

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

APPEAL No 45 OF 2022

IN THE MATTER OF:

V RAMASUBBU

..... Applicant

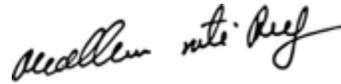
Vs

THE MEMBER SECRETARY & OTHERS

.... Respondents

REPORT FILED BY SEIAA 1st RESPONDENT

DATE- 12-05-2024



M/s MADHURI DONTI REDDY
ADVOCATE

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

Mobile: 98407 98460 / 63831 21322, Email: reddymadhuri09@gmail.com

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

By Speed Post

Lr.No.6/SEIAA/AP/NGT/Gen/2024

Dt.11.05.2024

To
Smt. Madhuri Donti Reddy, Advocate,
Standing Counsel of SEIAA, A.P.,
#S2, Royal Castle, 26, Gill Nagar Extension,
Choolaimedu, Chennai – 600094.

Madam,

Sub: SEIAA, A.P –Additional report in Appeal No. 45 of 2022(SZ) filed in Hon'ble NGT(SZ), Chennai against M/s Trimex Sands Private Limited-submitted-Reg

Ref: 1. Report of SEIAA, A.P dt.28.02.2024.
 2. Hon'ble NGT (SZ), Chennai order dated 01.05.2023 in Appeal No. 45 of 2022.

With reference to the above subject cited, the SEIAA, A.P vide reference 1st cited submitted report dt. 28.02.2024 to Hon'ble NGT (SZ), Chennai.

In continuation to the above report dt.28.02.2024, it is to inform that the SEIAA, A.P received letter dt.11.03.2024 from M/s. Trimex sands Pvt. Ltd., requesting 3 weeks of time to submit their reply to the show cause notice issued by the SEIAA, A.P (**copy enclosed as Annexure 1**).

Subsequently, M/s. Trimex sands Pvt. Ltd vide letter dated 26.03.2024 submitted reply to the show cause notice issued by SEIAA, A.P (**copy enclosed as Annexure 2**). The reply furnished by M/s. Trimex sands Pvt. Ltd to the show cause notice is not satisfactory.

In this regard, the SEIAA, A.P. vide notice dated 29.04.2024 directed M/s. Trimex Sands Private Limited to appear before the SEIAA on 06.05.2024 with all necessary relevant information as an opportunity of personal hearing (**copy enclosed as Annexure 3**).

Further, a representative of M/s. Trimex sands Pvt. Ltd., has attended the legal hearing at SEIAA on 06.05.2024 and submitted a letter requesting SEIAA to reschedule the personal hearing to another date after 3 weeks (**copy enclosed as Annexure 4**).

In this connection, the reply to the show cause notice submitted by M/s. Trimex sands Pvt. Ltd., is not satisfactory and requesting more time even after availing more than two months after issue of show cause notice, the SEIAA has left with no other option except revoking the EC order.

In view of the above, SEIAA, A.P vide order dt.10.05.2024 (**copy enclosed as Annexure 5**) revoked Environmental Clearance order dated 28.07.2022 as per the condition No. xx & xxi of General conditions of EC order, based on the SEAC recommendations and on the following grounds:

- a) The Department of Atomic Energy is considering the downstream activities of mining (Mineral separation) 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.
- b) As per the EC 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 Part B of General condition of EC order dt.28.07.2022. The proponent shall obtain all other mandatory clearances from respective departments. But the proponent has not obtained AERB clearance after the lapse of one year and nine months, there by not complied the condition stipulated in EC order.
- c) While applying for Environmental Clearance in the PARIVESH portal to SEIAA, M/s. Trimex sands Pvt. Ltd., concealed the facts about pending court

cases in the EC application. But M/s. Trimex Sands Pvt Ltd have admitted in the reply furnished to the show cause notice that W.P.No.4055 of 2019 is pending at the Hon'ble High Court of A.P.

Further, the SEIAA, A.P communicated the revocation order dt.10.05.2024 through PARIVESH portal and through mail dt.11.05.2024 to M/s. Trimex Sands Pvt Ltd.



MEMBER SECRETARY,
SEIAA, A.P.

