

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO. 37 OF 2025 (WZ)

BOOK NO. -03-
PAGE NO. -46-
SR. NO. -135-
DATE: 25/07/2025
NILESH R. PANDYA
NOTARY
GOVT. OF INDIA

IN THE MATTER OF:

AJAYSINH BHUPATSINH SURATIA

... APPELLANT

25 JUL 2025

VERSUS

STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY

... RESPONDENT

**AFFIDAVIT ON BEHALF OF 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 - the 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.
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

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Clearance, bearing No. DEIAA/KHEDA/EC/1(a)/0007/2016 dated 04.10.2016, granted by District Environment Impact Assessment Authority (DEIAA), Kheda. 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 restriction put on conducting mining activity involving blasting in river bed beyond depth of 01 meter and the guidelines prescribing minimum distance criteria from river bed and the many orders passed by this Hon'ble Tribunal on distance criteria and necessity to strictly adhere to the distance guidelines.

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 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

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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 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 in the order dated 13.06.2025.
7. 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 the appellant applied for and was granted an environmental clearance by the DEIAA on 04.10.2016 for carrying out activity of mining 25,000 metric tons black trap, a minor mineral, per year from an area of 1.82.70 hectares in Village Aklacha, Taluka Thasara, Gujarat, which area was leased to the appellant by the Government of Gujarat. The leased area coincidentally overlaps the bed of river Mahi. In terms of the permission granted, the appellant has been undertaking the activity of extracting the minor mineral from the leased area since many years.
8. 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:

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

9. 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. 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.
10. The time line of one year for reappraisal of the environment clearances granted by DEIAA was revised and extended by Office Memorandum

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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 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.

11. The environment clearance granted by DEIAA to the appellant was taken up for appraisal by the State Expert Appraisal Committee (SEAC) in its meeting held on 10.10.2024. All the documents that were originally submitted by the appellant to the DEIAA for grant of environment clearance were examined by the SEAC, together with additional documents, if any, uploaded by the project proponent on PARIVESH portal while making application for reappraisal of the clearance. The propriety of the clearance granted to the appellant was appraised, particularly in light of the decisions of the Hon'ble Supreme Court and this Hon'ble Tribunal and the Sustainable Sand Mining Guidelines issued by the Ministry in 2016 and 2020. A copy of minutes of the meeting of SEAC held on 10.10.2024 wherein the case of the appellant was deliberated is annexed herewith and marked as **Annexure R-1**.
12. SEAC found that the clearance granting permission to the project proponent to carry out mining activity as per approved mining plan over the leased area offends the guidelines restricting the mining activity involving blasting and deeper than 01 meter in river bed and also conflicts with the distance criteria that has been recommended by the Central Pollution Control Board and accepted by the Gujarat State

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Pollution Control Board. Under the circumstances, SEAC did not recommend continuance of the environment clearance granted by DEIAA.

13. SEIAA, at its meeting held on 07.11.2024, discussed and deliberated on the recommendation of SEAC. Noticing that the lease area is situated partially in the river bed of Mahi river and that extraction of minor mineral by blasting under the clearance granted by DEIAA violates the mining guidelines, 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 30.12.2024 its decision to not approve or reject the environment clearance granted to the appellant by DEIAA. A copy of SEIAA MoM dated 07.11.2024 is annexed herewith and marked as **Annexure R-2**.

14. 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 SEIAA that the environment clearance granted by DEIAA permitted the appellant (project proponent) to commence and undertake mining of minor mineral (black trap) from an area within the river bed and the reasoning that the same offends the mining guidelines and the directives issued by this Hon'ble Tribunal on the issue of mining in and around rivers.

15. Independently, the appellant has not come with a case that lease area does not encompass the river bed or that the approved mining plan excluded mining activity within the river bed or up to a certain distance from the river bed. Admittedly, the environment clearance granted by DEIAA permitted extraction of minor mineral and that too by resorting to blasting from the river bed. 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 imposed on carrying out mining activity within river bed and also the distance criteria

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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.

17. The argument of the appellant that the procedure of appraisal / re-appraisal has been undertaken by SEAC and SEIAA in violation of the principles of natural justice is wholly misconceived and not tenable in law.

