

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 995 OF 2019**

IN THE MATTER OF:

Chander Singh.

...Applicant

VERSUS

Union of India & Ors.

...Respondents

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2.	ANNEXURE A: The report of the three Member Committee constituted by the Hon'ble Supreme Court.	

Filed By



DEEPAK BORA

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New Delhi-110001

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678

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA
10.05.2024

CM-11/13/2024-LAW-HO-CPCB-HO/1449

To,

The Registrar,
Supreme Court of India,
Tilak Marg, New Delhi – 110 001

Sub: Hon'ble Supreme Court order's dated 27.02.2024 in Civil Appeal No(s). 2003-2004 of 2022-reg.

Sir,

Please refer the Hon'ble Supreme Court order dated 27.02.2024 in the above subject matter whereby Hon'ble Supreme Court directed as follows: -

"....In order to ascertain the actual factual position and the effect of the mining activities undertaken from the year 2010-2011 till the closure order, we deem it appropriate to appoint a Committee consisting of the following three members:-

1. The nominee appointed by the Chairman of the Central Pollution Control Board, having domain/subject matter expertise;
2. The nominee appointed by the Vice-Chancellor of the Indian Institute of Technology, Roorkee, who should be associated with environmental issues and have domain/subject matter expertise; and
3. The nominee appointed by the Director General, The Energy and Resources Institute (TERI), New Delhi, having domain/subject matter expertise..... "

"...The said Committee will submit its report within a period of six weeks from the date a copy of this order is received by them.

Re-list after six weeks from the date the nominees/members of the Committee, as indicated above, are appointed.... "

In compliance of above order of Hon'ble Supreme Court, it is to inform that a committee was constituted on 20.03.2024 and inspection was conducted by the committee

on 08.04.2024.

Report of the committee is enclosed herewith for placing before the Hon'ble Supreme Court.

Encl: as above

Yours faithfully,

(Signature)
(Nazimuddin)

नाज़िम उद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No. 2003-2004 of 2022

IN THE MATTER OF:

N B Minerals Corporation Ltd.

...Appellant

Versus

Union of India Ors.

...Respondents

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haz 10/5/2024

Nazimuddin

Scientist 'F' & Divisional Head (IPC-II)

Central Pollution Control Board

Place: Delhi

Dated: 10.05.2024

Report of the Committee

In compliance of Hon'ble Supreme Court order dated 27.02.2024 in Civil Appeal 2003-2004 of 2022

1. Order dated 27.02.2024 of Hon'ble Supreme Court

Hon'ble Supreme Court of India passed an order on 27.02.2024 in Civil Appeal 2003-2004 of 2022 desiring an assessment report from the committee as below:

"We have examined the counter affidavit/status report filed by the State of Uttarakhand.

Colour photographs have been produced in the Court, and are taken and kept on record.

The appellant – N B Minerals Corporation Limited is permitted to construct the retaining/safety wall by using the machines (like earthmoving/construction equipment vehicle and excavator), as specified in paragraph 5.5.7 of the counter affidavit/status report filed by the State of Uttarakhand. The retaining/safety wall will be constructed under the supervision and guidance of the Additional District Magistrate, Didihat. Photographs prior to the commencement of the construction and post-construction will be placed on record.

We clarify that the appellant – N B Minerals Corporation Limited will not carry out any other construction or mining of Magnesite/Dolomite.

In order to ascertain the actual factual position and the effect of the mining activities undertaken from the year 2010-2011 till the closure order, we deem it appropriate to appoint a Committee consisting of the following three members :-

- 1. The nominee appointed by the Chairman of the Central Pollution Control Board, having domain/subject matter expertise;*
- 2. The nominee appointed by the Vice-Chancellor of the Indian Institute of Technology, Roorkee, who should be associated with environmental issues and have domain/subject matter expertise; and*
- 3. The nominee appointed by the Director General, The Energy and Resources Institute (TERI), New Delhi, having domain/subject matter expertise.*

The Committee will also examine the reparative work undertaken, and opine whether mining activity should be permitted, and condition, which should be imposed."

2. Constitution of the Committee in compliance of the order dated 27.02.2022

In compliance of the above order dated 27.02.2024, Chairman of the Central Pollution Control Board, Delhi (CPCB), the Director of the Indian Institute of Technology, Roorkee (IIT-R) and the Director General, The Energy and Resources Institute, New Delhi (TERI) provided nominations for the Committee and accordingly the Committee was constituted comprising of the following members:

1. Mr. Nazimuddin, Scientist F, Central Pollution Control Board, Delhi
2. Professor Bhanu Prakash Vellanki, Civil Engineering Department, IIT Roorkee
3. Mr Souvik Bhattacharjya, Associate Director, Resources Efficiency & Governance Division, TERI, New Delhi

A true copy of the Office Order dated 20.03.2024 of CPCB regarding constitution of the above Committee is annexed as Annexure-I.

This Committee went through the background of the case in respect of the observations of the committees formed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi (NGT) and the orders passed in reference to those observations that led to filing of the present Appeal, and visited the site of M/s N. B. Minerals Corporation in village Dundu, Pithoragarh, Uttarakhand on 08.04.2024 and studied the satellite imageries of the site during 2010-11 to 2019-20 period.

The background of the matter in brief, the observations about construction of wall and impact of mining by M/s N. B. Minerals Corporation during 2010-11 to 2019-20 period, and the recommendations on the reference points in the order dated 27.02.2024 are presented in next sections.

3. Background of the matter in brief

The mining lease for mining on 5.568 ha in village Dundu in district Pithoragarh was granted to M/s N. B. Minerals Corporation initially in 1980 for 20 years, subsequently the mining permission was extended for another 20 years, and finally by order dated 15.01.2020 of the district authorities, the mining lease/permission has been extended till 31.03.2030. However, the mining plan of the said mining lease, which is renewed by Indian Bureau of Mines (IBM) every five years, has expired on 31.03.2020.

The mining activities in the mining lease were regularly carried out till 02.04.2019 when the activity was stopped by orders of District Magistrate because mining leases/projects having Environmental Clearance (EC) from District Environment Impact Assessment Authority (DEIAA) were directed to obtain a fresh EC from State Environment Impact Assessment Authority (SEIAA) in compliance of an order dated 27.03.2019 of Hon'ble NGT.

The firm obtained a fresh EC from SEIAA on 09.10.2019 and mining was re-started. It is stated by the firm in the present Appeal that mining activity was again shut on 22.03.2020 due to lock down and re-starting was permitted on 14.04.2020 but meanwhile their Mining Plan had expired on 31.03.2020, hence no mining activity has been undertaken after 22.03.2020.

The application OA 995/2019 was filed in Hon'ble NGT against M/s N.B. Minerals Corporation on 11.10.2019 and in compliance of order dated 18.10.2019 in the matter, the committee formed by Hon'ble NGT filed a report dated 27.01.2020, inter alia observing as below:

“During inspection it was found that muck extracted during mining was being dumped outside the leased area on the agricultural lands and no safeguards are being adopted by the lessee.”

The report dated 27.01.2020 was considered by Hon'ble NGT on 24.02.2020 and another committee was constituted. In compliance of order dated 24.02.2020 the second committee filed a report dated 10.09.2020 with certain recommendations in Para 5.5. The report was considered by Hon'ble NGT and order passed on 16.09.2020 expressing acceptance of the recommendations. The committee was directed to complete the task and file further report.

In compliance of order dated 16.09.2020 the second committee filed another report dated 20.01.2021 which was considered by Hon'ble NGT on 05.04.2021 and passed order wherein the order dated 19.10.2020 passed by state government to stop mining in mining lease was noted and directions issued to the committee for verifying the compliance status claimed by the project proponent and preparing a remediation plan.

In compliance of order dated 05.04.2021 by Hon'ble NGT the second committee filed final report dated 21.10.2021 which was considered on 26.10.2021 by Hon'ble NGT and the Judgement and final order dated 26.10.2021 was passed which has been challenged by the present Appeal. The Hon'ble NGT observed in the order as below:

“From the report of the joint Committee, it is seen that the Project Proponent caused environmental damage by dumping material which was overflowing into the river. It failed to take preventive measures to avoid spillage from the pit area towards the valley. Muck was spread into the environment beyond the allotted area. Overflow material was not properly stacked which resulted in further damage.”

“The Project Proponent may be required to secure the tentative cost of restoration and will be liable to bear the cost of executing the restoration plan, which will be prepared and execution overseen by the joint Committee ... through appropriate mechanism, including through the concerned Departments.”

“If the cost of restoration exceeds the amount of tentative compensation, the Project Proponent will be liable to pay the same in due course.”

“The Mining activities may not be permitted till entire area in question is restored and victims are compensated.”

Subsequently, a committee formed by the District Magistrate, Pithorgarh verified the status in respect of the recommendations of the earlier committee and submitted its report on 15.07.2023 to the District Magistrate and that status has been apprised in the replies of the District Magistrate the State Government in the present Appeal, dated 19.09.2023 and 21.09.2023 respectively. One activity regarding construction of the wall recommended by the earlier committee was particularly considered as incomplete, and the same was noted in the order dated 24.02.2024 in the present Appeal and directed to be constructed under the supervision and guidance of the Additional District Magistrate, Didihat.

4. Observations of the committee

4.1. Effect of mining activities undertaken from the year 2010-11 revealed by satellite imagery arranged by IIT-Roorkee:

High resolution satellite imagery was obtained analyzed. It indicates that the base mining area, analyzed from satellite information in year 2000, is around 10,300 m². Satellite images obtained from 2011 indicate substantial area along the slope of the hill to be affected by debris/mining waste sliding down from authorized mining area. The area effected due to debris slide down the hill slope, outside the boundary of the mining area, is more than the area of the mining itself. As of October 2000, the earliest available high-resolution satellite imagery (Figure 1) clearly depicts an area where extensive mining activities are visible, covering an estimated area of approximately **10,300 square meters**. Notably, this image does not show any signs of a debris slide near the mining site.



Figure 1

The subsequent image from February 2011 (Figure 2) reveals a visible debris slide, with the total area affected by both mining and the debris slide estimated to be approximately **24,400 square meters**.



Figure 2

By 2019, multiple additional high-resolution satellite images were accessible (including dates in October 2012, October 2014, November 2016, June 2017, September 2017, March 2019, June 2019, and October 2019). By analysing these images, we determined that the total exposed area—encompassing the mining site and the expanding debris slide—had notably increased to approximately **38,000 square meters**.

