

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

APPEAL NO. 155 OF 2025 (WZ)

BOOK NO. - 02 -

PAGE NO. - 54 -

SR. NO. - 162 -

DATE: 25/07/2025

[Signature]
 NILESH R. PANDYA
 NOTARY
 GOVT. OF INDIA

25 JUL 2025

IN THE MATTER OF:

M/s MANICO RESOURCES PRIVATE LIMITED

... APPELLANT

VERSUS

SEIAA, GUJARAT & ORS.

... RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT No. 1 – GUJARAT
 STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY**

I, Dipali Tank, adult, having my office at Paryavaran Bhavan, Sector 10A, Gandhinagar 382 010 in the State of Gujarat, do hereby solemnly affirm and state on oath as under:

1. I am presently serving as Member Secretary, Gujarat State Environment Impact Assessment Authority – respondent no. 1 in the present appeal. I have acquainted myself with the facts of the case by perusing the record pertaining to the case available in my office. I am authorized to swear the present affidavit on behalf of the Gujarat State Environment Impact Assessment Authority and am otherwise competent to make the present affidavit.

[Signature]
 Dipali Tank

2. Any factual averment made in the memo of appeal and all grounds urged in support of the prayer made in the appeal shall be deemed to have been denied, unless expressly admitted in the present reply.
3. The present is a statutory appeal preferred by the appellant challenging the decision of the State Environment Impact Assessment Authority (SEIAA / respondent authority) in not approving the Environment Clearance, bearing No. DEIAA/SABARKANTHA/EC/1(a)/B2/2018/2772 dated 05.07.2018, granted by District Environment Impact Assessment Authority (DEIAA), Sabarkantha. Upon reappraisal of the environment clearances granted by DEIAA in terms of the directions issued by this Hon'ble Tribunal in its order dated 7.12.2022 passed in Original Application No. 142 of 2022 [Jayant Kumar vs. Ministry of Environment, Forest and Climate Change], SEIAA found that the environment clearance granted in the present case ignores the guidelines prescribing minimum distance criteria, the District Survey Report and the many orders passed by this Hon'ble Tribunal and the Hon'ble Supreme Court of India on need and necessity for strict compliance of environmental laws.
4. In the case of Mohinder Singh Gill v. Chief Election Commissioner, reported as (1978) 1 SCC 405, the Hon'ble Supreme Court of India has observed thus:

"8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in

Dipali Tamb



the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out."

In light of the aforesaid position of law, ordinarily an affidavit is not filed by the statutory authority defending its decision which is laid to challenge before any Court or Tribunal, as in this case, by reiterating the findings and elucidating or even elaborating the reasoning behind the conclusion.

5. Separately, the present being an appeal does not permit or otherwise involve introduction of new facts which need to be controverted by way of filing affidavit-in-reply on behalf of the authority. The present is not a case of consideration of a fresh application for grant of environment clearance requiring appreciation of virgin facts, but one concerning challenge to the decision of SEIAA taken on reappraisal of the environment clearance granted by DEIAA, which exercise as stated hereinabove has been undertaken on the basis of directions issued by this Hon'ble Tribunal. The documents available with DEIAA at the time of grant of environment clearance and the decision taken on the basis of such documents has been appraised by SEIAA in light of the observations made by the Hon'ble Supreme Court of India and this Hon'ble Tribunal and the guidelines issued by the regulatory authorities for protection of environment and implementation of environmental laws. Being conscious of this position the appellant has not pleaded any facts which need a rebuttal by the respondent authority, thereby necessitating filing of a reply. It is well settled that pleadings must state facts and not the law and the reply, if any, being filed by the contesting

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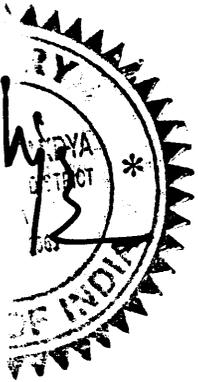


party should be limited to denial or rebuttal of facts and not contain arguments on points of law. For this reason too, there exists no need for filing of a reply on behalf of the respondent authority.

6. Without prejudice to the aforesaid submissions, the present reply is being filed by the respondent authority supporting its decision in deference to the direction issued by this Hon'ble Tribunal.
7. The Principal Bench of this Hon'ble Tribunal in its order dated 7.12.2022 passed in Original Application No. 142 of 2022 held thus:

“14. Further, this Tribunal has observed that mining leases in which environmental clearance was granted by DEIAA in view of amendment notification dated 15.01.2016 are still continuing even after passing of order dated 13.09.2018 by this Tribunal in Satendra Pandey (supra) and issuance of OM dated 12.12.2018 by MoEF&CC without any re-appraisal by SEIAA and appropriate remedial action on the basis of such re-appraisal. **All such mining leases in which environmental clearance was granted by DEIAA need to be brought in consonance with the directions given by Hon'ble Supreme Court in Deepak Kumar (supra) and order dated 13.09.2018 by this Tribunal in Satendra Pandey (supra) by re-appraisal by SEIAA and only such mining leases may be continued which have been on re-appraisal granted environmental clearance by SEIAA.** MoEF&CC is, therefore, directed to take appropriate steps for compliance in this regard by issuance of requisite directions in exercise of the statutory powers under the Environment (Protection) Act, 1986. For this purpose, MoEF&CC is directed to collect information regarding such mining leases in which environmental clearance was granted by DEIAA and the period of which has not yet expired and are still continuing in all the States and Union Territories and by issuing appropriate directions for compliance with directions given by Hon'ble Supreme Court in Deepak Kumar (supra) and

Dipali Tamb



order dated 13.09.2018 passed by this Tribunal in Satendra Pandey (supra) by re-appraisal for grant of EC by SEIAA."
(emphasis added)

8. In terms of the aforesaid direction issued by this Hon'ble Tribunal, the Ministry of Environment, Forest and Climate Change, Government of India came out with an Office Memorandum dated 28.04.2023. A copy of the Office Memorandum dated 28.04.2023 is annexed to the appeal as Annexure A (page 26). This Office Memorandum directed that "all concerned SEACs shall re-appraise the ECs issued by DEIAAs between 15.01.2016 and 13.09.2018 (including both dates) and all fresh ECs in this regard shall be granted only by SEIAAs based on such appraisal". The Office Memorandum further stipulated that "the exercise shall be completed within a time period of one year from the date of issue of this OM". Broad guidance was included in the Office Memorandum of the many aspects to be taken into consideration by the SEIAAs while conducting appraisal / re-appraisal of the ECs.