17.1 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 not being approved, would amount to reading into the order of the Co-

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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.

17.2 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.

17.3 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:

“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.”

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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.

17.4 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 of black trap (minor mineral) within the river bed, which is impermissible in law.

17.5 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 prohibits mining within the river bed and does not prescribe maintenance of any safe distance from the river and thereby confirms with the requirements of law. 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.

18. 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 (black trap) from an area within the

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river bed and thus offends the guideline relating to carrying out of mining activity in the river bed and the distance criteria. There is a reference to the guidelines and the judicial orders concerning the topic of distance criteria. It is not conceivable as to how such a communication, which clearly and unerringly reflects the mental process behind the conclusion, can be said to be unreasoned or vague.

19. 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 on 04.10.2016. 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.

20. It is reiterated that the environment clearance dated 04.10.2016 granted by DEIAA to the appellant permits the appellant to undertake mining activity in an area which is otherwise restricted as per the guidelines and the orders of the Hon'ble Tribunal. The area of mining, as per the approved mining plan, offends the distance criteria prescribed in the guidelines and confirmed by various orders by the Hon'ble Tribunal. To permit the appellant to continue mining activity even in violation of the guidelines, only on the ground that the guidelines have come in subsequently, would amount to acknowledging an illegality and permitting the continuance of an illegality by this Hon'ble Tribunal. It is settled law that no Court will pass an order which has the effect of perpetuating an illegality. The Hon'ble Tribunal, it is submitted, will not set aside the order of the SEIAA and thereby revive the environment

Dipali Singh

clearance granted by DEIAA as doing the same would amount to reviving an illegal order. In a catena of decisions, the Constitutional Courts have consistently applied the principle that if issuance of a direction or quashing/setting aside of an order has the effect of resulting in revival of another pernicious or wrong or illegal order then in that eventuality the Court should not interfere and refuse to exercise its power to correct the immediate wrong.

21. 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. Reliance is placed on the observations made by the Hon'ble Supreme Court of India in the case of Pawan Kumar v. State of Haryana, reported as (2003) 11 SCC 241 that "in our view, in cases akin to the present one, where there is either a flagrant violation of mandatory provision of any statute or any provision of the Constitution, it is not that this Court has a discretion to exercise its suo motu power but a duty is enjoined upon it to exercise the same by setting right the illegality in the judgment of the High Court as it is well settled that illegality should not be allowed to be perpetuated and failure by this Court to interfere with the same would amount to allowing the illegality to be perpetuated." It is submitted that even if the SEAC / SEIAA had failed to notice any violation of environmental norms or law by continuation of the environment clearance granted by the DEIAA, it would have become the duty of this Hon'ble Tribunal to correct the apparent error committed by SEAC / SEIAA and exercising suo moto powers cancel the environment clearance granted by DEIAA.

22. 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.

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It is therefore humbly prayed that the Hon'ble Tribunal may be pleased to dismiss the appeal with costs.

Dipali Tamb

DEPONENT

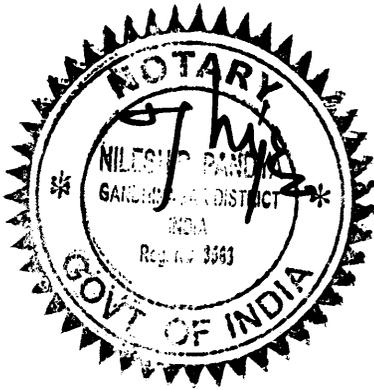
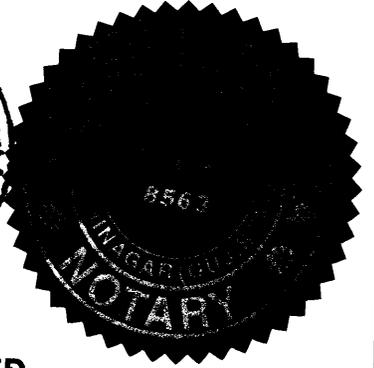
VERIFICATION

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

SOLEMNLY AFFIRMED BEFORE ME

ADVOCATE/PERSON

[Signature]

