandakyari circle apart from the encroachment of Forest land.

IV. Non-compliances/partial compliances with respect to the conditions stipulated in the EC

As per the inspection report submitted to MoEF&CC vide letter no. 103-131/07/EPE dated 17/08/2017 by Regional Office – Ranchi, following environmental clearance conditions were partially complied/Not complied.

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A. Specific conditions:

- **(Condition no. ii):** Permanent water sprinklers were not running during onsite monitoring. However, on enquiring the project authorities started them.
- **(Condition no. iii):** Dust extraction systems were not seen at sizing plants. Water sprinkling was not found satisfactory. Dust emissions were noticed in SMS plant also and it was pointed out to Manager/in-charge of the SMS plant there itself with instructions for proper cleaning /housekeeping & use of Pollution Control equipment.
- **(Condition no. vi):** Project authorities have not submitted the drawing/design & plan for Construction of rain water harvesting structures to RO Ranchi. Reservoir dimensions with drawing have not been submitted by project authorities.
- **(Condition no. viii):** Fly ash was disposed outside the plant boundary. That area is claimed by Project Proponent as their own land. However, documents regarding ownership of the land has not been submitted to RO Ranchi.
- There was no ground water monitoring near fly ash disposal area. Many solid waste, mostly slag, scrap iron was also disposed in plant premises but ground water monitoring near those waste disposal areas could not be done. The reason as per the project authorities was that they don't have the permission for withdrawal of ground water.
- **(Condition no. x):** Much BF slag was disposed outside the plant boundary. Project authorities did not submit the list of cement manufactures who have taken their slag & also the amount of slag sent to them in the year 2015-16. Amount of SMS Slag generated & utilized for road making was not submitted to RO Ranchi. Time bound action to reduce solid waste its proper utilization and disposal not submitted to RO Ranchi.
- **(Condition no. xi):** Amount of fly ash sent for brick manufacturing (in the year 2015-2016) with manufactures name not submitted to RO Ranchi. There was no landfill suitably designed to dispose the bottom ash. Fly ash was not sent to any Cement manufactures. Fly ash was disposed outside of the plant boundary. (The project authorities claimed that it is their purchased land but did not give any proof / documents thereof. Catch drains were constructed on only one side of the fly ash dump but it too was silted with very little space left.

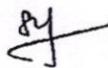
There were chances that rainwater may take fly ash to the adjoining area of the dump. Groundwater quality monitory report was not submitted for the area where fly ash was disposed. Latest leachate study with respect to slag and fly ash must be submitted.

- **(Condition no. xii):**The total project area as per EC is 1350 acres and so in 445.5 acres green belt should have been developed. The project authorities did not provide the acreage on which the green belt has been developed till date. Overall green belt development was not satisfactory. Along the periphery of plant at many places trees/green belt was negligible. As per project proponent EIA report p. no.5.7, 5.2.4.1:Greenbelt in and Around the Project Boundary-"With a view to attenuate noise and to mitigate negative impacts, it is recommended to develop greenbelt of 30-40 meter wide along the periphery of project site and at different site and at different possible locations within the project premises".p.no.5.8, Roadside Plantation-"Minimum of two rows of plants are required for plantation of roadside to minimize the pollution effects. While planting care should be taken to ensure that plants in second row fall in between the two plants of first row." The above conditions have not been complied.
- No document was submitted to show that green belt development was done in consultation with DFO.
- **(Condition no. xiii):** Fly ash disposal is not as per recommendations in CREP.
- **(Condition no. xiv):** Project authority have submitted copy of letter dated 08.05.2008 of Environment & Forest Department, Government of Jharkhand, in which it is mentioned that the department has no objection for establishment of Electrosteel integrated ltd. steel plant at Parbatpur of Chandankyari block. (with respect to specific condition xiv of EC letter). However, steel plant has been constructed at BhagabandhMauza of Chas block. Also, there is no mention of likely impact of proposed steel plant on surrounding reserve/protected forest & its remedy and Implementation in the State Govt, Jharkhand letter.