9. The time line of one year for reappraisal of the environment clearances granted by DEIAA was revised and extended by Office Memorandum dated 15.03.2024 up to 27.10.2024. In the meantime, this Hon'ble Tribunal by its judgement dated 08.08.2024 passed in Original Application No. 142 of 2022 [Jayant Kumar v. Ministry of Environment, Forest and Climate Change & Ors.] directed that "...ECs granted by DEIAAs upto 11.12.2018, must be appraised/re-appraised by concerned SEIAAs within three months from this judgment." Accordingly, Office Memorandum dated 14.10.2024 was issued by the Ministry extending the time for appraisal / reappraisal till 7.11.2024. Finally, the Hon'ble

Dipali Tamb

Supreme Court by its order dated 12.11.2024 passed in the case of Union of India v. Rajiv Suri [Civil Appeal No. 3799-3780 of 2019] extended the time for completion of the re-appraisal till 31.03.2025. The Office Memorandum dated 15.03.2024 and 14.10.2024 issued by the Ministry and the order of the Hon'ble Supreme Court dated 12.11.2024 are appended to the appeal.

10. There exists no contest as regards the basic and preliminary facts between the parties. It is not denied or disputed, as being a matter of record, that an environmental clearance was granted by the DEIAA on 05.07.2018 for carrying out activity of mining 24,000 metric tonnes / month granite, a minor mineral, from an area of 3.00.00 hectares in Village Santol, Taluka Idar, District Sabarkantha, Gujarat. The clearance was granted to Gem Ashapura Granite (Gujarat) Private Limited.
11. SEAC found that the clearance granted by DEIAA permitted the project proponent to carry out mining activity in an area which was within the safety distance required to be maintained from human habitation and infrastructure facilities and thus conflicts with the distance criteria that has been recommended by the Central Pollution Control Board and accepted by the Gujarat State Pollution Control Board. Additionally, the clearance is also not in conformity with the District Survey Report as confirmed by the District Geologist who has reported that the mining area falls under 'No Go Zone' of the approved District Survey Report (DSR). Under the circumstances, SEAC did not recommend continuance of the environment clearance granted by DEIAA. A copy of minutes of

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the meeting of SEAC held on 29.01.2025 is annexed herewith and marked as Annexure R-1.

12. SEIAA discussed and deliberated on the recommendation of SEAC. Noticing that the clearance granted by DEIAA violates the mining guidelines on the aspect of distance criteria as also the fact that the mining activity is permitted in an area marked as no-go zone in the approved DSR, SEIAA agreed with the recommendation of SEAC and decided not to approve the environment clearance granted by DEIAA. SEIAA, thereupon, communicated by the impugned communication dated 4.03.2025 its decision to not approve or reject the environment clearance granted to the appellant by DEIAA. A copy of minutes of the meeting of SEIAA held on 07.03.2025 is annexed herewith and marked as Annexure R-2.



13. The recommendation of SEAC and the decision of SEIAA are just and proper and in conformity with law. No error, much less a legal error, can be said to have been committed by the SEAC or SEIAA in conducting the appraisal of the environment clearance granted by DEIAA. No fault can be found with the observation of the SEAC and SEIA that the environment clearance granted by DEIAA permitted the appellant (project proponent) to commence and undertake mining of minor mineral from an area within the restricted distance from human habitation and infrastructure and other public facilities and the reasoning that the same offends the mining guidelines and approved DSR and the directives issued by this Hon'ble Tribunal.

Dipali Lamb

14. The case of the appellant, as can be discerned from memo of appeal, is not that the lease area does not encompass or fall within vicinity of human habitation and other infrastructure and public facilities. These indisputable facts weighed with SEAC and SEIAA in arriving at a conclusion that the clearance granted by the DEIAA does not confirm with the restrictions of distance criteria contained and prescribed in the mining guidelines. In the backdrop of such factual and legal position, the reasoning and conclusion of SEAC and SEIAA cannot be argued to suffer from any infirmity, much less a legal infirmity, warranting interference by this Hon'ble Tribunal.
15. Separately, the environment clearance granted by DEIAA does not conform to the approved District Survey Report and militates against the declaration of law made by the Hon'ble Supreme Court in the case of State of Uttar Pradesh & Another vs. Guarav Kumar and Others, reported as 2025 SCC Online SC 1069 where the Hon'ble Court has stressed on "strict adherence" to the regulations and guidelines by holding them to be "non-negotiable" and demanding "zero tolerance" for unauthorised activities. It is relevant to state that the appellant has not challenged the approved DSR or the fact that the mining area falls in the 'no-go zone' in the approved DSR. The lease area, as marked on the district survey map, suggests that a portion thereof same falls in the 'No Go' zone, that is to say, an area in which mining activity is not permitted under the law.
16. The argument of the appellant that the procedure of appraisal / re-appraisal has been undertaken by SEAC and SEIAA in violation of the



Dipali Tamb

principles of natural justice is wholly misconceived and not tenable in law.

16.1 The order dated 7.12.2022 passed by this Hon'ble Tribunal in Original Application 142 of 2022 does not provide for grant of any personal hearing to the project proponent at the time of appraisal of the environment clearance by SEAC / SEIAA. Similarly, the Office Memorandum dated 28.04.2023 issued by MoEFCC also does not prescribe any audience being given to the project proponent at the stage of appraisal of the environment clearance by SEAC / SEIAA. Neither the order dated 7.12.2022 passed by this Hon'ble Tribunal nor the Office Memorandum dated 28.04.2023 have been challenged by the appellant on the ground of them being silent on the aspect of grant of opportunity of hearing, and therefore being violative of the principles of natural justice. Pertinently, the order dated 7.12.2022 as also the order dated 8.08.2024 passed by this Hon'ble Tribunal in Original Application No. 142 of 2022 and the Office Memorandum dated 28.04.2023 were before the Hon'ble Supreme Court of India when the Hon'ble Apex Court passed the order dated 12.11.2024 in Civil Appeal Nos. 3799 – 3800 of 2019 extending the time line for making application for reappraisal and extending the time for completing the process of reappraisal by SEIAA. No complaint was made by any of the parties to the said proceeding about non-provisioning of hearing at the time of appraisal / re-appraisal of the environment clearance granted by DEIAA being undertaken by SEAC / SEIAA. Therefore acceptance of the argument of the appellant that an opportunity of hearing ought to have been accorded to the project proponent by SEAC / SEIAA, particularly when its clearance was

Dipali Tamb



not being approved, would amount to reading into the order of the Co-ordinate Bench of the Hon'ble Tribunal as well as the order of the Hon'ble Supreme Court and in that sense rewriting the same by this Hon'ble Tribunal.