NAME: *[Signature]*
AND: *[Signature]*
DATE: *25/07/25*

NILESH R. PANDYA
NOTARY
GOVT. OF INDIA

25/07



सत्यमेव जयते

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



Minutes of 935th Part A meeting of SEAC for DEIAA Cases to be held on 10th October 2024 [MIN] State Level Expert Appraisal Committee meeting held from 10/10/2024 to 10/10/2024 Date: 21/10/2024

MoM ID: EC/MOM/SEAC/235125/10/2024

Agenda ID: EC/AGENDA/SEAC/235125/10/2024

Meeting Venue: N/A

Meeting Mode: Virtual

Date & Time:

10/10/2024	11:00 AM	02:00 PM
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1. Opening remarks

Minutes of the 935th Part-A meeting of the State Level Expert Appraisal Committee held on 10.10.2024 through Video Conference (VC) on National Informatics Centre (NIC).

The agenda of the present meeting was mailed to expert Committee in advance and the 935th Part-A meeting of the State Level Expert Appraisal Committee (SEAC) was held online by Video Conferencing through NIC on 10.10.2024 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.

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.

3.17.5. Recommendation of SEAC

Not Recommended

3.18. Agenda Item No 18:

3.18.1. Details of the proposal

Ajaysinh Bhupatsinh Suratiya (1.82.70 Hac.) by ajaysinh b suratiya located at KHEDA,GUJARAT			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
<u>SIA/GJ/MIN/497336/2024</u>	19	19/09/2024	Mining of minerals (1(a))

3.18.2. Project Salient Features

Sr no.	Application No	SIA/GJ/MIN/497336/2024
1.	Application Type & Category Of the Project	B2(EC)-RE-APPRAISAL
2.	Name of Project	Ajaysinh Bhupatsinh Suratiya
3.	Whether the Application for EC is being submitted for mining of Minor Mineral as New application or For re-appraisal under Ministry OM dated 28.04.2023 & 15.03.2024?	Yes re-appraisal under Ministry OM dated 28.04.2023 & 15.03.2024
4.	Intimation ID issued by SEIAA	DEIAA/KHEDA/EC/1(a)/0007/2016/450/2016/703038
5.	Previous EC details complete reference of EC document	Vide Letter No. DEIAA/KHEDA/EC/1(a)/0007/2016 dated on 04/10/2016
6.	Name of Mineral	Black Trap
7.	Survey number	Opp. 17 Mahi River Bed,
8.	Village	Aklacha
9.	Taluka	Thasara

10.	District	Kheda																								
11.	Rate of Mining (MPTA)	25,000 MTPTA (As per EC)																								
12.	Lease Area/LOI	1.82.70 Hector																								
Details validated by District Geologist																										
13.	Valid Mining Lease details with complete reference;	Lease order granted vide letter no. – AGK/QL/Blacktrap/2569, dated 30/11/2016																								
14.	Brief History	NA																								
15.	Validity : From To	30/11/2016 for 31/03/2030																								
16.	Lease Transfer Details if any	NA																								
17.	Approved Mining plan with complete reference number: Mineral Name: Mining Quantity: Method of Mining: Validity: From To Compliance of the requirement of OM of MOEF&CC dated 28.04.2023 (Sr no. XII)	Approved Mining Plan GK/QL/MP/2024-25/1331 dated on 08.08.2024 Black Trap 25,000 TPA Open Cast, Semi-mechanized 08/08/2024 to 31/03/2027 NA																								
18.	Compliance of Hon'ble Supreme Court judgment dated 02.08.2017 passed in Common Cause Vs. Union of India writ Petition (C) 114 of 2014. Past Production Details (Year Wise) A. From 2017 – 2024 to till EC obtained (MTPA) B. From obtained EC to till date (MTPA):	<table border="1"> <thead> <tr> <th>No.</th> <th>Year</th> <th>Production, MTPA</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2017-18</td> <td>00</td> </tr> <tr> <td>2</td> <td>2018-19</td> <td>12448.57</td> </tr> <tr> <td>3</td> <td>2019-20</td> <td>0</td> </tr> <tr> <td>4</td> <td>2020-21</td> <td>7509.59</td> </tr> <tr> <td>5</td> <td>2021-22</td> <td>6667.32</td> </tr> <tr> <td>6</td> <td>2022-23</td> <td>16365.66</td> </tr> <tr> <td>7</td> <td>2023-24</td> <td>67020.24</td> </tr> </tbody> </table>	No.	Year	Production, MTPA	1	2017-18	00	2	2018-19	12448.57	3	2019-20	0	4	2020-21	7509.59	5	2021-22	6667.32	6	2022-23	16365.66	7	2023-24	67020.24
No.	Year	Production, MTPA																								
1	2017-18	00																								
2	2018-19	12448.57																								
3	2019-20	0																								
4	2020-21	7509.59																								
5	2021-22	6667.32																								
6	2022-23	16365.66																								
7	2023-24	67020.24																								
19.	River	NA																								
20.	Is there any discrepancy in previous EC accorded and the details that are applied in Form no.2	No																								
21.	Nearest Human Habitation	Aklacha Random Room – 0.65 km																								
22.	Investment in Rs	4,00,03,716/																								
23.	Compliance with reference to approved DSR	District Survey report is approved by the SEIAA Gujarat on date – 23/03/2024 The project is listed in the serial no 106 at page no. 59 of approved DSR of Kheda district.																								
24.	Justification for Cluster applicability / Cluster Details if any	Not Applicable, as per CGM letter (Letter No. CGM/EC/Cluster Certificate/210/2024-25/744 on Dated. 27.08.24																								

