

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE BENCH
AT CHENNAI**

APPEAL No 45 OF 2022

IN THE MATTER OF:

V.RAMASUBBU

..... Applicant

Vs

THE MEMBER SECRETARY AND OTHERS

.... Respondents

REPORT FILED BY THE SEIAA 1st RESPONDENT

DATE- 28.02.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

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BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI
APPEAL NO. 45 of 2022

IN THE MATTER OF:

V.RAMASUBBU,
No, B/18C, Sri Sakthi Nagar,
Krishnapuram, Palayankottai – 627011,
Tirunelveli.

...Applicant

Versus

1. THE MEMBER SECRETARY,
State Level Environmental Impact Assessment Authority
Andhra Pradesh (SEIAA-AP), Ministry of Environment, Forest and
Climate Change, Vijayawada & 4 others.

... Respondents

INDEX

S.No.	Particulars	Page No.
1.	Additional Report on Hon'ble National Green Tribunal Southern zone, Chennai in Appeal No.45 of 2022	1-2
2.	Annexure - I Revocation order dated 21.11.2023.	3-10
3.	Annexure - II Report on Hon'ble National Green Tribunal Southern zone, Chennai in Appeal No.45 of 2022.	11-76
4.	Annexure - III Report on Hon'ble High Court in W.P.No.31657 of 2023.	77-86
5.	Annexure - IV The Hon'ble High Court order dated .20.12.23	87-90
6.	Annexure - V Show Cause Notice dated 19.02.2024.	91-96

It is certified that all the documents contained in the above annexure are true copies.

Date: 28.02.2024


Member Secretary
SEIAA, AP

Additional Report on Hon'ble NGT in Appeal.No.45 of 2022 filed by Sri. V.Ramasubbu, Tirunulveli, in the Hon'ble NGT in the matter of M/s. Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, A.P. - Submitted - Reg.

It is to submit that the SEIAA revoked the EC order dt.28.07.2022 issued to M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh and revocation orders are communicated to the proponent vide orders dated.21.11.2023 as per the recommendations of SEAC on the following grounds:

1. The Department of Atomic Energy is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity as per the Affidavit filed by Atomic Energy Department in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019. The MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.
2. **As per the Condition No.2 at Part A of Special Conditions-** The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015 issued by MoEF&CC & **condition No. XVIII at Point B. of General conditions-** **The proponent shall obtain all other mandatory clearances from respective departments.** The proponent has not obtained permission from AERB clearance after the lapse of one year 3 months, there by not complied the condition stipulated in EC order.

It is to submit that after revocation order dated 21.11.2023 issued to the project proponent, the SEIAA, A.P submitted report in the Hon'ble NGT, Chennai on 21.11.2023 as per the order dated 01.05.2023.

Further, the project proponent challenged in Hon'ble High Court registered as W.P.No.31657 of 2023 in the matter of M/s. Trimex Sands Private Limited Vs Union of India and others against the revocation of the Environmental

Clearance order dated.21.11.2023 issued by SEIAA, A.P without giving opportunity to the project proponent. The SEIAA, A.P filed a report in Hon'ble High Court in W.P.No.31657 of 2023.

The Hon'ble High Court heard the matter and issued directions vide order dated.20.12.2023 as follows:

“6.For the aforesaid reasons, the Writ Petition is allowed, setting aside the order bearing No.SEIAA/AP/SKLM/IND/11/2021/3654/230.33, dated 21.11.2023, passed by the 3rd respondent- State Level Environment Impact Assessment Authority of Andhra Pradesh, and the matter is remitted back to the 3rd respondent, for consideration of the issue afresh, after complying with the principles of natural justice, so also by issuing a show cause notice in accordance with the provisions of EIA Notification, dated 2006.”

In obedience to the Hon'ble High court order dated 20.12.2023 the SEIAA issued Show Cause Notice on 19.02.2024 to the project proponent under section 5 of E(P) Act,1986 for explanation within 15 days that the project proponent is not entitled for EC as per the Circular dated 11.04.2019 issued by the MoEF & CC, New Delhi, since the Mineral Separation Plant (MSP) is in the prohibited list as notified by the GoI.

Hence, after receiving reply to the Show Cause Notice from the project proponent, necessary further action would be taken as per the rules in force.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to consider our report in the APPEAL No. 45 of 2022 and pass such further or other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Vijayawada,
Dated: 28.02.2024.


Member Secretary
SEIAA, AP

o/c

File No.APPCB-11033/6/2022-TEC-EC-APPCB

	<p align="center">State Level Environment Impact Assessment Authority (SEIAA) Andhra Pradesh</p>
	<p align="center">Ministry of Environment, Forests & Climate Change Government of India</p> <p align="center">Dr.YSR Paryavaran Bhavan, APIIC Colony Road, Gurunanak Colony, Auto Nagar, Vijayawada-520007.</p>

REGD.POST WITH ACK.DUE

21.11.2023
DESPATCHED

S.B.

Order No.SEIAA/AP/SKLM/ IND/11/2021/3654/230.33 ⁻²⁴⁶ 21/11/2023

Sub :	SEIAA, A.P. - Beach Sand Mineral separation plant of M/s. Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh - Revocation of Environmental Clearance - Reg.
Ref:	<ol style="list-style-type: none"> 1. Your application for ToR received through online on 22.11.2021 (Proposal No. SIA/AP/IND/69360/2021). 2. The minutes of SEAC meeting held on 14, 15 & 16th Dec 2021 & SEIAA meetings held on 05.01.2022 & 06.01.2022 3. The minutes of SEAC meeting held on 14.02.2022 & SEIAA meeting held on 21.03.2022 4. The ToR issued on 12.04.2022. 5. Your application for EC received through online on 30.04.2022. 6. The minutes of SEAC meeting held on 18.05.2022 & SEIAA meeting held on 26.05.2022. 7. Environmental Clearance Issued by SEIAA Vide Order dt.28.07.2022. 8. Appeal No. 45 of 2022 (SZ) filed in Hon'ble NGT, Chennai against M/s Trimex Sands Private Limited. 9. The minutes of SEAC meeting held on 10.10.2023. 10. The proponent's representation dated.09.11.2023. 11. The minutes of SEIAA meeting held on 20.11.2023.

WHEREAS, you have filed an online application in PARIVESH vide reference 1st cited, seeking Terms of Reference for the Mineral Separation Plant (MSP) of M/s Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

WHEREAS, the issue was discussed in the State Level Expert Appraisal Committee (SEAC) meetings held on 14,15 & 16th Dec 2021 & 14, 15 & 16th Feb 2022 and in the State Environmental Impact Assessment Authority (SEIAA) meetings held on 05.01.2022 , 06.01.2022 & 21.03.2022. The Member Secretary SEAC issued TOR on 12.04.2022 to Trimex Private Limited without Public Hearing.

WHEREAS, you have filed an application on 30.04.2022 seeking Environmental

File No.APPCB-11033/6/2022-TEC-EC-APPCB

Clearance for the Mineral Separation Plant (MSP) of M/s Trimex Sands Private Limited at Sy. No. 78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

WHEREAS, the issue was discussed in the State Level Expert Appraisal Committee (SEAC) meetings held on 18.05.2022 and the SEAC recommended to issue EC with a condition that the proponent shall comply with conditions specified in the earlier EC order.

WHEREAS, the State Environmental Impact Assessment Authority (SEIAA) in its meeting held on 26.05.2022 agreed with recommendations of SEAC and issued Environmental Clearance on 28.07.2022 to M/s. Trimex Sands Private Limited stipulating the following conditions :

1. **Conditions No,XViii at Point B. of General conditions– The proponent shall obtain all other mandatory clearances from respective departments**
2. **Condition No.2 at Part A of Special Conditions- The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015 issued by MoEF&CC.**

WHEREAS, a court case was filed in Hon'ble NGT on dt.26.08.2022 in Appeal No. 45 of 2022 (SZ) against M/s Trimex Sands Private Limited. The Hon'ble NGT directed the SEIAA vide order dt.01.05.2023 as follows:

“Let the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation”.

WHEREAS, the matter was referred SEAC to examine on the Hon'ble NGT direction. The SEAC in the meeting held on 10.10.2023 discussed the matter and the minutes of SEAC meeting are as follows:

- a. *M/s. Trimex Sands Private Limited was operating Integrated Mining cum Beneficiation project for Beach Sand Minerals at Vatsavalasa(V), Tonagi (M), Srikakulam District.*
- b. *The industry obtained Environmental Clearance from MoEF vide order dt 10.11.2004 for mining of Beach Sand and Separation of heavy minerals (Garnet, Ilmenite, Leucoxene, Seliminite & minor amount of Rutile & Zircon) and to set up an export oriented mining unit at Vatsavalasa & Tonagi villages, Gara (M), Srikakulam in an extent of 7.2 Sq Kms. The industry obtained EC for expansion vide order dt 17.04.2015 from 2 MTPA to 6 MTPA over an extent of 720 HA.*
- c. *The project involves mining, wet Pre-Concentration Plants (PCP) and Mineral Separation Plant (MSP) to produce Ilmenite, Garnet, Rutile, Zircon and Sillimanite. Pulverizing unit with ball mill installed in the mineral separation plant. The Mining and PCPs are established within the mining lease area, whereas the Mineral Separation Plant (MSP) has been established outside the mining lease area.*
- d. *The unit was in operation since 2009-10. The policy decision of the*

File No.APPCB-11033/6/2022-TEC-EC-APPCB

- Government of India in 2019 to permit only Govt. companies in the mining of beach sand minerals resulted in the stoppage of the Mining activity and MSP, though it is situated outside the Mine Lease area.
- e. The proponent submitted application for grant of TOR on 22.11.2021 and also requested for exemption from Public Hearing to start Mineral Separation Operation by using mineral concentrate from India / abroad.
 - f. This proposal was examined in the 172nd SEAC meeting held on 16.12.2021 and the SEAC Committee recommended for issue of Standard TOR with EIA & Public Hearing. The proposal was placed before the 169th SEIAA meeting and the SEIAA AP referred the proposal to SEAC to re-examine the application in the light of request letter dt. 20.12.2021 submitted by the proponent to SEIAA seeking exemption for public hearing.
 - g. The committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier, the decision of 179th SEAC meeting is as follows:

"The committee after examining the project proposal, presentations, MoEF&CC notification & OMs and detailed deliberations, recommended for issue of Standard TOR with EIA, without public hearing under 7(II) of EIA Notification, 2006 and its amendments thereof".
 - h. The proposal along with recommendation of the SEAC 179th SEAC meeting was placed before the 177th SEIAA meeting and the SEIAA agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued on 12.04.2022.
 - i. The project proponent has applied for Environmental clearance on 30.04.2022 and was placed before the 187th SEAC meeting. The decision of 187th SEAC meeting is as follows:

"The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue of Environmental Clearance with conditions specified in the earlier EC order accorded by MoEF & CC."
 - j. The proposal was placed before 184th SEIAA meeting and agreed with recommendation SEAC to issue Environmental clearance. The SEIAA granted Environmental clearance on 28.07.2022 for Mineral Separation Plant of 0.44 MTPA stipulating a condition that
 - i. The Mineral Separation Plant shall be operated by sourcing mineral concentrate from India/Abroad.
 - ii. No mining shall be carried out without obtaining EC.
 - k. An appeal No 45 of 2022(SZ) was filed by V.Ramasubbu, Krishnapuram, Palayamkottai, Tirunelveli in the Hon'ble National Green Tribunal (NGT), South Zone, Chennai and questioned **"the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation"**.
 - l. It is to submit that as per the Environment impact assessment Notification, 2006 and its amendments thereof and MoEF & CC Notification S.O. 1886(E) dt.

File No.APPCB-11033/6/2022-TEC-EC-APPCB

20.04.2022, the project categorized as Mineral Beneficiation under 2(b) said that "All Mineral beneficiation project irrespective of the procedure for beneficiation". Mineral beneficiation alone only can appraise under category 2(b) of EIA notification, 2006 and its amendments thereof.

m. During the appraisal the SEAC noted that:

1. During the meeting the project proponent has informed that they are procuring mineral from Andhra Pradesh Mineral Development corporation Limited., (APMDCL).
 2. The project proponent also informed that the Minerals after extraction and they are going to sell product through Indian Rare earths Ltd (IREL) and also informed that the project will obtain permission of Department of Atomic Energy (DAE).
 3. The SEAC, AP has examined the order dt. 01.03.2019 and noted the Para No. 12 (Henceforth, any Mineral concession of Beach Sand Minerals shall be granted to a "Government company or corporation owned or controlled by the Government" under the provisions of the Atomic Minerals Concession Rules, 2016).
 4. The MoEF&CC S.O.No. 1886 (E) dt. 20.04.2022, it is clear that against item 2 (b) in column (4), for the symbol, figures, words and letters — "< 0.5 million TPA throughput", the words — All mineral beneficiation projects irrespective of the procedure for beneficiation shall be substituted.
 5. The SEAC, AP has recommended Environmental Clearance. Since M/s. Trimex Sands Private Limited is procuring and proposed to sell mineral to Government body only.
- n. The Under Secretary, Department of Atomic Energy (3rd Respondent) filed an affidavit before the Hon'ble NGT in connection with Appeal No 45(2022) and extract of the para no 6 is as follows:

"The amendment of Atomic Mineral Concession Rules (AMCR), 2016 on 20.02.2019 has resulted in bringing all the Beach Sand Mineral (BSM) deposits in the country under the umbrella of ACMR-2016 irrespective of grade of Monazite and prohibited the entry of private entities for the **downstream activities** (Mining and Separation) in the BSM sector in the country. Accordingly, vide order dt.01.03.2019, Ministry of Mines (MoM) requested all the State Governments for pre-mature termination of all mining leases granted to private BSM operators with the objective of conserving and protecting the critical elements occurring in BSM. Further vide circular dt.11.04.2019, MoEF&CC prohibited Environment Clearance for private BSM entities. The responsibility of handling and liberation of Radioactivity from any source material including BSM (atomic minerals) lies with Department of Atomic Energy (DAE)."

- o. The SEAC discussed the matter regarding the Affidavit filed by Atomic Energy Department in its 230th meeting held on 10.10.2023 and noted that the

File No.APPCB-11033/6/2022-TEC-EC-APPCB

Department is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity. MoEF&CC vide circular dt.11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.

- p. *In light of the above the SEAC Committee recommended for revocation the EC order dt.28.07.2022 in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019 & MoEF&CC vide circular F.No. 22-19/2019-IA.III dt.11.04.2019 as the process of Mineral Separation Plant is also considered as downstream activities. However, the SEIAA, AP is also suggested to obtain legal opinion from the Standing Counsel before taking final decision on the matter.*

WHEREAS, the proponent vide letter dt.09.11.2023 requested the SEIAA, A.P., to reject the recommendation of SEAC for revocation of the EC order.

WHEREAS, the SEIAA in its meeting held on 20.11.2023 examined the recommendations of SEAC, representation of the proponent dated.09.11.2023 & legal opinion dated.17.11.2023 of the standing counsel of SEIAA and decided to **Revoke** the EC order dated.28.07.2022 as per the recommendations of SEAC on the following grounds:

1. The Department of Atomic Energy is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity as per the Affidavit filed by Atomic Energy Department **in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019**. The MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company .
2. As per the Condition No.2 at Part A of Special Conditions- The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015 issued by MoEF&CC& **condition No,XViii at Point B. of General conditions- The proponent shall obtain all other mandatory clearances from respective departments**. The proponent has not obtained permission from AERB clearance after the lapse of one year 3 months, there by not complied the condition stipulated in EC order.

In view of the above, the SEIAA hereby revokes the EC order dt.28.07.2022 issued to M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh as per the condition No. xx & xxi of General conditions of EC order.

No beneficiation work shall be carried out without obtaining Environmental Clearance as per the provisions laid under E(P) Act, 1986 and EIA notification 2006 dt.14.09.2006 and its amendments thereof.

Any appeal against this letter shall lie with the National Green Tribunal as prescribed under section 16 of National Green Tribunal Act 2010.

File No.APPCB-11033/6/2022-TEC-EC-APPCB

Special Secretary To Govt

MEMBER SECRETARY, SEIAA, A.P.	MEMBER, SEIAA, A.P.	CHAIRMAN, SEIAA, A.P.
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To
M/s Trimex Sands Private Limited,
Sri V.H. Rafi Ahammed , Sr. Vice President,
Vatasavalasa Village, Srikakulam P.O,
Gara Manadal, Srikakulam District,
Andhra Pradesh -532404.

Copy to:

1. The Chairman, SEAC, A.P. for kind information.
2. The Member Secretary, APPCB for kind information.
3. The EE, RO: Srikakulam, APPCB for information.
4. The IRO, Sub Officer, MoEF& CC, GoI, Vijayawada for kind information.
5. The Secretary, MoEF&CC, GoI New Delhi for kind information.
6. Monitoring cell, MoEF&CC, GoI, New Delhi for kind information.
7. The District Collector, Srikakulam District, Andhra Pradesh for kind information.



File No.APPCB-11033/6/2022-TEC-EC-APPCB

Digitally Signed by Dr P V
Chalapathi Rao
Date: 21-11-2023 20:56:14
Reason: Approved

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Appeal No.45 of 2022

IN THE MATTER OF:

V.RAMASUBBU,
No, B/18C, Sri Sakthi Nagar,
Krishnapuram, Palayankottai – 627011,
Tirunelveli.

...Applicant

Versus

1. THE MEMBER SECRETARY,
State Level Environmental Impact Assessment Authority
Andhra Pradesh (SEIAA-AP), Ministry of Environment, Forest and Climate Change,
Vijayawada & 4 others.

... Respondents

INDEX

S.No.	Particulars	Page No.
1.	A Report on Hon'ble National Green Tribunal Southern zone, Chennai in Appeal No.45 of 2022	1-8
2.	Annexure - I The minutes of SEAC meeting held on 14.02.2022 & SEIAA meeting held on 21.03.2022.	9-16
3.	Annexure - II Copy of TOR issued vide letter dated.12.04.2022	17-18
4.	Annexure - III The minutes of SEAC meeting held on 18.05.2022 & SEIAA meeting held on 26.05.2022.	19-28
5.	Annexure – IV Copy of EC order issued vide order dated.28.07.2022	29-36
6.	Annexure – V The Hon'ble NGT directions dated .01.05.2023	37-40
7.	Annexure – VI The minutes of SEAC meeting held on 10.10.2023	41-46
8.	Annexure – VII Representation of the proponent dated.09.11.2023	47-50
9.	Annexure – VIII The minutes of SEIAA meeting held on 20.11.2023	51-56
10.	Annexure – IX Revocation order dated.21.11.2023	57-64

It is certified that all the documents contained in the above annexures are true copies.