16.2 The exercise of appraisal / re-appraisal undertaken by the SEAC / SEIAA is not adjudicatory or litigious in nature, requiring adherence to the principle of *audi alteram partem*. The SEAC / SEIAA were required by an order of this Hon'ble Tribunal to re-appraise the environment clearances granted by DEIAA between the period 15.01.2016 to 13.09.2018. The assumption of jurisdiction by SEAC / SEIAA to the extent of carrying out appraisal of the environment clearances granted by DEIAA between the period 15.01.2016 to 13.09.2018 is attributable the judicial order and not to the powers flowing from the environmental laws. The scope of authority of SEAC / SEIAA to conduct appraisal / re-appraisal is constricted and not the usual, as exercisable when deciding a fresh application for grant of environment clearance. Absent inclusion of any specific direction requiring SEAC / SEIAA to accord a personal hearing while conducting the exercise of appraisal of environment clearance granted by DEIAA to the project proponent, the argument of non-compliance or violation of principles of natural justice is devoid of any legal merit and deserves rejection at the hands of this Hon'ble Tribunal.

16.3 In the case of Board of Mining Examination and Chief Inspector of Mines v. Ramjee, reported as (1977) 2 SCC 256, the Hon'ble Supreme Court has observed thus:

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“Natural justice is no unruly horse, no lurking landmine, nor a judicial cure-all. If fairness is shown by the decision-maker to the man proceeded against, the form, features and the fundamentals of such essential processual propriety being conditioned by the facts and circumstances of each situation, no breach of natural justice can be complained of. Unnatural expansion of natural justice, without reference to the administrative realities and other factors of a given case, can be exasperating. We can neither be finical nor fanatical but should be flexible yet firm in this jurisdiction. No man shall be hit below the belt — that is the conscience of the matter.”

The Constitutional Courts have held that that grant of an opportunity of hearing, though preferred, is not absolutely mandatory in all cases, irrespective of the nature of inquiry and the nature of proceedings. The present inquiry – restricted only to appraisal / reappraisal of environment clearances granted by DEIAA between the period 15.01.2016 to 13.09.2018 did not require grant of any personal hearing by the SEAC / SEIAA.



- 16.4 The non-grant of hearing to the appellant has not caused any prejudice to the appellant and such is not even the case of the appellant in the memo of appeal. As stated hereinabove, the only limited scope of jurisdiction conferred upon and available to SEAC / SEIAA was to appraise the environment clearance granted by DEIAA in light of the guidelines and the judicial decisions. On examination, it was found by SEAC and SEIAA that the environment clearance granted by DEIAA permitted mining in the restricted area and is therefore not in consonance with the law.

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16.5 The concept of post-decisional hearing is not alien to law. But even now, the appellant has not been able to demonstrate that the environment clearance granted by DEIAA prescribes maintenance of any safe distance from the human habitation or other infrastructure and public facilities and thereby confirms with the requirements of law. Also, no material has been produced by the appellant to prima facie show that the lease area does not fall, even marginally, in the no-mining area declared under the approved District Survey Report. There is nothing stated in the memo of appeal showing or suggesting that the assessment of facts by SEAC / SEIAA is erroneous or that the application of law by the SEAC / SEIAA is faulty, thereby rendering the reasoning and the conclusion of the SEAC / SEIAA vulnerable or susceptible in law.



17. The other argument advanced by the appellant is that the impugned decision of the SEIAA is a non-speaking order and is therefore bad in law. The said submission is fallacious and lacks legal merit. The minutes of meeting of SEAC and the communication of SEIAA clearly and without any doubt indicate that the environment clearance granted by DEIAA permitted the appellant (project proponent) to commence and undertake mining of minor mineral from an area which is not in consonance with the distance criteria and the District Survey Report. There is a reference to the guidelines and the judicial orders concerning the topic of distance criteria. There is also a mention of the report of the District Geologist about the area falling in the no-mining zone under the approved District Survey Report. It is not conceivable as to how

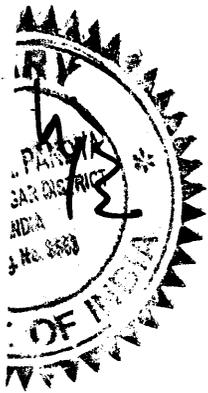
Dipali Tam

such a communication, which clearly and unerringly reflects the mental process behind the conclusion, can be said to be unreasoned or vague.

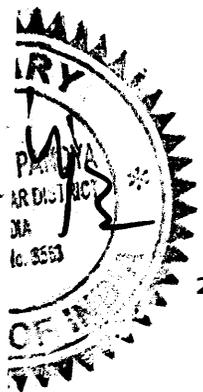
18. The last argument advanced by the appellant is that the SEAC / SEIAA have exceeded their scope of jurisdiction by taking into consideration material in the nature of guidelines and judicial decisions which have come into existence subsequent to the grant of environment clearance. This contention is again baseless and meritless, apart from suffering from non-appreciation of the order of the Hon'ble Tribunal dated 7.12.2022 in Original Application No. 142 of 2022. The remit of SEAC / SEIAA was to examine the environment clearances granted by DEIAA so as to be bring them "in consonance with the directions given by Hon'ble Supreme Court in Deepak Kumar (supra) and order dated 13.09.2018 by this Tribunal in Satendra Pandey (supra)". The direction was unambiguous – to appraise the environment clearances granted by DEIAA between the period 15.01.2016 to 13.09.2018 and ensure that they do not fall foul of the law.