25.	Details of Eco Sensitive Zones (ESZ) and Eco Sensitive Areas (ESAs), National Parks, Wildlife Sanctuary, Coastal Zone, Water bodies and other ecological sensitive areas within/in the vicinity of the mine lease area and if so details of NOC/Clearances obtained.	Nearest WLS is Jambughoda Wildlife Sanctuary 1. Its WLS – 45.65 Km 2. Its ESZ – 35.55 Km Not notified Eco - Sensitive zone is Gir national Park With ESZ: - 279.12 Km Costal Regular Zone: 57.70 Km
26.	Details of forest land involved in the mine lease area and availability of Stage-I/II Forest Clearance (FC) for diversion of forest land for non-forestry purpose	No forest land is involved in the project. Project falls under Govt. Land.
27.	Details about Schedule – I species in the study area if any	No schedule-I species is present in the study area.
28.	Details of Pending Court matter/ Public Litigation Cases in any court of Law	NIL

3.18.3. Deliberations by the committee in previous meetings

N/A

3.18.4. Deliberations by the SEAC in current meetings

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

Shri Zalak savaliya, the consultant of the PP from ALEP MANAGEMENT LLP, remained present in the meeting dated 10.10.2024 on behalf of the PP and has submitted the Authorization letter for the same

Shri D N Pavaya, KHEDA District Geologist, CGM office also remained present during SEAC meeting and gave confirmation of above mentioned details. And informed that, this lease is fall under Red Zone as it is not in compliance with distance criteria

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.

While deliberation on satellite images, committee noted that, lease area is within Mahi Riverbed 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 of black trap mining, involving blasting, being situated in water body/ stream, which does not meet the distance criteria, as required. Hence the case does not meet the criteria, with no scope of any reconsideration 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".

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.

3.18.5. Recommendation of SEAC

Not Recommended

3.19. Agenda Item No 19:

3.19.1. Details of the proposal

Ajaysinh Bhupatsinh Suratiya (3 Hac.) by ajaysinh b suratiya located at KHEDA, GUJARAT			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/GJ/MIN/497299/2024	20	19/09/2024	Mining of minerals (1(a))