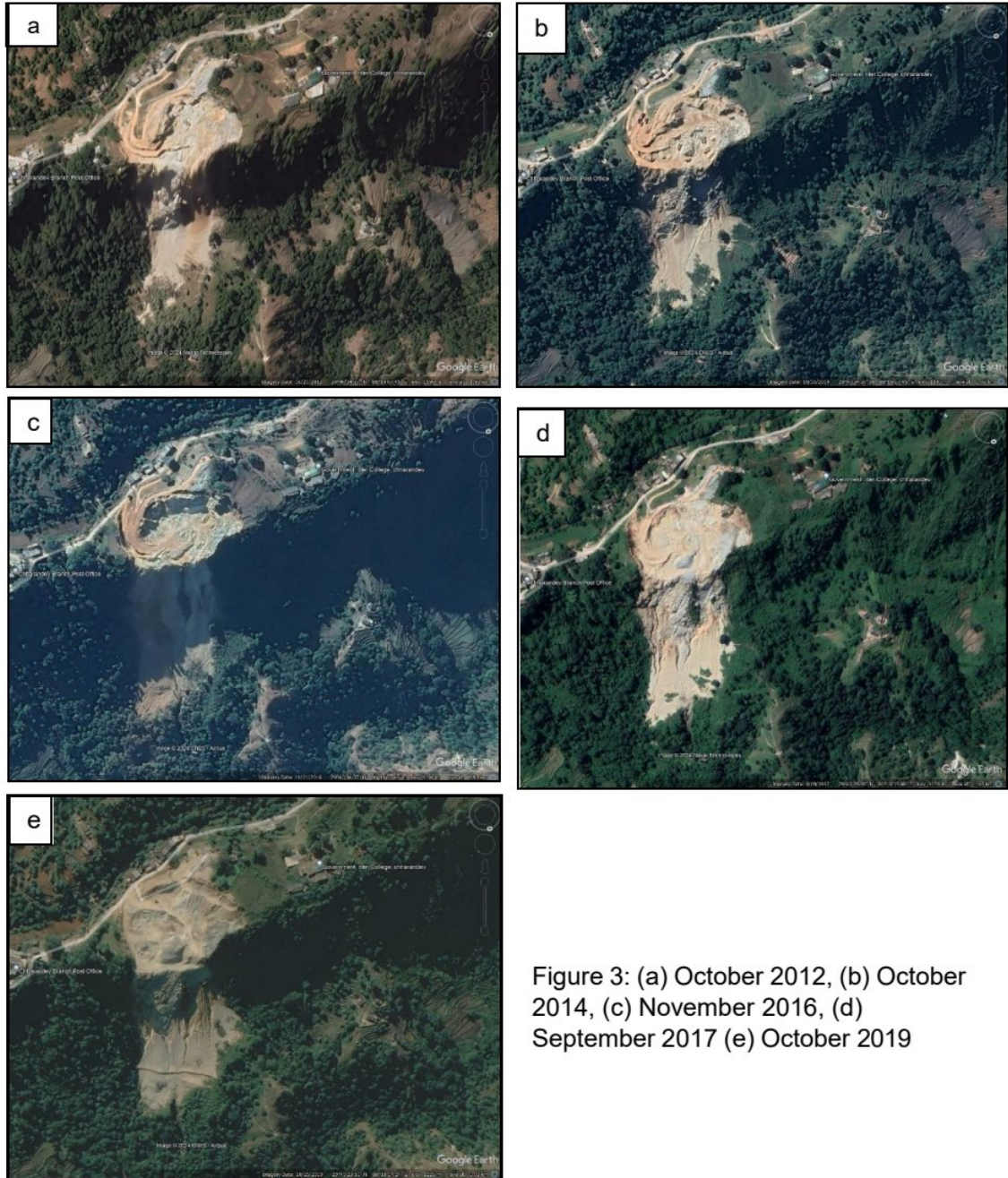


Figure 3: (a) October 2012, (b) October 2014, (c) November 2016, (d) September 2017 (e) October 2019

In April 2019, due to invalid district level clearances, mining was stopped. Mining occurred for 67 days in the initial months of 2020, before being stopped in March 2020 due to Covid. Additional imagery became available from January 2021, February 2022, October 2022, and October 2023. In the January 2021 image (Figure 4a), the estimated exposed area slightly decreased to approximately **36,500 square meters**. By February 2022 (Figure 4b), the area was further reduced to approximately **32,300 square meters**. Subsequent imagery from October 2022 (Figure 4c) and October 2023 (Figure 4d) showed a notable decrease in the exposed area, with measurements of approximately **21,600 square meters** and **20,581 square meters**, respectively. These sequential images illustrate the evolving environmental changes and the diminishing footprint of the affected area over time, when mining was stopped.

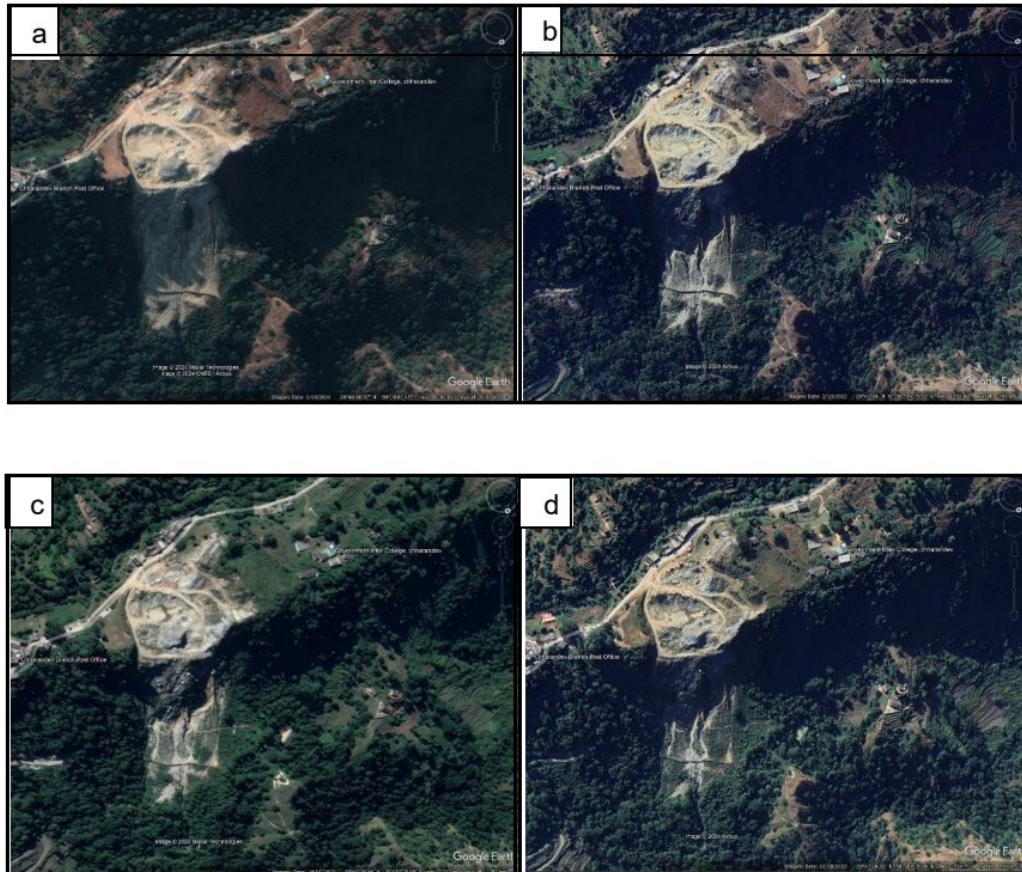


Figure 4: a series of images captured in January 2021 (a), February 2022 (b), October 2022 (c), and October 2023 (d). Notably, these images reveal that the area affected by the debris slide did not expand over time. Instead, in figures (c) and (d), the lower region of the debris slide appears to be covered in grass or vegetation. This observation suggests potential natural recovery of the affected area.

Satellite Image Sources and Resolution:

Figures 1,2 & 3(a): *Maxar Technologies*, 80 cm resolution.

Figures 3(d),4(a & c): *Maxar Technologies*, 30-50 cm resolution.

Figure 3(b, c & e), 4(b & d): *Airbus*, 30-50 cm resolution.



Figure 5: Summary of area affected by mining over time

The summary of the total area affected by mining, including the permitted mining area, and the area of the hill slide where debris was allowed to fall, is presented in Figure 5. The mining waste/over burden/debris, it appears, have not been handled and stored in environmentally safe manner, and continuously slid outside the mining area throughout the years 2010-11 to 2019-2020. This has also been observed by the joint committee that submitted its report where it mentioned about the mining area 'affected by muck overflow and no safeguards taken'. The area affected was highest at the time the mining was stopped in 2019/2020. Nature recuperated in the affected area only during the time when the mining was stopped. This was a natural process.

The contention of N.B. Minerals Corporation that the stopping of mining and maintenance operations in 2019/20 lead to overflow of debris down the hill side only during 2020 is not true due to above reasons.

The debris that has been allowed to flow beyond the mining area is inaccessible due to difficult terrains and forests/vegetation. Thus, it is practically not possible to bring the debris back to the mining area or any other designated area. Native trees can be planted by N.B. Minerals Corporation to allow for faster recuperation of damaged area.

4.2. Environmental Clearance conditions

The mining firm made available to the Committee the copy of six monthly compliance reports in respect of the fresh Environmental Clearance dated 09.10.2019 issued by SEIAA pertaining to October 2019 to March 2020 period (compliance report dated 20.06.2020) and April 2020

to September 2020 period (compliance report dated 12.12.2020) which were submitted to SEIAA. It is mentioned in these compliance report that mining operation and dispatch of mined mineral was re-started from 23.01.2020 after receipt of fresh EC and state government permission and mining activity was closed after 22.03.2020. In the second six-month period mining was not carried out due to expiry of mining plan. Copy of these six monthly compliance reports is annexed as Annexure-II

4.3. Overburden/mining waste/debris:

As described above, a large quantity of the overburden, supposed to be compacted with stabilised slopes within the mining area, has been allowed to flow down the hill into the forest/thick vegetation since 2010.

The debris from mining activity which was stored/dumped at the site during the decade of mining operations has steep and unstable slopes, as is presented in the below images taken during site visit. Little to no remedial action was taken to stabilize the debris and improve the slope of the debris/mining over burden remaining at the site. Thus, the plan for stacking/storage of mining waste/rejects in a scientific and environmentally safe manner has not been followed.



Figures 6 a, b, c, and d: Photographs of overburden at site during taken 2024 site visit showing unstable slope and debris

It is noted that condition 1 of the 'General Conditions' and conditions 3 and 7 of the 'Conditions for Operation Phase' of the Environmental Clearance issued by SEIAA also required mining operations and progressive mine closure to be carried out according to the approved mining plan. Further, conditions 10 and 11 of the 'Conditions for Operation Phase' and conditions 3 and 4 of the 'Conditions for Entire Period' stipulate conditions regarding backfilling and reclamation of mined area, proper storage/dumping of mining rejects/waste, and retaining walls and check-dams for dumps.

4.4. Construction of wall at the edge of mining site along hill slope / cliff:

The rock wall constructed at the edge of mining site along the hill slope / cliff, is about 5 ft high which can be termed a thick boundary wall rather than a retaining wall. It can serve as a measure to retain some loose material that might wash down during rains and to indicate the level of debris that is accumulated near the edge and prevented from flowing down.

As directed by Hon'ble Supreme Court, the photographs prior to the commencement of the construction and post-construction will be placed on record by the Appellant.

It is to be noted that a retaining wall is designed to resist earth pressures coming from the overburden that is stored abutting it and therefore designed to be safe in overturning, sliding, and bearing. Analysis for slope stability must be carried out with proper engineering design. Further, proper drainage measures should also be designed to avoid development of any pore water pressure in the backfill side.

Therefor the wall constructed at the site for retaining of debris material is not a retaining wall which can retain huge amount of debris material abutting it.

In view of this, sufficient buffer zone should be always maintained between this wall and debris and a 4 ft free board should be always ensured, as the wall is not designed to hold material. Moreover, care should be taken to collect if some soil escapes through the weep-holes.

4.5. Use of Explosives:

It is observed that condition 5 of the 'Conditions for Operation Phase' of the Environmental Clearance issued by SEIAA permits mining to be carried out by adopting drilling for muffle blasting / rock breaker.

The mining firm has informed that major mining operation was carried out by using rock breaker for extraction of mineral and blasting was carried out in small numbers under the supervision of mines engineer and blaster. Site records indicate that explosives were used regularly.

The mining firm has further informed that to ensure the safety during use of explosives, the entire blasting area is covered with iron nets and sand filled bags are placed over those nets, and as stipulated, blasting is done at a minimum distance of 100 meters from any residential or commercial place surrounding the lease area.