19. It is settled law that once it comes to the notice of the regulatory authority that the environment clearance granted by DEIAA is not in consonance with law, it would indeed be a travesty of justice to ignore the violation of environmental laws and approve the environment clearance granted by DEIAA. In extenso, it is submitted that it would be paradoxical if the Hon'ble Tribunal is persuaded to accept that there may be a violation of the guidelines, particularly relating to distance criteria, and yet the environment clearance granted by DEIAA should be approved by SEIAA. Any argument of the appellant that the reappraisal

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of the environment clearance has to be done only on the basis of fixed points and that the same is not be appraised holistically is wholly misconceived and not tenable in law. No authority, much less one which is obligated under law to regulate the mining activity from environment perspective, can be ordered to ignore or avoid the application of law, particularly prohibitory law, by adopting a myopic vision and thereby perpetuate an illegality. As a natural corollary, this Hon'ble Tribunal cannot be expected to direct the regulatory authority to overlook certain nature of violations only on the ground that the same do not find mention in the evaluation pointers mentioned in the Office Memorandum dated 28.04.2023, which in any case is not exhaustive but only indicative of the aspects to be considered by the SEIAA while conducting appraisal of the environment clearance granted by the DEIAA.



20. The appraisal carried out by the SEIAA is absolutely correct and the environment clearance granted to the appellant by DEIAA is wholly incorrect, being contrary to the guidelines and the judicial decisions on the subject of enforcement of environmental laws. It is denied that the appraisal made by the SEIAA is erroneous or in violation of law. It is denied that the appraisal has been performed without application of mind or without appreciation of the material on record by the SEIAA. All the material as was available with DEIAA together with the information and documentary material uploaded on the PARIVESH portal by the appellant has been considered by the SEAC and SEIAA while conducting the exercise of appraisal of the environment clearance granted by the DEIAA.

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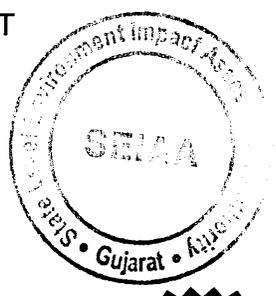
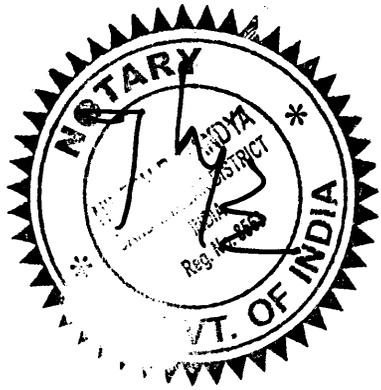
21. For each of these reasons the appeal filed by the appellant is devoid of any legal merit and does not deserve acceptance by this Hon'ble Tribunal. It is therefore humbly prayed that the Hon'ble Tribunal may be pleased to dismiss the appeal with costs.

Dipali Tamb
DEPONENT

VERIFICATION

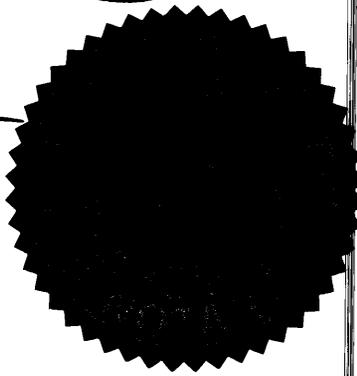
Verified at Gandhinagar on this 24th day of July, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and information derived from records, that nothing stated therein is false and that nothing material has been concealed therefrom.

Dipali Tamb
DEPONENT



IDENTIFIED BY ME
ADVOCATE/PERSON
NAME: G. N. Patel
ADD: Gandhinagar
DATE: 25.7.25
25 JUL 2025

SOLEMNLY AFFIRMED
BEFORE ME
[Signature]
DIPALI TAMB
NOTARY
GOVT. OF INDIA
25 JUL 2025





सत्यमेव जयते

Government of India
Ministry of Environment, Forest and Climate Change
 (Issued by the State Level Expert Appraisal
 Committee(SEAC),
 GUJARAT)



**Minutes of Meeting of SEAC for DEIAA Referback Cases from SEIAA to be held o
 n 29th January 2025 [MIN] State Level Expert Appraisal Committee meeting held fDate: 17/02/2025
 rom 29/01/2025 to 29/01/2025**

MoM ID: EC/MOM/SEAC/224852/1/2025

Agenda ID: EC/AGENDA/SEAC/224852/1/2025

Meeting Venue: N/A

Meeting Mode: Virtual

Date & Time:

29/01/2025	11:00 AM	02:00 PM
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1. Opening remarks

Minutes of the 1035th meeting of the State Level Expert Appraisal Committee held on 29.01.2025 through Video Conference (VC) on National Informatics Centre (NIC).

The agenda of the present meeting was mailed to expert Committee in advance and the 1035th meeting of the State Level Expert Appraisal Committee (SEAC) was held online by Video Conferencing through NIC on 29.01.2025 at 11.00 Hrs.

SEAC examining the directions contained in OM of MOEF & CC, dated 28.04.2023, has noted that it requires to Re-appraise the ECs issued by DEIAA/ DEAC in past, w.r.t to 12 aspects and if the same are in order, they are to be recommended accordingly to SEIAA for issue of EC. Since it is re-appraisal, issuing fresh EC, is dual action of confirming DEIAA issued EC, with broadly same conditions which were contained therein, as well as bringing it at par by adding some specific conditions, of present scenario. SEAC also notes that this is affirmed by the fact that ECs issued by DEIAA, have not been cancelled. SEAC clearly notes that re-appraisal is to ensure that all ECs, get issued through process of SEAC-SEIAA route. At the same time, verification is ensured wrt 12 aspects specified. EC conditions have been standardized to ensure implementation, compliance, monitoring, audit and are part of EC.

SEAC is also clear that any deficiency in documents or essential details, are to be addressed by making appropriate recommendation.

SEAC also noted that it is not issuing new EC, with change in production or period or any other issue which must be sought afresh by approaching through new application for which system and requisite procedure and requirement are well in place.