Member Secretary
SEIAA, AP



Date: 11.03.2024

To

The State Level Environment Impact Assessment Authority of Andhra Pradesh,
Ministry of Environment, Forests & Climate Change,
Government of India,
Dr. YSR Paryavaran Bhavan, APIIC Colony Road,
Gurunanak Colony, Auto Nagar, Vijayawada – 520 007.



Sub: Requesting time to reply Show Cause Notice dated 19.02.2024 issued by the State Level Environment Impact Assessment Authority (SEIAA)

Dear Mam / Sir,

We are bringing to your kind knowledge that the State Level Environment Impact Assessment Authority (“SEIAA” or “Authority”) issued a Show Cause Notice dated 19.02.2024 (“Notice”) to Trimex Sands Private Limited (“Trimex”) seeking an explanation as to why the Environmental Clearance dated 28.07.2022 granted by the Authority cannot be cancelled. The explanation was sought by the Authority within 15 days from the date of receipt of the Notice. The Notice was received by Trimex on 27.02.2024.

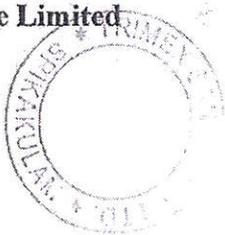
We are requesting you to kindly grant us time to reply to the show cause notice dated (19.02.2024) within 3 weeks from today i.e 11th March 2024, due to our concerned/technical official being on medical leave and we will place his medical certificate as and when required.

Once again, we highly appreciate your support.

Yours Sincerely,

For Trimex Sands Private Limited



Authorized Signatory


Trimex Sands Pvt Ltd: Vatchavalasa(V), Gara Mandal, Srikakulam District - 532 404,
Andhra Pradesh, India.

Dr. Chandu (066)
12/3/2024



CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF "TRIMEX SANDS PRIVATE LIMITED" AT ITS MEETING HELD ON 22ND SEPTEMBER 2021 THROUGH VIDEO CONFERENCE.

RESOLVED THAT Mr. V H Rafi Ahammed, Sr. Vice President (Operations), whose signature is appended below, be and is hereby authorized by the Board of Directors of Company at its meeting held on 22nd September 2021, to make applications, sign, submit all relevant documents, carry out all communications either online or offline, to attend any meetings and take decisions, before the concerned officials of State Environment Impact Assessment Authority and State Expert Appraisal Committee, Andhra Pradesh and other authorities, on behalf of Trimex Sands Private Limited, related to Environmental Clearance for Operation of Mineral Separation Plant (MSP) as a standalone unit to separate individual minerals viz. Ilmenite, Garnet, Sillimanite, Rutile and Zircon, from 0.44 MTPA of the mineral concentrates of throughput in Survey Nos. 78, 79, 80, 84, 176 to 183 & 193 of Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

Specimen Signature of V H Rafi Ahammed, Sr Vice President (Operations)	
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For TRIMEX SANDS PRIVATE LIMITED

Place : Chennai
Date : 22/09/2021



K. Vimaladevi

(K. Vimaladevi)
DIRECTOR (DIN : 00038008)

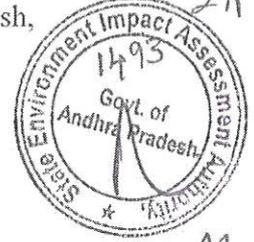


Annexure - 2

Date: 26.03.2024

To

The State Level Environment Impact Assessment Authority of Andhra Pradesh,
 Ministry of Environment, Forests & Climate Change,
 Government of India,
 Dr. YSR Paryavaran Bhavan, APIIC Colony Road,
 Gurunanak Colony, Auto Nagar, Vijayawada – 520 007.

**Respected Sir**

Sub: Reply to Show Cause Notice dated 19.02.2024 issued by the State Level Environment Impact Assessment Authority (SEIAA)