4.6. Technical expertise

The mining operations are mainly handled by a mining engineer. Adherence to technical guidelines and safety measures has not been a priority on the ground. A qualified mining engineers should be employed who shall adopt good mining practices and ensure debris stability and slope stability. Proper records of the mining practice and safety measure and plans and drawings of debris storage and stability should be maintained.

5. Recommendations:

1. Mining has been carried out over a decade in such a manner and with disregard for environmental and mining regulations that one has to think twice before allowing mining at this site. Mining can only be carried out after mining plan has been approved by the Indian Bureau of Mines (IBM), which should include measures to stabilise the existing debris and plans for proper storage of expected overburden on site with slope protection measures to prevent erosion of soil from the dump and drainage system in the form of garland drain all around the dump to collect the surface runoff during rain.
2. The overburden has been allowed to flow outside the mining area since 2010 due to which thick vegetation/forest has been destroyed in the area affected by sliding debris. A plantation drive should be carried out by N.B. Minerals Corporation to remediate the affected area and all remediation measures be supervised by the committee constituted by the District Magistrate, Pithoragarh.
3. The wall constructed at the edge of mining site along the hill slope / cliff is not a retaining wall. The wall can act as a measure for limiting roll out of some loose debris. Debris should be kept at a distance from this wall and not abut it and a 4 ft free board should be always ensured. Further, care should be taken to collect if some soil escapes through the weep-holes.
4. Since the mining level in a significant part of the mining lease area and the public road level are currently the same, further mining plan of the mining lease area be reviewed by the IBM carefully. Conditions regarding use of explosives be also reviewed by the IBM.

V. Bhanu
10th May 2024

Bhanu Prakash Vellanki
Professor, IIT Roorkee

Nazim

Nazimuddin
Scientist F, CPCB, Delhi

Souvik Bhattacharjya

Souvik Bhattacharjya
Associate Director,
TERI, New Delhi



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

F.No. CM-11/13/2024-LAW-HO-CPCB-HO

11104-11111

Date: 20.3.2024

Office Order

Subj: Constitution of Committee in compliance to order dated 27.02.2024 of Hon'ble Supreme Court of India in C.A. No. 2003-2004 of 2022.

Pursuant to the order dated 27.02.2024 of Hon'ble Supreme Court of India in C.A. No. 2003-2004 of 2022, nominations have been received from Central Pollution Control Board (CPCB), Indian Institute of Technology-Roorkee (IIT-Roorkee), and The Energy Research Institute (TERI). Accordingly, the Committee of the nominees of CPCB, IIT-Roorkee and TERI is constituted as under:

1. Mr. Nazimuddin, Sc. F & Head, IPC-II Division, CPCB HO, Delhi (nazim.cpcb@nic.in)
2. Prof. Bhanu Prakash Vellanki, Civil Engineering Department, IIT-Roorkee (bhanuprakashv@ce.iitr.ac.in)
3. Mr Souvik Bhattacharjya, Associate Director, Resource Efficiency & Governance Division, TERI (souvik.bhattacharjya@teri.res.in)

A true copy of the order dated 27.02.2024 of Hon'ble Supreme Court is enclosed herewith.

TOR of the Committee:

- i. To ascertain the actual factual position and the effect of the mining activities undertaken from the year 2010-2011 (by M/s N.B. Minerals Corporation Limited) till the closure order (dated 26.10.2021 of National Green Tribunal - Principal Bench).
- ii. To examine the reparative work undertaken, and opine whether mining activity should be permitted, and condition, which should be imposed.
- iii. To submit its report within a period of six weeks from the date a copy of Hon'ble Supreme order dated 27.2.2024 is received by them.

The members of the Committee will be entitled to honorarium and expenses as per the aforesaid order dated 27.02.2024

Bharat Kumar Sharma
(Member Secretary)

To:

Members of the above Committee

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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4. District Magistrate / District Collector,
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(dm-pit-ua@nic.in)
5. District Mining Officer,
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6. Deputy Conservator of Forest,
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(पर्यावरण, वन एवं जलवायु परिवर्तन
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गठित)

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Indiranagar Colony, Seemadwar Road
Dehradun- 248006
(Constituted by Ministry of
Environment, Forests and Climate
Change Government of India.)
Phone No- 0135-2763576
Email- seiaa.seac.uk@gmail.com

E.C.No- 48-01(76)/2019

Dated- 9-10-2019

To,

M/s N.B. Minerals Corporation,
Parashar Niwas, Nivaran Nagar,
Nawabi Road, Haldwani, District- Nainital.

Tel. 9412086955

Email- nbmineralscorporation@rediffmail.com

Sub: Environmental Clearance under EIA notification dated 14.09.2006 for Extraction of
Magnesite in Village Dundu, Tehsil Didihat, District - Pithoragarh.

Sir,

This has reference to your proposal No SIA/UK/MIN/36616/2019 on dated 22nd May, 2019, submitted to the SEIAA for grant of Environmental Clearance for extraction of Magnesite with proposed production capacity 50,000.00 Tonnes/ Annum. The mine lease area is located at Village Dundu, Tehsil Didihat, District - Pithoragarh in the mine lease area of 4.241ha. This is an existing lease where in Environment Clearance had been given by District Environment Authority, Pithoragarh vide District Magistrate, Pithoragarh letter no. 1-EC-1(DEIAA)/2017 dated 3-10-2017 and it was revoked subsequent to letter no. NC.RO/ENV/MIN/UK/847/2019/2509 Dated 27 March, 2019 from Regional Office of Ministry of Environment, Forests and Climate Change, Government of India. Latter on this matter came up before the Hon'ble High Court of Uttarakhand through the writ petition No. 1035/2019 NB Minerals vs Union of India and others wherein the Hon'ble Court vide its order dated 24th April, 2019 decided as under:

".....While the relief sought for in this writ petition is to quash the impugned orders, whereby the respondents have restrained the petitioner from carrying on mining operations, and for a mandamus directing the respondents not to interfere with the petitioners mining activities, Sri A.S. Rawat, learned senior counsel appearing on behalf would submit that since orders restraining the petitioner from carrying on mining operations, were passed on the ground that they had not obtained environmental clearance from the fifth respondent, it would suffice if the 5th respondent is directed to consider the petitioner's application date 04-03-2016, for grant of environmental clearance, within a specified time-frame

3- when the matter came up yesterday, Sri B.S. Parihar, learned standing counsel for the state of Uttarakhand sought time to obtain instructions

4- Today Sri B.S. Parihar, learned standing counsel for the state of Uttarakhand would submit that since the petitioner's application for grant of environmental clearance has not been received by the 5th respondent, their request for grant of EC can only be examined, if they make a fresh application. He would further state that, since the Impact Assessment Committee consists of different members and a decision, whether or not to grant EC can only be taken after field inspection after field inspection, sufficient time be granted to the authorities to take a considered decision in this regard. He would further submit that the petitioner's application, for grant of EC, would be considered within three months from the date of its receipt.

5-On the other hand, Sri A.S. Rawat, learned senior counsel appearing on behalf of the petitioner, would submit that the impugned orders have brought the petitioner's mining operations to a grinding halt; the petitioner is required to incur monthly expenditure towards payment of salaries to its staff, besides other fixed expenditure, and each days delay, in a decision being taken on the petitioner application for grant of EC would cause irreparable financial hardship to them.

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6. Suffice it, in such circumstances to permit the petitioner to make a fresh application to the 5th respondent for grant of EC. The 5th respondent shall, with utmost expedition, and in any event not later than two months from the date of receipt of the petitioner's application, consider the matter, cause a field inspection, and pass appropriate orders on the petitioner's application for grant of EC in accordance with law.

The proposal was considered by the State Expert Appraisal Committee in its meeting held on 10th July, 2019. The details of the project, as per the documents submitted by the project proponent, and also as informed during the above meeting are as under:-

Sr. No.	Particular	Details
A.	Nature of the Project	Magnesite Mining Project.
B. Size of the Project		
1.	ML Area	4,241 Hectare (Benap Land – 2,291 Ha & Private Agricultural Land 1,950).
2.	Proposed Production Capacity	Total Recoverable Quantity of Magnesite: 50,000.00 Tonnes/ Annum (As per approved Mining Scheme)
3.	Lease Period of Mine	20 years
C. Method of Mining		
1.	Method	Semi mechanized method
2.	Blasting / Drilling	License to possess has been obtained.
3.	The above method has been changed as- No blasting shall be allowed within 100 metres of habitation and muffle blasting/rock breaker will be allowed for mining operation during extraction of magnesite.	
D. Project Location		
1.	Village	Dundu
2.	Tehsil	Didihat
3.	District	Pithoragarh
4.	State	Uttarakhand
5.	Topo Sheet No.	62C/6
6.	Lease Area Coordinates	Latitude: 29°40'30.70" N to 29°40'29.54" N Longitude: 80°18'48.01" E to 80°19'10.16" E
E. Water Demand		
1.	Requirement	4.5 KLD approx. for Drinking & Dust Suppression / Plantation
2.	Source of Water	Nearby villages & Government supply
3.	Man Power Requirement	37 Nos.
F. Environmental Setting		
1.	Nearest Village	Dundu – 1.98 Km NE
2.	Nearest Town	Didihat – 15.21 Km NW
3.	Nearest National /State Highway	NH-125 – 14.19 Km W
4.	Nearest Railway Station	Tanakpur – 70.14 Km SW
5.	Nearest Airport	Pithoragarh – 14.15 Km SW
6.	Ecological Sensitive Areas (National Park, Wild Life Sanctuaries, Biosphere Reserves etc.) within 10 km radius	No National Park, Wild life Sanctuaries within 10 Km radius of Mining Lease area.
7.	Reserved / Protected Forest within 10 km radius	None
8.	Water Bodies within 10 km radius of the mine site.	Kali River – 6.39 Km E
9.	Archaeological Important Place	None within 10 km radius of mine site
10.	Seismic Zone	Zone – V (As per 1893:2002)

The SEAC after due consideration of relevant documents submitted by the project proponent and additional clarification furnished in response to its observations have recommended the grant of Environmental Clearance for the project mentioned above subject to compliance with the EMP and other stipulated conditions.

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In compliance to the order of Hon'ble High Court dated 24-04-2019 in writ petition (M/S) No-1035 the SEAC recommended that the site visit of mining area may be carried out by the committee already constituted by the SEIAA. Thus, site visit was conducted and accordingly the SEIAA hereby accords necessary Environmental Clearance for the project subject to strict compliance with the general, specific and additional conditions mentioned hereunder.

1- General Conditions

1. The mining/extraction of mineral and progressive mine closure should be done as per the approved mine plan.
2. The proponent should provide Eco-friendly toilets for the workforce.
3. The mine site should have well demarcated safety zone i.e. mining operation will not be carried out in the vicinity of 100 m from nearby bridges, educational institution or structures of historical importance.
4. The proponent should undertake afforestation activities in the buffer zone as well as in the nearby project site. The afforestation will be done after consultation with local state Forest Department and state Horticulture Department for plantation of wild and horticulture plants respectively. Minimum 3000 plants will be planted in first and second year and maintenance of the plantations will be carried out for the next three years.
5. The mining operation would provide local employment and bring economic benefit to local population.
6. Photography of the proposed mining site (preferably using Drone) should be done and submitted to SEIAA along with half-yearly compliance report.

2- Conditions for operation phase.