SEAC also noted the time of implementation of EC requirement for mines below 5.0 ha, the then existing procedure and documentary requirement of mining department, the sequence of document preparation and submission for seeking mining approval and its gradual formalization into present form over the period of time and hence the gaps, as it is seen now.

Not Recommended

3.10. Agenda Item No 10:

3.10.1. Details of the proposal

Santol Granite Mining Project, Survey No. 368 Paiki, Proposed by M/s Manico Resources Private Limited by M ANICO RESOURCES PVT LTD located at SABAR KANTHA,GUJARAT			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
<u>SIA/GJ/MIN/496477/2024</u>	01	13/09/2024	Mining of minerals (1(a))

3.10.2. Project Salient Features

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3.10.3. Deliberations by the committee in previous meetings

Date of SEAC 1 : 11/10/2024

Deliberations of SEAC 1 :

Shri Vijaysinh Narendrasinh Parmar the consultant of the PP from Geosphere Consultancy and Services Pvt Ltd, remained present in the meeting dated 11.10.2024 on behalf of the PP and has submitted the Authorization letter for the same

Shri Subhash Joshi, Nodal officer nominated by CGM office also remained present during SEAC meeting.

Shri K M Patel District Geologist, CGM office also remained present during SEAC meeting and gave confirmation of above mentioned details. The district geologist has also confirmed that this lease is fall under green category in terms of distance criteria, has valid lease and it is mentioned in GO Zone of the approved DSR.

Committee deliberated on the information in the proposal, Form- 2, addendum of Form 2 (Hard Copy) and documents submitted in compliance to OM dated 28.04.2023 etc.

Further, committee noted that the location of the lease is complying with the distance criteria prescribed by Hon'ble NGT before Principal Bench in the order of O.A. NO. 85/2019 (WZ) dtd. 30.09.2020; Sustainable Sand Mine Guideline of MOEF&CC, 2016; Enforcement & Monitoring Guidelines for Sand Mining issued by MoEF&CC in January, 2020; MoEF&CC letter vide no.6-60/2020 WLPart(1), dated 16.07.2020; MoEF&CC OM vide no. 22-43/2018-IA.III, dated 08.08.2019 in accordance with the order of the Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. GodavarmanThirumulpad Vs. UOI in W.P.(C) No. 202 of 1995; Amended CRZ Notification 2011; MoEFCC Notification no. S.O. 1599(E), dated 25.06.2014 etc

In view of all above, EC issued by DEIAA, after re-appraisal on points specified in OM dated 28.04.2023, committee unanimously decided to recommend the above proposal for grant of Fresh Environmental Clearance to SEIAA, subject to the strict implementation of conditions mentioned for Non Sand Mining without blasting Project approved by SEAC on 09/08/2017 and by SEIAA on 16/09/2017 with specific conditions as per Annexure – B with following conditions

- i. The EC will not be operational till such time the Project Proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
- ii. Mining department shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the PP in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in WP (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors
- iii. Mining department shall ensure that there shall be no discrepancy between EC and approved mining plan if any
- iv. Extension of mining plan will be ensured before any mining work is started

Date of SEIAA 2 : 29/11/2024

Deliberations of SEIAA 2 :

As per the attached pdf

3.10.4. Deliberations by the SEAC in current meetings

As per Annexure

3.10.5. Recommendation of SEAC

Not Recommended

case does not meet the criteria, as on present details and will not be recommended for Re-appraisal grant of EC. The same was clearly informed to consultant, as authorized representative of project proponent, who also accepted the facts and the decision of "not recommended". However, consultant, representing the project proponent views, submitted that in future course of time, they may consider the option of reducing the area, so as to meet the eligibility and accordingly revise the mining plan, lease area, production etc.

- **SEAC clarified that as on date, at the time of re-appraisal, the criteria is not met and hence it falls in category of "not recommended".** Since this re-appraisal is with reference to specific criteria- to be fulfilled, duly substantiated through specific documents and the essential requirement/ submission of all requisite documents-- has been informed well in advance (being part of online submission), non fulfillment of criteria is logical consequence. Since this has being informed to consultant and decision-- as captured in approved minutes becoming available on Parivesh Portal-- opportunity, is inbuilt to project proponent to present all the information, as would be needed for his case. Hence, this sharing of information and likely decision, may be treated as case being both, heard and opportunity provided to project proponent, through his authorized consultant. Hence SEIAA may view it accordingly.

In view of all above, EC issued by DEIAA, after re-appraisal on points specified in OM dated 28.04.2023, committee unanimously decided to Not recommended for reappraisal.

10	SIA/GJ/MIN/496477/2024	Santol Granite Mining Project, Survey No. 368 Paiki, Proposed by M/s Manico Resources Private Limited	B2 EC	Not recommended
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Deliberation;

At the outset, the Committee noted that the proposal was recommended to SEIAA vide SEAC letter no. SIA/GJ/MIN/496477/2024 dated 23/10/2024. The proposal was referred back by SEIAA vide letter no. SIA/GJ/MIN/496477/2024 dated 19.12.2024 for following points.

- Recheck the KML file of the geo-coordinates uploaded in Parivesh and reverify the siting criteria from nearby human habitation, Education institute and road.**

The case is discussed during the SEAC meeting dated 29.01.2025. Shri Vijaysinh Narendrasinh Parmar, the Consultant from M/s. Geosphere consultancy and Services Pvt. Ltd. And Shri Ashish Kumar remained present in the meeting dated 29.01.2025 on behalf of the PP and has submitted the Authorization letter for the same.

- Shri Subhash Joshi, Nodal officer nominated by CGM office also remained present during SEAC meeting.
- The district geologist has also confirmed that this lease is fall under No GO Zone as per the approved DSR.
- **Previously the consultant of PP had submitted and presented an erroneous information, regarding qualifying the distance criteria and it was based on information furnished to SEAC, the case was recommended.**

The PP/Consultant has submitted the point wise compliance/reply as below:

- We have rechecked the KML, and the siting criteria from nearby human habitation is 122 m.
- We have rechecked the KML, and the siting criteria from nearby Education institute is 77.74 m.
- We have rechecked the KML, and the siting criteria from nearby road is 162 m.