1. It is stated that, the State Level Environment Impact Assessment Authority (“SEIAA” or “Authority”) issued a Show Cause Notice dated 19.02.2024 (“Notice”) to Trimex Sands Private Limited (“Trimex”) seeking explanation as to why the Environmental Clearance dated 28.07.2022 granted by the Authority cannot be cancelled. The explanation was sought by the Authority within 15 days from the date of receipt of the Notice. The Notice was received by Trimex on 27.02.2024. Subsequently, Trimex submitted a request vide letter dated 11.03.2024 to grant 3 weeks’ time to reply to the Notice.
2. The Notice referred to a public interest litigation bearing W.P. (PIL) No. 5 of 2024 pending before the Hon’ble High Court of Andhra Pradesh in relation to and in connection with Rule 5 of the Atomic Minerals Concession Rules, 2016 (“Atomic Rules”). In view of the pendency of the said PIL, allegedly, on the very same subject matter, the Notice stated that Trimex is not entitled to hold Environmental Clearance. The Notice was also issued in view of the Office Memorandum dated 29.03.2019 issued by the Ministry of Mines of Government of India and Circular dated 11.04.2019 issued by the Ministry of Environment, Forests & Climate Change, New Delhi by which the Mineral Separation Plant has been allegedly notified in the prohibited list. Consequently, the Authority is

Trimex Sands Pvt Ltd: Vatchavalasa(V), Gara Mandal, Srikakulam District - 532 404,
 Andhra Pradesh, India.

SEE
 Pl. examine
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 put up.
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 Pl. put up
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SEE - Chandra
 Pl. put up
 03/04/24



intending to revoke the environmental clearance and has sought an explanation from Trimex.

3. It is stated that, in so far as the pendency of Public Interest Litigation is concerned, Firstly Trimex is not a party to the said Public Interest Litigation, Secondly Trimex does not have any details about the Public Interest Litigation which was referred to in the Notice and which formed the basis for issuing the Notice. The reading of the extracted portion in the Notice as an order dated 10.01.2024 of the Hon'ble High Court reveals that the Hon'ble High Court has only extracted the contentions of the Petitioner therein and has not expressed any opinion or rendered any finding on such contentions of the Petitioner. It appears that the aforesaid order, which was referred to in the Notice, was only an interim order and not a final order by the Hon'ble High Court. In any event, there was no opinion or finding of the Hon'ble High Court with respect to any of the contentions of the Petitioner taken in the aforesaid Public Interest Litigation. Trimex does not have any information with respect to the referred PIL apart from the extracted portion of the order as reflected in the Notice. Since the Public Interest Litigation and the order dated 10.01.2024 formed basis for issuing Notice, we hereby request your good self to kindly furnish a copy of the Public Interest Litigation Petition and also a copy of the order dated 10.01.2024 to enable Trimex to issue a comprehensive and effective reply to the Notice issued by the Authority proposing to cancel the Environmental Clearance based on the Public Interest Litigation filed before the Hon'ble High Court.

4. It is a settled principle of law that all documents referred to in the show cause notice, especially those that form the basis for issuing a show cause notice, should be supplied to the noticee. This would enable the noticee to provide an effective and comprehensive reply, which in turn would assist the competent authorities in making a proper, pragmatic and legitimate decision after considering the reply of the noticee in all aspects.

5. It is observed from the quoted portion of the order that, the Hon'ble High Court was merely referring to the fact that Rule 5 of the Atomic Rules, resulted in the cancellation of leases granted earlier in favour of private parties. These leases had purportedly granted rights for

**Trimex Sands Pvt Ltd: Vatchavalasa(V), Gara Mandal, Srikakulam District - 532 404,
Andhra Pradesh, India.**



the extraction of beach sand minerals containing, *inter alia*, titanium, germanium, garnet, magnetite, etc. It is stated that the mining lease of Trimex was also cancelled in view of the amendments made to the Atomic Rules by reducing the threshold value of monazite to zero. Trimex has already challenged the impugned actions of reducing the monazite value *via* notifications dated 19.02.2019 and 20.02.2019. Both these notifications were challenged by Trimex before the Hon'ble High Court of Andhra Pradesh *via* W.P.No. 4055 of 2019. The pleadings are complete, and the matter is currently posted for final hearing. It is pertinent to note that during the pendency of the above writ petition, the Hon'ble High Court was pleased to pass an interim order directing the authorities not to take any coercive steps with regard to the clearances and other permissions already obtained. This clearly indicates that no authority is permitted or allowed to cancel any of the permissions granted to Trimex based on the amendments made to the Atomic Rules. This arrangement was made especially considering that the very fact of amendments have been challenged by Trimex, and these challenges are currently being adjudicated by the Hon'ble High Court. Therefore, the SEIAA is also restricted and precluded from taking any action, especially when it comes to the cancellation of any of the licenses based on the amendments made to Atomic Rules, including Rule 5. It is stated that OM dated 29.03.2019 and circular dated 01.03.2019 are the consequential communications of the notifications dated 19.02.2019 and 20.02.2019 which were challenged by Trimex before the Hon'ble High Court in W.P.No. 4055 of 2019. Since Trimex has already been protected by the Hon'ble High Court, which resulted in status quo, no permit or license shall be cancelled based on the amendments made to the Atomic Rules.