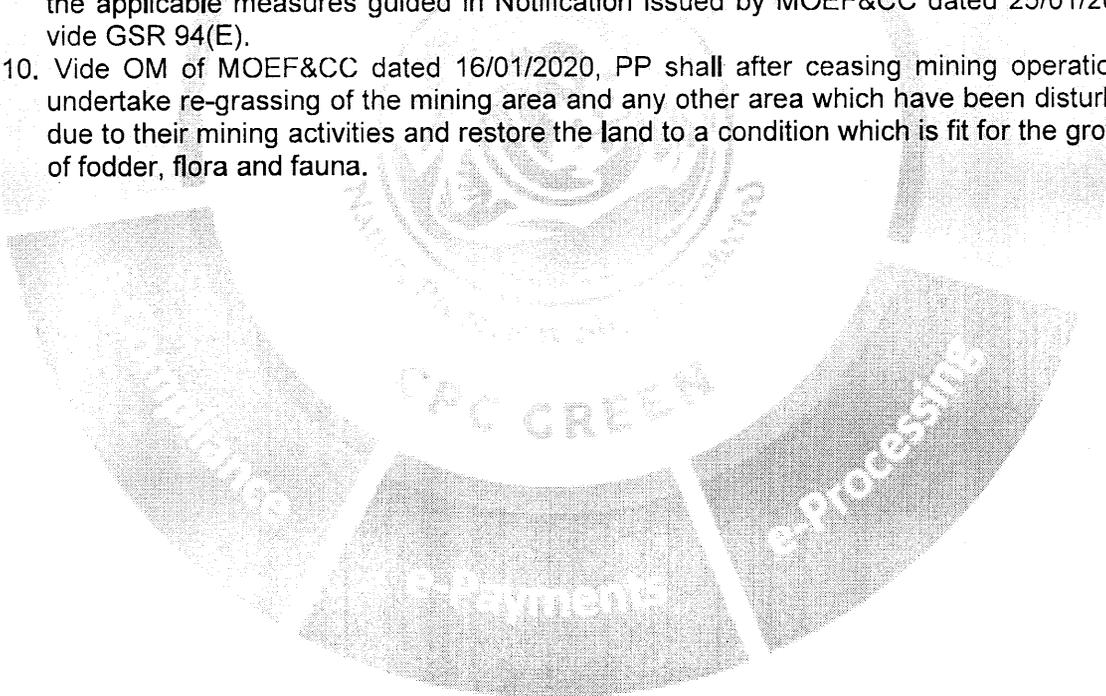
3.19.2. Project Salient Features

Sr no.	Application No	SIA/GJ/MIN/497299/2024
1.	Application Type & Category Of the Project	B2(EC)-RE-APPRAISAL
2.	Name of Project	Ajaysinh Bhupatsinh Suratiya
3.	Whether the Application for EC is being submitted for mining of Minor Mineral as New application or For re-appraisal under Ministry OM dated 28.04.2023 & 15.03.2024?	Yes re-appraisal under Ministry OM dated 28.04.2023 & 15.03.2024
4.	Intimation ID issued by SEIAA	DEIAA/KHEDA/EC/1(a)/0008/2016/450/2016/553968
5.	Previous EC details complete reference of EC document	Vide Letter No. DEIAA/Kheda/EC/1(a)/B2/0008/2016 dated on 04/10/2016
6.	Name of Mineral	Black Trap
7.	Survey number	Opp. 20 Mahi River Bed,
8.	Village	Aklacha
9.	Taluka	Thasara
10.	District	Kheda
11.	Rate of Mining (MPTA)	25,000 MTPTA (As per EC)
12.	Lease Area/LOI	3.00.00 Ha
Details validated by District Geologist		

ANNEXURE – C

(Conditions for Environment Clearance for proposals involving Non-Sand Mining without Blasting)

1. PP shall carry out entire plantation as proposed in first year and maintain the same in subsequent years of lease period.
2. Validity of the EC shall be coterminous with validity of parvana or work order whichever is early.
3. PP shall construct a pacca approach road connecting lease area to the main road with periodic regular maintenance to prevent fugitive dust emission.
4. PP shall implement all the measures proposed in EMP in letter and spirit.
5. PP Shall pursue CER activities in consultation with local authorities / Taluka Panchayat/Gram Panchayat based on need of the local people.
6. No ground water extraction shall be done from within the lease/permit area
7. Pillars mentioning boundary of the lease area shall be provided as per the provision of mining rules/Acts to identify the lease area.
8. Transportation route for vehicles carrying mineral shall have least minimum pass near human habitation. PP Shall pursue CER activities as proposed in declaration.
9. Dust mitigation measures due to mining, handling of mineral, loading, unloading, transportation and other allied activities shall be implemented in letter and spirit similar to the applicable measures guided in Notification issued by MOEF&CC dated 25/01/2018 vide GSR 94(E).
10. Vide OM of MOEF&CC dated 16/01/2020, PP shall after ceasing mining operations, undertake re-grassing of the mining area and any other area which have been disturbed due to their mining activities and restore the land to a condition which is fit for the growth of fodder, flora and fauna.