The committee found the reply is not satisfactory

- Now, while deliberation on satellite images and submissions, committee noted that, public road, Educational Institute and Habitation/ residential area is fall within 100 meter from the lease area and fall in No Go Zone as per approved DSR , which is not in compliance with the distance criteria prescribed by Hon'ble NGT before Principal Bench in the order of O.A. NO. 85/2019 (WZ) dtd. 30.09.2020; Sustainable Sand Mine Guideline of MOEF&CC, 2016; Enforcement & Monitoring Guidelines for Sand Mining issued by MoEFCC in January, 2020; MoEFCC letter vide no.6-60/2020 WLPart(1), dated 16.07.2020; MoEFCC OM vide no. 22- 43/2018-IA.III, dated 08.08.2019 in

SEAC meeting through Video Conference dated 29.01.2025 (DEIAA Referback Case)

accordance with the order of the Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995; Amended CRZ Notification 2011; MoEFCC Notification no. S.O. 1599(E), dated 25.06.2014 etc

- The SEAC notes that this case does not meet the distance criteria, as specified, and required. **The case does not meet the criteria, as on present details and will not be recommended for Re-appraisal grant of EC. The same was clearly informed to consultant, as authorized representative of project proponent, who also accepted the facts and the decision of "not recommended".** However, consultant, representing the project proponent views, submitted that in future course of time, they may consider the option of reducing the area, so as to meet the eligibility and accordingly revise the mining plan, lease area, production etc.
- **SEAC clarified that as on date, at the time of re-appraisal, the criteria is not met and hence it falls in category of "not recommended".** Since this re-appraisal is with reference to specific criteria- to be fulfilled, duly substantiated through specific documents and the essential requirement/ submission of all requisite documents-- has been informed well in advance (being part of online submission), non fulfillment of criteria is logical consequence. Since this has being informed to consultant and decision- as captured in approved minutes becoming available on Parivesh Portal- opportunity, is inbuilt to project proponent to present all the information, as would be needed for his case. Hence, this sharing of information and likely decision, may be treated as case being both, heard and opportunity provided to project proponent, through his authorized consultant. Hence SEIAA may view it accordingly.

In view of all above, EC issued by DEIAA, after re-appraisal on points specified in OM dated 28.04.2023, committee unanimously decided to Not recommended for reappraisal

11	SIA/GJ/MIN/496568/2024	Shri Vijaysinh Jashvantsinh Rathod Mining of River bed ordinary sand from Patadiya ORDINARY SAND on the Sabarmati nadipatt near village: - Patadiya, Taluka: - Idar, District: - Sabarkantha, State: - Gujarat.	B2 EC	Not recommended
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Deliberation;

At the outset, the Committee noted that the proposal was recommended to SEIAA vide SEAC letter no. SIA/GJ/MIN/496568/2024 dated 23.10.2024. The proposal was referred back by SEIAA vide letter no. SIA/GJ/MIN/496568/2024 dated 19.12.2024 for following points.

- Recheck the KML file of the geo-coordinates uploaded in Parivesh by PP and re-verify the status of submergence/partial submergence of lease area in riverine water. SEAC may resend the recommendation.**

The case is discussed during the SEAC meeting dated 29.01.2025. Roshan Shrivatsav the Consultant from M/s. Ultratech remained present in the meeting dated 29.01.2025 on behalf of the PP and has submitted the Authorization letter for the same.

- Shri Subhash Joshi, Nodal officer nominated by CGM office also remained present during SEAC meeting.
- The district geologist has also confirmed that this lease is fall under GO Zone as per the approved DSR.
- **Previously the consultant of PP had submitted and presented an erroneous information and selective sentinel/ satellite images, regarding qualifying the distance criteria (i.e Not submergence in riverine water) and it was based on information furnished to SEAC, the**

SEAC meeting through Video Conference dated 29.01.2025 (DEIAA Referback Case)

under partially submergence of riverine water in most of time throughout the various years, which is not in compliance with the distance criteria prescribed by Hon'ble NGT before Principal Bench in the order of O.A. NO. 85/2019 (WZ) dtd. 30.09.2020; Sustainable Sand Mine Guideline of MOEF&CC, 2016; Enforcement & Monitoring Guidelines for Sand Mining issued by MoEFCC in January, 2020; MoEFCC letter vide no.6-60/2020 WLPart(1), dated 16.07.2020; MoEFCC OM vide no. 22-43/2018-IA.III, dated 08.08.2019 in accordance with the order of the Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995; Amended CRZ Notification 2011; MoEFCC Notification no. S.O. 1599(E), dated 25.06.2014 etc

- The SEAC notes that this case does not meet the distance criteria, as specified, and required. **The case does not meet the criteria, as on present details and will not be recommended for Re-appraisal grant of EC. The same was clearly informed to consultant, as authorized representative of project proponent, who also accepted the facts and the decision of "not recommended".** However, consultant, representing the project proponent views, submitted that in future course of time, they may consider the option of reducing the area, so as to meet the eligibility and accordingly revise the mining plan, lease area, production etc.
- **SEAC clarified that as on date, at the time of re-appraisal, the criteria is not met and hence it falls in category of "not recommended".** Since this re-appraisal is with reference to specific criteria- to be fulfilled, duly substantiated through specific documents and the essential requirement/ submission of all requisite documents- has been informed well in advance (being part of online submission), non fulfillment of criteria is logical consequence. Since this has being informed to consultant and decision- as captured in approved minutes becoming available on Parivesh Portal- opportunity, is inbuilt to project proponent to present all the information, as would be needed for his case. Hence, this sharing of information and likely decision, may be treated as case being both, heard and opportunity provided to project proponent, through his authorized consultant. Hence SEIAA may view it accordingly.

In view of all above, EC issued by DEIAA, after re-appraisal on points specified in OM dated 28.04.2023, committee unanimously decided to Not recommended for reappraisal

Meeting was concluded with thanks from Chair.