1. 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 (EC) and a copy of the EC letter is available with SEIAA, Uttarakhand.
2. The legal status of the mining lease area shall remain unchanged and the Environment Clearance shall remain coterminus with lease period. The mined lease area shall not be used for any purpose other than that specified in the proposal.
3. The mining/extraction of Magnesite shall not be done without approved mine plan from designated authority. The mine plan should be revised every 5 years and no fresh mine plan shall be prepared without site inspection by designated authority.
4. The boundary of the mined lease area shall be demarcated on ground by erecting pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc. This demarcation will be ensured by the Revenue Department. A benchmark will be established to monitor depth of the mining. A safety zone of 7.5mt (surrounding the mine site) shall be left free from mining.
5. The mining shall be carried out by open cast semi mechanized method without adopting drilling and blasting operation. The use of any electrically driven machinery shall remain prohibited and only hand held tools shall be used for extraction of the mineral. No blasting shall be allowed within 100 metres of habitation and muffle blasting/ rock breaker will be allowed for mining operation during extraction of magnesite.
6. Mining shall be carried out during sunrise to sunset period only. It shall not involve felling of trees and clearance of vegetation. There shall be no permanent construction at the site except temporary erection of first aid room, office, store, drinking water shed, rest shelter etc.
7. The process of mining and quantity of extractable mineral and subsequently progressive mine closure shall be as per the approved mine plan. The mining operation shall be carried out from upper level to lower level by formation of benching pattern. The maximum height of benches shall not exceed 1.5 mt and ultimate pit slope shall be kept at 45 degrees.
8. The maximum permissible depth for mining shall not exceed six meters or depth of ground water table whichever is less. During first five years of mining lease the depth of mining shall not exceed nine meters. Mining beyond nine meters shall be granted after site visit by SEAC.
9. Extraction of minor mineral is permitted from 1st October of every year to 30th June of the subsequent year or onset of monsoon whichever is earlier. It shall be ensured that no mining activity is carried out during the monsoon season. Workers should be advised and protected against flash flood during 1st June to 30th June and 1st Oct to 31st Oct during which there may be rains in the hills.
10. Reclamation of the mine lease area shall be through back filling, stabilization and cultivation. The waste and top soil generated during mining shall be temporarily stacked in external dump which will be subsequently vacated and back filled in mined out pits. The waste generated in the area will be backfilled during rains and land made suitable for cultivation. Back filling shall be done in a retreating manner from lower level to upper level. Mining activity and back filling shall be done simultaneously once space is available.

11. No disturbance to natural drainage system around the mining lease area shall be done. No mixing of wastes is allowed. The dump site shall be kept away from the nearby nallahs/water bodies and maintained at a distance of at least 100 meters. The external dump shall be protected against slide/slip by adopting suitable mechanical and vegetative measures. Proponent should construct a retaining wall, along the nallah side, with suitable height to protect soil erosion. The construction of toe wall, check dam and planting of grass species/soil binding dwarf species in dump yard shall be done.
12. Vehicular emissions should be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral it shall strictly adhere to the norms of Transport Department in refraining from use of polluting vehicles, and fuel efficient vehicles shall be used for transporting extracted minerals to final destination. There shall be no over loading of vehicles as against standard norms fixed by Central Government/State Government/Hon'ble Courts from time to time.
13. The project proponent shall regulate and maintain record of the quantity of magnesite extracted during a season. The monitoring shall be ensured by Mines Department/District Administration from time to time.
14. There shall be no labour camp in the mining lease area for the labour engaged in mining of Magnesite. The labour engaged in mining shall be provided free fuel wood/alternate source of energy to avoid any pressure on adjoining forest land.
15. Proponent should submit surface/ground water quality and ambient air quality monitoring report as committed in EMP, with suitable parameters.
16. Under Corporate Social Responsibility (CSR) proponent should develop community services such as drinking water, education, housing, sanitation, health, safety and medical facilities, public transportation and communication, social welfare etc.
17. The proponent shall erect eco friendly mobile toilets for the workforce at site and shall ensure disposal of solid waste as per the existing provisions/rules/guidelines.
18. Afforestation shall be carried out in nearby Van Panchayat. The species selection shall be site specific and cater to the demand of the Van Panchayat. The concerned district official of State Forest Department shall ensure the compliance. Proponent should make 5 meter dense plantation of shrubs.
19. The Geology and Mining department shall identify an agency for regular/periodical monitoring of quality of ground water in the vicinity of the mining site.
20. The project proponent shall formulate a transparent and unbiased procedure for engagement of laborers for sustainable extraction of the minerals from the mining lease area. The project proponent shall ensure that maximum local labour be engaged and hence employment opportunity provided. The project proponent shall follow all safety measures for labour force engaged in accordance with relevant Acts/Rules.
21. The project proponent shall prepare the plan of mining in conformity with the mine lease conditions and the Rules prescribed in this regard thereby clearly delineating the No Work Zone in the mine lease area i.e. at least 100mt distance from Nallahs/Water Bodies, bridges, educational institution or structures of historical importance.
22. Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. It shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
23. The project proponent shall provide protective respiratory devices to workers working in dusty areas and they shall also be provided with adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained.
24. The proponent shall provide eco friendly mobile toilets for the workforce at site and shall ensure disposal of solid waste as per the existing provisions/rules/guidelines.
25. The project proponent shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.
26. The project proponent should plant 3000 trees in first 2 years followed by their maintenance in the next 3 years. The plants should be planted in the buffer zone of the mining site and in the blank area near by van panchayats/gram sabha land.
27. Photography of the proposed mining site as well as the plantation sites undertaken by the project proponent showing GPS coordinates should be done (preferably using Drone) and submitted to SEIAA and regional office of MoEF&CC, Govt of India at Dehradun along with half-yearly compliance report.
28. Project proponent will strictly comply with EMP/EIA.
29. Project proponent will have to submit EMP/EIA report to Mining Department (Lessee) and Pollution Control Board before getting work order/Consent to Established or Operate.

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30. The above environmental safeguards shall be implemented in letter and spirit. The project proponent shall establish Environment Monitoring Cell and also submit six monthly compliance reports to this Authority and regional office of MoEF&CC, Govt of India at Dehradun.

3- Entire Operation

- 1) The Environmental Clearance is being granted for mining/extraction of Magnesite in the approved Mine Lease Area. Legal status of the mining lease area shall remain unchanged and the Environmental Clearance is being granted only for the lease period. The mined lease area shall not be used for any purpose other than that specified in the proposal.
- 2) The mining operations shall be restricted to above ground water table and it should not intersect groundwater table. Prior approval of the SEIAA shall be obtained for mining below water table. Extraction of minor mineral is permitted from 1st October of every year to 30th June of the subsequent year or onset of monsoon whichever is earlier. It shall be ensured that no mining activity is carried out during the monsoon season. Workers should be advised and protected against flash flood during 1st June to 30th June and 1st Oct to 31st Oct during which there may be rains in the hills.
- 3) Reclamation of the mine lease area shall be through back filling, stabilization and cultivation. The waste and top soil generated during mining shall be temporarily stacked in external dump which will be subsequently vacated and back filled in mined out pits. The waste generated in the area will be backfilled during rains and land made suitable for cultivation. Back filling shall be done in a retreating manner from lower level to upper level. Mining activity and back filling shall be done simultaneously once space is available.
- 4) The dump site shall be kept away from the nearby nallahs/water bodies and maintained at a distance of at least 100 meters. The external dump shall be protected against slide/slip by adopting suitable mechanical and vegetative measures. The construction of toe wall, check dam and planting of grass species/soil binding dwarf species in dump yard shall be done as given in mining plan.
- 5) The project proponent shall undertake transportation of mineral from pit head to road head manually or by mule. Further it shall strictly adhere to the norms of Transport Department in refraining from use of polluting vehicles and fuel efficient vehicles shall be used for transporting extracted minerals to final destination. There shall be no over loading of vehicles as against standard norms fixed by Central Government/State Government/Hon'ble Courts from time to time.
- 6) The project proponent shall regulate and maintain record of the quantity of Magnesite extracted during a season. The monitoring shall be ensured by Mines Department/District Administration from time to time.
- 7) There shall be no labour camp in the mining lease area for the labour engaged in mining of Magnesite. The labour engaged in mining shall be provided free fuel wood/alternate source of energy to avoid any pressure on adjoining forest land.
- 8) The project proponent shall formulate a transparent and unbiased procedure for engagement of labourers for sustainable extraction of the minerals from the mining lease area. The project proponent shall ensure that maximum local labour be engaged and hence employment opportunity provided. The project proponent shall follow all safety measures for labour force engaged in accordance with relevant Acts/Rules.
- 9) The project proponent shall provide protective respiratory devices to workers working in dusty areas and they shall also be provided with adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained.
- 10) The project proponent shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.
- 11) The above environmental safeguards shall be implemented in letter and spirit. The project proponent shall establish Environment Monitoring Cell and also submit six monthly compliance reports to this Authority and regional office of MoEF. Govt of India at Dehradun.
- 12) The SEIAA reserves the right to include additional safeguard measures if found necessary and also to take action including revoking of the EC granted under provision of EIA Notification 2006. This EC is being granted subject to compliance of orders of Hon'ble Court and extant orders issued from time to time.
- 13) Any appeal against this Environment Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section of the National Green Tribunal Act, 2010.
- 14) If it is found that if conditions laid down by the Authority are violated, Authority may cancel this Environmental Clearance.



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4- **Specific Conditions:- (To be followed by Director Industry, Geology and Mining Unit, Govt. of Uttarakhand).**

- 1- Mining and Geology department of the State Government should recalculate the maximum production levels and should inform the Authority accordingly.
- 2- A study shall be carried out at least over in a year through mines and geology department to avoid over exploitation of mineral, which may adversely affect the dynamics of site. A copy of said study report shall be submitted to the regional office of the Ministry of Environment and Forest Dehradun and SEIAA, Uttarakhand.
- 3- The Geology and Mining unit of Industry Department shall identify an agency for regular/periodical monitoring of quality of ground water of existing hand pumps and tube wells in the vicinity of the mining site.
- 4- Digital processing of the entire lease area using remote sensing technique should be done by Geology and Mining department regularly and report should be submitted to the Ministry of Environment and Forests, Regional office at Dehradun and SEIAA, Uttarakhand.

5- **Additional Conditions:-**

- (a) Dumping of the muck should be stopped by M/S N.B. Minerals in the area below.
- (b) Retaining walls drains should be constructed by M/S N.B. Minerals and ensure that in future some plantation works taken up in consultation with the villagers adjoining to Dundu and Teli villages in that slope.
- (c) The irrigation water channels and village roads blocked by spill over of muck be repaired by M/S N.B. Minerals at its cost.
- (d) M/S N.B. Minerals should ensure that muck mixed slurry water of rain does not enter into the Dundu stream below.
- (e) Retaining walls should be made at the end of lowest bench of the mine so that muck does not spillover downwards along the hillock.
- (f) The company should submit the details of the proposed new muck dumping area along with the year wise restoration plan/measures proposed with financial implications.
- (g) The company should submit the details of the repair works of village water drains, village roads and creation of retaining walls and other restoration measures in the area below the mine in villages Dundu and Teli in their six monthly progress report to SEIAA.
- (h) No blasting shall be allowed within 100 mts of habitation and muffle blasting/ rock breaker will be allowed for mining operation during extraction of magnesite.
- (i) All the above additional conditions shall be complied with by Project Proponent within three months and should provide photographic evidence along with first six monthly compliance report.

(G.S. Pande)
Member Secretary,
SEIAA, Uttarakhand

No.- 48 01(76)/2019 dated- as above

Copy for information and necessary action to:-

- 1) Secretary, Ministry of Environment, Forests and Climate Change, Gol, Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road, 3rd Floor, Vayu Wing, New Delhi.
- 2) Principal Secretary, Environment and Forests, Government of Uttarakhand, Dehradun.
- 3) APCCF, Regional office (Central) MOEFCC, 25 Subhash Road, Dehradun.
- 4) Principal Chief Conservator of Forests (Wildlife)/Chief Wild Life Warden, Dehradun.
- 5) District Magistrate, Pithoragarh.
- 6) Director, Industry, Geology and Mining Unit, Govt. of Uttarakhand, Bhopal pani, The unit shall comply the Specific Conditions and submit the report to SEIAA Uttarakhand
- 7) Divisional Forest Officer, Pithoragarh.
- 8) Member Secretary, UEPPCB, Dehradun.
- 9) Guard File.