Dated: 21.11.2023


Member Secretary
SEIAA, AP

File No.APPCB-11033/86/2021-TEC-EC-APPCB

21/11/2023

SEIAA,A.P.- Report on Orders of Hon'ble NGT dt. 01.05.2023 in Appeal No. 45 of 2022 filed by Sri. V. Ramasubbu, in the Hon'ble NGT, Chennai in the matter of M/s. Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, A.P. - Submitted – Reg.

It is humbly submitted that the proponent has filed an online application in PARIVESH seeking Terms of Reference for the Mineral Separation Plant (MSP) of M/s Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

The issue was discussed in the State Level Expert Appraisal Committee (SEAC) meetings held on 14,15 & 16th Dec 2021 & 14, 15 & 16th Feb 2022. The minutes of SEAC meeting are as follows:

Recommendations of the SEAC on 14.02.2022.

Category: 2(b)

M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State applied for TOR for Mineral Separation Plant (MSP). The project proponent and their consultant, M/s. Pioneer Enviro Labs have attended the meeting. The proponent informed that MSP is already established in 2009-10 as part of the integrated Mining cum Beneficiation project for beach sand minerals, for which EC was obtained from MoEF&CC after conducting public hearing. The project has undergone expansion in 2015 and fresh EC for expansion was also obtained after conducting PH. The policy decision of the GOI in 2019 to permit only Govt. companies in the mining of beach sand minerals resulted in the stoppage of the MSP, though it is situated outside the ML area. To facilitate restarting of the MSP operations by sourcing mineral concentrate from India/abroad, the proponent submitted application for grant of TOR and also requested for exemption from Public Hearing. The Committee further noted that public hearing has been conducted in the year 2003 as per EIA notification 1994 for integrated proposal of Beach sand mining of 2 MTPA & Mineral Separation Plant (MSP) of 0.63 MTPA and EC was obtained in 2004. Thereafter, for expansion proposal, PH has been again conducted on 29.12.2012 as per EIA notification 2 006 for 6.0 MTPA mining and 0.93 MTPA MSP and obtained EC in 2015. Now applying fresh EC for MSP of 0.44 MTP A only, which is less than 50% capacity for which PH been conducted & EC issued. The Mining Lease was valid till 2034. The EC granted in 20 15 based on the PH conducted was also valid till 2034. The change in policy of the GOI in 2019 only resulted in the stop page of the mining and thereby MSP. No mining is proposed now. The issue was placed in the 172nd SEAC and recommended for issue of Standard TOR with EIA & Public Hearing Further, the SEIAA has reviewed in 169th meeting, the Committee Referred to SEAC to examine in the light of request letter dt.20.12.2021submitted by the proponent. The Committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier. The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue

File No.APPCB-11033/86/2021-TEC-EC-APPCB

of Standard TOR with EIA, without Public Hearing under 7(II) of EIA Notification, 2006.

The State Environmental Impact Assessment Authority (SEIAA) meetings held on 05.01.2022 , 06.01.2022 & 21.03.2022. The SEIAA Agreed with the recommendation of the SEAC. The Member Secretary SEAC issued TOR on 12.04.2022 to Trimex Private Limited without Public Hearing.

The proponent has filed an application on 30.04.2022 seeking Environmental Clearance for the Mineral Separation Plant (MSP) of M/s Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

The issue was discussed in the State Level Expert Appraisal Committee (SEAC) meetings held on 18.05.2022 and the SEAC recommended to issue EC with a condition that the proponent shall comply with conditions specified in the earlier EC order. The minutes of SEAC meeting are as follows:

Recommendations of the SEAC on 17.05.2022.

Category : 2(b)

M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State applied for EC for Mineral Separation Plant (MSP). The project proponent and their consultant, M/s. Pioneer Enviro Labs have attended the meeting and appraised the proposal. The proponent informed that MSP is already established in 2009-10 as part of the integrated Mining cum Beneficiation project for beach sand minerals, for which EC was obtained from MoEF&CC after conducting public hearing. The project has undergone expansion in 2015 and fresh EC for expansion was also obtained after conducting PH. The policy decision of the GOI in 2019 to permit only Govt. companies in the mining of beach sand minerals resulted in the stoppage of the MSP, though it is situated outside the ML area. To facilitate restarting of the MSP operations by sourcing mineral concentrate from India/abroad, the proponent submitted application for grant of TOR and also requested for exemption from Public Hearing. The Committee further noted that public hearing has been conducted in the year 2003 as per EIA notification 1994 for integrated proposal of Beach sand mining of 2 MTPA & Mineral Separation Plant (MSP) of 0.63 MTPA and EC was obtained in 2004. Thereafter, for expansion proposal, PH has been again conducted on 29.12.2012 as per EIA notification 2006 for 6.0 MTPA mining and 0.93 MTPA MSP and obtained EC in 2015. Now applying fresh EC for MSP of 0.44 MTPA only, which is less than 50% capacity for which PH been conducted & EC issued. The Mining Lease was valid till 2034. The EC granted in 2015 based on the PH conducted was also valid till 2034. The change in policy of the GOI in 2019 only resulted in the stoppage of the mining and thereby MSP. No mining is proposed now. The issue was placed in the 172nd SEAC and recommended for issue of Standard TOR with EIA & Public Hearing. accordingly, TOR issued on 12.04.2022. Now, the unit has applied for EC. Further, the SEIAA has reviewed in 169th meeting, the Committee Referred to SEAC to examine in the light of request letter dt.20.12.2021 submitted by the proponent. The SEAC again reviewed the case in the 179th SEAC meeting and

File No.APPCB-11033/86/2021-TEC-EC-APPCB

recommended to SEIAA for the TOR without Public Hearing. SEIAA in its meeting held on 177th SEIAA meeting agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued. The Proponent and their consultant M/s. Pioneer Enviro Consultant have attended the meeting and appraised the case. The Committee noted that this is a mineral beneficiation unit wherein the water used for jigging and extraction purposes is proposed to be recycled and the entire process will be under wet condition. The source of air pollution from the proposed unit is emissions generated from the burning of fuel in the boiler, in generators and fugitive emission dust from the movement of vehicles. The Proponent has proposed air pollution control equipment to the boiler. The proponent shall obtain necessary approvals in case of processing of radioactive minerals viz., monazite from the department of atomic energy. The proponent proposed to provide mineral water plant in the surrounding villages. The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue of Environmental Clearance with conditions specified in the earlier EC order accorder by MoEF& CC.

The State Environmental Impact Assessment Authority (SEIAA) in its meeting held on 26.05.2022 agreed with recommendations of SEAC to issue Environmental Clearance with a condition that the proponent shall comply with conditions specified in the earlier EC order accorded by MoEF&CC and issued Environmental Clearance on 28.07.2022 to M/s. Trimex Sands Private Limited stipulating the following conditions :

1. **Conditions No. XVIII at Point B. of General conditions– The proponent shall obtain all other mandatory clearances from respective departments.**
2. **Condition No.2 at Part A. of Special Conditions- The proponent shall comply with conditions specified in the earlier EC order issued by MoEF& CC.**

A court case was filed in Hon'ble NGT on dt.26.08.2022 in Appeal No. 45 of 2022 (SZ) against M/s Trimex Sands Private Limited. The Hon'ble NGT directed the SEIAA vide order dt.01.05.2023 as follows:

“Let the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation”.

The matter was referred to SEAC to examine with the Hon'ble NGT direction. The SEAC in the meeting held on 10.10.2023 discussed the matter and the minutes of meeting are as follows:

- a. *M/s. Trimex Sands Private Limited was operating Integrated Mining cum Beneficiation project for Beach Sand Minerals at Vatsavalasa(V), Tonagi (M), Srikakulam District.*
- b. *The industry obtained Environmental Clearance from MoEF vide order dt 10.11.2004 for mining of Beach Sand and Separation of heavy minerals (Garnet, Illmenite, Leucoxene, Seliminite & minor amount of Rutile & Zircon)*

File No.APPCB-11033/86/2021-TEC-EC-APPCB

- and to set up an export oriented mining unit at Vatsavalasa & Tonagi villages, Gara (M), Srikakulam in an extent of 7.2 Sq Kms. The industry obtained EC for expansion vide order dt 17.04.2015 from 2 MTPA to 6 MTPA over an extent of 720 HA.
- c. The project involves mining, wet Pre-Concentration Plants (PCP) and Mineral Separation Plant (MSP) to produce Ilmenite, Garnet, Rutile, Zircon and Sillimanite. Pulverizing unit with ball mill installed in the mineral separation plant. The Mining and PCPs are established within the mining lease area, whereas the Mineral Separation Plant (MSP) has been established outside the mining lease area.
 - d. The unit was in operation since 2009-10. The policy decision of the Government of India in 2019 to permit only Govt companies in the mining of beach sand minerals resulted in the stoppage of the Mining activity and MSP, though it is situated outside the Mine Lease area.
 - e. The proponent submitted application for grant of TOR on 22.11.2021 and also requested for exemption from Public Hearing to start Mineral Separation Operation by using mineral concentrate from India / abroad.
 - f. This proposal was examined in the 172nd SEAC meeting held on 16.12.2021 and the SEAC Committee recommended for issue of Standard TOR with EIA & Public Hearing. The proposal was placed before the 169th SEIAA meeting and the SEIAA AP referred the proposal to SEAC to re-examine the application in the light of request letter dt. 20.12.2021 submitted by the proponent to SEIAA seeking exemption for public hearing.
 - g. The committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier, the decision of 179th SEAC meeting is as follows:

"The committee after examining the project proposal, presentations, MoEF&CC notification & OMs and detailed deliberations, recommended for issue of Standard TOR with EIA, without public hearing under 7(II) of EIA Notification, 2006 and its amendments thereof".
 - h. The proposal along with recommendation of the SEAC 179th SEAC meeting was placed before the 177th SEIAA meeting and the SEIAA agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued on 12.04.2022.
 - i. The project proponent has applied for Environmental clearance on 30.04.2022 and was placed before the 187th SEAC meeting. The decision of 187th SEAC meeting is as follows:

"The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue of Environmental Clearance with conditions specified in the earlier EC order accorded by MoEF & CC."

File No.APPCB-11033/86/2021-TEC-EC-APPCB

- j. The proposal was placed before 184th SEIAA meeting and agreed with recommendation SEAC to issue Environmental clearance. The SEIAA granted Environmental clearance on 28.07.2022 for Mineral Separation Plant of 0.44 MTPA stipulating a condition that
- i. The Mineral Separation Plant shall be operated by sourcing mineral concentrate from India/Abroad.
 - ii. No mining shall be carried out without obtaining EC.
- k. An appeal No 45 of 2022(SZ) was filed by V.Ramasubbu, Krishnapuram, Palayamkottai, Tirunelveli in the Hon'ble National Green Tribunal (NGT), South Zone, Chennai and questioned "the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation".
- l. It is to submit that as per the Environment impact assessment Notification, 2006 and its amendments thereof and MoEF & CC Notification S.O. 1886(E) dt. 20.04.2022, the project categorized as Mineral Beneficiation under 2(b) said that "All Mineral beneficiation project irrespective of the procedure for beneficiation". Mineral beneficiation alone only can appraise under category 2(b) of EIA notification, 2006 and its amendments thereof.
- m. During the appraisal the SEAC noted that:
1. During the meeting the project proponent has informed that they are procuring mineral from Andhra Pradesh Mineral Development corporation Limited., (APMDCL).
 2. The project proponent also informed that the Minerals after extraction and they are going to sell product through Indian Rare earths Ltd (IREL) and also informed that the project will obtain permission of Department of Atomic Energy (DAE).
 3. The SEAC, AP has examined the order dt. 01.03.2019 and noted the Para No. 12 (Henceforth, any Mineral concession of Beach Sand Minerals shall be granted to a "Government company or corporation owned or controlled by the Government" under the provisions of the Atomic Minerals Concession Rules, 2016).
 4. The MoEF&CC S.O.No. 1886 (E) dt. 20.04.2022, it is clear that against item 2 (b) in column (4), for the symbol, figures, words and letters — "< 0.5 million TPA throughput", the words — All mineral beneficiation projects irrespective of the procedure for beneficiation shall be substituted.
 5. The SEAC, AP has recommended Environmental Clearance. Since M/s. Trimex Sands Private Limited is procuring and proposed to sell mineral to Government body only.
- n. The Under Secretary, Department of Atomic Energy (3rd Respondent) filed an affidavit before the Hon'ble NGT in connection with Appeal No 45(2022) and extract of the para no 6 is as follows:
- "The amendment of Atomic Mineral Concession Rules (AMCR), 2016 on

File No.APPCB-11033/86/2021-TEC-EC-APPCB

20.02.2019 has resulted in bringing all the Beach Sand Mineral (BSM) deposits in the country under the umbrella of ACMR-2016 irrespective of grade of Monazite and prohibited the entry of private entities for the downstream activities (Mining and Separation) in the BSM sector in the country. Accordingly, vide order dt. 01.03.2019, Ministry of Mines (MoM) requested all the State Governments for pre-mature termination of all mining leases granted to private BSM operators with the objective of conserving and protecting the critical elements occurring in BSM. Further vide circular dt 11.04.2019, MoEF&CC prohibited Environment Clearance for private BSM entities. The responsibility of handling and liberation of Radioactivity from any source material including BSM (atomic minerals) lies with Department of Atomic Energy (DAE).”

- o. The SEAC discussed the matter regarding the Affidavit filed by Atomic Energy Department in its 230th meeting held on 10.10.2023 and noted that the Department is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity. MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.*
- p. In light of the above the SEAC Committee recommended for revocation the EC order dt. 28.07.2022 in accordance with AMCR 2016 under G.S.R. 134(E)dt. 20.02.2019 & MoEF&CC vide circular F.No. 22-19/2019-IA.III dt 11.04.2019 as the process of Mineral Separation Plant is also considered as downstream activities. However, the SEIAA, AP is also suggested to obtain legal opinion from the Standing Counsel before taking final decision on the matter.*

The proponent vide letter dt.09.11.2023 requested the SEIAA, A.P., to reject the recommendation of SEAC for revocation of the EC order.

The SEIAA in its meeting held on 20.11.2023 examined the recommendations of SEAC, the representation of the proponent dated.09.11.2023 & legal opinion dated.17.11.2023 from standing counsel of SEIAA and decided to Revoke the EC order dated.28.07.2022 as per the recommendations of SEAC on the following grounds:

1. The Department of Atomic Energy is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity as per the Affidavit filed by Atomic Energy Department in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019. The MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.
2. As per the Condition No.2 at Part A of Special Conditions- The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015

File No.APPCB-11033/86/2021-TEC-EC-APPCB

issued by MoEF&CC& condition No,XViii at Point B. of General conditions— The proponent shall obtain all other mandatory clearances from respective departments. The proponent has not obtained permission from AERB clearance after the lapse of one year 3 months, there by not complied the condition stipulated in EC order.

In view of the above, the SEIAA hereby revoked the EC order dt.28.07.2022 issued to M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh and the SEIAA has revoked the EC order of M/s. Trimex Sands Private Limited vide order dated. 21.11.2023

- In obedience to the Hon'ble NGT directions dated.01.05.2023 it is to submit that *the SEAC recommended to issue EC as per the Environment Impact Assessment Notification, 2006 and its amendments thereof and MoEF & CC Notification S.O. 1886(E) dt. 20.04.2022, the project categorized as Mineral Beneficiation under 2(b) said that "All Mineral beneficiation project irrespective of the procedure for beneficiation". Mineral beneficiation alone only can appraise under category 2(b) of EIA notification, 2006 and its amendments thereof.*
- Further it is to submit that the SEIAA has revoked the EC order of M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, A.P. on the above mentioned points 1&2. copy of the revocation order is attached.

Submitted.

Special Secretary To Govt


Member Secretary,
SEIAA, AP

Annexure - I

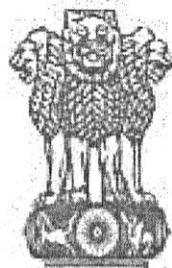


MINUTES FOR THE 179th MEETING OF STATE EXPERT APPRAISAL COMMITTEE (SEAC),
A.P., HELD ON - 14th February, 2022 AT VIJAYAWADA, A.P.

179th SEAC, A.P.

14th February, 2022

Day 1



सत्यमेव जयते

MINUTES FOR THE 179th MEETING OF STATE EXPERT APPRAISAL COMMITTEE (SEAC),
ANDHRA PRADESH HELD ON
14th, 15th & 16th February, 2022
AT VIJAYAWADA
A.P.

**MINUTES FOR THE 179th MEETING OF STATE EXPERT APPRAISAL COMMITTEE SEAC),
A.P., HELD ON - 14th February, 2022 AT VIJAYAWADA, A.P.**

Present: The following members were present. (Through Video Conference)

1.	Dr.G.V.R.SrinivasaRao, Professor, Civil Engineering Department, Andhra University, Visakhapatnam	Chairman
2.	Dr.DineshSankarReddy Registrar(I/C), Professor of Chemical Engineering, NIT, Tadepalligudem, West Godavari	Member
3.	Prof. G. GnanaMani, Retd., Professor of Zoology, Andhra University, Visakhapatnam	Member
4.	Prof. U. Shameem, Chairman, BoS Dept. of Zoology, Andhra University, Visakhapatnam	Member
5.	Dr. Kiranmai, Assistant Professor, Dept. of Bio Technology, Vikrama Simhapuri University, Nellore District	Member
6.	Prof. C. Sasidhar, Professor, Civil Engineering Dept, JNTU, Anantapur	Member
7.	Prof. N. Siva Prasad Reddy, Director (Academics), Brindavan Institute of Technology & Science, Kurnool	Member
8.	Prof. D. Bharathi, Professor, Dept. of Bio Sciences & Sericulture, Sri Padmavathi Mahila Viswa Vidhyalayam, Tirupati	Member
9.	Sri Katamneni Venkata Ramana, Head of Mining Dept. Government Polytechnic, Narsipatnam,	Member
10.	Dr.M. Sunandana Reddy, Associate Professor, RGM College of Engineering & Technology (Autonomous), Nandyal.	Member
11.	Sri Matli. Chandra Sekhar Professor, Head of Department of Civil Engineering, NIT, Warangal	Member
12.	Dr. G. Madhavi, Associate Professor Department of Chemistry, Sri Venkateswara University, Tirupati	Member
13.	Prof. K. Thyaga Raju, Professor of Bio-Chemistry, S.V.University, Tirupati	Member
14.	Dr. Gummalla Prasanthi Professor, Vijaya Institute of Pharmaceutical Sciences, Vijayawada	Member
15.	Sri. K.V. Rao, Chief Environmental Engineer (FAC), Andhra Pradesh Pollution Control Board, Vijayawada.	Member Secretary

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21

[Signature]

MINUTES FOR THE 179th MEETING OF STATE EXPERT APPRAISAL COMMITTEE (SEAC),
A.P., HELD ON - 14th February, 2022 AT VIJAYAWADA, A.P.