Meeting approved by

1	Shri A. K. Saxena, Chairman, SEAC	
2	Dr. S. C. Pant, Vice Chairman, SEAC	
3	Shri D. C. Chaudhari, Member, SEAC	
4	Shri J. K. Vyas, Member, SEAC	
5	Shri Anand Zinzala, Member, SEAC	
6	Shri B. M. Tailor, Member, SEAC	
7	Shri D. M. Thaker, Member Secretary, SEAC	<p>Validity unknown</p> <p>Digitally Signed by: D. M. Thaker Member Secretary, SEAC</p>

Date: 20/02/2025

SEAC meeting through Video Conference dated 29.01.2025 (DEIAA Referback Case)



सत्यमेव जयते

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



Minutes of 189th SEIAA meeting for Parivesh 2.0 DEIAA Meeting No. 60- Proposal
 s 16 State Environment Impact Assessment Authority meeting held from 07/03/2025 to 07/03/2025 Date: 26/03/2025

MoM ID: EC/MOM/SEIAA/938758/3/2025

Agenda ID: EC/AGENDA/SEIAA/938758/3/2025

Meeting Venue: SEIAA Office

Meeting Mode: Hybrid

Date & Time:

07/03/2025	04:00 PM	06:00 PM
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1. Opening remarks

N/A

2. Confirmation of the minutes of previous meeting

N/A

3. Details of proposals considered by the committee

Day 1 -07/03/2025

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Shri Somsinh Javansinh Chouhan (Re-Appraisal) Lease Area-2.98.08Ha. Vill: Jorapur, Ta:Himantnagar, Dist:S abarkantha . by somsingh j chauhan located at SABAR KANTHA,GUJARAT			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/GJ/MIN/494956/2024	23	31/08/2024	Mining of minerals (1(a))

3.1.2. Deliberations by the committee in previous meetings

As Per SEIAA MOM Attached.

3.7.4. Recommendation of SEIAA

Reject

3.8. Agenda Item No 8:

3.8.1. Details of the proposal

Santol Granite Mining Project, Survey No. 368 Paiki, Proposed by M/s Manico Resources Private Limited by M ANICO RESOURCES PVT LTD located at SABAR KANTHA,GUJARAT			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/GJ/MIN/496477/2024	01	13/09/2024	Mining of minerals (1(a))

3.8.2. Deliberations by the committee in previous meetings

Date of SEAC 1 :11/10/2024

Deliberations of SEAC 1 :

Shri Vijaysinh Narendrasinh Parmar the consultant of the PP from Geosphere Consultancy and Services Pvt Ltd, remained present in the meeting dated 11.10.2024 on behalf of the PP and has submitted the Authorization letter for the same

Shri Subhash Joshi, Nodal officer nominated by CGM office also remained present during SEAC meeting.

Shri K M Patel District Geologist, CGM office also remained present during SEAC meeting and gave confirmation of above mentioned details. The district geologist has also confirmed that this lease is fall under green category in terms of distance criteria, has valid lease and it is mentioned in GO Zone of the approved DSR.

Committee deliberated on the information in the proposal, Form- 2, addendum of Form 2 (Hard Copy) and documents submitted in compliance to OM dated 28.04.2023 etc.

Further, committee noted that the location of the lease is complying with the distance criteria prescribed by Hon'ble NGT before Principal Bench in the order of O.A. NO. 85/2019 (WZ) dtd. 30.09.2020; Sustainable Sand Mine Guideline of MOEF&CC, 2016; Enforcement & Monitoring Guidelines for Sand Mining issued by MoEF&CC in January, 2020; MoEF&CC letter vide no.6-60/2020 WLPart(1), dated 16.07.2020; MoEF&CC OM vide no. 22-43/2018-IA.III, dated 08.08.2019 in accordance with the order of the Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995; Amended CRZ Notification 2011; MoEFCC Notification no. S.O. 1599(E), dated 25.06.2014 etc

In view of all above, EC issued by DEIAA, after re-appraisal on points specified in OM dated 28.04.2023, committee unanimously decided to recommend the above proposal for grant of Fresh Environmental Clearance to SEIAA, subject to the strict implementation of conditions mentioned for Non **Sand Mining without blasting Project** approved by SEAC on 09/08/2017 and by SEIAA on 16/09/2017 with specific conditions as per **Annexure – B with following conditions**

- i. The EC will not be operational till such time the Project Proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
- ii. Mining department shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the PP in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in WP (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors
- iii. Mining department shall ensure that there shall be no discrepancy between EC and approved mining plan if any
- iv. Extension of mining plan will be ensured before any mining work is started

Date of SEIAA 2 : 29/11/2024

Deliberations of SEIAA 2 :

As per the attached pdf

Date of SEAC 3 : 29/01/2025

Deliberations of SEAC 3 :

As per Annexure

3.8.3. Deliberations by the SEIAA in current meetings

As Per SEIAA MOM Attached.

3.8.4. Recommendation of SEIAA

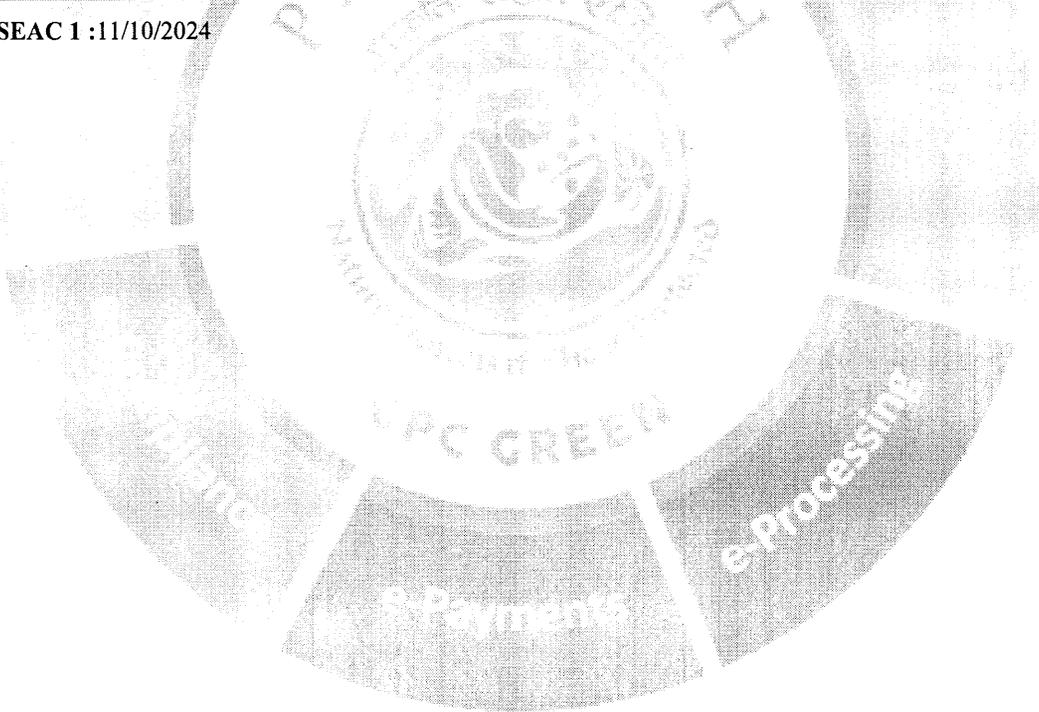
Reject

3.9. Agenda Item No 9:

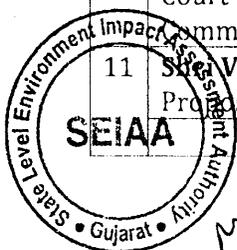
3.9.1. Details of the proposal

Shri Vijaysinh Jashvantsinh Rathod Mining of River bed ordinary sand from Patadiya ORDINARY SAND on the Sabarmati nadipatt near village: - Patadiya, Taluka: - Idar, District: - Sabarkantha, State: - Gujarat. by vijaysinh jashvantsinh rathod located at SABAR KANTHA, GUJARAT			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/GJ/MIN/496568/2024	32	13/09/2024	Mining of minerals (1(a))

3.9.2. Deliberations by the committee in previous meetings

<p>Date of SEAC 1 :11/10/2024</p> 
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	action in this regard and to ensure the compliance of judgment of Hon'ble Supreme Court dated 02-08-2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause Vs Union of India & Ors, as may be applicable.		
10	M/s Gem Ashapura Granite (Guj.) Pvt. Ltd. (Santol Granite Mining Project) Proposal No:- 496477	EC	Rejected
Deliberation & Decision of SEIAA			
This proposal was considered in SEIAA meeting 105 th dated 29-11-2024 and the proposal referred back to SEAC with following reasons:			
<ol style="list-style-type: none"> To recheck the KML file of the geo-coordinates uploaded in Parivesh by PP and re-verify the siting criteria i.e. distance from nearby (i) human habitation, (ii) education institute and (iii) road. 			
The proposal was re-appraised by SEAC in its meeting 1035 th dated 29-01-2025. As per the SEAC MoM, which is a self-explanatory, following was noted:			
<ol style="list-style-type: none"> The district geologist has also confirmed that this lease falls under No GO Zone as per the approved DSR. SEAC has noted that, public road, Educational Institute and Habitation/residential area falls within 100 meter from the lease area and fall in No Go Zone as per approved DSR which is not complying with the distance criteria suggested by CPCB and accepted by Hon'ble NGT, Principal Bench, vide order dated 21-07-2020 and 18-01-2023 in O.A. 304/2019 and Hon'ble NGT Principal Bench, vide order dated 30-09-2020 in O.A. 85/2019 (WZ). On re-verification and re-appraisal on points specified in OM dated 28.04.2023, SEAC unanimously decided not to recommend to issue fresh EC. It is further noted that the same was informed and explained to the consultant/PP to accept the position. 			
During the discussion and deliberation, SEIAA has noted that following is noted in SEAC MoM: (i) earlier recommendation to issue fresh EC was based on erroneous information submitted by consultant/PP, (ii) SEAC, after re-verification, acknowledged and confirmed referred back points and now sent the proposal with new recommendation i.e. not recommending to issued fresh EC.			
In view of this and opportunity of hearing given to PP/Consultant, SEIAA accepted the revised recommendation of SEAC and accordingly decided not to grant fresh EC in this matter and hence the application is rejected. Office of CGM shall take appropriate action in this regard and to ensure the compliance of judgment of Hon'ble Supreme Court dated 02-08-2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause Vs Union of India & Ors, as may be applicable.			
11	Sr. Vijaysinh Jashvantsingh Rathod Proposal No:- 496568	EC	Rejected
Deliberation & Decision of SEIAA			



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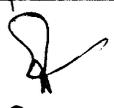
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Court dated 02-08-2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause Vs Union of India & Ors, as may be applicable.

Note-1:

1. SEIAA noted that in the massive exercise of re-appraisal, some cases were referred back to SEAC so that the PP can get an opportunity to clarify, submit relevant documents to establish the actual field position if it was invariance with Parivesh DATA or approved DSR map of the district.
2. As per the MoEFCC OM dated 28-04-2023 and the parameters given in checklist, all proposals were to be not only re-examined but also would have to confirm the requirements in the said parameters. The exercise of re-appraisal, thereof, assumes significance for continuing the operation of mining lease which confirmed to the requirement of aforementioned OM, not their long time existence or previous approval.
3. As per the Notification for grant of EC under EIA Notification 2006, SEIAA is normally to accept the recommendation of SEAC forwarded after Appraisal in presence of PP/Technical Expert unless there is substatial reasons to reconsider on which the proposals are referred back.
4. Looking to the analysis presented in the appraisal process of SEAC, in the absence of relevant data or documents, SEIAA has to accept the recommendation of not issuing fresh EC in re-appraisal from SEAC perticularly with reference to the distance criteria included in the CPCB guildelines and accepted by Hon'ble NGT in 2020 as well as in 2023 including the parameters set in by MoEFCC via OM dated 28-04-2023.
5. In the above cases, SEAC has taken care for giving opportunities of hearing to PP/Technical Expert. It is also noted that Nodal Officer from Office of Commissioner of Geology and Mining Department with respective District Geologists were remained present during re-appraisal process of SEAC.

Sr. No.	NAME	Designation	Sign
1.	H. K. Dash	Chairman	
2.	C. G. Bhagchandani	Member	
3.	Maulika Shah	Member Secretary	

Validity unknown

Digitally Signed by: MS MAULIKA SHAH
Member Secretary, SEIAA

Date: 26/03/2023