(G.S. Pande)
Member Secretary,
SEIAA, Uttarakhand

State Level Environment Impact Assessment Authority, Uttarakhand.
 653, Indira Nagar Colony, Seemadwar Road, Dehradun-248006
 (Constituted by Ministry of Environment, Forests & Climate Change, GOI)
 Phone- 0135-2763576, Email- seiaa.seac.uk@gmail.com

Letter No- ²⁶⁹ / SEIAA

Dated- 26 February, 2020

(Amendment)

With reference to E.C. No. 48-01(76)/2019 dated 09.10.2019 granted to M/s N. B. Minerals Corporation, Parashar Bhawan, Nawabi Road, Haldwani, District-Nainital for Extraction of Magnesite in the lease area 4.184 Ha. at Village Dundu, Tehsil Didihat, District Pithoragarh, the P.P has requested vide letter dated 9-12-2019 for amendment in condition No-2(5) of the EC. This condition stipulates "The mining shall be carried out by open cast semi mechanized method without adopting drilling and blasting operation. The use of any electrically driven machinery shall remain prohibited and only hand held tools shall be used for extraction of the mineral. No blasting shall be allowed within 100 metres of habitation and muffle blasting/rock breaker will be allowed for mining operation during extraction of magnesite." The PP has submitted that muffle blasting also requires drilling to make holes. In view of this the PP has requested amendment of the condition for including adopting drilling for muffle blasting/rock breaker. The Authority deliberated upon the matter in its 20th Meeting held on 24-25 January, 2020 and it was decided to accept the above request and accordingly condition no- 2(5) is amended as under:-

"The mining shall be carried out by open cast semi mechanized method by adopting drilling for muffle blasting/rock breaker. The use of any electrical driven machinery shall remain prohibited and only hand tools shall be used for extraction of the mineral. No blasting shall be allowed within 100 meters of habitation and drilling for muffle blasting/rock breaker will be allowed for mining operation during extraction of Magnesite."

The remaining conditions of the above mentioned EC will remain as stipulated.

(G.S. Pande)
 Member Secretary,
 SEIAA, Uttarakhand

No.- ²⁶⁹ 01(76)/2019 dated- as above

Copy for information and necessary action to-

- 1) Secretary, Ministry of Environment, Forests and Climate Change, GoI, Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road, 3rd Floor, Vayu Wing, New Delhi.
- 2) Principal Secretary, Environment and Forests, Government of Uttarakhand, Dehradun.
- 3) APCCF, Regional office (Central) MoEFCC, 25 Subhash Road, Dehradun.
- 4) Principal Chief Conservator of Forests (Wildlife)/Chief Wild Life Warden, Dehradun.
- 5) District Magistrate, Pithoragarh.
- 6) Director, Industry, Geology and Mining Unit, Govt. of Uttarakhand. The unit shall comply the Specific Conditions and submit the report to SEIAA Uttarakhand
- 7) Divisional Forest Officer, Pithoragarh.
- 8) Member Secretary, UEPPCB, Dehradun.
- 9) Guard File.

(G.S. Pande)
 Member Secretary,
 SEIAA, Uttarakhand

N.B.MINERALS CORPORATION
DUNDU MAGNESITE MINES

GSTIN NO-05AACFN0626R1Z4

Head Office- Newaran Nagar Parashar

Niwas Nawabi Road Haldwani

Distt.Nainital (Uttarakhand)

E-mail [id-nbmineralscorporation@rediffmail.com](mailto:nbmineralscorporation@rediffmail.com)

Mob. No. - 9412086955

9568000007

Mines at- Village Dundu

Post Office-Chharandev

Distt. Pithoragarh

(Uttarakhand)

Ref No NBMC/2020-21/ 786

Date-02-06-2020

To,

The Member Secretary

State Level Environment Impact

Assessment Authority (SEIAA)

653 ,Indira Nagar Colony

Seemadwar Road Dehradun-248006

Sir,

Reg: Submission of Six Monthly Compliance Report

Please refer your letter no 335/SEIAA/Dt-03-06-2020 received on 08-06-2020 to submit the six monthly Compliance report it is to request your goodself that we had started Mining Operation after receipt of Govt.permission vide letter no – 2794/VII-A-I/2020/103 /03 Dt-15-01-2020 after 22-01-2020 started dispatch from 23-01-2020 and closed the operation after 22-03-2020 due to lockdown announced by the Govt. although the E.C .was received by us on 26-10-2019 thereafter the Govt.stoped the mining operation till 14-04-2020 and the District Magistrate Pithoragarh vide their letter no 2/4961/ 30-22(Mine)/2006/07 Dt -14-04-2020 instructed to start the Mining operation but material will not dispatch till further instruction. Looking at above condition we vide our letter no NBMC/2019/20/768 Dt-15-04-2020 requested ,D.M.Pithoragarh to close the mining operation till lockdown period.

Beside the above our staff could not move from head office to mine or elsewhere in want of transport & passes issued by authority.

Now please find enclosed herewith the compliance report for your kind consideration.

Thanking You.

Enclosed as stated above.

Your's Faithfully

For N.B.Minerals Corporation

Jainendra Kumar Sinha
(Mines Manager)

Mines Manager
Dundu Magnesite Mi
N.B. Minerals Corpora
Chhrandev, Distt. Pithora

CC:1- APCCF. Regional Office (Central)MOEFCC,25 Subhash Road ,Dehradun. .

2-Member Secretary ,UEPPCB,45-B,.T.Park Sahastradhara Road ,Dehradun.

Thanking You

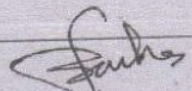
Your's Faithfully

For N.B.Minerals Corporation

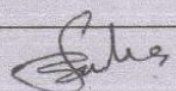
Jainendra kumar Sinha
(Mines Manager)

Mines Ma
Dundu Magne
N.B. Minerals C
Chhrandev, Distt.

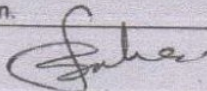
Compliance Status of Environment Clearance		
1: Name of the project:	N.B.Minerals Corporation	
2: Project Code:		
3: Clearance Letter No:	48-01(76)/2019.Dated-9-10-2019	
4: Period of compliance Report:	Oct.2019-March2020.	
S.N	Condition given by SEIAA	Action Taken
	GENERAL CONDITION	
1	The mining/extraction of minerals and progressive mine closure should be done as per the approved mine plan.	Mining activities are being carried out as per the proposal outlined in mining plan approved by Indian Bureau Of Mines(IBM) as well as by abiding to the guidelines of Director General Mines Safety(DGMS).
2	The proponent should provide Eco-friendly Toilets for the workers.	Provision made as per schedule.
3	The mine site should have well demarcated safety zone i.e. mining operation will not be carried out in the vicinity of 100m from nearby bridges, educational institution or structures of historical importance.	Mining activities/operation is being restricted within the demarcated safety zone.
4	The proponent should undertake afforestation activities in the buffer zone as well as in the nearby project site. The afforestation will be done after consultation with local State Forest Department and Horticulture Department for plantation of wild and horticulture plants respectively. Minimum 3000 plants will be planted in first and second year and maintenance of the plantations will be carried out for the next three years.	Afforestation activities are being conducted with consultation of, local state forest department and VanPanchayat. Photo copy for certification by van panchayat attached.
5	The mining operation would provide local employment and bring economic benefit to local population.	Same is in practice.
6	Photography of the proposed mining site (preferably using drone) should be done and submitted to SEIAA along with half-yearly compliance report.	Photographs and compliance of the proposed mining site submitted to SEIAA.
	Condition For Operation Phase	
1	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 environment clearance (EC) and a copy of EC letter is available with SEIAA, Uttarakhand.	Advertisement through daily newspaper circulated. Copy of advertisement submitted to Regional office (Central) of MoEF,Dehradun, Uttarakhand.also SEIAA.
2	The legal status of the mining lease area shall remain unchanged and the environment Clearance shall remain coterminous with lease period. The mined	Board point is well noted.


 Mines Manager
 Dundu Magnetite Mines
 N.B. Minerals Corporation
 Chhrandeo, Distt. Pithoragarh

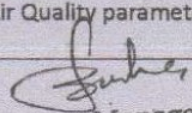
	lease area shall not be used for any purpose other than that specified in the proposal.	
3	The mining /extraction of Magnesite shall not be done without approved mine plan from designated authority. The mine plan should be revised every 5 years and no fresh mine plan shall be prepared without site inspection by designated authority.	Board point is well noted. Approved mine plan file number-614(2)MS-B-53/98 DDN dated 05-02-2016.
4	The boundary of the mined lease area shall be demarcated on ground by erecting pillars, each inscribed with its serial number,DGPS coordinates, forward and backward bearing and distance from adjoining pillars etc. The demarcation will be ensured by the Revenue Department. A benchmark will be established to monitor depth of the mining. A safety zone of 7.5m (surrounding the mine site) shall be left free from mining.	Demarcation of mining lease area done as per the guidelines and ensured by the Revenue Department. Photo of pillar attached.
5	The mining shall be carried out by Open Cast Semi Mechanized method by adopting drilling for muffle blasting/rock breaker. The use of any electrical driven machinery shall remain prohibited and only hand tools shall be used for extraction of the minerals. No blasting shall be allowed within 100 meters of habitation and drilling for muffle blasting/rock breaker will be allowed for mining operation during extraction of Magnesite.	Same is in practice.
6	The mining shall be carried out during sunrise to sunset period only. It shall not involve felling of trees and clearance of vegetation. There shall be no permanent construction at the site except temporary erection of first aid room,office,store,drinking water shed, rest shelter etc.	Board point is well noted.
7	The process of mining and quantity extractable minerals and subsequently progressive mine closure shall be as per the approved mine plan. The mining operation shall be carried out from upper level to lower level by formation of benching pattern. The maximum height of benches shall not exceed 1.5mt and Ultimate pit slope shall be kept at 45 degrees.	Mining activities are being carried out as per the guidelines in approved mine closure plan.
8	The maximum permissible depth for mining shall not exceed six meters or depth of ground water table whichever is less. During first five years of mining lease the depth of mining shall not exceed nine meters. Mining beyond nine meters shall be granted after site visit by SEAC.	Board point is well noted.
9	Extraction of minor minerals is permitted from 1 st .Oct. Of every year to 30 th June of the subsequent	Not applicable.


Mines Manager
 Dunda Magnesite Mines
 N.B. Minerals Corporation
 Chitradeo, Distt. Pauriagarh

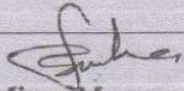
	year or onset of monsoon which is earlier. It shall be ensured that no mining activity is carried out during the monsoon season. Workers should be advised and protected against flash flood during 1 st June to 30 th June and 1 st Oct to 31 st Oct during which there may be rains in the hills.	
10	Reclamation of mine lease area shall be through back filling, stabilization and cultivation. The waste and top soil generated during mining shall be temporarily stacked in external dump which will be subsequently vacated and back filled in mined out pits. The waste generated in the area will be back filled during rains and land made suitable for cultivation. Back filling shall be done in a retreating manner from lower level to upper level. Mining activity and back filling shall be done simultaneously once space is available.	Board point is well noted.
11	No disturbance to natural drainage system around the mining lease area shall be done. No mixing of wastage is allowed. The dump site shall be kept away from the nearby nallahs/water bodies and maintained at a distance of at least 100meters. The external dump shall be protected against side/slip by adopting suitable mechanical and vegetative measures. Proponent should construct a retaining wall, check dam and planting of grass species/soil binding dwarf species in dump yard shall be done.	Board point is well noted. Protection measures were being carried out.
12	Vehicular emissions should be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. It shall be strictly adhere to the norms of transport Department in refraining from use of polluting vehicles. And fuel efficient vehicles shall be used for transporting extracted minerals to final destination. There shall be no overloading of vehicles as against standard norms fixed by the Central Government/State Government/Hon'ble Courts from time to time.	Board point is well noted and implemented. Minerals transported by trucks only and covered with Tarpolines.
13	The project proponent shall regulate and maintain record of the quantity of Magnsite extracted during a season. The monitoring shall be ensured by mines Department/District Administration from time to time.	Yes. Keeping the records for inspection. January 2020- 545.380 M.T. February 2020 - 4721.870 M.T. March 2020 - 3829.300 M.T.
14	There shall be no labour camp in the mining lease area for the labour engaged in mining of Magnesite. The labour engaged in mining shall be provided free	Labour camp provided outside of lease area .and LPG gas fuel provided to him.