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B. General conditions:

- **(Condition no. i):** Copy of the compliance report to JSPCB with respect to NOC/CTE & CTO Conditions not submitted to RO Ranchi.
- **(Condition no. ii):** Project Proponent has made its steel plant in Bhagabandh of Chas block instead of Parbatpur of Chandankiyari block without prior information to MOEFCC, New Delhi. However, MOEF&CC, New Delhi has vide its letter no J-11011/137/2006-IA II (I) dated- 02.12.2011 to M/s Electrosteel Integrated Limited writes that "the overall impacts predicted in the study area do include the area covered by Bhagabandh in the western direction of proposed lay out of the steel plant. During the public hearing people from Bhagabandh / Chas block were present." The Ministry further writes in the letter that "the revised layout plan submitted by the proponent shows that the plant is located within the EIA study area."
- Also in the EC letter the company's name mentioned is "M/s Electrosteel Integrated Ltd." while the company is sending its documents/Six monthly compliance reports in the name of M/s Electrosteel Steels Limited.
- **(Condition no. iii):** Interlocking facilities so that process can be automatically stopped in case emission level exceeds the limit was not shown.
- **(Condition no. iv):** Ambient air quality monitoring stations have not been shown on plant layout. Copy of documents to prove that the ambient air quality monitoring stations have been established in consultation with JSPCB were also not submitted.
- **(Condition no. v):** Some sludge cakes after treatment were kept inappropriately during the visit and it was pointed out to Head (Environment) doing onsite monitoring.
- **(Condition no. vi):** In the plant workers were not wearing ear plugs/muffs even in noisy area. When a worker was asked he told that ear plug was not issued to him.
- **(Condition no. vii):** Medical examiner's (Physician) name is not clear in the report. A copy of list of both (Initial & Periodical medical examination) not submitted to RO Ranchi.



- **(Condition no. viii):** There was also some waste materials /plastics found in the nala /joriya within plant premises. No pond & rainwater harvesting structures have been shown in plant layout submitted to RO Ranchi.
- **(Condition no. ix):** Many of the conditions mentioned in the EIA/EMP report, in the chapters Project Description, Anticipated Environmental Impacts & Mitigation Measures, Environmental Management Plan have not been complied.
- **(Condition no. xiii):** Project authorities did not inform about the date of commencing of the land development work.
- In this connection this is also to inform you that as per the Minutes of the meeting of the Public consultation dated 28.09.2007 organized by JSPCB, Jharkhand (for Integrated Steel Plant at Block Chandankyari, Jharkhand by M/s Electrosteel Integrated Limited) villagers from affected villages viz Chandaha, Batbinor, Parbatpur, Asansol, Talgaria, Mahal, Tetulia, Babugram/Kudharia, Uparbadha, Bhagabandh, Sialjori, Bandhdih, etc., were present. However, DFO Bokaro has reported that the steel plant has encroached 220.88 acres forest area in Bhagabandh, Sialjori, Hutupahar, Bandhdih. After superimposition of GPS points (Lat, long.) on the digital forest map, it seems that forest land (as stated by Jharkhand State Govt.) has been encroached.

Response of the M/s.ESL and comments of Regional Office - Ranchi

M/s. ESL has submitted point wise reply to the aforesaid non-compliances/ partial compliances of RO – Ranchi. This has been examined by Regional Office – Ranchi. As per the examination of RO- Ranchi (*copy enclosed as Annexure –XIII*), still there are many non-compliances/partial compliances inter-alia including fugitive dust control measures, green belt development, utilization/disposal of fly ash, rain water harvesting, and non-adherence to the recommendations of EIA/EMP etc., which are yet to be complied by M/s. ESL.

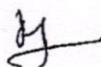
Observations of MoEF&CC

M/s. ESL is yet to comply with the several environmental clearance conditions inter-alia including fugitive dust control measures, green belt development,

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utilization/disposal of fly ash, rain water harvesting, and non-adherence to the recommendations of EIA/EMP etc. Further, as per the monitoring report, M/s. ESL has acquired 2667.51 acres whereas as per the environmental clearance accorded total land was only 1350 acres. However, this matter has not been clarified in the M/s. ESL reply.