6. It is further stated that the case pending before the Hon'ble NGT, Chennai is also forming a basis for the Authority to issue the show cause notice proposing to cancel the Environmental Clearance granted to Trimex. An Appeal was filed before the NGT questioning the environmental clearance granted to Trimex, mainly on the ground independent Environmental Clearance cannot be granted to a mineral beneficiation plant under the Environment Impact Assessment Notification issued by the central government, exercising its powers under Rule 5(3) of the Environmental Protection Rules, 1986. The contentions taken by the Appellant before the Hon'ble NGT are baseless and without merit. Trimex has filed a detailed counter, stating how the contentions of the Petitioner before

**Trimex Sands Pvt Ltd: Vatchavalasa(V), Gara Mandal, Srikakulam District - 532 404,
Andhra Pradesh, India.**



the Hon'ble NGT are untenable, baseless, and without any merit. In fact, the schedule appended to the Environment Impact Assessment Notification, 2006, in the column titled as conditions, it was stated that mining proposals with mineral beneficiation shall be appraised together for the grant of clearance. This condition does not imply that environmental clearance cannot be granted to a mineral beneficiation plant independently, especially when there is no mining operation. It only indicates that in the event a mining proposal is existing along with mineral beneficiation plant, environmental clearance of mining activities along with the mineral beneficiation should be appraised together for the grant of clearance, not as individual clearances.

7. It is pertinent to state that, the Hon'ble NGT, Chennai has never held, observed or given any opinion on the merits of the case and simply directed the SEIAA, Andhra Pradesh to provide an explanation as to how the Environmental Clearance was granted for the project when it was not a composite project of both mining and mineral beneficiation. The answer was already provided by SEIAA, Andhra Pradesh in that regard as it was clearly stated in its counter affidavit that mineral beneficiation comes under clause 2(b) of the schedule appended to the EIA Notification, 2006, and the mineral separation plan proposed by the Petitioner is a standalone project without any mining activity involved, and as such, it is not mandatory to consider environmental clearance to mineral beneficiation along with the mining proposal only. It is stated that the stand taken by SEIAA, Andhra Pradesh is absolutely correct because the perusal of the conditions prescribed in the schedule clearly shows that only if there is a mining proposal along with a mineral beneficiation project, the environmental clearance will be considered as an integrated mining project and it should be appraised accordingly by taking both the proposals together. However, if the mineral beneficiation is treated as a standalone and completely different project without any activity of mining, there is no bar or prohibition to grant environmental clearance only to the mineral beneficiation project. The proposal of mineral beneficiation project comes within the purview of category 2(b) of the EIA notification schedule, whereas any mining proposal under the category 1(a) of the said schedule, are governed by the mining laws. In the present case, it is a clear case that the Petitioner is not involved in any mining activity and a mineral separation plant is proposed as a standalone project to process the minerals



procured from government entities and abroad without violating any of the existing laws in the country.

8. Also, the counter affidavit filed by the Department of Atomic Energy before the Hon'ble NGT cannot be referred to in the Notice. It is stated that there is no statutory basis for the Department of Atomic Energy to take a stand that downstream activities like mineral separation plants are also prohibited. None of these statutory enactments or rules provide any such prohibition of private parties in the downstream activities like mineral separation plants. Therefore, the prima facie apprehension of the Petitioner before the NGT is not correct, and the Hon'ble NGT is currently adjudicating the matter. Therefore, any action of cancellation of environmental clearance amounts to prejudging the matter which is currently pending before the Hon'ble NGT and it renders the matter infructuous.
9. Further the meaning of Mineral Concession as defined in Sec 3(i)(ae) of the MMDR Act does not include the Mineral Separation. Therefore, the Office Memorandum and Circular issued by Ministry of Mines and MOEF are not applicable to the Mineral Beneficiation.
10. It is pertinent to submit that, Trimex has invested around Rs. 270,00,00,000/- (Rupees Two Hundred Seventy Crores Only) on setting up this Ball Mill and MSP alone, which are now lying completely idle which is causing severe loss and hardship to Trimex.
11. In any event, it appears that the present Notice was issued only on the ground of pending PIL and amendments made to the Atomic Rules and not on other grounds. However, out of abundant caution, Trimex is justifying grant of Environmental Clearance and making it clear that there is absolutely no illegality in granting Environmental Clearance separately to a Mineral Beneficiation Plant.
12. More importantly, the Environmental Clearance can be cancelled only if it was granted on deliberate concealment and/or submission of false or misleading information. Also, Environmental Clearance may be cancelled if any of the conditions of the Environmental Clearance are violated. In the present case, it is not the case of the Authority that Trimex violated any of the conditions of Environmental Clearance thereby issuing the Notice.

**Trimex Sands Pvt Ltd: Vatchavalasa(V), Gara Mandal, Srikakulam District - 532 404,
Andhra Pradesh, India.**



Therefore, the Environmental Clearance cannot be cancelled on the ground of mere pendency of the PIL before the Hon'ble High Court especially which such PIL appears to be completely unconnected and unrelated to the present issue which deals with Mineral Beneficiation without involvement of any mining operation.

13. In view of the foregoing, we request your goodself to kindly supply the copies of W.P.(PIL) No. 5 of 2024 and Order dated 10.01.2024 passed by the Hon'ble High Court in the said PIL so that Trimex would be in a better position to issue a comprehensive and effective reply to the Notice. We request you not to take any action without supplying the copies of W.P.(PIL) No. 5 of 2024 and Order dated 10.01.2024 as they formed the sole basis for issuing the Notice. In any event, if the Authority is satisfied with the above reply, the Notice may be immediately dropped. Further, before taking any action, we request the Authority to give us an opportunity of being heard in person and oblige.

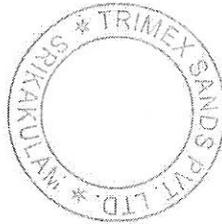
Thanking you

Yours sincerely

For Trimex Sands Private Limited

A handwritten signature in black ink, appearing to be "M. N." with a horizontal line underneath.

Authorised Signatory



	<p style="text-align: center;">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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Review / Hearing Notice - 25

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.

29/04/2024

Sir,

Sub:SEIAA, A.P- W.P.No.31657 of 2023 filed by Sri. V. Vinay kumar, in the Hon'ble High court of A.P 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 - Review / Hearing before the SEIAA - Notice Issued - Reg.

- Ref:
1. T.O Environmental Clearance Order dated 28.07.2022.
 2. Appeal No. 45 of 2022 (SZ) filed in Hon'ble NGT, Chennai by V. Rama Subbu against M/s Trimax Sands Private Limited.
 3. Complaint by Sri EAS Sharma on 28.08.2023.
 4. The minutes of SEAC meeting held on 10.10.2023.
 5. Your representation dated 09.11.2023.
 6. The minutes of SEIAA meeting held on.20.11.2023.
 7. T.O Revocation of EC order dated.21.11.2023.
 8. W.P.No.31657 of 2023 filed in Hon'ble High court, Andhra Pradesh.
 9. Hon'ble High court order dated 20.12.2023.
 - 10.T.O Show cause Notice dated 19.02.2024.
 - 11.Representation dt.11.03.2024 of M/s Trimex Sands Private Limited.
 - 12.Reply letter dated 26.03.2024 submitted by M/s. Trimex sands Pvt. Ltd
 - 13.Legal opinion of SEIAA standing counsel dated 12.04.2024.

In obedience to the Hon'ble High Court order dated 20.12.2023 in W.P.No.31657 of 2023 filed by Sri. V. Vinay kumar, against the revocation of the Environmental Clearance order dated.21.11.2023, the SEIAA, A.P issued Show Cause Notice to M/s. Trimex Sands Private Limited on 19.02.2024 seeking explanation within 15 days as to why Environmental Clearance dt.28.07.2022 cannot be cancelled. M/s. Trimex sands Pvt. Ltd., vide reference 11th cited, requested 3 weeks of time to submit their reply to

the show cause notice issued by the SEIAA,A.P.

Subsequently, M/s. Trimex sands Pvt. Ltd vide reference 12th cited submitted reply to the Show cause Notice dated 19.02.2024 issued by SEIAA, A.P. The reply furnished by M/s. Trimex sands Pvt. Ltd to the show cause Notice issued by the SEIAA is not satisfactory. Hence, you are hereby directed to appear before the SEIAA on 06.05.2024 at 11.00 AM in person with all necessary relevant information as an opportunity for hearing; failing which the SEIAA will take appropriate action based on the available records, without any further notice.

Yours faithfully,

Special Secretary To Govt
Member Secretary,
SEIAA, A.P.

Copy to:

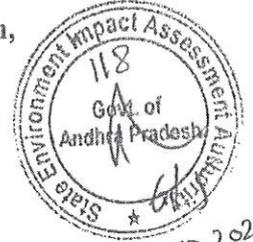
- ✓ 1. The Chairman, SEAC with a request to attend the meeting.
2. The Member Secretary, SEAC with a request to attend the meeting.



06 May
Date: 03.05.2024

To

The State Level Environment Impact Assessment Authority of Andhra Pradesh,
Ministry of Environment, Forests & Climate Change, Government of India,
Dr. YSR Paryavaran Bhavan, APIIC Colony Road,
Gurunanak Colony, Auto Nagar, Vijayawada – 520 007.



Ref: Notice No. 25 dated 29.04.2024 in file no. APPCB-11033/65/2023-TEC-EC-APPCB.

Sub: Show cause notice issued by SEIAA for the revocation of the EC granted - Reply submitted by Trimex Sands Pvt Ltd - Requesting time to submit detailed technical information and reschedule the personal hearing scheduled on 06.05.2024 - reg

Respected Sir,

We are bringing to your kind knowledge that the State Level Environment Impact Assessment Authority issued the notice dated 29.04.2024 under reference above to Trimex Sands Pvt Ltd asking to appear before the SEIAA on 06.05.2024 at 11.00 AM in person with all necessary information as an opportunity for hearing on the subject matter. The letter was received by Trimex on 01.05.2024 evening.

We are requesting you to kindly grant us time to submit detailed technical information on the subject matter and reschedule the personal hearing to another date after three weeks ie. after 26th May 2024, due to insufficient time available now to prepare the technical information and our concerned technical and legal officials are on leave and out of station due to summer holidays.

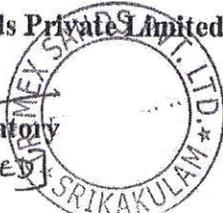
Once again, we highly appreciate your support.

Yours Sincerely,

For Trimex Sands Private Limited

Authorized Signatory

V H RAFI AHAMMED



Trimex Sands Pvt Ltd: Vatchavalasa(V), Gara Mandal, Srikakulam District - 532 404,
Andhra Pradesh, India.

AKK - Chandu
for n/a
08/05/24



CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF "TRIMEX SANDS PRIVATE LIMITED" AT ITS MEETING HELD ON 22ND SEPTEMBER 2021 THROUGH VIDEO CONFERENCE.

RESOLVED THAT Mr. V H Rafi Ahammed, Sr. Vice President (Operations), whose signature is appended below, be and is hereby authorized by the Board of Directors of Company at its meeting held on 22nd September 2021, to make applications, sign, submit all relevant documents, carry out all communications either online or offline, to attend any meetings and take decisions, before the concerned officials of State Environment Impact Assessment Authority and State Expert Appraisal Committee, Andhra Pradesh and other authorities, on behalf of Trimex Sands Private Limited, related to Environmental Clearance for Operation of Mineral Separation Plant (MSP) as a standalone unit to separate individual minerals viz. Ilmenite, Garnet, Sillimanite, Rutile and Zircon, from 0.44 MTPA of the mineral concentrates of throughput in Survey Nos. 78, 79, 80, 84, 176 to 183 & 193 of Vatsavalasa Village, Gara Mandal, Srikakulam District, Andhra Pradesh.