Mines Manager
Dundu Magnesite Mines
N.B. Minerals Corporation
Chhrandeo, Distt. Pithoragarh

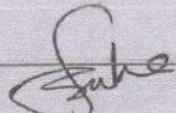
	fuel wood/alternate source of energy to avoid any pressure on adjoining forest land.	
15	Proponent should submit surface/ground water quality and Ambient air quality monitoring report as committed in EMP, with suitable parameters.	Same is in practice. A) Ambient Noise Quality Test Certificate, B) surface water quality Test Certificate and C) Ambient Air Quality Test Certificates submitted.
16	Under Corporate Social Responsibilities(CSR)proponent should develop community services such as drinking water, education ,housing,sanitation,health,safety and medical facilities, public transportation and communication, social welfare etc.	CSR Community development services are being carried out in the field of Health,Education,Safety ,Drinking Water, medical and social welfare etc. with GramSabha/Gram Panchayat.
17	The proponent shall erect eco friendly mobile Toilets for the workforce at site and shall ensure disposal of solid waste as per the existing provisions/rules/guidelines.	Provided as per provision/rules/guidelines. Toilet photo attached.
18	Afforestation shall be carried out in nearby Van Panchayat. The species selection shall be site specific and cater to the demand of the Van Panchayat. The concern district official of state forest department shall ensure the compliance. Proponent should make 5meter dense plantation of shrubs.	1000 numbers of plants purchased, Planted in Vanpanchayat duhdu and Talli, and distributed to local villagers for plantation in VanPanchayat.
19	The Geology and Mining Department shall identify an agency for regular/periodical monitoring of quality of ground water in the vicinity of the mining site.	Board point is well noted.
20	The project proponent shall formulate a transparent and unbiased procedure for engagement of labours for sustainable extraction of minerals from the mining lease area. The project proponent shall ensure that maximum local labour be engaged and hence employment opportunity provided. The project proponent shall follow all safety measures for labour force engaged in accordance with relevant Acts/Rules.	Board point is well noted.
21	The project proponent shall prepare the plan of mining in conformity with the mine lease conditions and the Rules prescribed in this regard thereby clearly delineating the No Work Zone in the mine lease area i.e. at least 100mt distance from Nallahs/Water Bodies,Bridges,Educational institution or structures of historical importance.	Board point is well noted.
22	Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all	Water sprinkling is being carried out through water tanker to ensure the Ambient Air Quality parameters.


 Mines Manager
 Dundu Magnetite Mines
 N.B. Minerals Corporation
 Chhrandeo, Distt. Pithoragarh

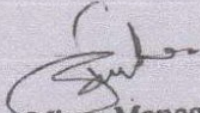
	transfer points. It shall be ensured that Ambient Air Quality parameters confirm to the norms prescribed by the Central Pollution Control Board in this regard.	
23	The project proponent shall provide protective respiratory devices to workers working in dusty areas and they shall also be provided with adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained.	Provision available and Same is in practice.
24	The proponent shall provide eco friendly mobile toilets for the workforce at site and shall ensure disposal of solid waste as per the existing provisions/rules/guidelines.	Provided as per provision/rules/guidelines.
25	The project proponent shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.	Board point is well noted.
26	The project proponent should plant 3000 trees in first 2 years followed by their maintenance in the next 3 years. The plants should be planted in the buffer zone of the mining site and in the bank area near by Van Panchayats/gram sabha land.	Plantation is being carried out as per provision and under guidance of Van Panchayat/Gram shabha.
27	Photography of the proposed mining site as well as the plantation site undertaken by the project proponent showing GPS coordinates should be done(preferably using Drone)and submitted to SEIAA and Regional office of MoEF & CC, Govt. of India at Dehradun along with half-yearly compliance report.	Board point is well noted and half-yearly EC compliance report submitted to concern officials.
28	Project proponent will strictly comply with EMP/EIA.	Board point is well noted.
29	Project proponent will have to submit EMP/EIA report to Mining Department (lessee) and Pollution Central Board before getting work order/consent to Established or Operate.	Same is reported. Consent No- 38034/3078 Date-17-03-2018. Ref. letter no- UEPPCB/HO/Con/N-113/2018/150 dated 27-04-2018.
30	The above environmental safeguards shall be implemented in letter and spirit. The project proponent shall establish Environment Monitoring Cell and also submit six monthly compliance reports to this Authority and regional office of MoEF & CC, Govt. Of India at Dehradun.	Board point is well noted. Six-Monthly compliance report submitted to Authority and Regional Office of MoEF & Govt. Of India at Dehradun.
	Entire Operation	
1	The Environmental Clearance is being granted for mining /extraction of Magnesite in the approved Mine Lease Area. Legal status of the mining lease area shall remain unchanged and the environmental Clearance is being granted only for the lease period.	Board point is well noted.


Mines Manager
Dundu Magnesite Mines
N.B. Minerals Corporation
Chhrandeo, Distt. Pithoragarh

	The mined lease area shall not be used for any purpose other than that specified in the proposal.	
2	The mining operations shall be restricted to above ground water table and it should not intersect ground water table. Prior approval of the SEIAA shall be obtained for mining below water table. Extraction of Minor Minerals is permitted from 1 st Oct. of every year to 30 th June of the subsequent year or onset of monsoon whichever is earlier. It shall be ensure that no mining activity is carried out during the monsoon season. Workers should be advised and protected against flash flood during 1 st June to 30 th June and 1 st Oct. to 31 st Oct. during which there may be rains in the hills.	Board point is well noted.
3	Reclamation of the mining lease area shall be through back filling, stabilization and cultivation. The waste and top soil generated during mining shall be temporarily stacked in external dump which will be subsequently vacated and back filling in mined out pits. The waste generated in the area will be backfilled during rains and land made suitable for cultivation. Back filling shall be done in a retreating manner from lower level to upper level. Mining activity and back filling shall be done simultaneously once space is available.	Board point is well noted.
4	The dump site shall be kept away from the nearby nallahs/water bodies and maintained at a distance of at least 100 meters. The external dump shall be protected against slide/slip by adopting suitable mechanical and vegetative measures. The construction of toe wall, check dam and planting of grass species/soil binding dwarf species in dump yard shall be done as given in mining plan.	Board point is well noted.
5	The project proponent shall undertake transportation of minerals from pit head to road head manually or by mule. Further it shall strictly adhere to the norms of Transport Department in refraining from use of polluting vehicles and fuel efficient vehicles shall be used for transporting extracted minerals to final destination. There shall be no over loading of vehicles as against standard norms fixed by central Government/state government/Hon'ble courts from time to time.	Board point is well noted.
6	The project proponent shall regulate and maintain record of the quantity of Magnesite extracted during the season. The monitoring shall be ensured by mines department/District Administrative from time	Board point is well noted.


 Mines Manager
 Dundu Magnesite Mines
 N.B. Minerals Corporation
 Chhrandeo, Distt. Pithoragarh

	to time.	
7	There shall be no labour camp in the mining lease area for the labour engaged in mining of Magnesite. The labour engaged in mining shall be provided free fuel wood/alternate sources of energy to avoid any pressure on adjoining forest land.	Board point is well noted.
8	The project proponent shall formulate a transparent and unbiased procedure for engagement of labours for sustainable extraction of the minerals from the mining lease area. The project proponent shall ensure that maximum local labour be engaged and hence employment opportunity provided. The project proponent shall follow all safety measures for labours force engaged in accordance with relevant Acts/Rules.	Board point is well noted.
9	The project proponent shall provide protective respiratory devices to workers working in dusty areas and they shall be provided with adequate training and information on safety and health aspects, Periodical medical examination of workers engaged in the project shall be carried out and records maintained.	Board point is well notrd.
10	The project proponent shall ensure compliance to provisions of the all facts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.	Board point is well noted.
11	The above environment safeguard shall be implemented in letter and spirit. The project proponent shall establish Environment Monitoring Cell and also submit six monthly compliance reports to this Authority and Regional office of MoEF. Govt. of India at Dehradun.	Board point is well noted.
12	The SEIAA reserve the right to include additional safe guard measures if found necessary and also to take action including revoking of the EC granted under provision of EIA Notification 2006.This EC is being granted subject to compliance of orders of Hon'ble Court and extent orders issued from time to time.	Board point is well noted.
13	Any appeal against this Environment Clearance shall lie with the National Green Tribunal Act, 2010.	No.
14	If it is found that if conditions laid down by the authority are violated, Authority may cancel this Environment Clearance.	Board point is well noted.


Mines Manager
 Dundu Mines, N.B. Mines
 Chhannar, Dist. Pithoragarh

N.B.MINERALS CORPORATION**DUNDU MAGNESITE MINES****GSTIN NO-05AACFN0626R1Z4****Head Office- Newaran Nagar Parashar****Niwas Nawabi Road Haldwani****Distt.Nainital (Uttarakhand)****E-mail jd-nbmineralscorporation@rediffmail.com****Mob. No. - 9412086955****9568000007****Mines at- Village Dundu****Post Office-Chharandev****Distt. Pithoragarh****(Uttarakhand)**

Ref No NBMC/2020-21/ 823

Date-12-12-2020

To,

The Member Secretary**State Level Environment Impact Assessment Authority (SEIAA)****653, Indira Nagar, Seemadwar Road****Dehradun-248001 (Uttarakhand)**

Subject: Six monthly compliance report of the conditions stipulated in Environmental Clearance for Magnesite Mining (Mine Lease -4.241 Ha.) at Village - Dundu, Tehsil - Didihat, District - Pithoragarh, Uttarakhand for the period of 01st April, 2020 to 30th September, 2020.

Reference: Letter No. 497/SEIAA, dated: 05th October, 2020

Sir,

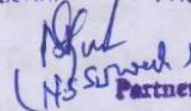
Please find enclosed herewith the compliance report of the conditions stipulated in Environmental clearance granted to Magnesite Mining (Mine Lease area - 4.241 Ha.) at Village - Dundu, Tehsil - Didihat, District - Pithoragarh, Uttarakhand for the period of 01st April, 2020 to 30th September, 2020.

We assure that we are complying with all conditions stipulated in the environmental clearance given by SEIAA, Dehradun.