9.0 Whereas, MoEF&CC noted that M/s. ESL has committed following violations from aforesaid para 8:

- i. As per the environmental clearance accorded, M/s. ESL must establish the 3.0 MTPA ISP at Parbatpur in the Chandankiyari block of Bokaro district whereas M/s. ESL has established and operating Integrated Steel Plant at Bhagabandhmouza of Chas block of Bokaro District without the prior approval of MoEF&CC. Hence, M/s. ESL has violated the general condition no. ii of the EC dated 21/02/2008 and also violated the provisions of the EIA Notification, 2006. Further, as per the Google Earth image, the steel plant is located approximately 5.3 km from the above original co-ordinate i.e., 23°40' N & 86 ° 20' E as mentioned in the EIA report. Such, shift in project location will be deemed to be a new proposal and mandates fresh appraisal as per the procedure prescribed under EIA Notification, 2006.
- ii. M/s. ESL has encroached upon 220.88 acres of protected Forest land located in the 4 villages Bhagabandh, Silajori, Hutupathar and Bandhdih without prior of the Competent Authorities concerned. The Company has not so far applied for diversion of notified forest land for non-forestry purpose. Thus, M/s. ESL has violated the provisions of Indian (Forest) Act, 1927 and Forest (Conservation) Act, 1980.
- iii. M/s. ESL has encroached upon 142.90 acres of pure Govt. land in chas circle and 120.65 acres of Govt. land in chandakyari circle apart from the encroachment of Forest land.
- iv. M/s. ESL is yet to comply with the several environmental clearance conditions inter-alia including fugitive dust control measures, green belt development, utilization/disposal of fly ash, rain water harvesting, and non-adherence to the recommendations of EIA/EMP etc. Further, M/s. ESL has acquired 2667.51 acres beyond 1350 acres stipulated in the environmental clearance.



10. Whereas serious violations/non-compliances to the stipulated environmental clearance conditions reported above mandate commensurate action.

11. Whereas M/s. ESL has requested MoEF&CC in their letter dated 7/9/2018 to favourably consider their request to deal with any irregularity finally established against the company through a relevant judicial process and for this purpose, they are willing to furnish a security to MoEF&CC in the form of a bank guarantee covering the amounts that may eventually be payable by the company for a resolution of legal issues such as NPV, compensatory afforestation and statutory charges as may be determined by MoEF&CC.

12. Now, therefore based on the response submitted by you vide letter dated 20/6/2012, additional documents submitted vide letter dated 7/9/2018&10/9/2018, written submissions of JSPCB, State Forest Department, Govt. of Jharkhand and District Collector cum District Magistrate, Bokaro and personal hearing held on 10/9/2018 and analysis made by the Ministry, the Competent Authority hereby decided to revoke the environmental clearance accorded vide letter no. J-11011/137/2006-IA.II(I) dated 21/02/2008 to M/s. Electrosteel Steels Limited with immediate effect in accordance with the Section 5 of the Environment (Protection) Act, 1986.

13. M/s. Electrosteel Steels Limited may apply for environmental clearance afresh after clearing all the issues as per the rules.

13. This issues with the approval of the Competent Authority.

Sharath Kumar Pallerla
20/9/18
(Sharath Kumar Pallerla)
Scientist 'F'/Director

Copy to:-

- 1. **The Secretary**, Department of Environment, Government of Jharkhand, Secretariat, Ranchi – *It is requested to ensure compliance with the aforesaid Order of the Ministry.*

- 29
2. **The Additional Principal Chief Conservator of Forests (C)**, Ministry of Environment and Forest, Regional Office (ECZ), Bungalow No. A-2, Shyamali Colony, Ranchi-834002 – *It is requested to ensure compliance with the aforesaid Order of the Ministry.*
 3. **The Chairman**, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032 – *It is requested to ensure compliance with the aforesaid Order of the Ministry.*
 4. **The Chairman**, Jharkhand State Pollution Control Board, T.A. Division Building (Ground Floor), HEC Campus, P.O. Dhurwa, Ranchi - 834004, Jharkhand – *It is requested to ensure compliance with the aforesaid Order of the Ministry and take immediate action in accordance with the Acts/Rules.*
 5. **The Member Secretary**, Central Ground Water Authority, A2, W3 Curzon Road Barracks, K.G. Marg, New Delhi-110001.
 6. **The District Collector**, Bokaro District, Jharkhand – *It is requested to ensure compliance with the aforesaid Order of the Ministry*
 7. **Guard File / Record File / Monitoring File.**
 8. **MoEF&CC Website.**


(Sharath Kumar Pallerla)
Scientist 'F'/Director

F.No. J-11015/406/2006-IA-II (M)
Government of India
Ministry of Environment, Forest and Climate Change
IA-II (Non Coal Mining)

Vayu Wing, 3rd Floor,
Indira Paryavaran Bhavan, Aliganj,
Jor Bagh Road, New Delhi-110 003

Dated: 28th January, 2020

Sub.: Direction to the Unit under section 5 of the Environment (Protection) Act, 1986 – for revocation of Environmental Clearance -regarding

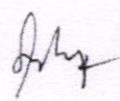
Whereas, Environmental Clearance was granted vide letter No J-11015/406/2006-IA. II (M) dated 13.04.2007 for Dhangarwadi Bauxite Mines Project of M/s Hindalco Industries Limited in Kolhapur District in Maharashtra.