Specimen Signature of V H Rafi Ahammed, Sr Vice President (Operations)	
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For TRIMEX SANDS PRIVATE LIMITED

Place : Chennai
Date : 22/09/2021



K. Vimaladevi

(K. Vimaladevi)
DIRECTOR (DIN : 00038008)

	<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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REGD.POST WITH ACK.DUE

Order No.SEIAA/AP/SKLM/IND/11/2021/3654 -39 10/05/2024

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 – 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. 12. Revocation of Environmental Clearance order dt.21.11.2023 13. W.P.No.31657 of 2023 filed in Hon'ble High Court, A.P. 14. Hon'ble High Court order dt.20.12.2023. 15. T.O Show Cause Notice dt.19.02.2024. 16. Letters dt.11.03.2024 & dt.26.03.2024 of M/s Trimex Sands Private Limited. 17. Letter dt.26.03.2024 of M/s. Trimex sands Pvt. Ltd

18. Legal opinion of SEIAA standing counsel dt.12.04.2024 & 06.05.2024.
19. Legal Hearing Notice, dt.29.04.2024.
20. Letter dt.06.05.2024 of M/s Trimex Sands Private Limited.

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 Level 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) meeting 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 the 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 to 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 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 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. 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 Department is considering the downstream activities of mining (Mineral separation) 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.

WHEREAS, the SEIAA, A.P vide order dt.21.11.2023 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.

WHEREAS, M/s Trimex Sands Pvt Ltd filed W.P.No.31657 of 2023 in the Hon'ble High Court of A.P., against the revocation of the Environmental Clearance order dated.21.11.2023.

WHEREAS, the Hon'ble High Court vide order dt. 20.12.2023 set aside the revocation order dt.21.11.2023 issued by the SEIAA,A.P with direction to consider 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, 2006.

WHEREAS, in obedience to the Hon'ble High Court order dated 20.12.2023 the SEIAA, A.P issued Show Cause Notice u/s 5 of E(P) Act, 1986 to M/s Trimex on 19.02.2024 seeking explanation within 15 days from the date of receipt of the notice if you failed to give reply within the stipulated time your rights will be seized automatically.

WHEREAS, M/s. Trimex sands Pvt. Ltd., vide letter dated 11.03.2024, requested 3 weeks of time to submit their reply to the show cause notice issued by the SEIAA, A.P. Subsequently, M/s. Trimex sands Pvt. Ltd vide letter dated 26.03.2024 submitted reply to the Show cause Notice issued by SEIAA, A.P. The reply furnished by M/s. Trimex sands Pvt. Ltd to the show cause notice is not satisfactory.

WHEREAS, the SEIAA, A.P. vide notice dated 29.04.2024 directed M/s. Trimex Sands Private Limited to appear before the SEIAA on 06.05.2024 with all necessary relevant information as an opportunity of personal hearing, failing which SEIAA will take appropriate action based on the available records without any further notice.

WHEREAS, representative of M/s. Trimex sands Pvt. Ltd., has attended the legal hearing at SEIAA on 06.05.2024 and submitted a letter requesting SEIAA to reschedule the personal hearing to another date after 3 weeks .

WHEREAS, the reply to the show cause notice submitted by M/s. Trimex sands Pvt. Ltd., is not satisfactory and requesting more time even after availing more than two months after issue of show cause notice, the SEIAA has left with no other option except revoking the EC order.

In view of the above, SEIAA hereby revokes Environmental Clearance order dated 28.07.2022 as per the condition No. xx & xxi of General conditions of EC order, based on the SEAC recommendations and on the following grounds:

- a. The Department of Atomic Energy is considering the downstream activities of mining (Mineral separation) 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 .
- b. 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 Part B of General condition of EC order dt.28.07.2022 – The proponent shall obtain all other mandatory clearances from respective departments. But the proponent has not obtained AERB clearance after the lapse of one year and nine months, there by not complied the condition stipulated in EC order.
- c. While applying for Environmental Clearance in the PARIVESH portal to SEIAA, M/s. Trimex sands Pvt. Ltd., concealed the facts about pending court cases in the EC application. But you have admitted in the reply furnished to the show cause notice that W.P.No.4055 of 2019 is pending at the Hon'ble High Court of A.P.

Further, M/s Trimex Sands Pvt Ltd is informed that no beneficiation / MSP work shall be carried out without valid 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.

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 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.

Digitally Signed by S Sri

Saravanan

Date: 10-05-2024 17:51:17

Reason: Approved