Validity unknown

Digitally Signed by : D. M. Thaker
Member Secretary, SEAC

Date: 21/10/2024



सत्यमेव जयते

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



Minutes of Minutes of 84th SEIAA Meeting for Parivesh 2.0 - DEIAA Meeting No.
 28 - Proposals 50 State Environment Impact Assessment Authority meeting held from Date: 09/11/2024
 m 08/11/2024 to 08/11/2024

MoM ID: EC/MOM/SEIAA/838228/11/2024

Agenda ID: EC/AGENDA/SEIAA/838228/11/2024

Meeting Venue: SEIAA Office

Meeting Mode: Hybrid

Date & Time:

08/11/2024	04:15 PM	05:15 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 -08/11/2024

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Shri Nareshbhai Ganpatbhai Oad_(02.08.08) by NARESHBHAI OAD located at VADODARA,GUJARAT			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/GJ/MIN/491220/2024	01	05/08/2024	Mining of minerals (1(a))

3.1.2. Deliberations by the committee in previous meetings

3.37. Agenda Item No 37:

3.37.1. Details of the proposal

Ajaysinh Bhupatsinh Suratiya (1.82.70 Hac.) by ajaysinh b suratiya located at KHEDA,GUJARAT			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/GJ/MIN/497336/2024	19	19/09/2024	Mining of minerals (1(a))

3.37.2. Deliberations by the committee in previous meetings

Date of SEAC 1 :10/10/2024

Deliberations of SEAC 1 :

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

Shri Zalak savaliya, the consultant of the PP from ALEP MANAGEMENT LLP, remained present in the meeting dated 10.10.2024 on behalf of the PP and has submitted the Authorization letter for the same

Shri D N Pavaya, KHEDA District Geologist, CGM office also remained present during SEAC meeting and gave confirmation of above mentioned details. And informed that, this lease is fall under Red Zone as it is not in compliance with distance criteria

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.

While deliberation on satellite images, committee noted that, lease area is within Mahi Riverbed 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 of black trap mining, involving blasting, being situated in water body/ stream, which does not meet the distance criteria, as required. Hence the case does not meet the criteria, with no scope of any reconsideration 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".

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.

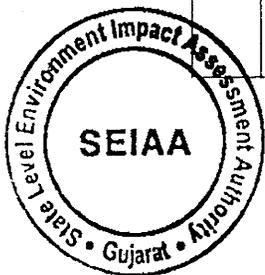
3.37.3. Deliberations by the SEIAA in current meetings