Whereas, as per direction of the Hon'ble Supreme Court a team constituted by the Ministry of Environment Forest & Climate Change (MoEF&CC) visited the mining site of M/s Punthembekar Minerals limited during 10-11 October, 2017 and submitted it report to the Ministry. The matter was thereafter examined in the Ministry at it has found that Dhangarwadi Bauxite Mines Project of M/s Hindalco Industries Limited is located within 10 KM from connecting corridor of Chandoli National Park and Radhanagri Wildlife Sanctuary.

Whereas, the Hon'ble Supreme Court in its order dated 04.08.2006 in IA 1000 W.P. (c) 202 of 1995 (T.N Godavaram vs. Union of India) prohibited the mining activity around protected and as an interim measure directed that 1 Km safety zone shall be maintained subject to the order that may be made in this I.A. regarding Jamua Ramgarh Sanctuary.

Whereas, as per Ministry vide OM No. J-11013/41/2006-IA (I) dated 02/12/2009, all the development projects/activities for which the environment clearance had been granted prior to 02/12/2009 and were located within 10 KM radius of National Park/Wildlife Sanctuary were required to obtain wildlife clearance from National Board for Wildlife. In this regard, a public notice was also inserted in newspapers by the Impact Assessment Division of the Ministry in January 2009 asking the Project Proponents to seek wildlife clearance from Standing Committee of National Board for Wildlife by 31st January 2009.

Whereas, in exercise of powers vested under Section 5 of Environment (Protection) Act, 1986 direction was issued vide LR No Z-11013/3/2018 dated 15.03.2018 wherein it has mentioned that " to immediately stop all the mining activity till Wildlife Clearance from Standing Committee



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of National Board of Wildlife is obtained and to show cause as why Environmental Clearance granted No J-11015/406/2006-IA.II(M) dated 13.04.2007 for Dhangarwadi Bauxite Mines Project of M/s Hindalco Industries Limited should not be revoked for carrying out mining activity within 10KM of connecting corridor of Chandoli National Park and Radhanagri Wildlife Sanctuary. You are requested to reply within 15 days of receipt of this letter, failing which your EC may be kept in abeyance."

Whereas, the reply submitted by M/s Hindalco Industries Limited vide LR dated 30.03.2018 and information submitted through email dated 30.10.2018 was examined in the Ministry. After examining the proposal, the Ministry sought clarification from National Tiger Conservation Authority (NTCA) vide email dated 17.12.2018 & 18.12.2018 and Lr. No. J-11015/406/2006-IA. II (M) dated 14.01.2019 regarding distance of mining lease from Sahyadri Tiger Reserve and notification for establishment of the same. The Ministry also sought clarification from Ministry of Mines vide Lr. No. J-11015/406/2006-IA. II (M) dated 14.01.2019 regarding mining of Aluminous Laterite by PP without including the same in the mining lease.

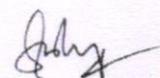
Whereas, the National Tiger Conservation Authority (NTCA) vide its letter No. vide its letter No 7-37/2017-NTCA dated 27.03.2019 forwarded the letter No A/D-11/No.38 (17-18)/1383/2018-19 dated 14.03.2019 issued by Conservator of Forest & Field Officer, wherein, it has mentioned that the aerial distance of Dhangarwadi Bauxite Mines Project is 6.58 KM from the boundary of Sahyadri Tiger Reserve and 46.35 KM from Radhanagari Wildlife Sanctuary, the Sahyadri Tiger Reserve was notified on 21.08.2012 and location map of the mining lease and its distance from the protected area. Thus, it's clear from the above that from 21.08.2012 onwards for carrying out mining activities the PP was required to obtain NBWL Clearance.

Whereas, as per the past production details submitted for Dhangarwadi Bauxite Mines Project it has observed that project proponent in addition to Bauxite also mined Aluminous Laterite from 2014-15 onwards. The Ministry in this regard sought clarification from Ministry of Mines, Govt of India vide its letter No. J-11015/406/2006-IA.II (M) dated 14.01.2019. The Ministry of Mines vide its letter No 16/7/2019-M.VI dated 08.02.2019 informed the ministry that *"The mineral name which has been mentioned in the mining lease deed only can be dispatched and for dispatching the mineral(s) not mentioned in the mining lease deed these minerals needs to be included in the lease deed"*. It is clear from the reply of Ministry of Mines that PP cannot dispatch Aluminous Laterite without including the same in the mining lease deed and without obtaining a prior EC for the same. The Ministry of Mines vide its notification dated 10.02.2015 also declared Laterite as a Minor Mineral.

Whereas, Ministry has notified S.O. 804(E) dated 14.03.2017 for dealing with violation category proposals as per this notification " *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..*" Further as per para 13 (3) of this notification "*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*". In the instant case the M/s Hindalco Industries Limited, dispatched Aluminous Laterite from 2014-15 onwards without obtaining a prior environmental clearance for the same and thus it's a violation as per S.O. 804(E) dated 14.03.2017.

Whereas, the Hon'ble Supreme Court in W.P(C) 114 of 2014 in the matter of Common Cause vs Uol in its judgement dated 2.08.2017 inter-alia mentioned that "*para 128 ..a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the EPA, the FCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements, then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral...*". "*Para 186 (6) With effect from 14th September, 2006 all mining projects having a lease area of 5 hectares or more are required to have an EC. The extraction of any mineral in such a case without an EC would amount to illegal or unlawful mining attracting the provisions of Section 21(5) of the MMDR Act*". In the instant case M/s Hindalco Industries Limited, dispatched Aluminous Laterite from 2014-15 onwards without obtaining a prior environmental clearance from MoEF&CC, without consent to operate from State Pollution Control Board and without including the Aluminous Laterite in the mining lease deed.

Whereas, the Hon'ble Supreme Court in W.P(C) 202/1995 in I.A 3949 in its order dated 2.11.2018 inter-alia mentioned that "*The Chief Secretary has assured us that he will look into the matter and see whether any illegal mining has been going on, that is to say, mining, without any forest clearance or clearance from the Standing Committee of the National Board of Wildlife. It that is so, necessary steps be taken by the State of Maharashtra to recover the amounts due to illegal mining (if any) under Section 21 (5) of the Mines and Mineral (development and Regulation) Act, 1957*".

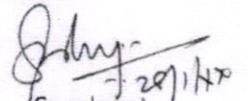


The Ministry has examined the submission made against MoEF&CC letter No. Z-11013/3/2018 dated 15.03.2018 and other information received, and is of considered view that there is violation of provision stipulated under EIA Notification, 2006 and amendment made therein.

Now, therefore, in exercise of powers vested under Section 5 of Environment (Protection) Act, 1986, the Environmental Clearance granted vide letter J-11015/406/2006-IA. II (M) dated 13.04.2007 for Dhangarwadi Bauxite Mines Project of M/s Hindalco Industries Limited located villages Dhangarwadi, Gholaswade, Ainwadi, Hambavali, Javil & Manoli in District Kolhapur in Maharashtra is **revoked herewith** due above mentioned reasons and as the window for applying under violation category has already been closed.

Lastly, it may be noted that violation of the direction under Section 5 of Environment (Protection) Act, 1986 shall attract penal action under section 15 of the Environment (Protection) Act, 1986.

This issues with the approval of the Competent Authority.


(Sundeep)

Director/Scientist - 'F'
Email: Sundeep.moef@gmail.com
Phone/Fax: 011-24695339

To,

M/s Hindalco Industries Limited
P.O Radhanagri, Kolhapur, Maharashtra-416212

Copy to:

- 1) **The Chief Secretary**, Government of Maharashtra, 6th Floor Main Building, Mantralaya, Dr. Madan Cama Road, Fort, Mumbai-400032
- 2) **The Chairman**, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. Cine Planet, Sion Circle, Mumbai-400 022.
- 3) **The Controller General**, Indian Bureau of Mines
2nd Floor, Indira Bhawan, Civil Lines, Nagpur- 440 001
Phone : + 91 712 2560041, Fax : + 91 712 2565073
email : cg@ibm.gov.in

4) **The Director**, Directorate of Geology & Mining,
Government of Maharashtra, "Khanij Bhawan", Plot No 27, Shivaji Nagar, Cement Road,
Nagpur-440010.

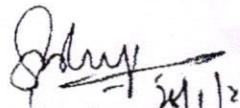
5) **The District Collector**, (Kolhapur),
District Collector Office, Kolhapur
New Shahupuri, Kolhapur, Maharashtra 416003

6) **The Additional Principal Chief Conservator of Forests (C)**,
Ministry of Environment, Forest and Climate Change, Regional Office (WCZ), Ground Floor,
East Wing, New Secretariat Building Civil Lines, Nagpur-440001
Tel.No.0712-2531318, Fax: 0712-2531318
Email: apccfcentral-ngp-mef@gov.in

7) **Mr. Kumar Mangalam Birla**,
Chairman, Hindalco Industries Limited
Birla Centurion, 7th floor
Pandurang Budhkar Road
Worli, Mumbai 400 030

8) MoEFCC Website

9) Guard File


(Sundeep) 24/1/2

Director/Scientist - 'F'