Thanking You,

Yours Faithfully

For N. B. Minerals Corporation


(H.S. Srivastava)
Partner
(H.K.N. Chatterjee)

Copy to:

Regional Director**Ministry of Environment, Forests & Climate Change****North Central Regional Office, Dehradun****25, Subhash Road, Dehradun-248001**

SIX-MONTHLY ENVIRONMENTAL COMPLIANCE REPORT OF STIPULATED CONDITIONS OF ENVIRONMENTAL CLEARANCE

1: Name of the project:	Dundu Magnesite Mine	
2. Project Proponent:	N.B. Minerals Corporation	
3: Clearance Letter No:	Letter No. 48-01(76)/2019, Dated: 9-10-2019 Copy of the Environmental Clearance letter is attached as Annexure - 1 and Corrigendum is attached as Annexure -2 .	
4: Period of compliance Report:	01 st April, 2020 to 30 th September, 2020	
S.No.	Condition given by SEIAA	Action Taken
1.	GENERAL CONDITION	
1	The mining/extraction of minerals and progressive mine closure should be done as per the approved mine plan.	At present the mining operation has been stopped from March 22, 2020. The mine plan is under approval process from IBM.
2	The proponent should provide Eco-friendly Toilets for the workers.	Provision made as per schedule.
3	The mine site should have well demarcated safety zone i.e. mining operation will not be carried out in the vicinity of 100m from nearby bridges, educational institution or structures of historical importance.	Noted, No Mining activity is being carried out in the vicinity of 100 m and Mining activities/operation is being restricted within the demarcated safety zone.
4	The proponent should undertake afforestation activities in the buffer zone as well as in the nearby project site. The afforestation will be done after consultation with local State Forest Department and Horticulture Department for plantation of wild and horticulture plants respectively. Minimum 3000 plants will be	Plantation in nearby villages Dundu and Taili has been done. Approx. 1000 Trees is already planted in Village Dundu and Taili. About 2000 plant will be planted in next year. Photographs of Plantation is

For N. B. Minerals Corporation

[Signature]

Partner

[Signature]

	planted in first and second year and maintenance of the plantations will be carried out for the next three years.	attached as Annexure -3.
5	The mining operation would provide local employment and bring economic benefit to local population.	Same is in practice. Local labors are deployed in mining operation.
6	Photography of the proposed mining site (preferably using drone) should be done and submitted to SEIAA along with half-yearly compliance report.	The Photography by drone survey will be carried out after opening of the mine.
2. Condition for Operation Phase		
1	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 environment clearance (EC) and a copy of EC letter is available with SEIAA, Uttarakhand.	Advertisement in two local newspapers informing that the project has been accorded Environmental Clearance. Copy attached as Annexure -4.
2	The legal status of the mining lease area shall remain unchanged and the environment Clearance shall remain coterminous with lease period. The mined lease area shall not be used for any purpose other than that specified in the proposal.	The EC has been obtained from SEIAA, Uttarakhand for mining of magnesite only. There will be no change in the legal status of the mining lease area.
3	The mining /extraction of Magnesite shall not be done without approved mine plan from designated authority. The mine plan should be revised every 5 years and no fresh mine	Mining operation will be carried out as per Approved mine plan by Indian Bureau of Mines. At present the mining operation has

For N. B. Minerals Corporation



Partner



	plan shall be prepared without site inspection by designated authority.	been stopped from March 22, 2020. The mine plan is under approval process from IBM.
4	The boundary of the mined lease area shall be demarcated on ground by erecting pillars, each inscribed with its serial number, DGPS coordinates, forward and backward bearing and distance from adjoining pillars etc. The demarcation will be ensured by the Revenue Department. A benchmark will be established to monitor depth of the mining. A safety zone of 7.5m (surrounding the mine site) shall be left free from mining.	Agreed, the boundary of the mine lease area is already demarcated by Pillars. Photographs of Pillars is attached as Annexure - 5 .
5	The mining shall be carried out by Open Cast Semi Mechanized method by adopting drilling for muffle blasting/rock breaker. The use of any electrical driven machinery shall remain prohibited and only hand tools shall be used for extraction of the minerals. No blasting shall be allowed within 100 meters of habitation and drilling for muffle blasting/rock breaker will be allowed for mining operation during extraction of Magnesite.	The mining will be carried out by open cast mining method with drilling for muffle blasting/rock breaker. No blasting will be carried out within 100 meters of habitation.
6	The mining shall be carried out during sunrise to sunset period only. It shall not involve felling of trees and clearance of vegetation. There shall be no permanent construction at the site except temporary erection of first aid room, office, store, drinking water shed, rest shelter etc.	Mining will be carried out in day time only. No felling of trees will be allowed and no permanent construction at the site except first aid room, office, store, drinking water shed, rest shelter etc..

For N. B. Minerals Corporation



Partner



7	The process of mining and quantity extractable minerals and subsequently progressive mine closure shall be as per the approved mine plan. The mining operation shall be carried out from upper level to lower level by formation of benching pattern. The maximum height of benches shall not exceed 1.5mt and Ultimate pit slope shall be kept at 45 degrees.	Mining activities will be carried out as per the guidelines in approved mine closure plan. The mining operation will be carried out from upper level to lower level by formation of benching pattern.
8	The maximum permissible depth for mining shall not exceed six meters or depth of ground water table whichever is less. During first five years of mining lease the depth of mining shall not exceed nine meters. Mining beyond nine meters shall be granted after site visit by SEAC.	Agreed, Mining operation will be carried out as per condition given in Approved mine plan.
9	Extraction of minor minerals is permitted from 1 st Oct. of every year to 30 th June of the subsequent year or onset of monsoon which is earlier. It shall be ensured that no mining activity is carried out during the monsoon season. Workers should be advised and protected against flash flood during 1 st June to 30 th June and 1 st Oct to 31 st Oct during which there may be rains in the hills.	This is major minerals extraction site only.
10	Reclamation of mine lease area shall be through back filling, stabilization and cultivation. The waste and top soil generated during mining shall be temporarily stacked in external dump which will be subsequently vacated and back filled in mined out pits. The	Noted and will be complied strictly

For. N. B. Minerals Corporation



Partner



	waste generated in the area will be back filled during rains and land made suitable for cultivation. Back filling shall be done in a retreating manner from lower level to upper level. Mining activity and back filling shall be done simultaneously once space is available.	
11	No disturbance to natural drainage system around the mining lease area shall be done. No mixing of wastage is allowed. The dump site shall be kept away from the nearby nallahs/water bodies and maintained at a distance of at least 100meters. The external dump shall be protected against side/slip by adopting suitable mechanical and vegetative measures. Proponent should construct a retaining wall, check dam and planting of grass species/soil binding dwarf species in dump yard shall be done.	Agreed, retaining wall has already been constructed and strengthen in around periphery of lease boundary.
12	Vehicular emissions should be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. It shall be strictly adhere to the norms of transport Department in refraining from use of polluting vehicles. And fuel efficient vehicles shall be used for transporting extracted minerals to final destination. There shall be no overloading of vehicles as against standard norms fixed by the Central Government/State Government/Hon'ble Courts from time to	Noted, Vehicles hired for transportation of magnesite minerals have valid "Pollution under Check" (PUC) Certificates. No overloading will be allowed for vehicles.

For N. B. Minerals Corporation



Partner



	time.	
13	The project proponent shall regulate and maintain record of the quantity of Magnesite extracted during a season. The monitoring shall be ensured by mines Department/District Administration from time to time.	Extraction of Magnesite minerals records are maintained. Details is already sent to competent Authority. April- Nil Production May- Nil Production June- Nil Production July- Nil Production August- Nil Production September- Nil Production
14	There shall be no labour camp in the mining lease area for the labour engaged in mining of Magnesite. The labour engaged in mining shall be provided free fuel wood/alternate source of energy to avoid any pressure on adjoining forest land.	Labour camp provided outside of lease area and LPG gas fuel provided to him.
15	Proponent should submit surface/ground water quality and Ambient air quality monitoring report as committed in EMP, with suitable parameters.	Test Reports of Surface water, Ambient Air Quality and Ambient Noise is enclosed as Annexure-6.
16	Under Corporate Social Responsibilities (CSR) proponent should develop community services such as drinking water, education, housing, sanitation, health, safety and medical facilities, public transportation and communication, social welfare etc.	Agreed, Under CSR activity are being carried out for Health, Education, Safety, Drinking Water, medical and social welfare etc. with GramSabha/Gram Panchayat. CER will be implement after mining operation started and details will be provided in due

For N. B. Minerals Corporation

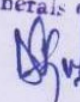


Partner



		course.
17	The proponent shall erect eco friendly mobile Toilets for the workforce at site and shall ensure disposal of solid waste as per the existing provisions/rules/guidelines.	Provided as per provision/rules/guidelines.
18	Afforestation shall be carried out in nearby Van Panchayat. The species selection shall be site specific and cater to the demand of the Van Panchayat. The concern district official of state forest department shall ensure the compliance. Proponent should make 5meter dense plantation of shrubs.	Plantation in nearby villages Dundu and Taili has been done. Photographs & Procurement Bill of Plant are attached as Annexure -3.
19	The Geology and Mining Department shall identify an agency for regular/periodical monitoring of quality of ground water in the vicinity of the mining site.	Noted
20	The project proponent shall formulate a transparent and unbiased procedure for engagement of labours for sustainable extraction of minerals from the mining lease area. The project proponent shall ensure that maximum local labour be engaged and hence employment opportunity provided. The project proponent shall follow all safety measures for labour force engaged in accordance with relevant Acts/Rules.	Agreed, Local labors lives in nearby villages will be engaged for extraction of the minerals from the mining lease area. We are adopted all safety measures for labour engaged in accordance with relevant mine rules.
21	The project proponent shall prepare the plan of mining in conformity with the mine lease conditions and the Rules prescribed in this regard thereby clearly delineating the No Work Zone in the mine lease area i.e. at least	Agreed, No Mining activity is being carried out in the vicinity of 100 m.

For N. B. Minerals



Partner



	100mt distance from Nallahs/Water Bodies, Bridges, Educational institution or structures of historical importance.	
22	Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. It shall be ensured that Ambient Air Quality parameters confirm to the norms prescribed by the Central Pollution Control Board in this regard.	Noted, Regular water sprinkling will be carried out in critical areas prone to air pollution and having high level of PM ₁₀ and PM _{2.5} such as haul road, loading & unloading point and transfer points. Test Reports of Ambient Air Quality is attached as Annexure - 6.
23	The project proponent shall provide protective respiratory devices to workers working in dusty areas and they shall also be provided with adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained.	Personnel protective equipment's i.e Helmets, dust masks, shoes etc. are provided for workers during mining activity. Periodical medical examination of the workers is being done.
24	The proponent shall provide eco friendly mobile toilets for the workforce at site and shall ensure disposal of solid waste as per the existing provisions/rules/guidelines.	Provided as per provision/rules/guidelines.
25	The project proponent shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.	Agreed
26	The project proponent should plant 3000 trees in first 2 years followed by their maintenance	Plantation in nearby villages Dundu and Taili has been done.