As per the SEIAA MoM attached as PDF

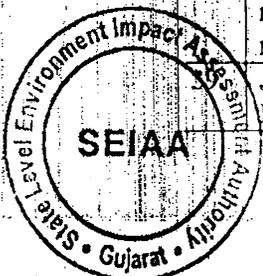
3.37.4. Recommendation of SEIAA

Reject

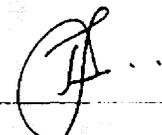
	and to ensure the compliance of judgment of Hon'ble Supreme Court dated 02-08-2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause Vs Union of India & Ors. PP may apply submit fresh revised application after reducing area and revised approved mining plan.		
36.	Ajaysinh Bhupatsinh Suratiya Proposal No.: 497299	EC	Rejected
Deliberation & Decision of SEIAA			
This instant DEIAA Re-appraisal proposal has been accepted by SEAC and re-appraised by SEAC in its meeting. The recommendation of SEAC forwarded to SEIAA.			
SEAC has noted following details:			
Production from base year	Data not Submitted and Lease agreement done after issuance of EC	Production exceeded than approved quantity in EC	Yes in year 2022-23, 2023-24
While deliberation on satellite images, committee noted that, lease area is situated in Mahi Riverbed 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 Wl.Part(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			
After detailed discussion & deliberation, SEIAA has unanimously decided to agree with SEAC and reject the proposal as lease area is situated in Mahi Riverbed which is violation of Hon'ble NGT guidelines. 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. PP may apply submit fresh revised application after reducing area and revised approved mining plan.			
37.	Ajaysinh Bhupatsinh Suratiya Proposal No.: 497336	EC	Rejected
Deliberation & Decision of SEIAA			
This instant DEIAA Re-appraisal proposal has been accepted by SEAC and re-appraised by SEAC in its meeting. The recommendation of SEAC forwarded to SEIAA.			
SEAC has noted following details:			
Production from base year	Data not Submitted and Lease agreement done after issuance of EC	Production exceeded than approved quantity in EC	No



<p>While deliberation on satellite images, committee noted that, lease area is situated in Mahi Riverbed 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</p> <p>After detailed discussion & deliberation, SEIAA has unanimously decided to agree with SEAC and reject the proposal as lease area is situated in Mahi Riverbed which is violation of Hon'ble NGT guidelines. 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. PP may apply submit fresh revised application after reducing area and revised approved mining plan.</p>						
38.	<p>Krishna Stone Quarry (C/o. Shri Rayjibhai Laxmanbhai Parmar) Proposal No.: 497455</p>	<p>EC Rejected</p>				
<p>Deliberation & Decision of SEIAA</p>						
<p>This instant DEIAA Re-appraisal proposal has been accepted by SEAC and re-appraised by SEAC in its meeting. The recommendation of SEAC forwarded to SEIAA.</p> <p>SEAC has noted following details:</p> <table border="1" style="width: 100%;"> <tr> <td>Production from base year</td> <td>Data not Submitted</td> <td>Production exceeded than approved quantity in EC</td> <td>Yes in year 2022-23, 2023-24</td> </tr> </table> <p>While deliberation on satellite images, committee noted that, lease area is situated in Mahi Riverbed 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</p> <p>After detailed discussion & deliberation, SEIAA has unanimously decided to agree with SEAC and reject the proposal as the lease is not complying with the distance criteria as lease area is situated in Mahi Riverbed which is violation of Hon'ble NGT guidelines. 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. PP may apply submit fresh revised application after reducing area and revised approved mining plan.</p>			Production from base year	Data not Submitted	Production exceeded than approved quantity in EC	Yes in year 2022-23, 2023-24
Production from base year	Data not Submitted	Production exceeded than approved quantity in EC	Yes in year 2022-23, 2023-24			
	<p>Jai Sainath Quarry Works Proposal No.: 497494</p>	<p>EC Rejected</p>				

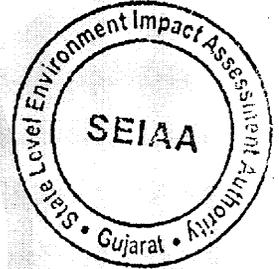


9. Explosives for blasting shall be used only after taking requisite permission from the Director General of Mines Safety, Government of India. All necessary safety measures shall be taken and requisite license shall be obtained for storage of explosives.
10. The peak particle velocity at 500m distance or within the nearest habitation, whichever is closer shall be monitored periodically as per applicable DGMS guidelines.

Sr. No.	NAME	Designation	Sign
1.	H. K. Dash	Chairman	
2.	C. G. Bhagchandani	Member	
3.	Asav P. Gadhvi	Member Secretary	

Copy submitted to:

1. Commissioner of Geology and Mining, Gandhinagar.
...for information and necessary action, please.
2. District Magistrate and Collector.
...for information and necessary action, please.
3. IRO- MoEF&CC, Gandhinagar
... for monitoring of EC conditions and necessary action.
4. Member Secretary, GPCB, Gandhinagar
... for information and necessary action, please.
5. District Forest Officer.
... for cross checking regarding presence of schedule-I species in the study area of the lease



Validity unknown

Digitally Signed by: MS MAULIKA SHAH
Member Secretary, SEIAA

Date: 11/11/2024