Agenda Item No:179.01	Beneficiation of Beach sand minerals of M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State – TOR – Refer back case - Reg.
SIA/AP/IND/6 9360/2021	<p>Category : 2(b)</p> <p>M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State applied for TOR for Mineral Separation Plant (MSP).</p> <p>The project proponent and their consultant, M/s. Pioneer Enviro Labs have attended the meeting.</p> <p>The proponent informed that MSP is already established in 2009-10 as part of the integrated Mining cum Beneficiation project for beach sand minerals, for which EC was obtained from MoEF& CC after conducting public hearing. The project has undergone expansion in 2015 and fresh EC for expansion was also obtained after conducting PH. The policy decision of the GOI in 2019 to permit only Govt companies in the mining of beach sand minerals resulted in the stoppage of the MSP, though it is situated outside the ML area. To facilitate restarting of the MSP operations by sourcing mineral concentrate from India/abroad, the proponent submitted application for grant of TOR and also requested for exemption from Public Hearing.</p> <p>The Committee further noted that public hearing has been conducted in the year 2003 as per EIA notification 1994 for integrated proposal of Beach sand mining of 2 MTPA & Mineral Separation Plant (MSP) of 0.63 MTPA and EC was obtained in 2004. Thereafter, for expansion proposal, PH has been again conducted on 29.12.2012 as per EIA notification 2006 for 6.0 MTPA mining and 0.93 MTPA MSP and obtained EC in 2015. Now applying fresh EC for MSP of 0.44 MTPA only, which is less than 50% capacity for which PH been conducted & EC issued.</p> <p>The Mining Lease was valid till 2034. The EC granted in 2015 based on the PH conducted was also valid till 2034. The change in policy of the GOI in 2019 only resulted in the stoppage of the mining and thereby MSP. No mining is proposed now.</p> <p>The issue was placed in the 172nd SEAC and recommended for issue of Standard TOR with EIA & Public Hearing</p> <p>Further, the SEIAA has reviewed in 169th meeting, the Committee Referred to SEAC to examine in the light of request letter dt. 20.12.2021 submitted by the proponent.</p> <p>The Committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier.</p> <p>The Committee after examining the project proposals, presentations, MoEF&CC Notifications & DMs and detailed deliberations, recommended for Issue of Standard TOR with EIA, without Public Hearing under 7(ii) of EIA Notification, 2006.</p>
Agenda Item: 179.02	4.800 Ha Quartz mine of Sri G.M. Nagaraju Sy. No. 1, Mustikovela Village, Chennethapalli Mandal, Anantapur District, Andhra Pradesh – Environmental Clearance – Reg.
SIA/AP/MIN/2 51794/2022	<p>Category: B2</p> <p>The proposed project is for mining of Quartz mine in an area of 4.800 Ha. with a proposed production quantity of Quartz – 31941 Tons/Annum with a condition that the total production during a scheme should be limited to the approved quantity as per Mining scheme/ plan.</p> <p>The proposed project falls under Item No. 1(a) of the schedule of the EIA Notification 2006 and its amendments thereof - (i). Mining of minerals (<100 ha of mining lease area in respect of non-coal mine lease).</p> <p>The representative of proponent and their consultant Sai Geo Services (G. Eswar Reddy) have attended the meeting.</p>

W.Rao

[Signature]

File No.APPCB-11033/63/2021-TEC-EC-APPCB

177th SEIAA
1st Day

**MINUTES OF THE 177th MEETING OF STATELEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY (SEIAA) A.P., MEETING HELD ON
21.03.2022 AT VIJAYAWADA A.P.**

Present:

#ApprovedDate

The following members were present. (Through Video Conference)

1.	Sri P.Venkata Rami Reddy, I.A.S, (Retired).	Chairman
2.	Dr.ThatiparthiByragi Reddy Professor. Department of Environmental Sciences, Andhra University, Visakhapatnam	Member

File No.APPCB-11033/63/2021-TEC-EC-APPCB

3.	<p>Dr. P.V.ChalapathiRao, I.F.S</p> <p>Special Secretary to Govt., Environment, Forests, Sciences and Technology Department, Govt. of Andhra Pradesh & Member Secretary, SEIAA,A.P.</p>	Member Secretary
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Agenda Item No : 179.01& 177.01	<p>Beneficiation of Beach sand minerals of M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State – TOR –Refer back case - Reg.</p>
SIA/AP/IND/69360/2021	<p>Recommendations of the SEAC on 14.02.2022 Category : 2(b)</p> <p>M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State applied for TOR for Mineral Separation Plant (MSP).</p> <p>The project proponent and their consultant, M/s. Pioneer Enviro Labs have attended the meeting.</p> <p>The proponent informed that MSP is already established in 2009-10 as part of the integrated Mining cum Beneficiation project for beach sand minerals, for which EC was obtained from MoEF& CC after conducting public hearing. The project has undergone expansion in 2015 and fresh EC for expansion was also obtained after conducting PH. The policy decision of the GOI in 2019 to permit only Govt companies in the mining of beach sand minerals resulted in the stoppage of the MSP, though it is situated outside the ML area. To facilitate restarting of the MSP operations by sourcing mineral concentrate from India/abroad, the proponent submitted application for grant of TOR and also requested for exemption from Public Hearing.</p> <p>The Committee further noted that public hearing has been conducted in the year 2003 as per EIA notification 1994 for integrated proposal of Beach sand mining of 2 MTPA & Mineral Separation Plant (MSP) of 0.63 MTPA and EC was obtained in 2004. Thereafter, for expansion proposal, PH has been again conducted on 29.12.2012 as per EIA notification 2006 for 6.0 MTPA mining and 0.93 MTPA MSP and obtained EC in 2015. Now applying fresh EC for MSP of 0.44 MTPA only, which is less than 50% capacity for which PH been conducted & EC issued.</p>

File No.APPCB-11033/63/2021-TEC-EC-APPCB

	<p>The Mining Lease was valid till 2034. The EC granted in 2015 based on the PH conducted was also valid till 2034. The change in policy of the GOI in 2019 only resulted in the stoppage of the mining and thereby MSP. No mining is proposed now.</p> <p>The issue was placed in the 172nd SEAC and recommended for issue of Standard TOR with EIA & Public Hearing. Further, the SEIAA has reviewed in 169th meeting, the Committee Referred to SEAC to examine in the light of request letter dt. 20.12.2021 submitted by the proponent.</p> <p>The Committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier.</p> <p>The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue of Standard TOR with EIA, without Public Hearing under 7(II) of EIA Notification, 2006.</p> <p>Decision of SEIAA:- Agreed with the recommendation of the SEAC.</p>
<p>Agenda Item: 17 9.02&177.02</p>	<p>4.800 Ha Quartz mine of Sri G.M. Nagaraju Sy. No. 1, Mustikovela Village, Chennethapalli Mandal, Anantapur District, Andhra Pradesh – Environmental Clearance – Reg.</p>

27

177.01

Annexure - II

	State Level Environment Impact Assessment Authority (SEIAA) Andhra Pradesh Ministry of Environment, Forests & Climate Change, Government of India D.No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamavari Street, Kasturibaipet, Vijayawada-520010
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By Speed Post

Lr No. SEIAA/AP/SKLM/IND/11/2021/3654 - 1128

Dt. .04.2022

To

M/s. Trimex Sands Pvt Ltd,
56, Telugu Musalayya Layout,
Adithya Nagar, Arasavalli Road,
Srikakulam - 532001, A.P.

Sir,

Sub: SEIAA, A.P. - Beneficiation of Beach sand minerals of M/s. Trimex Sands Private Limited at Sy. Nos. 78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State - TOR - Standard Terms of Reference (TOR) - Issued - Reg.

Ref: Your application received through online on 22.11.2021 (Proposal No. SIA/AP/IND/69360/2021).

**

With reference to the above, it is to inform that your application was examined by the State Expert Appraisal Committee (SEAC), A.P., in its meeting held on 14th, 15th & 16th February, 2022.

M/s. Trimex Sands Private Limited at Sy. Nos. 78, 79, 80, 84, 176 to 183 & 193 Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State applied for TOR for Mineral Separation Plant (MSP).

The proposed project falls under Item No. 2(b) of the schedule of the EIA Notification 2006 and its amendments thereof - (i). Mineral beneficiation (<0.5 Million ton/annum minerals throughoutput).

The project proponent and their consultant, M/s. Pioneer Enviro Labs have attended the meeting.

The proponent informed that MSP is already established in 2009-10 as part of the integrated Mining cum Beneficiation project for beach sand minerals, for which EC was obtained from MoEF& CC after conducting public hearing. The project t has undergone expansion in 2015 and fresh EC for expansion was also obtained after conducting PH. The policy decision of the GOI in 2019 to permit only Govt companies in the mining of beach sand minerals resulted in the stoppage of the MSP, though it is situated outside the ML area. To facilitate restarting of the MSP operations by sourcing mineral concentrate from India/abroad, the proponent submitted application for grant of TOR and also requested for exemption from Public Hearing.

The Committee further noted that public hearing has been conducted in the year 2003 as per EIA notification 1994 for integrated proposal of Beach sand mining of 2 MTPA & Mineral Separation Plant (MSP) of 0.63 MTPA and EC was obtained in 2004. Thereafter, for expansion proposal, PH has been again conducted on 29.12.2012 as per EIA notification 2006 for 6.0 MTPA mining and 0.93 MTPA MSP and obtained EC in 2015. Now applying fresh EC for MSP of 0.44 MTPA only, which is less than 50% capacity for which PH been conducted & EC issued.

The Mining Lease was valid till 2034. The EC granted in 2015 based on the PH conducted was also valid till 2034. The change in policy of the GOI in 2019 only resulted in the stoppage of the mining and thereby MSP. No mining is proposed now.

The issue was placed in the 172nd SEAC and recommended for issue of Standard TOR with EIA & Public Hearing. Further, the SEIAA has reviewed ^{the} 169th meeting, the Committee Referred to SEAC to examine in the light of request letter dt. 20.12.2021 submitted by the proponent.

The Committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier.

The Committee after examining the project proposals, presentations, MoEF&CC Notifications & OMs and detailed deliberations, recommended for issue of Standard TOR with EIA, without Public Hearing under 7(II) of EIA Notification, 2006.

The issue was placed before the SEIAA, A.P., in its meeting held on 21.03.2022. Decision of SEIAA: Agreed with the recommendation of the SEAC.

In view of the above, you are requested to prepare EIA report based on the standard TOR without Public hearing and submit to the SEAC, A.P., for appraisal. The Terms of the reference are valid for a period of three years.

Waro
12/4/22
MEMBER SECRETARY,
SEAC, A.P.



MINUTES OF THE 187th MEETING OF STATE EXPERT APPRAISAL COMMITTEE SEAC),
A.P., HELD ON - 17th , & 18th May, 2022 AT VIJAYAWADA, A.P.

187th

SEAC, A.P.

(Day-2)

18th, May, 2022



सत्यमेव जयते

MINUTES OF THE 187th MEETING OF STATE EXPERT APPRAISAL
COMMITTEE (SEAC), ANDHRA PRADESH
HELD ON
18th May, 2022
AT VIJAYAWADA
A.P.



<p>Agenda Item No:187.60</p>	<p>Beneficiation of Beach sand minerals of M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State – EC – Reg.</p>
<p>SIA/AP/IND/69360/2021</p>	<p>Category : 2(b)</p> <p>M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State applied for EC for Mineral Separation Plant (MSP).</p> <p>The project proponent and their consultant, M/s. Pioneer Enviro Labs have attended the meeting and appraised the proposal.</p> <p>The proponent informed that MSP is already established in 2009-10 as part of the integrated Mining cum Beneficiation project for beach sand minerals, for which EC was obtained from MoEF&CC after conducting public hearing. The project has undergone expansion in 2015 and fresh EC for expansion was also obtained after conducting PH. The policy decision of the GOI in 2019 to permit only Govt companies in the mining of beach sand minerals resulted in the stoppage of the MSP, though it is situated outside the ML area. To facilitate restarting of the MSP operations by sourcing mineral concentrate from India/abroad, the proponent submitted application for grant of TOR and also requested for exemption from Public Hearing.</p> <p>The Committee further noted that public hearing has been conducted in the year 2003 as per EIA notification 1994 for integrated proposal of Beach sand mining of 2 MTPA & Mineral Separation Plant (MSP) of 0.63 MTPA and EC was obtained in 2004. Thereafter, for expansion proposal, PH has been again conducted on 29.12.2012 as per EIA notification 2006 for 6.0 MTPA mining and 0.93 MTPA MSP and obtained EC in 2015. Now applying fresh EC for MSP of 0.44 MTPA only, which is less than 50% capacity for which PH been conducted & EC issued.</p> <p>The Mining Lease was valid till 2034. The EC granted in 2015 based on the PH conducted was also valid till 2034. The change in policy of the GOI in 2019 only resulted in the stoppage of the mining and thereby MSP. No mining is proposed now.</p> <p>The issue was placed in the 172nd SEAC and recommended for issue of Standard TOR with EIA & Public Hearing. accordingly, TOR issued on 12.04.2022. Now, the unit has applied for EC.</p> <p>Further, the SEIAA has reviewed in 169th meeting, the Committee Referred to SEAC to examine in the light of request letter dt. 20.12.2021 submitted by the proponent. The SEAC again reviewed the case in the 179th SEAC meeting and recommended to SEIAA for the TOR without Public Hearing. SEIAA in its meeting held on 177th SEIAA meeting agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued.</p> <p>The Proponent and their consultant M/s. Pioneer Enviro Consultant have attended the meeting and appraised the case.</p> <p>The Committee noted that this is a mineral beneficiation unit wherein the water used for jigging and extraction purposes is proposed to be recycled and the</p>



**MINUTES OF THE 187th MEETING OF STATE EXPERT APPRAISAL COMMITTEE SEAC),
A.P., HELD ON - 17th , & 18th May, 2022 AT VIJAYAWADA, A.P.**

entire process will be under wet condition. The source of air pollution from the proposed unit is emissions generated from the burning of fuel in the boiler, in generators and fugitive emission dust from the movement of vehicles. The Proponent has proposed air pollution control equipment to the boiler. The proponent shall obtain necessary approvals in case of processing of radio active minerals viz., monazite from the department of atomic energy. The proponent proposed to provide mineral water plant in the surrounding villages.

The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue of Environmental Clearance with conditions specified in the earlier EC order accorder by MoEF & CC.

Sd/-

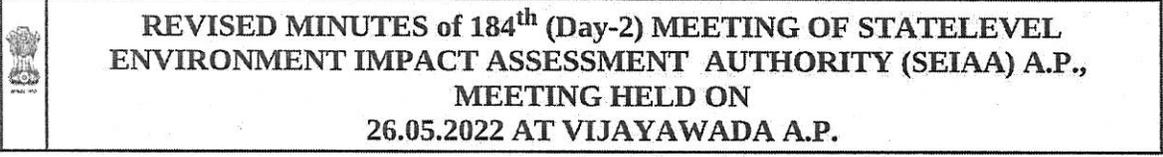
Member Secretary
SEAC

Sd/-

Chairman
SEAC

33

File No.APPCB-11033/63/2021-TEC-EC-APPCB



184th SEIAA

Day -2



सत्यमेव जयते

REVISED MINUTES OF THE AGENDA ITEM 184.52 & 184.53 OF STATELEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) A.P., MEETING HELD ON 26.05.2022 AT VIJAYAWADA A.P.

File No.APPCB-11033/63/2021-TEC-EC-APPCB

Present:**The following members were present. (Through Video Conference)**

1.	Sri P.Venkata Rami Reddy, I.A.S, (Retired).	Chairman
2.	Dr.Thatiparthi Byragi Reddy Professor. Department of Environmental Sciences, Andhra University, Visakhapatnam	Member
3.	Dr. P.V.Chalapathi Rao, I.F.S Special Secretary to Govt., Environment, Forests, Sciences and Technology Department, Govt. of Andhra Pradesh & Member Secretary, SEIAA,A.P.	Member Secretary

File No.APPCB-11033/63/2021-TEC-EC-APPCB

22/06/2022

187.59 & 184.52	3.5 Ha. Colour granite (Minor mineral) of Dr. Chatti Hanumantha Rao, Sy.No: 27, Meelasathiwada Village, Tekkali Mandal, Srikakulam District, Andhra Pradesh SIA/AP/MIN/76441/2022
	<p>Recommendations of the SEAC on 17.05.2022.</p> <p>Category : B2.</p> <p>The proposed project is for mining of Colour granite in an area of 3.5Ha. with a proposed production capacity of Colour granite- 3600 CuM/ Annum with a condition that the total production during a scheme should be limited to the approved quantity as per Mining scheme/ plan.</p> <p>The proposed project falls under Item No. 1(a) of the schedule of the EIA Notification 2006 and its amendments thereof - (i). Mining of minerals (<100 ha of mining lease area in respect of non-coal mine lease).</p> <p>The proponent and their consultant SriV.Vijay Kumar, B. S Envi Tech have attended the meeting.</p> <p>The Committee noted that as per cluster letter issued by the Assistant Director of Mines & Geology, Tekkali, Srikakulam has issued a letter vide Lr.No.1065/Q/2021, dt.29.04.2022 there are fourteen quarry lease existing within the radius of 500mts.Total cluster area is< 5.0 Ha.</p> <p>The project falls under B2category as per the MoEFCC Notification No. S.O.2269 (E),dated 1st July, 2016.</p> <p>The proponent informed that the lease was executed in the favour of him vide Mines & Geology Department proceedings No.1105/Q/2003 dated 16.08.2003 in respect of 3.5 Ha in Sy.No.27 of Meelisathivada village, Tekkali Mandal of Srikakulam district, Andhra Pradesh for a period of 15 years from 18.08.2003 to 17.08.2018. Further, he has informed that he applied for renewal of lease period one year prior to expiry of mine lease.</p> <p>The Committee after examining the project proposals, presentations, MoEF&CC' Notifications, OM dated 07.07.2020& OMs and detailed deliberations, recommended to issue Violation TOR without public hearing as the total cluster area is 3.5 Ha which is less than 5.0 Ha.</p> <p>Decision of SEIAA:- Agreed with the recommendation of the SEAC to issue Violation TOR without public hearing.</p>
187.60 & 184.53	Beneficiation of Beach sand minerals of M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh SIA/AP/IND/69360/2021
	Recommendations of the SEAC on 17.05.2022.

File No.APPCB-11033/63/2021-TEC-EC-APPCB

<p>Category : 2(b)</p> <p>M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State applied for EC for Mineral Separation Plant (MSP).</p> <p>The project proponent and their consultant, M/s. Pioneer Enviro Labs have attended the meeting and appraised the proposal.</p> <p>The proponent informed that MSP is already established in 2009-10 as part of the integrated Mining cum Beneficiation project for beach sand minerals, for which EC was obtained from MoEF&CC after conducting public hearing. The project has undergone expansion in 2015 and fresh EC for expansion was also obtained after conducting PH. The policy decision of the GOI in 2019 to permit only Govt companies in the mining of beach sand minerals resulted in the stoppage of the MSP, though it is situated outside the ML area. To facilitate restarting of the MSP operations by sourcing mineral concentrate from India/abroad, the proponent submitted application for grant of TOR and also requested for exemption from Public Hearing.</p> <p>The Committee further noted that public hearing has been conducted in the year 2003 as per EIA notification 1994 for integrated proposal of Beach sand mining of 2 MTPA & Mineral Separation Plant (MSP) of 0.63 MTPA and EC was obtained in 2004. Thereafter, for expansion proposal, PH has been again conducted on 29.12.2012 as per EIA notification 2006 for 6.0 MTPA mining and 0.93 MTPA MSP and obtained EC in 2015. Now applying fresh EC for MSP of 0.44 MTPA only, which is less than 50% capacity for which PH been conducted & EC issued. The Mining Lease was valid till 2034. The EC granted in 2015 based on the PH conducted was also valid till 2034. The change in policy of the GOI in 2019 only resulted in the stoppage of the mining and thereby MSP. No mining is proposed now.</p> <p>The issue was placed in the 172nd SEAC and recommended for issue of Standard TOR with EIA & Public Hearing. accordingly, TOR issued on 12.04.2022. Now, the unit has applied for EC.</p> <p>Further, the SEIAA has reviewed in 169th meeting, the Committee Referred to SEAC to examine in the light of request letter dt. 20.12.2021 submitted by the proponent. The SEAC again reviewed the case in the 179th SEAC meeting and recommended to SEIAA for the TOR without Public Hearing. SEIAA in its meeting held on 177th SEIAA meeting agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued.</p> <p>The Proponent and their consultant M/s. Pioneer Enviro Consultant have attended the meeting and appraised the case.</p> <p>The Committee noted that this is a mineral beneficiation unit wherein the water used for jigging and extraction purposes is proposed to be recycled and the entire process will be under wet condition. The source of air pollution from the proposed unit is emissions generated from the burning of fuel in the boiler, in generators and fugitive emission dust from the movement of vehicles. The Proponent has proposed air pollution control equipment to the boiler. The proponent shall obtain necessary approvals in case of processing of radio active minerals viz., monazite from the department of atomic energy. The proponent proposed to provide mineral water plant in the surrounding villages.</p> <p>The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue of</p>

File No.APPCB-11033/63/2021-TEC-EC-APPCB

Environmental Clearance with conditions specified in the earlier EC order accorder by MoEF& CC.
Decision of SEIAA:- Agreed with the recommendation of the SEAC to issue Environmental Clearance with a condition that the proponent shall comply with conditions specified in the earlier EC order accorded by MoEF& CC, for Mineral Separation Plant.

Special Secretary To Govt

Dr. P.V.Chalapathi Rao, I.F.S Dr.Thatiparthi Byragi Reddy

Sri P.Venkata Rami
Reddy, I.A.S,
(Retired).

Special Secretary to Govt.,
Environment, Forests, Sciences
and Technology Department,
Govt. of Andhra Pradesh &
Member Secretary,
SEIAA,A.P.

Professor. Department of
Environmental Sciences, Andhra
University, Visakhapatnam

Chairman,
SEIAA,A.P

Signed by Dr P V
Chalapathi Rao
Date: 22-06-2022 19:55:10
Reason: Approved

Annexure - IV

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), Andhra Pradesh)

To,

The sr Vice President
 TRIMEX SAND PRIVATE LIMITED
 Vatsavalasa village srikurmam P.O Gara mandal Srikakulam District -
 532404

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity
 under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)
 in respect of project submitted to the SEIAA vide proposal number
 SIA/AP/IND/69360/2021 dated 30 Apr 2022. The particulars of the environmental
 clearance granted to the project are as below.

- | | |
|---|------------------------------|
| 1. EC Identification No. | EC22B007AP161295 |
| 2. File No. | AP SKLM IND 11 2021 3654 |
| 3. Project Type | New |
| 4. Category | B1 |
| 5. Project/Activity including
Schedule No. | 2(b) Mineral beneficiation |
| 6. Name of Project | Trimex Sands Private Limited |
| 7. Name of Company/Organization | TRIMEX SAND PRIVATE LIMITED |
| 8. Location of Project | Andhra Pradesh |
| 9. TOR Date | 12 Apr 2022 |

The project details along with terms and conditions are appended herewith from page
 no 2 onwards.

Date: 28/07/2022

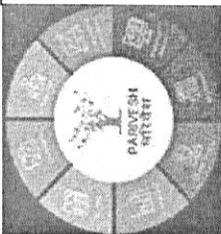
(e-signed)
DR. P.V.CHALAPATHI RAO
 Member Secretary
 SEIAA - (Andhra Pradesh)

*Note: A valid environmental clearance shall be one that has EC identification
 number & E-Sign generated from PARIVESH. Please quote identification
 number in all future correspondence.*

This is a computer generated cover page.

PARIVESH

*(Pro-Active and Responsive Facilitation by Interactive,
 and Virtuous Environmental Single-Window Hub)*



	<p>State Level Environment Impact Assessment Authority (SEIAA) Andhra Pradesh Ministry of Environment, Forests & Climate Change Government of India D.No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamavari Street, Kasturibaipet, Vijayawada-520010</p>
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REGD.POST WITH ACK.DUE

Order No. SEIAA/AP/SKLM/ IND/11/2021/3654/187.60 & 184.53

Sub: SEIAA, A.P. – Beach Sand Mineral separation plant of M/s. Trimex Sands Private Limited at Sy.No. 78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District Andhra Pradesh - Environmental Clearance – Issued - Reg.

- I. This has reference to your application submitted through online on 30.04.2022 (SIA/AP/IND/69360/2021), seeking Environmental Clearance for the proposed **Beneficiation of Beach Sand Minerals at Sy. No. 78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh** in favour of **M/s. Trimex Sands Private Limited**. Total area of the plant is 64.66 Acres (26.17 Ha). It was reported that the nearest human habitation viz., Pedda Vastavalasa (V) exists at a distance of about 0.5 km from the Plant. It was noted that the capital investment of the project is Rs. 269.90 Crores and capacity of the project is as follows:

Mineral Separation Plant (MSP) of 0.44 MTPA in 64.66 Acres.

The proposal has been examined and processed in accordance with EIA Notification, 2006 and its amendments thereof. The State Level Expert Appraisal Committee (SEAC) examined the application in its meetings held on **18.05.2022**. **M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh State** applied for EC for Mineral Separation Plant (MSP). The project proponent and their consultant, M/s. Pioneer Enviro Labs have attended the meeting and appraised the proposal. The proponent informed that MSP is already established in 2009-10 as part of the integrated Mining cum Beneficiation project for beach sand minerals, for which EC was obtained from MoEF&CC after conducting public hearing. The project has undergone expansion in 2015 and fresh EC for expansion was also obtained after conducting PH. The policy decision of the GOI in 2019 to permit only Govt companies in the mining of beach sand minerals resulted in the stoppage of the MSP, though it is situated outside the ML area. To facilitate restarting of the MSP operations by sourcing mineral concentrate from India/abroad, the proponent submitted application for grant of TOR and also requested for exemption from Public Hearing. The Committee further noted that public hearing has been conducted in the year 2003 as per EIA notification 1994 for integrated proposal of Beach sand mining of 2 MTPA & Mineral Separation Plant (MSP) of 0.63 MTPA and EC was obtained in 2004. Thereafter, for expansion proposal, PH has been again conducted on 29.12.2012 as per EIA notification 2006 for 6.0 MTPA mining and 0.93 MTPA MSP and obtained EC in 2015. Now applying fresh EC for MSP of 0.44 MTPA only, which is less than 50% capacity for which PH been conducted & EC issued. The Mining Lease was valid till 2034. The EC granted in 2015 based on the PH conducted was also valid till 2034. The change in policy of the GOI in 2019 only resulted in

Page 1 of 6

the stoppage of the mining and thereby MSP. No mining is proposed now. The issue was placed in the 172nd SEAC and recommended for issue of Standard TOR with EIA & Public Hearing. accordingly, TOR issued on 12.04.2022. Now, the unit has applied for EC. Further, the SEIAA has reviewed in 169th meeting, the Committee Referred to SEAC to examine in the light of request letter dt. 20.12.2021 submitted by the proponent. The SEAC again reviewed the case in the 179th SEAC meeting and recommended to SEIAA for the TOR without Public Hearing. SEIAA in its meeting held on 177th SEIAA meeting agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued. The Proponent and their consultant M/s. Pioneer Enviro Consultant have attended the meeting and appraised the case. The Committee noted that this is a mineral beneficiation unit wherein the water used for jigging and extraction purposes is proposed to be recycled and the entire process will be under wet condition. The source of air pollution from the proposed unit is emissions generated from the burning of fuel in the boiler, in generators and fugitive emission dust from the movement of vehicles. The Proponent has proposed air pollution control equipment to the boiler. The proponent shall obtain necessary approvals in case of processing of radio active minerals viz., monazite from the department of atomic energy. The proponent proposed to provide mineral water plant in the surrounding villages. The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue of Environmental Clearance with conditions specified in the earlier EC order accorder by MoEF& CC. The committee in the appraisal report clearly stated that they have approved the Form-I/II, PFR/DPR and EMP for compliance by the proponent. The State Level Environment Impact Assessment Authority (SEIAA), in its meeting held on **26.05.2022** examined the proposal and the recommendations of SEAC and decided to accept SEAC recommendations aforesaid for strict compliance by the proponent and to issue EC with a condition that the proponent shall comply with conditions specified in the earlier EC order accorded by MoEF& CC, for Mineral Separation Plant. The SEIAA, A.P hereby accords Environmental Clearance to the project as mentioned at Para No. I under the provisions of the EIA Notification 2006 and its subsequent amendments issued under Environment (Protection) Act, 1986 subject to implementation of the following specific and general conditions

Part A. Special Conditions:

1. This EC order is issued for Mineral Separation Plant (MSP) of capacity 0.44 MTPA only. The operations of mineral separation plant shall be done by sourcing mineral concentrate from India/abroad. No mining operations shall be carried out without obtaining Environmental Clearance.
2. The proponent shall comply with conditions specified for Mineral Separation Plant in the earlier EC order accorded by MoEF& CC.

a) Air Pollution:-

- i. The industry shall store raw material & finished products in covered sheds/ silos to minimize pollution.
- ii. They emissions from crusher and screening shall be connected to a hood, followed by bag filters before letting out the emissions in to atmosphere through a stack height of 15 m. At no time the particulate emissions should exceed 50 mg/Nm³. The D.G. Sets shall be provided with adequate stack height, as per CPCB norms.
- iii. Sampling Port with removable dummy of not less than 15cm diameter in the stack at a distance of 8 times the diameter of the stack from the nearest constraint such as bends

Page 2 of 6

etc., shall be provided to monitor stack emissions.

- iv. Ambient air quality including ambient noise levels must not exceed the standards stipulated under Notification dt. 16.11.2009 issued by the MoE&F,GOI. Monitoring of ambient air quality and stack emissions shall be carried out regularly in consultation with APPCB and report submitted to the Board and to the Ministry's Regional Office at Bangalore half yearly.
- v. The company shall install adequate dust collection and extraction system to control fugitive dust emissions at various transfer points.
- vi. Raw materials and products shall be transported in covered trucks. Storage of raw material shall be in roof sheds. Water spray system shall be provided all around the stockpiles and dust suppression system around the conveyor system. All the conveyor belts shall be covered with G.I. Sheets. All the roads in the plant area shall be asphalted / concreted and water sprayed to reduce the fugitive dust emissions
- vii. In-plant control measures for checking fugitive emissions from all the vulnerable sources like spillage/raw materials handlings etc. shall be provided. Further, specific measures like provision of dust suppression system consisting of water sprinkling, suction hoods, fans and bag filters etc. shall be installed at material transfer points, and other raw material handling areas.
- viii. Interlocking facility should be provided in the pollution control equipment so that in the event of the pollution control equipment not working, the feeding of raw materials is stopped automatically.
- ix. Green belt shall be developed in an area of along the boundary and vacant places in the unit, in consultation with the local DFO.

2) Water Pollution:-

- i. The Source of water is from the Vamsadara river. Total water requirement is 805 KLD, Out of that 760.0 KLD is used for Process; 5.0 KLD is used for Dust suppression; 20.0 KLD is used for green belt development; 20.0 KLD is used for domestic purpose.

The total waste water generation from process is 760 KLD which shall be treated in water treatment plant to recover maximum water and will be reused in the process and the domestic effluents 16.0 KLD shall be disposed into septic tank followed by soak pit.

No effluent shall be discharged outside the plant premises.

- ii. The company must harvest the rainwater from the rooftops and storm water drains to recharge the ground water.

3) Solid Waste :-

- i. The Solid waste - Fine/non-saleable mineral grades and silica sand - 0.096 MTPA generated from the beneficiation plant shall be stored for future recovery of any useful minerals/used for backfilling earlier mined out pits; Used lubricant oil - 1.2 KLPA shall be stored in covered HDPE drums in a designated area and shall be given to APPCB Authorised Recyclers/Re-processors. Waste oils, used oils, used lead batteries generated from the plant shall be disposed as per the Hazardous and other wastes (Management and transboundary movement) Rules 2016 its to the recyclers authorized by APPCB.

B. General Conditions:

- i. **This order is valid for a period of 7 years.**
- ii. "Consent for Establishment" shall be obtained from Andhra Pradesh Pollution Control Board under Air and Water Act before the start of any activity / construction work at site.
- iii. The project shall implement the commitments, if any, made in the public hearing;
- iv. Provision shall be made for the housing of the construction labour within the site with all necessary infrastructure and facilities such as safe drinking water, fuel for cooking, mobile toilets, mobile STP, medical health care, crèche etc., The housing may be in the form of temporary structures to be removed after the completion of the project. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- v. No change in the process technology and scope of working should be made without prior approval of the SEIAA, A.P. No further expansion or modifications in the plant shall be carried out without prior approval of the SEIAA, AP/ MoE&F, GoI, New Delhi, as applicable.
- vi. The proponent shall submit half-yearly compliance reports in respect of the terms and conditions stipulated in this order in hard and soft copies to the SEIAA; and CCF, Regional office of MoE&F, GoI, Vijayawada on 1st June and 1st December of each calendar year.
- vii. Officials from the Regional Office of MoE&F, Vijayawada who would be monitoring the implementation of environmental safeguards should be given full co-operation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents shall be submitted to the CCF, Regional Office to MoE&F, Vijayawada.
- viii. Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board.
- ix. Data on ambient air quality should be regularly submitted to the Ministry including its

Regional Office located at Bangalore and the State Pollution Control Board/ Central Pollution Control Board once in six months.

- x. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- xi. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- xii. A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
- xiii. The funds earmarked for environmental protection measures (**Capital cost Rs. 176.0 Lakhs and Recurring cost Rs.141.1 Lakhs/Annum**) should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry and its Regional Office located at Vijayawada.
- xiv. The project proponent shall submit the copies of the environmental clearance to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
- xv. The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and SEIAA, A.P. This order shall be displayed in the website of the project proponent.
- xvi. The SEIAA or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
- xvii. The company shall undertake eco-development measures including community welfare measures in the project area.
- xviii. The proponent shall obtain all other mandatory clearances from respective departments.
- xix. Any appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- xx. Concealing the factual data or failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- xxi. The SEIAA may revoke or suspend the order, if implementation of any of the above

Page 5 of 6

conditions is not satisfactory. The SEIAA reserves the right to alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

- xxii. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules.

**MEMBER SECRETARY,
SEIAA, A.P.**

**MEMBER,
SEIAA, A.P.**

**CHAIRMAN,
SEIAA, A.P.**

To

M/s. Trimex Sands Private Limited,
Sri V H Rafi Ahammed, Sr. Vice President,
Vatsavalasa Village Srikulam P.O,
Gara Mandal, Srikakulam District,
Andhra Pradesh-532404.

Copy to:

1. The Chairman, SEAC, A.P. for kind information.
2. The Member Secretary, APPCB for kind information.
3. The EE, RO: Srikakulam, APPCB for information.
4. The Regional Officer, MOEF&CC, GOI, Vijayawada for kind information.
5. The Secretary, MOEF&CC, GOI New Delhi for kind information.
6. Monitoring cell, MoEF&CC, GOI, New Delhi for kind information.
7. The District Collector, Srikakulam District, Andhra Pradesh for kind information.

Page 6 of 6

Validity unknown

Digitally signed by DR
P.V.CHALAPATHI RAO
Member Secretary

Date: 7/28/2022 6:03:02 PM

EC Identification No. - EC22B007AP161295 File No. - AP SKLM IND 11 2021 3654 Date of Issue EC - 28/07/2022 Page 7 of 7

47

Annexure -V

Item No.07:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Appeal No. 45 of 2022(SZ)

IN THE MATTER OF:

V. Ramasubbu,
Tirunelveli.

...Appellant(s)

Versus

Member Secretary,
SEIAA, Vijayawada and Ors.

...Respondent(s)

Date of hearing: 01.05.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant(s): None.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1, R2 & R4 to R7.
Mr. S. Janarthanan for R3.
Mr. A. Abdul Hameed, Senior Advocate a/w.
Mr. P. Gowthaman for R5.

ORDER

1. This is an appeal challenging the grant of Environmental Clearance for mineral beneficiation under Clause 2 (b) in favour of the Project Proponent/5th respondent.
2. According to the 5th respondent, the Andhra Pradesh Mineral Development Corporation (APDMC) which is a public sector unit has floated a tender on 01.02.2022 for the processing of 2.80 Lakh Tonnes of beach sand mineral tails which were confiscated from the Transworld Garnet India Private Limited, Srikakulam by the Andhra Pradesh Government. The 5th respondent emerged as a successful bidder and was awarded the contract. As per the contract, the 5th respondent has to process the concentrate and separate individual beach sand minerals viz., Ilmenite, Sillimanite, Garnet, Rutile and handover these minerals to the APDMC for further disposal.
3. As per the schedule of activities requiring prior Environmental Clearance, Item 2 (b) provides for '*mineral beneficiation*' greater than or equal to 0.5 Million Ton/Annum comes under '*Category - A*' and less than 0.5 Million Ton/Annum comes under '*Category - B*'.
4. According to the project proponent, since it is less than 0.5 Million Ton/Annum, it comes under B1 - Category. Further, as per the conditions for issuing the prior Environmental Clearance, the mining proposal with mineral beneficiation shall be appraised together for grant of Environmental Clearance.

5. In this case, admittedly, the Environmental Clearance is granted for mineral beneficiation for the confiscated beach sand mineral tails from the Transworld Garnet India Private Limited, Srikakulam. If the EIA conditions provides for composite mining proposal with mineral beneficiation, then the Environmental Clearance granted is correct.
6. However, it is stated that as on date there is no Consent to Establish (CTE) or Consent to Operate (CTO) is obtained from the Andhra Pradesh Pollution Control Board.
7. The 3rd respondent / Department of Atomic Energy has stated that as per the amended Section 10 A (2) (c) of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, any mining lease of beach sand mining by private person is prohibited and the MoEF&CC is requested not to grant Environmental Clearance for these proposals.
8. Admittedly, in this case, there is no mining activity. It should have been considered along with the mineral beneficiation as a composite activity. It is also stated that the public hearing was exempted by the SEIAA for the reasons best known to them.
9. The learned counsel for the Department of Atomic Energy produced a Circular dated 11.04.2019 which prohibits statutory clearance for mineral concessions of beach sand minerals held by private persons.

10. So, in view of the above prohibition by various authorities, it is not possible for the project proponent to proceed with the project, as it will amount to serious violation.

11. In this regard, we direct the 6th Respondent/APMDC to file its detailed report referring to the fact as to how they issued this beneficiation contract when private persons are basically prohibited and it should only be a composite project of both mining and mineral beneficiation together. In the meanwhile, the Department of Atomic Energy/3rd Respondent is directed to file a counter along with the supporting documents.

12. Let the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation.

13. Post the matter on 13.07.2023.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

Appeal No.45/2022(SZ)
01st May 2023. Mn.

MINUTES OF THE 230th MEETING OF STATE EXPERT APPRAISAL COMMITTEE (SEAC), A.P.,
HELD ON - 09th & 10th October, 2023 AT VIJAYAWADA, A.P.

230th SEAC, A.P.

Annexure - VI

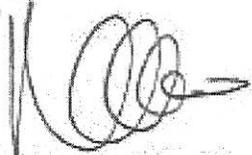
(Day-2)

10th October, 2023



सत्यमेव जयते

MINUTES OF THE 230th MEETING OF STATE EXPERT APPRAISAL COMMITTEE (SEAC),
ANDHRA PRADESH HELD ON 10
.10.2023, AT VIJAYAWADA A.P.


Member Secretary
SEAC


Chairman
SEAC

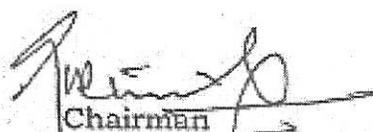
MINUTES OF THE 230th MEETING OF STATE EXPERT APPRAISAL COMMITTEE (SEAC), A.P., HELD ON - 09th & 10th October, 2023 AT VIJAYAWADA, A.P.

Present: The following members were present. (Through hybrid mode Conference)

1.	Dr.G.V.R. Srinivasa Rao, Professor, Civil Engineering Department, Andhra University, Visakhapatnam	Chairperson
2.	Dr.Dinesh Sankar Reddy. Registrar(I/C), Professor of Chemical Engineering, NIT, Tadepalligudem, West Godavari	Member
3.	Prof. G. Gnana Mani, Retd., Professor of Zoology, Andhra University, Visakhapatnam.	Member
4.	Sri Matli. Chandra Sekhar Professor, Head of Department of Civil Engineering, NIT, Warangal.	Member
5.	Prof. C. Sasidhar, Professor, Civil Engineering Dept, JNTU, Anantapur	Member
6.	Prof. N. Siva Prasad Reddy, Director (Academics), Brindavan Institute of Technology & Science, Kurnool	Member
7.	Prof. K. ThyagaRaju, Professor, Department of Biochemistry, S.V.University, Tirupati.	Member
8.	Dr.M. Sunandana Reddy, Associate Professor, RGM College of Engineering & Technology (Autonomous), Nandyal.	Member
9.	Dr.Kiranmai, Assistant Professor, Dept. of Biotechnology, VikramaSimhapuri University, Nellore, SPSR Nellore District	Member
10.	Prof. D. Bharathi, Professor, Dept. of Bio Sciences & Sericulture, Sri PadmavathiMahilaViswaVidhyalayam, Tirupati	Member
11.	Dr. G. Madhavi, Associate Professor, Department of Chemistry, Sri Venkateswara University, Tirupati	Member
12.	Dr.GummallaPrasanthi, Professor, Vijaya Institute of Pharmaceutical Sciences, Vijayawada	Member
13.	Prof. U. Shameem. Chairman, Dept. of Zoology, Andhra University, Visakhapatnam	Member
14.	Sri. N. V Bhaskara Rao, Chief Environmental Engineer, Andhra Pradesh Pollution Control Board. Vijayawada.	Member Secretary.

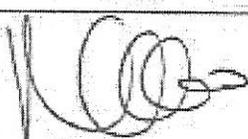

Member Secretary
SEAC

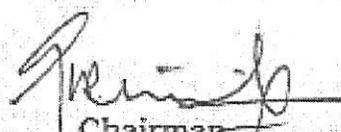
53


Chairman
SEAC

MINUTES OF THE 230th MEETING OF STATE EXPERT APPRAISAL COMMITTEE (SEAC), A.P.,
HELD ON - 09th & 10th October, 2023 AT VJAYAWADA, A.P.

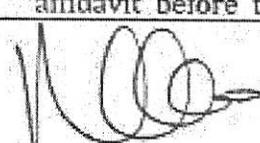
Agenda no 33	SEAC, A.P - Orders of Hon'ble NGT dt. 01.05.2023 in Appeal No. 45 of 2022 filed by Sri. V. Ramasubbu, in the Hon'ble NGT, Chennai - Remarks of SEAC - Submitted - Reg. 1. Email received from SEIAA, AP email dt.02.09.2023
	<p>It is to submit that, the SEIAA, AP vide e-mail dated 02.09.2023 forwarded the orders of the Hon'ble NGT dt.01.05.2023 in Appeal No. 45 of 2022, South Zone Chennai filed by Sri. V. Ramasubbu, Tirunelveli challenging the grant of Environmental Clearance for Mineral Beneficiation under Clause 2 (b) in favour of M/s. M/s. Trimex Sands Private Ltd, Vatsavalasa(V), Tonagi (M), Srikakulam District. The issue was also discussed by the Chairman, SEIAA with the Chairman, SEAC on 09.10.2023 and requested the SEAC to furnish the remarks on the matter so as to appraise the Standing Counsel. In this regard, the SEAC noted that:</p> <p>a) M/s. Trimex Sands Private Limited was operating Integrated Mining cum Beneficiation project for Beach Sand Minerals at Vatsavalasa(V), Tonagi (M), Srikakulam District.</p> <p>b) The industry obtained Environmental Clearance from MoEF vide order dt 10.11.2004 for mining of Beach Sand and Separation of heavy minerals (Garnet, Ilmenite, Leucoxene, Seliminite & minor amount of Rutile & Zircon) and to set up an export oriented mining unit at Vatsavalasa & Tonagi villages, Gara (M), Srikakulam in an extent of 7.2 Sq Kms. The industry obtained EC for expansion vide order dt 17.04.2015 from 2 MTPA to 6 MTPA over an extent of 720 HA.</p> <p>c) The project involves mining, wet Pre-Concentration Plants (PCP) and Mineral Separation Plant (MSP) to produce Ilmenite, Garnet, Rutile, Zircon and Sillimanite. Pulverizing unit with ball mill installed in the mineral separation plant. The Mining and PCPs are established within the mining lease area, whereas the Mineral Separation Plant (MSP) has been established outside the mining lease area.</p> <p>d) The unit was in operation since 2009-10. The policy decision of the Government of India in 2019 to permit only Govt companies in the mining of beach sand minerals resulted in the stoppage of the Mining activity and MSP, though it is situated outside the Mine Lease area.</p> <p>e) The proponent submitted application for grant of TOR on 22.11.2021 and also requested for exemption from Public Hearing to start Mineral Separation Operation by using mineral concentrate from India / abroad.</p> <p>f) This proposal was examined in the 172nd SEAC meeting held on 16.12.2021 and the SEAC Committee recommended for issue of Standard TOR with EIA & Public Hearing. The proposal was placed before the 169th SEIAA meeting and the SEIAA AP referred the proposal to SEAC to re-examine the application in the light of request letter dt. 20.12.2021 submitted by the proponent to SEIAA seeking exemption for public hearing.</p> <p>g) The committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier, the decision of 179th SEAC meeting is as follows: "The committee after examining the project proposal, presentations, MoEF&CC notification & OMs and detailed deliberations, recommended for issue of Standard TOR with EIA, without public hearing under 7(II) of EIA Notification, 2006 and its amendments thereof".</p> <p>h) The proposal along with recommendation of the SEAC 179th SEAC meeting was placed before the 177th SEIAA meeting and the SEIAA agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued on 12.04.2022.</p>


Member Secretary
SEAC

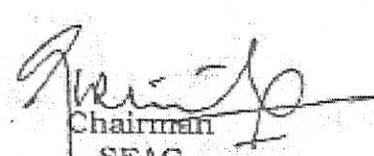

Chairman
SEAC

MINUTES OF THE 230th MEETING OF STATE EXPERT APPRAISAL COMMITTEE (SEAC), A.P.,
HELD ON - 09th & 10th October, 2023 AT VIJAYAWADA, A.P.

- i) The project proponent has applied for Environmental clearance on 30.04.2022 and was placed before the 187th SEAC meeting. The decision of 187th SEAC meeting is as follows:
- "The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for *issue of Environmental Clearance with conditions specified in the earlier EC order accorded by MoEF & CC.*"
- j) The proposal was placed before 184th SEIAA meeting and agreed with recommendation SEAC to issue Environmental clearance. The SEIAA granted Environmental clearance on 28.07.2022 for Mineral Separation Plant of 0.44 MTPA stipulating a condition that
- i. The Mineral Separation Plant shall be operated by sourcing mineral concentrate from India/Abroad.
 - ii. No mining shall be carried out without obtaining EC.
- k) An appeal No 45 of 2022(SZ) was filed by V.Ramasubbu, Krishnapuram, Palayamkottal, Tirunelveli in the Hon'ble National Green Tribunal (NGT), South Zone, Chennai and questioned *"the SEIAA - Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation"*.
- l) It is to submit that as per the Environment impact assessment Notification, 2006 and its amendments thereof and MoEF & CC Notification S.O. 1886(E) dt. 20.04.2022, the project categorized as Mineral Beneficiation under 2(b) said that "All Mineral beneficiation project irrespective of the procedure for beneficiation". Mineral beneficiation alone only can appraise under category 2(b) of EIA notification, 2006 and its amendments thereof.
- m) During the appraisal the SEAC noted that:
- a. During the meeting the project proponent has informed that they are procuring mineral from Andhra Pradesh Mineral Development corporation Limited., (APMDCL).
 - b. The project proponent also informed that the Minerals after extraction and they are going to sell product through Indian Rare earths Ltd (IREL) and also informed that the project will obtain permission of Department of Atomic Energy (DAE).
 - c. The SEAC, AP has examined the order dt. 01.03.2019 and noted the Para No. 12 (Henceforth, any Mineral concession of Beach Sand Minerals shall be granted to a "Government company or corporation owned or controlled by the Government" under the provisions of the Atomic Minerals Concession Rules, 2016).
 - d. The MoEF&CC S.O.No. 1886 (E) dt. 20.04.2022, it is clear that against item 2 (b) in column (4), for the symbol, figures, words and letters - "< 0.5 million TPA throughput", the words -All mineral beneficiation projects irrespective of the procedure for beneficiation|| shall be substituted.
 - e. The SEAC, AP has recommended Environmental Clearance. Since M/s. Trimex Sands Private Limited is procuring and proposed selling mineral to Government body only.
- n) The Under Secretary, Department of Atomic Energy (3rd Respondent) filed an affidavit before the Hon'ble NGT in connection with Appeal No 45(2022) and


Member Secretary
SEAC

55


Chairman
SEAC

	<p>extract of the para no 6 is as follows:</p> <p>"The amendment of Atomic Mineral Concession Rules (AMCR), 2016 on 20.02.2019 has resulted in bringing all the Beach Sand Mineral (BSM) deposits in the country under the umbrella of ACMR-2016 irrespective of grade of Monazite and prohibited the entry of private entities for the downstream activities (Mining and Separation) in the BSM sector in the country. Accordingly, vide order dt. 01.03.2019, Ministry of Mines (MoM) requested all the State Governments for pre-mature termination of all mining leases granted to private BSM operators with the objective of conserving and protecting the critical elements occurring in BSM. Further vide circular dt 11.04.2019, MoEF&CC prohibited Environment Clearance for private BSM entities. The responsibility of handling and liberation of Radioactivity from any source material including BSM (atomic minerals) lies with Department of Atomic Energy (DAE)."</p> <p>o) The SEAC discussed the matter regarding the Affidavit filed by Atomic Energy Department in its 230th meeting held on 10.10.2023 and noted that the Department is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity. MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.</p> <p>p) In light of the above the SEAC Committee recommended for revocation the EC order dt. 28.07.2023 in accordance with AMCR 2016 under G.S.R. 134(E) dt. 20.02.2019 & MoEF&CC vide circular F.No. 22-19/2019-IA.III dt 11.04.2019 as the process of Mineral Separation Plant is also considered as downstream activities. However, the SEIAA, AP is also suggested to obtain legal opinion from the Standing Counsel before taking final decision on the matter.</p>
Agenda ItemNo: 222.52& 230.34	10.978 Ha. Gravel Quarry of Sri Mulpuri Sudheer at Sy. No. 138/(P), Narasingapalem Village, Agiripalli Mandal, Krishna District, Andhra Pradesh- Environmental Clearance - EIA Case-Reg.
SIA/AP/ MIN/428 089/202 3	<p>Category: B2 at par with B1.</p> <p>The proposed project is for mining of Gravel Quarry in an area of 10.978 Ha with a proposed production capacity of 1,39,260 m³/annum with a condition that the total production during a scheme should be limited to the approved quantity as per Mining scheme/ plan.</p> <p>The proposed project falls under Item No. 1(a) of the schedule of the EIA Notification 2006 and its amendments thereof - (i). Mining of minerals (<=250 ha of mining lease area in respect of non-coal mine lease).</p> <p>The project proponent and their consultant, M/s.HUBERT ENVIRO CARE SYSTEMS PRIVATE LIMITED, have attended the meeting and presented the case. The SEAC committee observed that:</p> <p>a) The Department of Mines and Geology submitted DSR of erstwhile Krishna District. The same is reviewed in the SEAC meeting and observed that the mineral content is available in the nearby village /cluster to the subject mine.</p> <p>b) As per the approved mining plan, the total provided mineral reserves are 2989750 M³. The proponent proposed to excavate 1,39,260 m³/annum and Life of the mine</p>


Member Secretary
SEAC


Chairman
SEAC

57

Annexure - VII



Date: 09.11.2023

To,
The Chairman
State Environment Impact Assessment Authority,
O/o A.P. Pollution Control Board (Head office)
Near Sunrise Hospital, Pushpa Hotel Centre, Chalamavari Street,
Kasturibaipet, Vijayawada -10, Andhra Pradesh



Sub: Recommendation of the SEAC, AP to revoke the EC granted for the Mineral Separation Plant of Trimex Sands Pvt Ltd, Vatsavalasa (V), Gara (M), Srikakulam District, Andhra Pradesh – Objections submitted – reg.

Ref: 1) Environmental Clearance granted vide No. SEIAA/AP/SKLM/IND/11/2021/3654/187.60 & 184.53 dated 28-07-2022.
2) Minutes of the SEAC, AP dated 10.10.2023

Respected Sir,

We have been granted an Environmental Clearance (EC) by the SEIAA, AP vide reference (1) above for the operation of a mineral separation plant (MSP) by sourcing mineral concentrate from 3rd parties. Further to the above, we have obtained CFE from the APPCB vide order No.580/APPCB/CFE/RO-SKLM/HO/2022 dated 07/09/2022. Also obtained plan approval from the AP Factory department vide no. LAE05-11021(52)/18/2022-A-SEC-DOF - DOF dated 07/10/2022 and petroleum storage license from the Govt of India vide permission no. P/HQ/AP/15/3653 (P220969) dated 14/06/2022 for the project. The process of obtaining remaining approvals and repairing & servicing of the already established MSP are under progress.

We came to know from the website of the SEIAA - AP that the SEAC, AP vide their minutes dated 10.10.2023 has recommend for revocation of the EC granted for the subject project citing an order dated 01.05.2023 issued by the Hon'ble NGT, Chennai bench in the appeal no. 45 of 2022 filed by one Mr V. Ramasubbu. On perusal of the minutes, it is observed that an affidavit filed by the Department of Atomic Energy (DAE) before the Hon'ble NGT in this case has been the sole criteria to recommend revocation of the EC.

We would like to submit before the Hon'ble SEIAA that the recommendation of SEAC to revoke the EC is without any merits and contrary to the law due to the following reasons.

Trimex Sands Pvt Ltd: Vatsavalasa(V), Gara Mandal, Srikakulam District - 532 404,

Andhra Pradesh, India.

- 1) The case filed by Mr V. Ramasubbu against grant of the subject EC by the SEIAA - AP is presently under the consideration of the Hon'ble NGT, Chennai Bench. When the matter is sub justice before the Hon'ble NGT it would not be right on the part of SEIAA to go into more so when SEIAA have filed a counter in the subject case contrary to the minutes.
- 2) The Hon'ble NGT vide order dated 01.05.2023 has requested the SEIAA – AP to explain how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation. There was no direction to revoke the EC by order dated 1.5.23 and it was only proceedings and not final order and therefore SEIAA has no locus to decide the issue.
- 3) The subject EC was granted based on the recommendations of the SEAC and SEIAA. Further, the affidavit filed by the SEIAA before the Hon'ble NGT in the subject case fully endorse the grant of the EC. Reversing the earlier decision merely based on an affidavit filed by one of the respondents in the case (DAE) is without any merits.
- 4) From the SEAC minutes dated 10.10.2023, it is noted that the SEAC has recommended for revocation of the EC after considering the stand taken by the DAE in their affidavit that downstream activity of mineral separation is a prohibited activity for the private sector. In this connection, we submit that the mining is classified under SI No.1(a) of the Environmental Impact Assessment (EIA) 2006 schedule, while mineral beneficiation falls under SI No.2(b) of the EIA 2006 schedule. It is true that as per the EIA notification, mining proposal with mineral beneficiation shall be appraised together for grant of environmental clearance. However, in the present case of operation of the MSP, mining operations were completed long back, and no further mining is planned or required. Thus, there is no option of considering the MSP operation proposal along with mining proposal.
- 5) The amendment of Atomic Concession Rules, 2016 on 20.02.2019 was pertaining to the threshold value specified in the Schedule A of AMCR 2016. By virtue of the same, grant of mineral concession for BSM mining was prohibited for private companies. The order dated 01.03.2019 from the Ministry of Mines directing premature termination of existing BSM concessions granted to private companies pertains to mineral concessions granted under the provisions of the MMDR Act and Rules framed thereunder. The circular dated 11.04.2019 issued by MOEF & CC also direct that clearance of any type for Mineral Concessions of BSM by Private Company should not be granted.

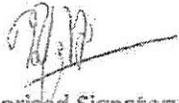
The Definition of "Mineral Concession" is found in Section 3(i)(ae) of the MMDR Act, which states that "Mineral Concession" means either a reconnaissance permit, prospecting licence, mining lease, composite licence or a combination of any of these and the expression "concession" shall be construed accordingly. Therefore, it is very clear that the order dated 01.03.2019 from the MOM or the Circular dated 11.04.2019 from the MOEF & CC is about mineral concessions for beach sand minerals and is not applicable to the mineral beneficiation activity. The proposed activity by the 5th respondent is purely mineral beneficiation involving separation of individual mineral present in the concentrate and no mining activity is involved.

- 6) Before recommending for revocation of the EC, no opportunity was provided to us to submit/explain our stand on the issues involved.

Therefore, we humbly request the SEIAA – AP to reject the recommendations of the SEAC – AP for revocation of the subject EC granted to us.

Thanking you,
Yours sincerely,

for Trimex Sands Private Limited



Authorised Signatory

61

Annexure - VIII

File No.APPCB-11033/223/2023-TEC-EC-APPCB



**MINUTES OF GENERAL MEETING OF STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) A.P.,
MEETING HELD ON 20.11.2023 AT VIJAYAWADA A.P.**

General Minutes

20.11.2023



**MINUTES OF THE GENERAL MEETING OF STATE LEVEL
ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY (SEIAA) A.P., MEETING HELD ON
20.11.2023 AT VIJAYAWADA A.P.**

Present:

The following members were present. (Through Video Conference)

1.	Sri P.Venkata Rami Reddy, I.A.S, (Retired).	Chairman
2.	Dr.Thatiparthi Byragi Reddy Professor. Department of Environmental Sciences, Andhra University, Visakhapatnam	Member
3.	Dr.P.V.Chalapathi Rao, I.F.S Special Secretary to Govt., Environment, Forests, Sciences and Technology Department, Govt. of Andhra Pradesh & Member Secretary, SEIAA, A.P.	Member Secretary

20/11/2023

File No.APPCB-11033/223/2023-TEC-EC-APPCB

Agenda Item No. SEAC 230.33	SEAC, A.P – Orders of Hon'ble NGT dt. 01.05.2023 in Appeal No. 45 of 2022 filed by Sri. V. Ramasubbu, in the Hon'ble NGT, Chennai – Remarks of SEAC - Submitted – Reg. 1. Email received from SEIAA, AP email dt.02.09.2023
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File No.APPCB-11033/223/2023-TEC-EC-APPCB

Recommendations of the SEAC on 10.10.2023

It is to submit that, the SEIAA, AP vide e-mail dated 02.09.2023 forwarded the orders of the Hon'ble NGT dt.01.05.2023 in Appeal No. 45 of 2022, South Zone Chennai filed by Sri. V. Ramasubbu, Tirunelveli challenging the grant of Environmental Clearance for Mineral Beneficiation under Clause 2 (b) in favour of M/s. Trimex Sands Private Ltd, Vatsavalasa(V), Tonagi (M), Srikakulam District. The issue was also discussed by the Chairman, SEIAA with the Chairman, SEAC on 09.10.2023 and requested the SEAC to furnish the remarks on the matter so as to appraise the Standing Counsel. In this regard, the SEAC noted that:

- a. M/s. Trimex Sands Private Limited was operating Integrated Mining cum Beneficiation project for Beach Sand Minerals at Vatsavalasa(V), Tonagi (M), Srikakulam District.
- b. The industry obtained Environmental Clearance from MoEF vide order dt 10.11.2004 for mining of Beach Sand and Separation of heavy minerals (Garnet, Ilmenite, Leucoxene, Seliminite & minor amount of Rutile & Zircon) and to set up an export oriented mining unit at Vatsavalasa & Tonagi villages, Gara (M), Srikakulam in an extent of 7.2 Sq Kms. The industry obtained EC for expansion vide order dt 17.04.2015 from 2 MTPA to 6 MTPA over an extent of 720 HA.
- c. The project involves mining, wet Pre-Concentration Plants (PCP) and Mineral Separation Plant (MSP) to produce Ilmenite, Garnet, Rutile, Zircon and Sillimanite. Pulverizing unit with ball mill installed in the mineral separation plant. The Mining and PCPs are established within the mining lease area, whereas the Mineral Separation Plant (MSP) has been established outside the mining lease area.
- d. The unit was in operation since 2009-10. The policy decision of the Government of India in 2019 to permit only Govt. companies in the mining of beach sand minerals resulted in the stoppage of the Mining activity and MSP, though it is situated outside the Mine Lease area.
- e. The proponent submitted application for grant of TOR on 22.11.2021 and also requested for exemption from Public Hearing to start Mineral Separation Operation by using mineral concentrate from India / abroad.
- f. This proposal was examined in the 172nd SEAC meeting held on 16.12.2021 and the SEAC Committee recommended for issue of Standard TOR with EIA & Public Hearing. The proposal was placed before the 169th SEIAA meeting and the SEIAA AP referred the proposal to SEAC to re-examine the application in the light of request letter dt. 20.12.2021 submitted by the proponent to SEIAA seeking exemption for public hearing.
- g. The committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier, the decision of 179th SEAC meeting is as follows:

File No.APPCB-11033/223/2023-TEC-EC-APPCB

	<p>"The committee after examining the project proposal, presentations, MoEF&CC notification & OMs and detailed deliberations, recommended for issue of Standard TOR with EIA, without public hearing under 7(II) of EIA Notification, 2006 and its amendments thereof".</p> <p>h. The proposal along with recommendation of the SEAC 179th SEAC meeting was placed before the 177th SEIAA meeting and the SEIAA agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued on 12.04.2022.</p> <p>i. The project proponent has applied for Environmental clearance on 30.04.2022 and was placed before the 187th SEAC meeting. The decision of 187th SEAC meeting is as follows: "The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended <i>for issue of Environmental Clearance with conditions specified in the earlier EC order accorded by MoEF & CC.</i>"</p> <p>j. The proposal was placed before 184th SEIAA meeting and agreed with recommendation SEAC to issue Environmental clearance. The SEIAA granted Environmental clearance on 28.07.2022 for Mineral Separation Plant of 0.44 MTPA stipulating a condition that a. The Mineral Separation Plant shall be operated by sourcing mineral concentrate from India/Abroad. b. No mining shall be carried out without obtaining EC.</p> <p>k. An appeal No 45 of 2022(SZ) was filed by V.Ramasubbu, Krishnapuram, Palayamkottai, Tirunelveli in the Hon'ble National Green Tribunal (NGT), South Zone, Chennai and questioned "<i>the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation</i>".</p> <p>l. It is to submit that as per the Environment impact assessment Notification, 2006 and its amendments thereof and MoEF & CC Notification S.O. 1886(E) dt. 20.04.2022, the project categorized as Mineral Beneficiation under 2(b) said that "All Mineral beneficiation project irrespective of the procedure for beneficiation". Mineral beneficiation alone only can appraise under category 2(b) of EIA notification, 2006 and its amendments thereof.</p> <p>m. During the appraisal the SEAC noted that: 1. During the meeting the project proponent has informed that they are procuring mineral from Andhra Pradesh Mineral Development corporation Limited., (APMDCL). 2. The project proponent also informed that the Minerals after extraction and they are going to sell product through Indian Rare earths Ltd (IREL) and also informed that the project will obtain</p>
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65

File No.APPCB-11033/223/2023-TEC-EC-APPCB

	<p>permission of Department of Atomic Energy (DAE). 3. The SEAC, AP has examined the order dt. 01.03.2019 and noted the Para No. 12 (Henceforth, any Mineral concession of Beach Sand Minerals shall be granted to a "Government company or corporation owned or controlled by the Government" under the provisions of the Atomic Minerals Concession Rules, 2016). 4. The MoEF&CC S.O.No. 1886 (E) dt. 20.04.2022, it is clear that against item 2 (b) in column (4), for the symbol, figures, words and letters —"< 0.5 million TPA throughput", the words —All mineral beneficiation projects irrespective of the procedure for beneficiation shall be substituted. 5. The SEAC, AP has recommended Environmental Clearance. Since M/s. Trimex Sands Private Limited is procuring and proposed selling mineral to Government body only.</p> <p>n. The Under Secretary, Department of Atomic Energy (3rd Respondent) filed an affidavit before the Hon'ble NGT in connection with Appeal No 45(2022) and extract of the para no 6 is as follows: "The amendment of Atomic Mineral Concession Rules (AMCR), 2016 on 20.02.2019 has resulted in bringing all the Beach Sand Mineral (BSM) deposits in the country under the umbrella of ACMR-2016 irrespective of grade of Monazite and prohibited the entry of private entities for the downstream activities (Mining and Separation) in the BSM sector in the country. Accordingly, vide order dt.01.03.2019, Ministry of Mines (MoM) requested all the State Governments for pre-mature termination of all mining leases granted to private BSM operators with the objective of conserving and protecting the critical elements occurring in BSM. Further vide circular dt.11.04.2019, MoEF&CC prohibited Environment Clearance for private BSM entities. The responsibility of handling and liberation of Radioactivity from any source material including BSM (atomic minerals) lies with Department of Atomic Energy (DAE)."</p> <p>o. The SEAC discussed the matter regarding the Affidavit filed by Atomic Energy Department in its 230th meeting held on 10.10.2023 and noted that the Department is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity. MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.</p> <p>p. In light of the above the SEAC Committee recommended for revocation the EC order dt.28.07.2023 in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019 & MoEF&CC vide circular F.No. 22-19/2019-IA.III dt.11.04.2019 as the process of Mineral Separation Plant is also considered as downstream activities. However, the SEIAA, AP is also suggested to obtain</p>
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File No.APPCB-11033/223/2023-TEC-EC-APPCB

	<p>legal opinion from the Standing Counsel before taking final decision on the matter.</p> <p>Decision of SEIAA:- The SEIAA in its meeting held on 20.11.2023 examined the recommendations of SEAC, representation of the proponent dated.09.11.2023 & legal opinion dated.17.11.2023 of the sanding counsel of SEIAA and decided to Revoke the EC order dated.28.07.2022 as per the recommendations of SEAC.</p>
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Special Secretary To Govt

Dr. P.V.Chalapathi
Rao, I.F.S

Dr.Thatiparthi Byragi Reddy

Sri P.Venkata
Rami Reddy,
I.A.S, (Retired).Special Secretary to
Govt.,
Environment, Forests,
Sciences
and Technology
Department,
Govt. of Andhra
Pradesh &
Member Secretary,
SEIAA,A.P.Professor. Department of Environmental
Sciences, Andhra University, VisakhapatnamChairman,
SEIAA,A.PDigitally Signed by Dr P V
Chalapathi Rao
Date: 20-11-2023 21:16:41
Reason: Approved

67

Annexure - IX

File No.APPCB-11033/6/2022-TEC-EC-APPCB

	State Level Environment Impact Assessment Authority (SEIAA)
	Andhra Pradesh
	Ministry of Environment, Forests & Climate Change
	Government of India
Dr.YSR Paryavaran Bhavan, APIIC Colony Road, Gurunanak Colony, Auto Nagar, Vijayawada-520007.	

REGD.POST WITH ACK.DUE

21.11.2023
DESPATCHED

S.B. Order No.SEIAA/AP/SKLM/ IND/11/2021/3654/230.33 -246 21/11/2023

Sub	SEIAA, A.P. - Beach Sand Mineral separation plant of M/s. Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh - Revocation of Environmental Clearance - Reg.
Ref:	<ol style="list-style-type: none"> 1. Your application for ToR received through online on 22.11.2021 (Proposal No. SIA/AP/IND/69360/2021). 2. The minutes of SEAC meeting held on 14, 15 & 16th Dec 2021 & SEIAA meetings held on 05.01.2022 & 06.01.2022 3. The minutes of SEAC meeting held on 14.02.2022 & SEIAA meeting held on 21.03.2022 4. The ToR issued on 12.04.2022. 5. Your application for EC received through online on 30.04.2022. 6. The minutes of SEAC meeting held on 18.05.2022 & SEIAA meeting held on 26.05.2022. 7. Environmental Clearance Issued by SEIAA Vide Order dt.28.07.2022. 8. Appeal No. 45 of 2022 (SZ) filed in Hon'ble NGT, Chennai against M/s Trimex Sands Private Limited. 9. The minutes of SEAC meeting held on 10.10.2023. 10. The proponent's representation dated.09.11.2023. 11. The minutes of SEIAA meeting held on 20.11.2023.

WHEREAS, you have filed an online application in PARIVESH vide reference 1st cited, seeking Terms of Reference for the Mineral Separation Plant (MSP) of M/s Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

WHEREAS, the issue was discussed in the State Level Expert Appraisal Committee (SEAC) meetings held on 14,15 & 16th Dec 2021 & 14, 15 & 16th Feb 2022 and in the State Environmental Impact Assessment Authority (SEIAA) meetings held on 05.01.2022 , 06.01.2022 & 21.03.2022. The Member Secretary SEAC issued TOR on 12.04.2022 to Trimex Private Limited without Public Hearing.

WHEREAS, you have filed an application on 30.04.2022 seeking Environmental

File No.APPCB-11033/6/2022-TEC-EC-APPCB

Clearance for the Mineral Separation Plant (MSP) of M/s Trimex Sands Private Limited at Sy. No. 78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

WHEREAS, the issue was discussed in the State Level Expert Appraisal Committee (SEAC) meetings held on 18.05.2022 and the SEAC recommended to issue EC with a condition that the proponent shall comply with conditions specified in the earlier EC order.

WHEREAS, the State Environmental Impact Assessment Authority (SEIAA) in its meeting held on 26.05.2022 agreed with recommendations of SEAC and issued Environmental Clearance on 28.07.2022 to M/s. Trimex Sands Private Limited stipulating the following conditions :

- 1. Conditions No,XVIII at Point B. of General conditions– The proponent shall obtain all other mandatory clearances from respective departments**
- 2. Condition No.2 at Part A of Special Conditions- The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015 issued by MoEF&CC.**

WHEREAS, a court case was filed in Hon'ble NGT on dt.26.08.2022 in Appeal No. 45 of 2022 (SZ) against M/s Trimex Sands Private Limited. The Hon'ble NGT directed the SEIAA vide order dt.01.05.2023 as follows:

"Let the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation".

WHEREAS, the matter was referred SEAC to examine on the Hon'ble NGT direction. The SEAC in the meeting held on 10.10.2023 discussed the matter and the minutes of SEAC meeting are as follows:

- a. *M/s. Trimex Sands Private Limited was operating Integrated Mining cum Beneficiation project for Beach Sand Minerals at Vatsavalasa(V), Tonagi (M), Srikakulam District.*
- b. *The industry obtained Environmental Clearance from MoEF vide order dt 10.11.2004 for mining of Beach Sand and Separation of heavy minerals (Garnet, Ilmenite, Leucosene, Seliminite & minor amount of Rutile & Zircon) and to set up an export oriented mining unit at Vatsavalasa & Tonagi villages, Gara (M), Srikakulam in an extent of 7.2 Sq Kms. The industry obtained EC for expansion vide order dt 17.04.2015 from 2 MTPA to 6 MTPA over an extent of 720 HA.*
- c. *The project involves mining, wet Pre-Concentration Plants (PCP) and Mineral Separation Plant (MSP) to produce Ilmenite, Garnet, Rutile, Zircon and Sillimanite. Pulverizing unit with ball mill installed in the mineral separation plant. The Mining and PCPs are established within the mining lease area, whereas the Mineral Separation Plant (MSP) has been established outside the mining lease area.*
- d. *The unit was in operation since 2009-10. The policy decision of the*

File No.APPCB-11033/6/2022-TEC-EC-APPCB

- Government of India in 2019 to permit only Govt. companies in the mining of beach sand minerals resulted in the stoppage of the Mining activity and MSP, though it is situated outside the Mine Lease area.
- e. The proponent submitted application for grant of TOR on 22.11.2021 and also requested for exemption from Public Hearing to start Mineral Separation Operation by using mineral concentrate from India / abroad.
 - f. This proposal was examined in the 172nd SEAC meeting held on 16.12.2021 and the SEAC Committee recommended for issue of Standard TOR with EIA & Public Hearing. The proposal was placed before the 169th SEIAA meeting and the SEIAA AP referred the proposal to SEAC to re-examine the application in the light of request letter dt. 20.12.2021 submitted by the proponent to SEIAA seeking exemption for public hearing.
 - g. The committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier, the decision of 179th SEAC meeting is as follows:

"The committee after examining the project proposal, presentations, MoEF&CC notification & OMs and detailed deliberations, recommended for issue of Standard TOR with EIA, without public hearing under 7(II) of EIA Notification, 2006 and its amendments thereof".
 - h. The proposal along with recommendation of the SEAC 179th SEAC meeting was placed before the 177th SEIAA meeting and the SEIAA agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued on 12.04.2022.
 - i. The project proponent has applied for Environmental clearance on 30.04.2022 and was placed before the 187th SEAC meeting. The decision of 187th SEAC meeting is as follows:

"The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, recommended for issue of Environmental Clearance with conditions specified in the earlier EC order accorded by MoEF & CC."
 - j. The proposal was placed before 184th SEIAA meeting and agreed with recommendation SEAC to issue Environmental clearance. The SEIAA granted Environmental clearance on 28.07.2022 for Mineral Separation Plant of 0.44 MTPA stipulating a condition that
 - i. The Mineral Separation Plant shall be operated by sourcing mineral concentrate from India/Abroad.
 - ii. No mining shall be carried out without obtaining EC.
 - k. An appeal No 45 of 2022(SZ) was filed by V.Ramasubbu, Krishnapuram, Palayamkottai, Tirunelveli in the Hon'ble National Green Tribunal (NGT), South Zone, Chennai and questioned **"the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation"**.
 - l. It is to submit that as per the Environment impact assessment Notification, 2006 and its amendments thereof and MoEF & CC Notification S.O. 1886(E) dt.

File No. APPCB-11033/6/2022-TEC-EC-APPCB

20.04.2022, the project categorized as Mineral Beneficiation under 2(b) said that "All Mineral beneficiation project irrespective of the procedure for beneficiation". Mineral beneficiation alone only can appraise under category 2(b) of EIA notification, 2006 and its amendments thereof.

m. During the appraisal the SEAC noted that:

1. During the meeting the project proponent has informed that they are procuring mineral from Andhra Pradesh Mineral Development corporation Limited., (APMDCL).
 2. The project proponent also informed that the Minerals after extraction and they are going to sell product through Indian Rare earths Ltd (IREL) and also informed that the project will obtain permission of Department of Atomic Energy (DAE).
 3. The SEAC, AP has examined the order dt. 01.03.2019 and noted the Para No. 12 (Henceforth, any Mineral concession of Beach Sand Minerals shall be granted to a "Government company or corporation owned or controlled by the Government" under the provisions of the Atomic Minerals Concession Rules, 2016).
 4. The MoEF&CC S.O.No. 1886 (E) dt. 20.04.2022, it is clear that against item 2 (b) in column (4), for the symbol, figures, words and letters — "< 0.5 million TPA throughput", the words — All mineral beneficiation projects irrespective of the procedure for beneficiation shall be substituted.
 5. The SEAC, AP has recommended Environmental Clearance. Since M/s. Trimex Sands Private Limited is procuring and proposed to sell mineral to Government body only.
- n. The Under Secretary, Department of Atomic Energy (3rd Respondent) filed an affidavit before the Hon'ble NGT in connection with Appeal No 45(2022) and extract of the para no 6 is as follows:

"The amendment of Atomic Mineral Concession Rules (AMCR), 2016 on 20.02.2019 has resulted in bringing all the Beach Sand Mineral (BSM) deposits in the country under the umbrella of ACMR-2016 irrespective of grade of Monazite and prohibited the entry of private entities for the downstream activities (Mining and Separation) in the BSM sector in the country. Accordingly, vide order dt.01.03.2019, Ministry of Mines (MoM) requested all the State Governments for pre-mature termination of all mining leases granted to private BSM operators with the objective of conserving and protecting the critical elements occurring in BSM. Further vide circular dt.11.04.2019, MoEF&CC prohibited Environment Clearance for private BSM entities. The responsibility of handling and liberation of Radioactivity from any source material including BSM (atomic minerals) lies with Department of Atomic Energy (DAE)."

- o. The SEAC discussed the matter regarding the Affidavit filed by Atomic Energy Department in its 230th meeting held on 10.10.2023 and noted that the

File No.APPCB-11033/6/2022-TEC-EC-APPCB

Department is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity. MoEF&CC vide circular dt.11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.

- p. *In light of the above the SEAC Committee recommended for revocation the EC order dt.28.07.2022 in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019 & MoEF&CC vide circular F.No. 22-19/2019-IA.III dt.11.04.2019 as the process of Mineral Separation Plant is also considered as downstream activities. However, the SEIAA, AP is also suggested to obtain legal opinion from the Standing Counsel before taking final decision on the matter.*

WHEREAS, the proponent vide letter dt.09.11.2023 requested the SEIAA, A.P., to reject the recommendation of SEAC for revocation of the EC order.

WHEREAS, the SEIAA in its meeting held on 20.11.2023 examined the recommendations of SEAC, representation of the proponent dated.09.11.2023 & legal opinion dated.17.11.2023 of the standing counsel of SEIAA and decided to **Revoke** the EC order dated.28.07.2022 as per the recommendations of SEAC on the following grounds:

1. The Department of Atomic Energy is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity as per the Affidavit filed by Atomic Energy Department **in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019**. The MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company .
2. As per the Condition No.2 at Part A of Special Conditions- The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015 issued by MoEF&CC& **condition No,XVIII at Point B. of General conditions- The proponent shall obtain all other mandatory clearances from respective departments**. The proponent has not obtained permission from AERB clearance after the lapse of one year 3 months, there by not complied the condition stipulated in EC order.

In view of the above, the SEIAA hereby revokes the EC order dt.28.07.2022 issued to M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh as per the condition No. xx & xxi of General conditions of EC order.

No beneficiation work shall be carried out without obtaining Environmental Clearance as per the provisions laid under E(P) Act, 1986 and EIA notification 2006 dt.14.09.2006 and its amendments thereof.

Any appeal against this letter shall lie with the National Green Tribunal as prescribed under section 16 of National Green Tribunal Act 2010.

File No. APPCB-11033/6/2022-TEC-EC-APPCB

Special Secretary To Govt

MEMBER SECRETARY, SEIAA, A.P.	MEMBER, SEIAA, A.P.	CHAIRMAN, SEIAA, A.P.
--	--------------------------------------	--

To
M/s Trimex Sands Private Limited,
Sri V.H. Rafi Ahammed , Sr. Vice President,
Vatasavalasa Village, Srikakulam P.O,
Gara Manadal, Srikakulam District,
Andhra Pradesh -532404.

Copy to:

1. The Chairman, SEAC, A.P. for kind information.
2. The Member Secretary, APPCB for kind information.
3. The EE, RO: Srikakulam, APPCB for information.
4. The IRO, Sub Officer, MoEF& CC, GoI, Vijayawada for kind information.
5. The Secretary, MoEF&CC, GoI New Delhi for kind information.
6. Monitoring cell, MoEF&CC, GoI, New Delhi for kind information.
7. The District Collector, Srikakulam District, Andhra Pradesh for kind information.

File No.APPCB-11033/6/2022-TEC-EC-APPCB

Digitally Signed by Dr P V
Chalapathi Rao
Date: 21-11-2023 20:56:14
Reason: Approved

75

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
W.P.No.31657 of 2023

Between:

Trimax Sands Private Limited rep. by its authorized
signatory N.Vijay Kumar

...Petitioners

AND

The Union of India rep. by its Secretary, Ministry of
Environment, Forest and Climate Change, New Delhi and others

...Respondents

RUNNING INDEX

S.No.	Particulars	date
1.	SEIAA report on W.P.No.31657 of 2023	13.12.2023
2.	A copy of the Environmental Clearance	28.07.2022
3.	A copy of the revocation of EC order dated.28.07.2022	21.11.2023
4.	A copy of the SEAC meeting Minutes	10.10.2023
5.	A copy of the Representation submitted by the project proponent	09.11.2023
6.	A copy of the SEIAA meeting Minutes	20.11.2023

It is certified that all the documents contained in the above index are true copies.


Member Secretary
SEIAA, AP 6/2

SEIAA,A.P.- Report to Hon'ble High Court in W.P.No.31657 of 2023 filed by Sri. N. Vinay kumar, in the Hon'ble High court in the matter of M/s. Trimex Sands Private Limited Vs Union of India and others against the revocation of the Environmental Clearance order dated.21.11.2023 issued by SEIAA, A.P - Submitted – Reg.

A W.P.No.31657 of 2023 in the Hon'ble High Court of A.P. has been filed by Sri N.Vinay Kumar representative of M/s. Trimex Sands Private Limited challenging the revocation EC order dated.21.11.2023 issued by SEIAA, A.P to the industry stating that SEIAA has revoked the EC order without giving fair opportunity to the project proponent.

The project proponent prayed to the Hon'ble High Court of A.P to declare the impugned order dated.21.11.2023 passed by respondent no.3 (the Member Secretary, SEIAA) there by cancelling the EC dated.28.07.2022 as illegal, arbitrary, unconstitutional, and in gross violation of principles of natural justice and consequently set aside the same pending the disposal of the Appeal No.45 of 2022 on the file of Hon'ble NGT, Chennai and pass such other order or orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

In this regard, the petitioner's allegation that the act of revocation of EC by SEIAA amounts to violation of the principle of natural justice is not true, as the SEAC after having discussed the matter on the contents of the affidavit filed by Atomic Energy Department in its 230th meeting held on 10.10.2023 in appeal No. 45 of 2022(SZ) filed before Hon'ble NGT and recommended for revocation of the EC order dt.28.07.2023 in accordance with AMCR 2016 under G.S.R.134(E)dt.20.02.2019 & MoEF&CC vide circular F.No.22-19/2019-IA.III dt.11.04.2019 as the process of Mineral Separation Plant is also considered as downstream activities.

Accordingly, SEAC uploaded Minutes of the meeting wherein SEAC recommending for revocation of EC order was uploaded in the public domain i.e., PARIVESH portal on 10.10.2023 by giving ample opportunity for the project proponent to file his objections/ representation. Thereafter, the project proponent had filed a representation

on 09.11.2023 to the SEIAA seeking for rejection of the recommendations of the SEAC. The SEIAA had duly considered the objections made by the project proponent, recommendations made by SEAC and obtained legal opinion from the standing counsel of the SEIAA and then only revoked the EC order and hence, the SEIAA had not deviated from the principle of natural justice.

Brief facts of the case

It is pertinent to submit that an Appeal No.45 of 2022 (SZ) was filed by Sri V Ramasubbu, Tirunelavelli , Tamilnadu State before the Hon'ble NGT, Chennai (SZ) u/s 18(1) read with 16 of NGT Act, 2010 against the issuance of Environment Clearance to the M/s Trimex Sands Private Limited, Srikakulam District, A.P. to quash the EC dated.28.07.2022 issued to the Industry by SEIAA.

In this regard the Hon'ble NGT directed the SEIAA vide order dt.01.05.2023 as follows:

“Let the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation”.

Subsequently, the matter was referred to SEAC to examine with the Hon'ble NGT direction and the SEAC in the meeting held on 10.10.2023 discussed the matter and the minutes of meeting are as follows:

Recommendations of the SEAC on 10.10.2023

It is to submit that, the SEIAA, AP vide e-mail dated 02.09.2023 forwarded the orders of the Hon'ble NGT dt.01.05.2023 in Appeal No. 45 of 2022, South Zone Chennai filed by Sri. V. Ramasubbu, Tirunelveli challenging the grant of Environmental Clearance for Mineral Beneficiation under Clause 2 (b) in favour of M/s. Trimex Sands Private Ltd, Vatsavalasa(V), Tonagi (M), Srikakulam District. The issue was also discussed by the Chairman, SEIAA with the Chairman, SEAC on 09.10.2023 and requested the SEAC to furnish the remarks on the matter so as to appraise the Standing Counsel. In this regard, the SEAC noted that:

- a) M/s. Trimex Sands Private Limited was operating Integrated Mining cum Beneficiation project for Beach Sand Minerals at Vatsavalasa(V), Tonagi (M), Srikakulam District.
- b) The industry obtained Environmental Clearance from MoEF vide order dt 10.11.2004 for mining of Beach Sand and Separation of heavy minerals (Garnet, Ilmenite, Leucoxene, Seliminite & minor amount of Rutile & Zircon) and to set up an export oriented mining unit at Vatsavalasa & Tonagi villages, Gara (M), Srikakulam in an extent of 7.2 SqKms. The industry obtained EC for expansion vide order dt 17.04.2015 from 2 MTPA to 6 MTPA over an extent of 720 HA.
- c) The project involves mining, wet Pre-Concentration Plants (PCP) and Mineral Separation Plant (MSP) to produce Ilmenite, Garnet, Rutile, Zircon and Sillimanite. Pulverizing unit with ball mill installed in the mineral separation plant. The Mining and PCPs are established within the mining lease area, whereas the Mineral Separation Plant (MSP) has been established outside the mining lease area.
- d) The unit was in operation since 2009-10. The policy decision of the Government of India in 2019 to permit only Govt. companies in the mining of beach sand minerals resulted in the stoppage of the Mining activity and MSP, though it is situated outside the Mine Lease area.
- e) The proponent submitted application for grant of TOR on 22.11.2021 and also requested for exemption from Public Hearing to start Mineral Separation Operation by using mineral concentrate from India / abroad.
- f) This proposal was examined in the 172nd SEAC meeting held on 16.12.2021 and the SEAC Committee recommended for issue of Standard TOR with EIA & Public Hearing. The proposal was placed before the 169th SEIAA meeting and the SEIAA AP referred the proposal to SEAC to re-examine the application in the light of request letter dt.20.12.2021 submitted by the proponent to SEIAA seeking exemption for public hearing.

- g) The committee noted that as it is an established unit & in operation for several years and it is 50% lower capacity than for which PH was conducted & EC accorded earlier, the decision of 179th SEAC meeting is as follows:

“The committee after examining the project proposal, presentations, MoEF&CC notification & OMs and detailed deliberations, recommended for issue of Standard TOR with EIA, without public hearing under 7(II) of EIA Notification, 2006 and its amendments thereof”.

- h) The proposal along with recommendation of the SEAC 179th SEAC meeting was placed before the 177th SEIAA meeting and the SEIAA agreed with 179th SEAC meeting recommendations. Accordingly, TOR was issued on 12.04.2022.

- i) The project proponent has applied for Environmental clearance on 30.04.2022 and was placed before the 187th SEAC meeting. The decision of 187th SEAC meeting is as follows:

“The Committee after examining the project proposals, presentations, MoEF&CC’ Notifications & OMs and detailed deliberations, recommended *for issue of Environmental Clearance with conditions specified in the earlier EC order accorded by MoEF& CC.*”

- j) The proposal was placed before 184th SEIAA meeting and agreed with recommendation SEAC to issue Environmental clearance. The SEIAA granted Environmental clearance on 28.07.2022 for Mineral Separation Plant of 0.44 MTPA stipulating a condition that

- i. The Mineral Separation Plant shall be operated by sourcing mineral concentrate from India/Abroad.
- ii. No mining shall be carried out without obtaining EC.

- k) An appeal No 45 of 2022(SZ) was filed by V.Ramasubbu, Krishnapuram, Palayamkottai, Tirunelveli in the Hon’ble National Green Tribunal (NGT), South Zone, Chennai and questioned “*the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the*

project, when it is not a composite project of both mining and mineral beneficiation”.

- l) It is to submit that as per the Environment impact assessment Notification, 2006 and its amendments thereof and MoEF& CC Notification S.O. 1886(E) dt.20.04.2022, the project activity of Mineral Beneficiation was categorized under 2(b) i.e., “All Mineral beneficiation project irrespective of the procedure for beneficiation”. As this is a stand alone Mineral beneficiation plant which is located outside the mining lease area which can be appraised under category 2(b) of EIA notification, 2006 and its amendments thereof.
- m) During the appraisal the SEAC noted that:
1. During the meeting the project proponent has informed that they are procuring mineral from Andhra Pradesh Mineral Development corporation Limited., (APMDCL).
 2. The project proponent also informed that the Minerals after extraction and they are going to sell product through Indian Rare earths Ltd (IREL) and also informed that the project will obtain permission of Department of Atomic Energy (DAE).
 3. The SEAC, AP has examined the order dt. 01.03.2019 and noted the Para No. 12 (Henceforth, any Mineral concession of Beach Sand Minerals shall be granted to a “Government company or corporation owned or controlled by the Government” under the provisions of the Atomic Minerals Concession Rules, 2016).
 4. The MoEF&CCS.O.No. 1886 (E) dt. 20.04.2022, it is clear that against item 2 (b) in column (4), for the symbol, figures, words and letters —”< 0.5 million TPA throughput”, the words —All mineral beneficiation projects irrespective of the procedure for beneficiation shall be substituted.
 5. The SEAC, AP has recommended Environmental Clearance. Since M/s. Trimex Sands Private Limited is procuring and proposed selling mineral to Government body only.

- n) The Under Secretary, Department of Atomic Energy (3rd Respondent) filed an affidavit before the Hon'ble NGT in connection with Appeal No 45(2022) and extract of the para no 6 is as follows:

“The amendment of Atomic Mineral Concession Rules (AMCR), 2016 on 20.02.2019 has resulted in bringing all the Beach Sand Mineral (BSM) deposits in the country under the umbrella of ACMR-2016 irrespective of grade of Monazite and prohibited the entry of private entities for the **downstream activities** (Mining and Separation) in the BSM sector in the country. Accordingly, vide order dt. 01.03.2019, Ministry of Mines (MoM) requested all the State Governments for pre-mature termination of all mining leases granted to private BSM operators with the objective of conserving and protecting the critical elements occurring in BSM. Further vide circular dt 11.04.2019, MoEF&CC prohibited Environment Clearance for private BSM entities. The responsibility of handling and liberation of Radioactivity from any source material including BSM (atomic minerals) lies with Department of Atomic Energy (DAE).”

- o) The SEAC discussed the matter regarding the Affidavit filed by Atomic Energy Department in its 230th meeting held on 10.10.2023 and noted that the Department is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity. MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.
- p) In light of the above the SEAC Committee recommended for revocation of the EC order dt. 28.07.2023 in accordance with AMCR 2016 under G.S.R. 134(E)dt. 20.02.2019 & MoEF&CC vide circular F.No. 22-19/2019-IA.III dt 11.04.2019 as the process of Mineral Separation Plant is also considered as downstream activities. However, the SEIAA, AP has also suggested to obtain legal opinion from the Standing Counsel before taking final decision on the matter.

Accordingly, the SEAC recommendation was uploaded in Public domain i.e., PARIVESH portal on 10.10.2023. Having informed through the PARIVESH portal, the project proponent submitted representation negating the recommendations of SEAC on 09.11.2023.

In this respect, the SEIAA in its meeting held on 20.11.2023 examined the recommendations of SEAC, the representation of the proponent dated.09.11.2023 & legal opinion dated.17.11.2023 from standing counsel of SEIAA and decided to Revoke the EC order dated.28.07.2022 as per the recommendations of SEAC on the following grounds:

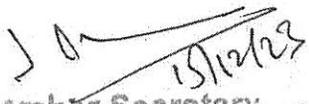
1. The Department of Atomic Energy is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity as per the Affidavit filed by Atomic Energy Department in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019. The MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.
2. As per the Condition No.2 at Part A of Special Conditions- The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015 issued by MoEF&CC& condition No,XViii at Point B. of General conditions- **The proponent shall obtain all other mandatory clearances from respective departments.** The proponent has not obtained permission from AERB clearance after the lapse of one year 3 months, thereby not complied with the condition stipulated in EC order.

Based on the above grounds, the SEIAA has revoked the EC order issued to M/s. Trimex Sands Private Limited. Copy of the revocation order is attached.

In view of the above, the allegation made by the petitioner of W.P.No. 31657 of 2023 on SEIAA is not true, as the SEAC having uploaded recommendation for revocation of EC order in the public domain i.e., PARIVESH portal on 10.10.2023 could be treated as prior notice which is obvious to the project proponent giving time of 40 days for filing representation within which the project proponent had also responded

by utilizing the information displayed on the public domain i.e., PARIVESH portal and submitted representation by the industry on 09.11.2023 and same was duly considered by the SEIAA in its meeting held on 20.11.2023. Hence, the decision of SEIAA for revocation of EC order falls in-line with principle of natural justice.

Submitted.


Member Secretary
SEIAA, AP 2/4

THE HON'BLE SRI JUSTICE A.V. SSHA SAI
&
THE HON'BLE SMT.JUSTICE SUMATHI JAGADAM
WRIT PETITION No.31657 of 2023

ORDER : *(per the Hon'ble Sri Justice A.V. Ssha Sai)*

Heard Sri Avinash Desai, learned Senior Counsel representing Sri D.S.Sivadarshan, learned counsel for the petitioner, Sri Jupudi V K Yagnadutt, learned In-charge Deputy Solicitor General for respondent Nos.1 & 2, Sri V.Surendrhra Reddy, learned Standing Counsel for the respondent Nos.3 & 4 and Sri Md.Abdul Basith, learned Standing Counsel for respondent No.5.

2. Order bearing No.SEIAA/AP/SKLM/IND /11/2021/3654/230.33, dated 21.11.2023, passed by respondent No.3-State Level Environment Impact Assessment Authority of Andhra Pradesh, cancelling the Environmental Clearance accorded to the petitioner on 28.07.2022, is under challenge in the present Writ Petition.

3. By way of the proceedings, dated 28.07.2022, earlier the 3rd respondent herein, granted Environmental Clearance in favour of the petitioner herein. Now, by way of

the impugned order, the said Environmental Clearance came to be cancelled by the 3rd respondent.

4. The essence of the case of the petitioner as advocated by the learned Senior Counsel, Sri Avinash Desai, is that, without being preceded by a Show cause notice and opportunity of being heard to the petitioner, the 3rd respondent herein passed the impugned order. It is also the submission of the learned counsel that, the action on the part of the 3rd respondent is not only violative of the principles of natural justice, but also in contravention of paragraph 8(vi) of the Environmental Impact Assessment (for short 'EIA') Notification, dated 2006. Paragraph 8(vi) of the EIA notification, 2006, reads as follows :

“Rejection of an application or cancellation of a prior environment clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice”.

5. According to the above said paragraph 8(vi) of the EIA Notification, dated 2006, the respondent authorities are required to follow the principles of natural justice.

Admittedly, in the case on hand, no show cause notice was issued by the 3rd respondent before resorting to the impugned action. Therefore, on the said short ground, the impugned order is liable to be set aside.

6. For the aforesaid reasons, the Writ Petition is allowed, setting aside the order bearing No.SEIAA/AP/SKLM/IND/11/2021/3654/230.33, dated 21.11.2023, passed by the 3rd respondent- State Level Environment Impact Assessment Authority of Andhra Pradesh, and the matter is remitted back to the 3rd respondent, for consideration of the issue afresh, after complying with the principles of natural justice, so also, by issuing a show cause notice in accordance with the provisions of EIA Notification, dated 2006.

No order as to costs.

As a sequel, pending miscellaneous petitions, if any, stand closed.

A.V. SESA SAI, J

SUMATHI JAGADAM, J

20th December,2023.
RPD

228

THE HON'BLE SRI JUSTICE A.V. SESA SAI
&
THE HON'BLE SMT.JUSTICE SUMATHI JAGADAM

W.P. No.31657 of 2023

(per A.V. Sesa Sai, J)

Date: 20.12.2023

RPD

	<p>State Level Environment Impact Assessment Authority (SEIAA) Andhra Pradesh Ministry of Environment, Forests & Climate Change Government of India Dr. YSR Paryavaran Bhavan, APIIC Colony Road, Gurunanak Colony, Auto Nagar, Vijayawada-520007.</p>
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20.02.2024
DESPATCHED

REGD. POST WITH ACK. DUE

S.B. Order No. SEIAA/AP/SKLM/IND/11/2021/3654/230.33 -370 19/02/2024

Sub	SEIAA, A.P. -Beach Sand Mineral separation plant of M/s. Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh- Show Cause Notice - Issued-Reg.
Ref:	<ol style="list-style-type: none"> 1. Your application for ToR received through online on 22.11.2021 (Proposal No. SIA/AP/IND/69360/2021). 2. The minutes of SEAC meeting held on 14, 15 & 16th Dec 2021 & SEIAA meetings held on 05.01.2022 & 06.01.2022 3. The minutes of SEAC meeting held on 14.02.2022 & SEIAA meeting held on 21.03.2022 4. The ToR issued on 12.04.2022. 5. Your application for EC received through online on 30.04.2022. 6. The minutes of SEAC meeting held on 18.05.2022 & SEIAA meeting held on 26.05.2022. 7. Environmental Clearance Issued by SEIAA Vide Order dt.28.07.2022. 8. Appeal No. 45 of 2022 (SZ) filed in Hon'ble NGT, Chennai against M/s Trimex Sands Private Limited. 9. The minutes of SEAC meeting held on 10.10.2023. 10. The proponent's representation dated.09.11.2023. 11. The minutes of SEIAA meeting held on 20.11.2023. 12. T.O. Revocation Order No. SEIAA/AP/SKLM/IND/11/2021/3654/230.33, dated.21.11.2023. 13. W.P.No.31657 of 2023 filed in Hon'ble High Court, Amaravathi against the Revocation Order issued by SEIAA, A.P. 14. Order of the Hon'ble High Court dated 20.12.2023 in W.P.No.31657 of 2023. 15. Order of the Hon'ble High Court of Andhra Pradesh, Amaravathi dated 10.01.2024 in W.P (PIL).No.05 of 2024 in similar circumstances

WHEREAS, you have filed an online application in PARIVESH vide reference 1st cited, seeking Terms of Reference for the Mineral Separation Plant (MSP) of M/s Trimex Sands Private Limited at Sy.No.78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.



FILE NO. APPCB-13/2/2023-IEC-EC-APPCB

WHEREAS, the issue was discussed in the State Level Expert Appraisal Committee (SEAC) meetings held on 14, 15 & 16th Dec 2021 & 14, 15 & 16th Feb 2022 and in the State Environmental Impact Assessment Authority (SEIAA) meetings held on 05.01.2022, 06.01.2022 & 21.03.2022. The Member Secretary SEAC issued TOR on 12.04.2022 to Trimex Private Limited without Public Hearing.

WHEREAS, you have filed an application on 30.04.2022 seeking Environmental Clearance for the Mineral Separation Plant (MSP) of M/s Trimex Sands Private Limited at Sy. No. 78, 79, 80, 84, 176 to 183 & 193, Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

WHEREAS, the issue was discussed in the State Level Expert Appraisal Committee (SEAC) meetings held on 18.05.2022 and the SEAC recommended to issue EC with a condition that the proponent shall comply with conditions specified in the earlier EC order issued by MoEF&CC.

WHEREAS, the State Environmental Impact Assessment Authority (SEIAA) in its meeting held on 26.05.2022 agreed with recommendations of SEAC and issued Environmental Clearance on 28.07.2022 to M/s. Trimex Sands Private Limited stipulating the following conditions:

1. **Conditions No, XVIII at Point B. of General conditions– The proponent shall obtain all other mandatory clearances from respective departments**
2. **Condition No.2 at Part A of Special Conditions-The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015 issued by MoEF&CC.**

WHEREAS, a court case was filed in Hon'ble NGT on dt.26.08.2022 in Appeal No. 45 of 2022 (SZ) against M/s Trimex Sands Private Limited. The Hon'ble NGT directed the SEIAA vide order dt.01.05.2023 as follows:

“Let the SEIAA – Andhra Pradesh also give the answer as to how the Environmental Clearance was granted for the project, when it is not a composite project of both mining and mineral beneficiation”.

WHEREAS, SEIAA, A.P. has referred the matter to SEAC to examine the issue on the contents of the Hon'ble NGT direction. The SEAC in the meeting held on 10.10.2023 discussed the matter and the SEAC noted the follows:

- a. The Under Secretary, Department of Atomic Energy (3rd Respondent) filed an affidavit before the Hon'ble NGT in connection with Appeal No 45(2022) and extract of the para no 6 is as follows:

“The amendment of Atomic Mineral Concession Rules (AMCR), 2016 on 20.02.2019 has resulted in bringing all the Beach Sand Mineral (BSM) deposits in the country under the umbrella of AMCR-2016 irrespective of grade of Monazite and prohibited the entry of private entities for the downstream activities (Mining and Separation) in the BSM sector in the

country. Accordingly, vide order dt.01.03.2019, Ministry of Mines (MoM) requested all the State Governments for pre-mature termination of all mining leases granted to private BSM operators with the objective of conserving and protecting the critical elements occurring in BSM. Further vide circular dt.11.04.2019, MoEF&CC prohibited Environment Clearance for private BSM entities. The responsibility of handling and liberation of Radioactivity from any source material including BSM (atomic minerals) lies with Department of Atomic Energy (DAE).”

- b. The SEAC discussed the matter regarding the Affidavit filed by Atomic Energy Department in its 230th meeting held on 10.10.2023 and noted that the Department is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity. MoEF&CC vide circular dt.11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company.
- c. **In light of the above the SEAC Committee recommended for revocation the EC order dt.28.07.2022 in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019 & MoEF&CC vide circular F.No. 22-19/2019-IA.III dt.11.04.2019 as the process of Mineral Separation Plant is also considered as downstream activities.**

WHEREAS, the recommendations of the SEAC uploaded on the public domain i.e., PARIVESH portal on 10.10.2023.

WHEREAS, having observed the information displayed in the public domain i.e., PARIVESH portal, the proponent vide letter dt.09.11.2023 requested the SEIAA, A.P., to reject the recommendation of SEAC for revocation of the EC order.

WHEREAS, the SEIAA in its meeting held on 20.11.2023 examined the recommendations of SEAC, representation of the proponent dated.09.11.2023 and decided to **Revoke** the EC order dated.28.07.2022 as per the recommendations of SEAC on the following grounds:

1. The Department of Atomic Energy is considering the downstream activities of mining (Mineral separation plant) also as a prohibited activity as per the Affidavit filed by Atomic Energy Department **in accordance with AMCR 2016 under G.S.R. 134(E) dt.20.02.2019.** The MoEF&CC vide circular dt 11.04.2019 prohibited the grant of statutory clearance for mineral concession of Beach Sand Minerals held by Private persons / company .
2. As per the Condition No.2 at Part A of Special Conditions- The proponent shall comply with conditions specified in the earlier EC order dated.17.04.2015 issued by MoEF&CC & **condition No, XVIII at Point B. of General conditions- The proponent shall obtain all other mandatory clearances from respective departments.** The proponent has not obtained permission from AERB clearance after the lapse of one year 3 months, thereby not complied the condition stipulated in EC order.

WHEREAS, the SEIAA revoked the EC order dt.28.07.2022 issued to M/s. Trimex Sands Private Limited at Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh as per the condition No. xx & xxi of General conditions of EC order.

No beneficiation work shall be carried out without obtaining Environmental Clearance as per the provisions laid under E(P) Act, 1986 and EIA notification 2006 dt.14.09.2006 and its amendments thereof.

WHEREAS, a W.P.No.31657 of 2023 dated.06.12.2023 filed by M/s. Trimex Sands Pvt Ltd, Srikakulam before Hon'ble High Court of A.P. praying that the Hon'ble Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of writ of Mandamus and declare the impugned order dated.21.11.2023 passed by the respondent no.3 thereby cancelling the environmental clearance dated.28.07.2022 as illegal, arbitrary, unconstitutional, and in gross violation of principles of natural justice and consequently set aside the same pending the disposal of the Appeal No. 45 of 2022 on the file of Hon'ble NGT, Chennai and pass such other order or orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

WHEREAS, the Hon'ble High Court issued order dated.20.12.2023 in W.P.No.31657 of 2023 as follows:

"5. According to the above said paragraph 8(vi) of the EIA Notification, dated 2006, the respondent authorities are required to follow the principles of natural justice. Admittedly, in the case on hand, no show cause notice was issued by the 3rd respondent before resorting to the impugned action. Therefore, on the said short ground, the impugned order is liable to be set aside."

"6. For the aforesaid reasons, the Writ Petition is allowed, setting aside the order bearing No.SEIAA/AP/SKLM/IND/11/2021/3654/230.33, dated 21.11.2023, passed by the 3rd respondent- State Level Environment Impact Assessment Authority of Andhra Pradesh, and the matter is remitted back to the 3rd respondent, for consideration of the issue afresh, after complying with the principles of natural justice, so also, by issuing a show cause notice in accordance with the provisions of EIA Notification, dated 2006."

WHEREAS, the Standing Counsel of SEIAA brought to the notice of the authority, that, in the similar circumstances, a Public Interest Litigation was filed WP (PIL) No.5 of 2024 before the Hon'ble High Court and the Hon'ble High Court at the admission stage on 10.01.2024, pleased to grant interim stay against Andhra Pradesh Mineral Development Corporation and the relevant portion of the order is placed hereunder:

"The present petition (PIL) has been filed challenging the action of the A.P.Mineral Development Corporation Limited in inviting bids from eligible parties for purposes of operation, planning, engineering, financing, construction and maintenance of an integrated BSM Project in

Andhra Pradesh.

Learned counsel for the petitioner would submit that the action of the Corporation is contrary to Rule 5 of the Atomic Minerals Concession Rules, 2016, which specifically envisage that mining is permissible only by Government Company or a Corporation owned or controlled by the Government.

Reference has also been made to the letter dated 01.03.2019 addressed by the Director, Government of India, Ministry of Mines to the Principal Secretary, Secretary in-Charge of Mining Department, of all State and the Director, Department of Mines & Geology of all State Governments.

It is stated that in view of the provisions of Rule 5 of the Atomic Minerals Concession Rules, leases granted earlier in favour of private parties where they were granted such rights for extraction of beach sand minerals containing inter alia titanium, germanium, garnet, magnetite etc., were cancelled. It is stated that by virtue of the impugned bid document, the Corporation was trying to invite participation of third parties also in the mining operations, which on the face of it is stated to be impermissible.

Thus, in the light of the order in Public Interest Litigation in connection with Rule 5 of the Atomic Minerals Concession Rules and due to the pendency of the said PIL on the very same subject matter, you are not entitled for Environmental Clearance and the authority is intending to revoke the Environmental Clearance as granted to you.

Hence, this show cause notice is issued to you under section 5 of E(P) Act, 1986 to give your explanation within 15 days from the date of receipt of this notice that you are not entitled for Environmental Clearance as per the OM dated 29.03.2019 issued by the Ministry of Mines of GOI., and circular dated 11.04.2019 issued by the MoEF & CC, New Delhi respectively, since the Mineral Separation Plant (MSP) is in the prohibited list as notified by the Government of India and if you fail to give reply within the stipulated time, your right will be seized automatically.

Special Secretary To Govt

MEMBER SECRETARY, SEIAA, A.P.	MEMBER, SEIAA, A.P.	CHAIRMAN, SEIAA, A.P.
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To
M/s Trimex Sands Private Limited,
Sri V.H. Rafi Ahammed, Sr. Vice President,
Vatasavalasa Village, Srikakulam P.O,
Gara Manadal, Srikakulam District,

FILE NO. APPCB-13/21/2023-1 EC-EC/APP/03

Andhra Pradesh -532404.

Copy to:

1. The Chairman, SEAC, A.P. for kind information.
2. The Member Secretary, APPCB for kind information.
3. The EE, RO: Srikakulam, APPCB for information.
4. The IRO, Sub Officer, MoEF& CC, GoI, Vijayawada for kind information.
5. The Secretary, MoEF&CC, GoI New Delhi for kind information.
6. Monitoring cell, MoEF&CC, GoI, New Delhi for kind information.
7. The District Collector, Srikakulam District, Andhra Pradesh for kind information.

// T. C. F. B. O //

Senior Environmental Engineer
State Environment Impact
Assessment Authority
Govt. Of Andhra Pradesh