For N. B. Minerals Collection

 Partner



	in the next 3 years. The plants should be planted in the buffer zone of the mining site and in the bank area near by Van Panchayats/gram sabha land.	Approx. 1000 Trees is already planted in Village Dundu and Taili. About 2000 plant will be planted in next year.
27	Photography of the proposed mining site as well as the plantation site undertaken by the project proponent showing GPS coordinates should be done (preferably using Drone) and submitted to SEIAA and Regional office of MoEF & CC, Govt. of India at Dehradun along with half-yearly compliance report.	The Photography by drone survey will be carried out after opening of the mine.
28	Project proponent will strictly comply with EMP/EIA.	Agreed and Complied strictly
29	Project proponent will have to submit EMP/EIA report to Mining Department (lessee) and Pollution Control Board before getting work order/consent to Established or Operate.	Noted, Consolidated Consent to Operate and Authorization has been obtained from UEPPCB. Copy of the same is attached as Annexure - 7.
30	The above environmental safeguards shall be implemented in letter and spirit. The project proponent shall establish Environment Monitoring Cell and also submit six monthly compliance reports to this Authority and regional office of MoEF & CC, Govt. Of India at Dehradun.	Noted, Environment management cell has been set up directly under proponent who takes care of environment monitoring and other environment development at mine site on regular basis. Mines manager directly report to Proponent.
3.	Entire Operation	
1	The Environmental Clearance is being granted for mining /extraction of Magnesite	Agreed, The EC has been obtained from SEIAA,

For N. B. Minerals Corporation

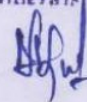


Partner



	in the approved Mine Lease Area. Legal status of the mining lease area shall remain unchanged and the environmental Clearance is being granted only for the lease period. The mined lease area shall not be used for any purpose other than that specified in the proposal.	Uttarakhand for mining of magnesite only. There will be no change in the legal status of the mining lease area.
2	The mining operations shall be restricted to above ground water table and it should not intersect ground water table. Prior approval of the SEIAA shall be obtained for mining below water table. Extraction of Minor Minerals is permitted from 1 st Oct. of every year to 30 th June of the subsequent year or onset of monsoon whichever is earlier. It shall be ensure that no mining activity is carried out during the monsoon season. Workers should be advised and protected against flash flood during 1 st June to 30 th June and 1 st Oct. to 31 st Oct. during which there may be rains in the hills.	Noted, This is Major Mineral mine.
3	Reclamation of the mining lease area shall be through back filling, stabilization and cultivation. The waste and top soil generated during mining shall be temporarily stacked in external dump which will be subsequently vacated and back filling in mined out pits. The waste generated in the area will be backfilled during rains and land made suitable for cultivation. Back filling shall be done in a retreating manner from lower level to upper	Noted and will be complied strictly

For N. B. Minerals Corporation

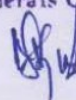


Partner



	level. Mining activity and back filling shall be done simultaneously once space is available.	
4	The dump site shall be kept away from the nearby nallahs/water bodies and maintained at a distance of at least 100 meters. The external dump shall be protected against slide/slip by adopting suitable mechanical and vegetative measures. The construction of toe wall, check dam and planting of grass species/soil binding dwarf species in dump yard shall be done as given in mining plan.	Agreed, retaining wall has already been constructed.
5	The project proponent shall undertake transportation of minerals from pit head to road head manually or by mule. Further it shall strictly adhere to the norms of Transport Department in refraining from use of polluting vehicles and fuel efficient vehicles shall be used for transporting extracted minerals to final destination. There shall be no over loading of vehicles as against standard norms fixed by central Government/state government/Hon'ble courts from time to time.	Noted and Complied strictly.
6	The project proponent shall regulate and maintain record of the quantity of Magnesite extracted during the season. The monitoring shall be ensured by mines department/District Administrative from time to time.	Extraction of Magnesite minerals records are maintained. Details is already sent to competent Authority. April-2020 to September-2020- Nil Production
7	There shall be no labour camp in the mining	Labour camp provided outside of

For N. B. Minerals Corporation



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	lease area for the labour engaged in mining of Magnesite. The labour engaged in mining shall be provided free fuel wood/alternate sources of energy to avoid any pressure on adjoining forest land.	lease area and LPG gas fuel provided to him.
8	The project proponent shall formulate a transparent and unbiased procedure for engagement of labours for sustainable extraction of the minerals from the mining lease area. The project proponent shall ensure that maximum local labour be engaged and hence employment opportunity provided. The project proponent shall follow all safety measures for labours force engaged in accordance with relevant Acts/Rules.	Agreed, Local labors lives in nearby villages will be engaged for extraction of the minerals from the mining lease area. We will adopt all safety measures for labour engaged in accordance with relevant mine rules.
9	The project proponent shall provide protective respiratory devices to workers working in dusty areas and they shall be provided with adequate training and information on safety and health aspects, Periodical medical examination of workers engaged in the project shall be carried out and records maintained.	Personnel protective equipment's i.e Helmets, dust masks, shoes etc. are provided for workers during mining activity. Periodical medical examination of the workers is being done.
10	The project proponent shall ensure compliance to provisions of the all facts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.	Agreed
11	The above environment safeguard shall be implemented in letter and spirit. The project proponent shall establish Environment	Noted, Environment management cell has been set up directly under proponent who

For N. B. Minerals Corporation



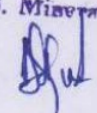
Partner



	Monitoring Cell and also submit six monthly compliance reports to this Authority and Regional office of MoEF, Govt. of India at Dehradun.	takes care of environment monitoring and other environment development at mine site on regular basis. Mines manager directly report to Proponent.
12	The SEIAA reserve the right to include additional safe guard measures if found necessary and also to take action including revoking of the EC granted under provision of EIA Notification 2006. This EC is being granted subject to compliance of orders of Hon'ble Court and extent orders issued from time to time.	Noted
13	Any appeal against this Environment Clearance shall lie with the National Green Tribunal Act, 2010.	No
14	If it is found that if conditions laid down by the authority are violated, Authority may cancel this Environment Clearance.	Noted.

4- Specific Conditions: - (To be followed by Director Industry, Geology and Mining Unit, Govt. of Uttarakhand).

S.No.	Condition given by SEIAA	Action Taken
1.	Mining and Geology department of the State Government should recalculate the maximum production levels and inform the Authority accordingly.	Noted
2.	A study shall be carried out at least in over a year through mines and geology department to avoid over exploitation of mineral, which may	Noted

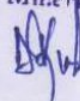
For N. B. Ministry of

 Partner

	adversely affect the dynamics of site. A copy of said study report shall be submitted to the Regional Office of the Ministry of Environment, Forest and Climate Change at Dehradun and SEIAA, Uttarakhand.	
3.	The Geology and Mining unit of Industry Department shall identify an agency for regular/periodical monitoring of quality of ground water of existing hand pumps and tube wells in the vicinity of the mining site.	Noted
4.	Digital processing of the entire lease area using remote sensing technique should be done by Geology and Mining department regularly and report should be submitted to the Ministry of Environment and Forests, Regional office at Dehradun and SEIAA, Uttarakhand.	Noted

5. Additional Conditions

S.No.	Condition given by SEIAA	Action Taken
a	Dumping of the muck should be stopped by M/s N. B. minerals in the area below.	Noted and will be complied strictly
b	Retaining walls drains should be constructed by M/s N. B. Minerals and ensure that in future some plantation works taken up in consultation with the villagers adjoining to Dundu and Teli Villages in that slope.	Retaining wall around waste material is already constructed. Plantation has been done.
c.	The irrigation water channels and village roads blocked by spill over of muck be repaired by M/s N. B. Minerals as its cost.	The Irrigation water line has been already repaired by M/s N. B. Minerals as its cost. Letter from Village Panchayat regarding

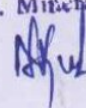
For N. B. Minerals



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		removing materials is attached as Annexure -8.
d	M/s N. B. Minerals should ensure that muck mixed slurry water of rains does not enter into the Dundu Stream below.	We strictly complied and no water of rains does not enter into the Dundu Stream
e	Retaining walls should be made at the end of lowest bench of the mine so that muck does not spillover downwards along the hillock.	Retaining wall will be construct around periphery of mine site for muck does not spillover downwards along the hillock.
f	The company should submit the details of the proposed new muck dumping area along with the year wise restoration plan/ measures proposed with financial implications.	Due to COVID -19 lock down and Mine plan under approval process by IBM, the new muck area selection process is in under process and new muck area details will be provided in shortly.
g	The Company should submit the details of the repair works of village water drains, village roads and creation of retaining walls and other restoration measures in the area below the mine in villages Dundu and Teli in their six-monthly progress report to SEIAA.	Company will be provided all details including expenditure and proof will be next compliance report.
h	No blasting shall be allowed within 100 mts of habitation and muffle blasting / rock breaker will be allowed for mining operation during extraction of magnesite.	Agreed, No blasting will be allowed within 100 mts of habitation. Only muffle blasting / rock breaker will be allowed for mining

For N. B. Minerals Corporation



Partner



		operation during extraction of magnesite.
i	All the above additional conditions shall be complied with by Project proponent within three months and should provide photographic evidence along with First six monthly compliance report.	Due to COVID -19 and mine approval process, all details will be provided in next compliance report.

For N. B. Minerals Corporation


(H.K. Nainwal)

N.S. Sigwal,
Partner

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ITEM NO.7

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal No(s).2003-2004/2022

N B MINERALS CORPORATION LIMITED

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 16481/2023 - APPLICATION FOR PERMISSION
 IA No. 38195/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 38197/2022 - EXEMPTION FROM FILING O.T.
 IA No. 112014/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 38196/2022 - STAY APPLICATION)

Date : 27-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
 HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s) Mr. Nidesh Gupta, Sr. Adv.
 Ms. Shashi Kiran, AOR
 Mr. Satish Chandra, Adv.
 Ms. Sitwat, Adv.
 Ms. Sangeeta Bhalla, Adv.
 Ms. Riyal Suryawanshi, Adv.

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
 Mr. Gurmeet Singh Makker, AOR
 Ms. Ruchi Kohli, Adv.
 Ms. Swarupama Chaturvedi, Adv.
 Mr. Navanjay Mahapatra, Adv.
 Mr. Annirudh Sharma -ii, Adv.

Mr. Atul Sharma, AOR
 Ms. Rachana Gandhi, Adv.

Mr. Mukesh Verma, Adv.
 Mr. Kamal Kumar Pandey, Adv.
 Mr. Pankaj Kumar Singh, Adv.
 Mr. Shashank Singh, AOR

UPON hearing the counsel, the Court made the following
 O R D E R



We have examined the counter affidavit/status report filed by the State of Uttarakhand.

Colour photographs have been produced in the Court, and are taken and kept on record.

The appellant - N B Minerals Corporation Limited is permitted to construct the retaining/safety wall by using the machines (like earthmoving/construction equipment vehicle and excavator), as specified in paragraph 5.5.7 of the counter affidavit/status report filed by the State of Uttarakhand. The retaining/safety wall will be constructed under the supervision and guidance of the Additional District Magistrate, Didihat. Photographs prior to the commencement of the construction and post-construction will be placed on record.

We clarify that the appellant - N B Minerals Corporation Limited will not carry out any other construction or mining of Magnesite/Dolomite.

In order to ascertain the actual factual position and the effect of the mining activities undertaken from the year 2010-2011 till the closure order, we deem it appropriate to appoint a Committee consisting of the following three members :-

1. The nominee appointed by the Chairman of the Central Pollution Control Board, having domain/subject matter expertise;
2. The nominee appointed by the Vice-Chancellor of the Indian Institute of Technology, Roorkee, who should be associated with environmental issues and have domain/subject matter expertise; and

3. The nominee appointed by the Director General, The Energy and Resources Institute (TERI), New Delhi, having domain/subject matter expertise.

The Committee will also examine the reparative work undertaken, and opine whether mining activity should be permitted, and condition, which should be imposed.

A copy of the order passed by the National Green Tribunal dated 26.10.2021, as well as, the counter affidavit/status report filed by the State of Uttarakhand, will be made available by the Registry to the members of the Committee.

The Committee will be given full assistance by the (i) Revenue Officer, Dandu Kanalicheena; (ii) District Mining Officer, Geology and Mining Department, Uttarakhand; (iii) Forest Conservator, Pithoragarh; (iv) Executive Engineer, Irrigation Department, Pithoragarh; and (v) the Additional District Magistrate, Didihat.

The three members of the Committee will be entitled to an honorarium of Rs.1,00,000/- (Rupees one lakh only) each, which shall be paid by the appellant - N B Minerals Corporation Limited. In addition, the Committee will be paid the out-of-pocket expenses and other incidental expense(s) for visiting the site.

The said Committee will submit its report within a period of six weeks from the date a copy of this order is received by them.

Re-list after six weeks from the date the nominees/members of the Committee, as indicated above, are appointed.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR