



**BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONAL BENCH),
KOLKATA, WEST BENGAL
FINANCE CENTRE, 3rd FLOOR, NEW TOWN
[Under section 18(1) read with sections 14, 15, 16 & 17 of
the National Green Tribunal Act, 2010]**

Appeal NO. 24 OF 2023/EZ

IN THE MATTER OF

Mohammad Ilyas & Ors

.....Appellant

VERSUS

State of Jharkhand & Ors

..... Respondents

INDEX

Affidavit	1 - 8
Copy of the guidelines with order dated 28/02/20	9 - 23 23
Copy of the relevant pages of 94 th meeting of SEIAA	24 - 27

Paushali Banerjee
Paushali Banerjee

Advocate

SI No... Date... 05 JAN 2024

DISTRICT BAR ASSO

Serial No. B 44114 /23

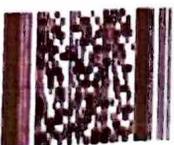


Before NOTARY Public / EXECUTIVE Magistrate, Giridih
AFFIDAVIT



05 JAN 2024

SI NO. Date





**BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONAL BENCH),
KOLKATA, WEST BENGAL
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[Under section 18(1) read with sections 14, 15, 16 & 17 of
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IN THE MATTER OF

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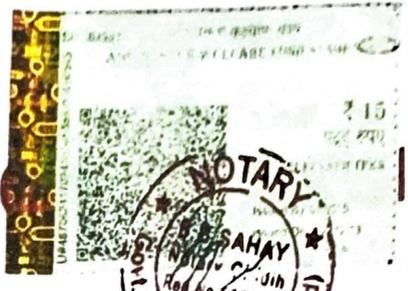
Sl. No. *Zo* Date **05 JAN 2024**

Affidavit on behalf of the Applicant

I, Mohammad Ilyas S/o Ahmad Ali, by occupation- business, aged about 48 years, resident of Nimadih. P.O. –Arkhang, P.S.- Dhanwar, District-Giridih Appellant no.1 of the Appeal, solemnly affirm and say as follows:

DISTRICT BAR ASSO

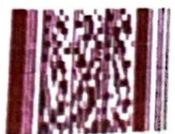
Serial No. B 44113 /23



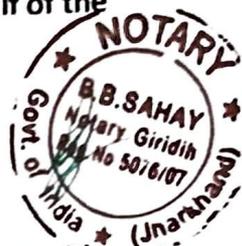
Before NOTARY Public / EXECUTIVE Magistrate Giridih
AFFIDAVIT

SI. NO. 59 Date.....

05 JAN 2021



1. That I am the Appellant No. 1 herein and I am fully conversant with the facts and circumstances of the case and I am competent to affirm this affidavit on behalf of the Appellant no.2 and 3 herein.



2. I say that in OA 304/19 the Hon'ble principal Bench was pleased to direct CPCB vide order dated 28/02/20 to lay down conditions and appropriately longer distance within one month and convey the same to the State boards, the Hon'ble Tribunal observed that the distance of 50 mtrs for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.

3. I say that in compliance of order dated 28/02/20 CPCB formulated guidelines concluding 100 meters distance of stone crushers to be maintained when blasting is not involved and 200 meter in the event blasting is involved. Copy of the guidelines with order dated 28/02/20 is annexed herewith and marked as annexure A.

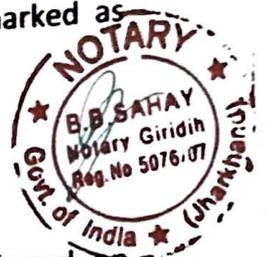
4. I say that State Level Impact Assessment Authority in its 59th meeting held on 9/08/18 reiterated its recommendations made in 49th meeting held on 16th and 17th October, 2017 which states that the minimum distance from forest in new cases to be 250 meters and in renewal cases to be 100 meters which was further clarified in 94th

meeting of SEIAA held on 13th, 14th & 15th April, 2022 which is quoted below for ready reference-

"At the same time it was also decided that legally existing/renewal of all project following criteria from forest will be followed:

"as is where it is basis but not in the notified /demarcated forest and ECO Sensitive Zone (ESZ)" (Ref item no. 8 of 31 st meeting of SEIAA dated 27.05.2015)"

Copy of the relevant pages of 94th meeting is annexed herewith and marked as annexure B.



5. That from the Affidavit of the collector cum deputy Commissioner affirmed on 22/11/23, it is clear that the mining lease was granted over non forest land. The annexures annexed with the affidavit i.e. (annexure 1) memo no.909 dated 18/11/23 of Circle Officer, Bengabad clearly states that Jamuna Ram is a raiyat in plot no.1 of Mauza Lakhanpur with mutation case being case no.1/2004-05 .The memo no 842 dated 4/11/23 of Circle Officer, Bengabad stands clarified in memo no.909 dated 18/11/23. The record of rights is also annexed with the affidavit of the Collector cum Deputy Commissioner, Giridih which records the name of Jamuna Ram as Raiyat in plot no.1. The Circle Officer, Bengabad has authenticated the registered deed No. 813/806 dated 02.02.1951 in favour of Jamuna Ram (and his legal heirs) which has also been shown to the Divisional Forest Officer, Giridih as stated in Memo No. 909 dated 18/11/23 of Circle Officer, Bengabad (Annexure-1 of affidavit of Deputy Commissioner cum Collector, Giridih).



6. That the contention of the Divisional Forest Officer, Giridih in memo no.3983 dated 26/11/22 that 49.90 acre land is forest land in plot no.01 is not correct as it is contradictory with revenue records. It is also evident that as the land in plot no 1 is not forest land (it is land of the Raiyati Jamuna Ram) therefore the distance of forest from plot no.1 to plot no.4 and 5 is not zero.

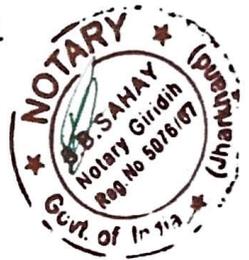
7. I say the record of rights are maintained by the collector cum deputy Commissioner and the Divisional Forest Officer, Giridih while asserting that plot no.1 is a forest land in memo no. 3983 dated 26/11/22 did not seek any information from the collector cum deputy Commissioner which is also clearly stated in the affidavit of the collector cum deputy Commissioner. It is pertinent to mention here that in the memo no.3983 dated 26/11/22 Divisional Forest Officer, Giridih failed to appreciate that the one acre land in Plot no.1 is a rayati land exclusively belonging to the Appellant no. 3 Arun Kumar Ladia lying exactly after the boundary of Plot no 4 and 5 (part) end and the extent of the rayati land in Plot no.1 is more than 250 meters and not a forest land.

8. I say that the respondent authorities failed to appreciate that the impugned order being Memo No. 205 dated 08.08.2023 issued by SEIAA was based on the *ex-parte* report of the Divisional Forest Officer, Giridih being memo no.3983 dated 26/11/22

which was prepared without inspecting the record of rights of the Appellant as well as that of Jamuna Ram. The impugned order of SEIAA is therefore wrong and bad in law.

9. It is submitted that the affidavit of the Deputy Commissioner, Giridih clears states that plot no.1 is a raiyati land and therefore supports contentions of the Appellant and the relief as prayed for in the Appeal which may be kindly be allowed.

10. The statements made in Paragraphs 8 and 9 are true to my knowledge and those in rest of the paragraphs are humble submissions before this Hon'ble Tribunal.



Prepared in my office

Ranabhai Banerjee
Advocate

Md. Shiyas
Deponent

Md. Shiyas
Sri/Smt.
who is identified by *P. Banerjee*
Advocate Giridih
Solemnly affirms & declare before me

B. B. Sahay
B. B. SAHAY
Notary Govt. of India
Giridih (Jharkhand)
Reg. No. 5076/07

05 JAN 2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi**

**In
Original Application No. 304/2019**

In the Matter of: -

M. Haridasan & Ors.

Applicant (s)

Vs.

State of Kerala

Respondent(s)

Index

S. No.	Particulars	Page No.
1.	Report in compliance to Hon'ble NGT, PB order dated 28.02.2020 in the matter of O.A. No. 304/2019 titled as M. Haridasan & Ors. Vs. State of Kerala.	
2.	Annexure-I: Distance criteria for permitting stone quarrying	
3.	Annexure- II: CPCB E-mail letter dated 12.05.2020 sent to SPCB's regarding Distance criteria for permitting stone quarrying for consideration and adoption in Consent mechanism.	
4.	Annexure-III: A copy of Hon'ble NGT order dated 28.02.2020.	


(Nazimuddin)

Scientist 'E'
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

Place: Delhi

Date: 9th July, 2020

REPORT

Hon'ble NGT OA No. 304/2019 in the matter of M. Haridasan & Ors. Vs. State of Kerala observed that the Kerala SPCB has permitted stone quarrying beyond 50 m from residence and public roads, and directed the SPCB to revisit the existing criterion based on an appropriate study. Further, in its order dated-28.02.2020 the NGT noted that "a report has been filed by the Kerala State PCB on 17.12.2019 reitreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB", and the NGT expressed that "We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.", and directed CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards

In compliance of Hon'ble NGT order dt.-28.08.2020, CPCB examined the matter and prepared the report on **Distance Criteria For Permitting Stone Quarrying** (Annexure i) and forwarded it to SPCBs/PCCs vide E-mail dt.-12.05.2020 due to prevalent COVID 19 conditions. Further, the report has been sent to SPCBs/PCCs by post also through letter dt.-06.07.2020.

DISTANCE CRITERIA FOR PERMITTING STONE QUARRYING

1.0 Preamble:

Hon'ble National Green Tribunal vide order dated-28.02.2020 in the matter of M. Haridasan & Ors. Vs. State of Kerala in OA No. 304/2019 observed that a distance of 50 metres for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health and accordingly, directed Central Pollution Control Board (CPCB) to examine and lay down more stringent conditions and appropriately longer distance.

2.0 Stone Quarrying:

Stone is classified as minor minerals under Section 3(e) of the Mines and Minerals (Development and Regulations) Act, 1957. As per provisions of MMDR Act, the administrative and legal control over minor minerals vests with State Governments and empowered to make rules to govern minor minerals.

Stone Quarrying / Mining is an activity where extraction of stone is done from hillocks or mountain or ground surface having geological mineral deposits. The stone extracted from stone quarry are used either as construction materials or in stone crushers to produce rori/bajri and dust.

Systematic Mining (formation of benches) is done by blasting and drilling, to loosen up the rock materials followed by fragmentation of large size into smaller size. The reduced size material is then loaded and transferred to stone crushers for further processing in order to obtain necessary sizes required for final use. The blasting and drilling during mining operation have environmental impacts and requires mitigation measures to minimise the impacts on environment and nearby habitations.

3.0 Minor Mineral Concession Rules

As per sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), State Government has to make Rules for regulating the grant of quarry lease, mining lease/permit, mineral concessions and purposes connected in respect of minor minerals.

Accordingly, State Governments have framed rules and defined the criteria of minimum distance of minor mineral mining from different locations based on the type of mining used. (Annexure I).

Minimum distance prescribed by various states is vary with respect to mining operation of minor mineral involved. In general, minimum distance prescribed by states such as Rajasthan, Madhya Pradesh, Punjab, Tamil Nadu, Orissa, Bihar, Uttar Pradesh, Himachal Pradesh, West Bengal, Sikkim, Meghalaya and Manipur are:

- In the range of **45 - 200 m** from any reservoir, canal, public works such as public roads and **buildings**
- In the range of **45 - 100 m** from any railway line / area
- In the range of **60 - 100 m** from National Highway, State Highway and other roads and **10 m** from village roads

Various states have further prescribed minimum distance based on the use of blasting in mining operation of minor mineral, as follow:

Kerala:

When blasting is involved, no mining within a range of **50 - 100 m** from the boundary line of any railway line, bridges, reservoirs, tanks, **residential buildings**, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship whereas, when no blasting is involved, range of **50-75 m** is prescribed as minimum distance.

Karnataka, Maharashtra, Goa, Gujarat:

When blasting is involved, no mining within a distance of **200 m** from the boundary line of any railway line reservoir, tank bund, canal, or other public works and **public structures** or any public road or building whereas, when no blasting is involved, minimum distance of **50 m** is defined.

Jammu & Kashmir:

When blasting is involved, no mining within a distance of **500 m** from the outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs) whereas, when no blasting is involved, minimum distance of **150 m** is defined.

Assam:

When blasting is involved, no mining within a distance of **250 m** from the outer periphery of the defined limits of any **village habitation**, National Highway, State Highway and other roads whereas, when no blasting is involved, minimum distance of **50 m** is defined.

Note: Distance criteria defined by various states, has been defined from the outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

4.0 Criteria of Danger Zone: Directorate General of Mines Safety

As per Directorate General of Mines Safety circular no. - DGMS (SOMA)/ (Tech) Cir No. 2 of 2003 Dt. 31/01/2003 (Annexure II), on subject of **Dangers due to blasting projectiles**, all places within the radius of 500 m from the place of firing to be treated as danger zone and accordingly, all person in danger zone to take protection in substantially built shelter at the time of blasting.

Further, mine manager to control the throw and to prevent ejection of flying fragments within a safe distance with the use of refined blasting practices as well as developed explosives and accessories such as controlled blasting Technique with milli-second delay detonators / electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes etc.

5.0 Criteria of no blasting distance around blast sites: Indiana Department of Natural Resource, USA

(Source: Citizen Guide to Coal Mine Blasting in Indiana)

Indiana Department of Natural Resource, USA has stated that the blasting not to be conducted within **300 feet (~ 91 m)** of an **occupied dwelling** or school, church or hospital, public building, community or institutional building.

6.0 Conclusion:

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:

Mining Type		Minimum Distance	Locations
A.	When Blasting is not involved	100 m	Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National / State Highway, District roads, Public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, or Lakes or Tanks, or any other locations to be considered by States.
B.	When Blasting is involved	200 m **	

****Note:** The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.

However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.

Annexure I

State	Type of Mining	Distance	Location	Remarks	
Kerala	Quarry	100 m	Minimum distance from boundary of quarry operation area to residential buildings, places of worship, public buildings, public road, river or lake, railway line and bridges.	Quarry distance as per SPCB circular no. PCB/TAC/WP/236/2006 dated 13-6-2007.	
	Laterite Quarry	50 m	Minimum distance to residences and other establishments (m)	Laterite Quarry distance as per SPCB circular no. PCB/T4/115/97 dated 20-7-2011	
	Quarrying where explosives are used	100 m	Minimum distance from any railway line, bridges, reservoirs, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship	Kerala Minor Mineral Concession Rules 1967	
		50 m	Minimum distance from any burial grounds or burning ghats or forest lands		
	Quarrying where explosives are not used	75 m	Minimum distance from any railway line and any bridge on National Highway		
		50 m	Minimum distance from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands		
Karnataka	Blasting is involved	200 m	Minimum distance from the boundary line of any railway line reservoir, tank bund, canal, or other public works and public structures or any public road or building.		Karnataka Minor Mineral Concession Rules 1994
	No blasting is involved	50 m			
Maharashtra	Blasting is involved	200 m	Minimum distance from the boundary of any railway line, any reservoir, canal, road, river, nallah, irrigation works or public works or building.	Maharashtra Minor Mineral Extraction (Development and Regulation) Rules 2013	
	No blasting is involved	50 m			
Goa and Daman & Diu	Blasting is involved	200 m	Minimum distance from the boundary of any railway line, any reservoir, canal, road or public works or buildings	The Goa, Daman and Diu Minor Mineral Concession Rules 1985	
	No blasting is involved	50 m			
Gujarat	Blasting is involved	200 m	Minimum distance from any road, notified reservoirs, canal, national highway, state highway, boundary of any railway line, public works, cities, towns, villages and other approved continuous habitations.	Gujarat Minor Mineral Concession Rules 2017	
	No blasting is involved	50 m	Minimum distance from any road (excluding a village road or other district road), notified reservoirs, canal, national highway, state highway, boundary of any railway line, public works, cities, towns, villages and other approved continuous habitations.		

Rajasthan	Minor Mineral Mining	45 m	Minimum distance from any railway line, under or beneath any ropeway or ropeway trestle or station or from any public roads (excluding mines approach road or village roads), reservoir, canal or other public place or buildings, pillars of railway and road bridge or inhabited site.	Rajasthan Minor Mineral Concession Rules 2017
Madhya Pradesh	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, canal or other public works such as public roads and buildings or inhabited site	Madhya Pradesh Minor Mineral Rules 1996
Punjab	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Punjab Minor Mineral Concession Rules 1964
		60 m	Minimum distance from national highway	
		50 m	Minimum distance from any reservoir tank canal roads or other public works or buildings or inhabited sites	
Tamil Nadu	Minor Mineral Mining	50 m	Minimum distance from any railway line or under or beneath any ropeway or any ropeway trestle or station or from any reservoir, canal or other public works such as public roads and buildings	Tamil Nadu Minor Mineral Concession Rules 1959
Orissa	Minor Mineral Mining	100 m	Minimum distance from any railway line, National Highway, late Highway or any reservoir	Orissa Minor Minerals Concession Rules 2004
		50 m	Minimum distance from any tank, canal, road (other than a National or State Highway or other public works of buildings or inhabited sites), public roads, public buildings, temples, reservoirs, dams, burial ground, railway track monuments, heritage sites, etc.	
Chhattisgarh	Minor Mineral Mining	300 m	Minimum distance from sensitive area like radio station, doordarshan kendra, defence establishment etc. of the Central and State Government	Chhattisgarh Minor Mineral Rules 1996
		100 m	Minimum distance from abadi, school, hospital and other public places, buildings and habited sites	
		75 m	Minimum distance from any railway line, bridge or highway	
		50 m	Minimum distance from tank, river banks, reservoir, canal	
		10 m	Minimum distance from grameen kachcha road	
Bihar	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, public road, canal or other public work or buildings or inhabited site	Bihar Minor Mineral Concession Rules 1972
		10 m	Minimum distance from any village roads	
Uttar Pradesh	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, canal or other public works, such as public roads and buildings or inhabited site	Uttar Pradesh Minor Minerals (Concession) Rules 1963
		10 m	Minimum distance from any village roads	
Himachal Pradesh	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Himachal Pradesh Minor Minerals (Concession) Revised Rules 1971
		60 m	Minimum distance from National Highway	
		50 m	Minimum distance from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites	
		50 m	Minimum distance for all type of mining from any river banks (except in cases of ordinary sand)	

Jammu & Kashmir	Mining where excavation require use of explosives	500 m	Minimum distance from outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs)	Jammu & Kashmir Minor Mineral Concession Rules, 1962
	Mining where excavation does not require use of explosives	150 m	Minimum distance from outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs)	
	Minor Mineral Mining	100 m	Minimum distance from any other public roads	
		50 m	Minimum distance from upstream as well as downstream of water works, head works or hydraulic works as defined under the J&K Water Resources (Regulation and Management) Act, 2010.	
West Bengal	Minor Mineral Mining	25 m	Minimum distance from any 'embankment' or 'flood embankment' as defined under the J&K Water Resources (Regulation and Management) Act, 2010.	
		5000 m	Minimum distance from a barrage axis or dam or a river	West Bengal Minor Minerals Rules 2002
		200 m	Minimum distance from any hydraulic structure, reservoir, bridge, canal, road and other public works or buildings	
		200 m	Minimum distance from both sides of any river bridge or culvert over any waterway or from any embankment and structural works of the Irrigation and Waterways Department	
100 m	Minimum distance from any Railway land			
Sikkim	Minor Mineral Mining	60 m	Minimum distance from bridges on highways	Sikkim Minor Mineral Concession Rules 2016
		50 m	Minimum distance from any railway line or any reservoirs, canals or other public works, or buildings	
Assam	Mining where excavation require use of explosives	250 m	Minimum distance from the outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads	Assam Minor Mineral Concession Rules 2013
	Mining where excavation does not require use of explosives	50 m	Minimum distance from outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads	
	Minor Mineral Mining	500 m	Minimum distance from major structures like R.C.C. bridges, Guide bund etc.	
Meghalaya	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Meghalaya Minor Mineral Concession Rules 2016
		50 m	Minimum distance from any railway line or under or beneath any rope way or any ropeway trestle or station, or from any reservoir, canal or other public works such as public roads and buildings or inhabited site	
Manipur	Minor Mineral Mining	10 m	Minimum distance from any village roads	Manipur Minor Mineral Concession Rules 2012
		50 m	Minimum distance from any reservoir, canal or other public works, or buildings.	

No DGMS (SOMA)/(Tech)Cir.No.2 of 2003

Dhanbad, Dated the 31st January 2003

To All Owners, Agents & Managers of mines

Subject: Dangers due to blasting projectiles.

Accidents due to projectiles ejecting from blasting had been a major source of accident in both below ground and opencast workings. Under the existing provisions of Coal Mines Regulations, 1957 and the Metalliferous Mines Regulations, 1961 before a shot is charged, stemmed or fired the shotfirer/blaster is required, amongst other things to ensure that all persons within a radius of 300m from the place of firing (referred to hereinafter as danger Zone) have taken proper shelter, apart from giving sufficient warning by efficient signals or other means approved by the manager over the entire zone. There had been, however, a number of instances where flying fragments due to blasting had ejected not only within but also beyond the danger Zone, resulting into serious and even fatal accidents.

This Directorate from time to time had drawn the attention of all concerned about the dangers from flying projectiles through issue of DGMS Circulars Viz. Circular Techn. 15/1977 and 8/1982. Recently, however, another fatal accident occurred due to same reason.

Enquiry into the accident revealed that in an open cast coal mine, overburden had been kept dumped against the free face of OB bench. 12 No. first row of holes were left uncharged because of spontaneous heating in the seam below. 17 holes of 150mm ϕ 6.5m Depth drilled in 7m x 5m Pattern (spacing & burden) charged with 75 kg/hole and 42 holes of 6.5m depth 250mm dia drilled in 6m x 6m pattern charged with 130 kg/hole were blasted. The projectiles ejected due to blasting travelled for a distance of about 412m in the reverse direction away from the free face and hit a mechanical supervisor. The enquiry further revealed that the deceased had taken proper shelter in a blasting shelter but had come out of the shelter immediately on hearing to the sound of blast and was subsequently hit by the projectiles.

Over years there had been refinement of blasting practices as well as development in explosives and accessories, whereby it is possible to control the throw and prevent ejection of flying fragments within a safe distance, with relative ease. There is, therefore, no reason why such type of accident should continue to occur.

The matter is brought to your attention so that following corrective measures are taken in case similar conditions exists in any mine under your control.

(1) In the interest of safety to treat all the places within a radius of 500m of the place of firing as the danger zone, all persons who are required to remain within the danger zone at the time of blasting should take protection in substantially built shelter.

(2) Formulate a code of practice for controlled blasting Technique with milli-second delay detonators/ electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes including precautions to be taken during blasting operation until all clear signal given by blaster.

(3) Training of persons and their helpers engaged in such blasting operation.

(Dashrath Singh)
Director-General of Mines Safety



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

E-Mail

No. CPCB/IPC-II/NGT-OA 304 of 2019/2020/

May 12, 2020

To,

The Member Secretary,
State Pollution Control Boards / Pollution Control Committees,
(As per list enclosed)

Sub.: In reference to Hon'ble NGT OA No. 304/2019 order dated-28.02.2020-reg.

Sir/Ma'am,

Hon'ble NGT in its order dated-09.10.2019 in OA No. 304/2019 observed that the Kerala SPCB has permitted stone quarrying beyond 50 m from residence and public roads, and directed the SPCB to revisit the existing criterion based on an appropriate study. Further, in its order dated-28.02.2020 the NGT noted that "a report has been filed by the Kerala State PCB on 17.12.2019 reiterating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB", and the NGT expressed that "We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.", and directed CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards.

Accordingly, in compliance of Hon'ble NGT Order dt.-28.02.2020 in OA No. 304/2019, CPCB has examined the matter and prepared a report on **Distance Criteria for Permitting Stone Quarrying**, which is enclosed for consideration and adoption by SPCB in consent mechanism.

Yours faithfully,

(Signature)
(Nazimuddin)

**Additional Director &
Divisional Head - IPC - II**

Encl.: As above

SPCBs / PCCs	E-mails
Andhra Pradesh State Pollution Control Board D. No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada – 520 010 Andhra Pradesh	membersecy@appcb.gov.in
Arunachal Pradesh State Pollution Control Board Paryavaran Bhawan, Papu Hill, Yupia Road, Naharlagun- 791110 Arunachal Pradesh	arunachalspcb@gmail.com
Assam Pollution Control Board Bamunimaidan, Guwahati 781021 Assam	membersecretary@pcbassam.org
Bihar State Pollution Control Board Parivesh Bhawan, Plot No. NS-B/2 Paliputra Industrial Area, Patliputra, Patna 800 023 Bihar	mcellbspcb@gmail.com
Chhattisgarh Environment Conservation Board Paryavas Bhavan, North Block Sector-19, Naya Raipur 492002 Chhattisgarh	hocecb@gmail.com
Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa – 403511 Goa	goapcb@rediffmail.com goapcb@rediffmail.com
Gujarat Pollution Control Board Paryavan Bhavan, Sector 10- A Gandhinagar – 382 043 Gujarat	membersecretarygpcb@gmail.com ms-gpcb@gujarat.gov.in
Haryana State Pollution Control Board C-11, Sector-6, Panchkula-134109, Haryana	mshspcb@gmail.com
Himachal Pradesh Pollution Control Board Him Parivesh, Phase-III, New Shimla 171009 Himachal Pradesh	mspcb-hp@nic.in
Jammu & Kashmir State Pollution Control Board Parivesh Bhawan, Shiekh-ul-Campus, behind Govt. Silk Factory, Raj Bagh, Srinagar Jammu & Kashmir	membersecretaryjkspcb@gmail.com
Jharkhand Pollution Control Board T.A Building, HEC, P.O. Dhurwa, Ranchi – 834004 Jharkhand	ranchijspcb@gmail.com
Karnataka State Pollution Control Board Parisara Bhavan, 4th & 5th Floor, # 49, Church St., Bangalore-560 001 Karnataka	memsecy@kspcb.gov.in ho@kspcb.gov.in

Kerala State Pollution Control Board Plamoodu Jn., Pattom Palace P.O. Thiruvananthapuram-695 004 Kerala	ms.kspcb@gov.in
Madhya Pradesh Pollution Control Board E-5. Arera Colony. Paryavaran Parisar. Bhopal - 462 016. Madhya Pradesh	lt_mppcb@rediffmail.com
Maharashtra Pollution Control Board Kalpataru Point, 2nd – 4th Floor Opp. Cine Planet Cinema. Nr. Sion Circle. Sion (E) Mumbai – 400 022 Maharashtra	ms@mpcb.gov.in
Manipur Pollution Control Board Lamphelpat. Near Imphal West D.C. Office. Imphal Manipur	pcb-man@nic.in
Meghalaya Pollution Control Board Arden. Lumpyngngad Shillong: 793014 Meghalaya	megspcb@rediffmail.com
Mizoram Pollution Control Board New Secretariat Complex. Khatla Thlanmual Peng, Khatla. Aizawl 796001 Mizoram	duhawma15@yahoo.com
Nagaland Pollution Control Board Signal Point. Dimapur 797112 Nagaland	rusoviljohn@yahoo.co.in
Odisha Pollution Control Board A-118. Nilakanta Nagar. Unit -VIII. Bhubaneswar – 751012 Odisha	membersecretary@ospboard.org
Punjab Pollution Control Board , Vatavaran Bhawan. Nabha Road. Patiala, Punjab	msppcb@punjab.gov.in
Rajasthan Pollution Control Board , 4. Jhalana Institutional Area. Jhalana Deongri, Jaipur - 302 004 Rajasthan	member-secretary@rpcb.nic.in
Sikkim State Pollution Control Board Department of Forest, Environment & Wildlife Management Government of Sikkim. Deorali. Gangtok. -737102 Sikkim	drgopalpradhan@gmail.com spcbsikkim@gmail.com
Tamil Nadu Pollution Control Board 76. Mount Salai, Guindy, Chennai-600 032 Tamil Nadu	tnpcbmembersecretary@yahoo.com

Telangana State Pollution Control Board Paryavaran Bhawan, A-3, I.E. Sanath Nagar. Hyderabad-500 018 Telangana	ts_ins@pcb.ap.gov.in
Tripura Pollution Control Board Vigyan Bhawan Pandit Nehru Complex, Gorkhabasti, PO: Kunjaban Agartala: 799006 Tripura	mukherjee_manas@rediffmail.com
Uttar Pradesh Pollution Control Board Building No. TC-12V Vibhuti Khand, Gomti Nagar Lucknow-226 010 Uttar Pradesh	ms@uppcb.com
Uttarakhand Environmental Protection & Pollution Control Board 29/20, Nemi Road, Dehradun, Uttarakhand	msukpcb@gmail.com
West Bengal Pollution Control Board Paribesh Bhavan, 10A, Block-L.A., Sector III, Bidhan Nagar. Kolkata - 700 106 West Bengal	ms@wbpcb.gov.in
Andaman & Nicobar Islands Pollution Control Committee Department of Science & Technology, Dollygunj Van Sadan. Haddo P.O., Port Blair – 744102 Andaman & Nicobar	dstandamans@gmail.com
Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor, Sector 19 B Madhya Marg, Chandigarh	cpcc-chd@nic.in
Daman, Diu & Dadra Nagar Haveli Pollution Control Committee Office of the Deputy Conservator of Forests, Moti Daman, 396220 Daman	mspec_dmn@pcedaman.in
Delhi Pollution Control Committee Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate 110006 Delhi	msdpcc@nic.in
Lakshadweep Pollution Control Committee Department of Science, Technology & Environment, Kavarati- 682555 Lakshadweep	lk-dst@nic.in
Pondicherry Pollution Control Committee Housing Board Complex, Anna Nagar, 600 005 Pondicherry	ppcc.pon@nic.in

Item No.04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 304/2019

(With report dated 17.12.2019)

M. Haridasan&Ors.

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 28.02.2020

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Respondent(s):

Mr. Jogy Scaria, Advocate and Mr.
Keerthipriyan, Advocate for Kerala SPCB
Mr. Nishe Rajen Shonker, Advocate for State
of Kerala
Mr. Rajkumar, Advocate for CPCB

ORDER

1. Issue for consideration is the safeguards in operation of stone quarries close to residence and public roads. At present, the Kerala State PCB has permitted the stone quarry beyond 50 mtrs. from residence and public roads. This Tribunal vide order dated 09.10.2019 considered the matter and observed:

"3. We find that the environmental norms require assessment of impact of such activities and mere distance of 50 mtrs. By itself is not enough to dispense with such norms. In absence of any study, any stone quarry near the residence and public road is bound to cause air and noise pollution even beyond 50 mtrs. In this regard, reference may be made of observations in the judgments of the Hon'ble Supreme Court in *M.C. Mehta v. Union of India*, (1996) 8 SCC 496 and *Mohammed Haroon Ansari v. District Collector, Ranga Reddy District*, (2004) 1 SCC 491. In granting EC, this

consideration has to be kept in mind in view of the fact that clean and safe environment is a part of right to life.

4. Accordingly, we direct State PCB to revisit the existing criteria based on an appropriate study. CPCB may give its view in the matter to the State PCB within two weeks in light of available expert studies on the subject. The State PCB may furnish its action taken report in the matter by e-mail at judicial-ngt@gov.in before the next date."
2. Accordingly, a report has been filed by the Kerala State PCB on 17.12.2019 retreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB.
3. We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.
4. In view of above, we direct the CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards. The State Board may take further action accordingly. Compliance reports be filed before the next date by email at judicial-ngt@gov.in.

List again on 08.05. 2020.

Adarsh Kumar Goel, CP

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 28, 2020
Original Application No. 304/2019
AK

Minutes of the 94th meeting of State level Environment Impact Assessment Authority, Jharkhand held on 13th, 14th & 15th April, 2022.

The 94th meeting of the State Level Environment Impact Assessment Authority (SEIAA) was convened on 13th, 14th & 15th April, 2022 in the office of SEIAA, Ranchi under the chairmanship of Shri S.E.H. Kazmi, SEIAA, Jharkhand. The attendance in the meeting was as follows:

1. Shri S.E.H. Kazmi, Chairman, SEIAA, Jharkhand, Ranchi.
2. Shri Ashok Kumar, Member Secretary, SEIAA, Jharkhand, Ranchi.
3. Shri Amar Nath Verma, Member, SEIAA, Jharkhand, Ranchi.

The decisions taken in the 94th SEIAA meeting are as follows:-

1. SEIAA considered the recommendations made by SEAC in its 93rd meeting held on 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th and 27th February, 2022 for grant of Environmental Clearance to the following Minor Minerals projects:

- i. Belpahari Stone Mine of M/s Maa Durga Stone Works, Mouza : Belpahari & Beldiha, Tehsil : Hiranpur, Dist. : Pakur, Jharkhand (12.15 Ha). (Proposal No. : SIA/JH/MIN/190783/2020).
- ii. Pyroxenite Mine of Sri Deepak Kumar Singh, Mouza : Jhagarsai, Thana : Potka, Dist. : East Singhbhum, Jharkhand (3.54 Ha) (Proposal No. : SIA/JH/MIN/224197/2021).
- iii. Mundli Stone Mine of Sri Rajesh Kumar Jaiswal, Village : Mundli, Tehsil : Mandro, Dist. : Sahibganj, Jharkhand (2.633 Ha) (Proposal No. : SIA/JH/MIN/250838/2022).
- iv. Gilamari Stone Mine of M/s Nirmla Stone Works, Village : Gilamari, Tehsil : Mandro, Dist. : Sahibganj, Jharkhand (2.896 Ha) (Proposal No. : SIA/JH/MIN/250232/2022).
- v. Jamua Stone Mine of M/s Gautam Enterprises, Village : Jamua (Vishunpur), Tehsil : Chhatarpur, Dist. : Palamu, Jharkhand (2.835 Ha) (Proposal No. : SIA/JH/MIN/259578/2022).
- vi. Chaprakocha Stone Mine of Sri Manoj Kumar Singhania, Village : Chaprakocha, Tehsil : Ormanjhi, Dist. : Ranchi, Jharkhand (1.823 Ha) (Proposal No. : SIA/JH/MIN/237496/2021).
- vii. Bricks Soil Mining for M/s Super Bricks, Village : Bokada, Thana : Boram, Thana No. : 155, Dist. : East Singhbhum, Jharkhand (1.849 Ha) (Proposal No. : SIA/JH/MIN/224760/2021).
- viii. Chagjo Stone Deposit of Shri Noor Islam, Village : Chagjo, Thana : Ranga, Thana No. : 8, Dist. : Sahebganj, Jharkhand (1.619 Ha) (Proposal No. : SIA/JH/MIN/255038/2022).
- ix. Brick Soil Mining for M/s R.D. Bricks, Village : Kumharh, Thana : Sadar Medininagar, Thana No. : 271, Dist. : Palamu, Jharkhand (0.404 Ha) (Proposal No. : SIA/JH/MIN/250225/2022).
- x. Brick Soil Mining for M/s Taj Bricks, Village : Chora, P.S. : Chanho, Thana No. : 22, Dist. : Ranchi, Jharkhand (0.96 Ha) (Proposal No. : SIA/JH/MIN/225115/2021).
- xi. Namsol Brick Earth Deposit of M/s Sona Bricks, Village : Namsol, P.O. : Chota Bangurda, Thana : Boram, Dist. : East Singhbhum, Jharkhand (1.77 Ha) (Proposal No. : SIA/JH/MIN/241922/2021).





proposals subject to Hon'ble NGT order dated - 13.09.2018, dated - 11.12.2018 and the directions issued by vide MoEF & CC, OM dated - 12.12.2018 which are given below:

- a. Providing for EIA, EMP and therefore public consultation for all areas from 5 to 25 Ha falling under category B-2 at par with category B-1 by SEIAA/SEAC as well as for cluster situation wherever it is not provided.
- b. Form-1M be made more comprehensive for areas of 0 to 5 Ha by dispensing with the requirement for public consultation to be evaluated by SEAC for recommendation of grant of EC by SEIAA instead of DEIAA/DEAC.
- c. If a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior Environmental Clearance.
- d. EIA and/or EMP be prepared for the entire cluster in terms of recommendations 5 (supra) of the guidelines for the purpose of recommendations 6, 7 and 8 thereof.
- e. Revise the procedure to also incorporate procedure with respect to annual rate of replenishment and time frame for replenishment after mining closure in an area.
- f. The MoEF & CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined- out areas along with the Net present value of Ecological services forgone because of illegal or unscientific mining.

8. SEIAA considered the recommendations made by SEAC in its 93rd meeting held on 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th and 27th February, 2022 for grant of ToR to the following projects:

- i. Enhancement of MS Billet production from 24000TPA to 148.500TPA through 3x15T Induction Furnaces (by replacing existing 1x8T Furnace with 1x15T & installing additional 2x15T Furnace along with CCM-2x2strand). Slag Crusher from 4200TPA to 33.000TPA capacity and production of 145.500TPA TMT Bars & Rolled Products by installing Rolling Mills of 1x25TPH Capacity by M/s Pavanputra Steel and Alloys at Plot No. 57/B, Barhi Industrial Area, Village : Konra. P.S. : Barhi. District : Hazaribagh, Jharkhand (Proposal No. : SIA/JH/IND/71704/2022).

SEAC has made unanimous recommendation for grant of ToR. The SEIAA, based on the recommendation of SEAC, unanimously decided to grant ToR to the above mentioned project proposal with the conditions recommended by SEAC alongwith the following project specific additional condition:

- a. TCLP test report of the slag from existing plant to be provided in the EIA / EMP report.

- ii. Proposed expansion of existing SMS of M/s Radhagopal Ispat LLP, Village : Konra, Barhi Industrial Area, Tehsil : Barhi, Dist. : Hazaribagh, Jharkhand (Proposal No. : SIA/JH/IND/66453/2021).

SEAC has made unanimous recommendation for grant of ToR. The SEIAA, based on the recommendation of SEAC, unanimously decided to grant ToR to the above mentioned project proposal with the conditions recommended by SEAC alongwith the following project specific additional conditions:

- a. Certified compliance report of existing CTO from JSPCB.
- b. Permission for drawal of water from CGWA.

- c. Permission for supply of Electric to be provided.
- d. Usage of storm water to be provided.
- e. MoU for supply of slag after recovery of metal.
- f. TCLP test report for the slag of the existing plant from NABL accredited laboratory to be provided.
- g. One season baseline data to be generated.

9. SEIAA considered the recommendations made by SEAC in its 93rd meeting held on 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th and 27th February, 2022 for grant of ToR to the following project:

- i. Serangdag Bauxite Mine with production capacity of Bauxite 1,00,000 TPA, Top Soil 15,350 TPA, OB 1,69,800 TPA & Mineral reject 40,000 TPA with installation of crusher 100 TPH. Screening & Washing of M/s Hindalco Industries Ltd., Village : Serangdag, Hanrup and Paunri, Taluka : Bishunpur & Ghaghra, Dist. : Gumla, Jharkhand (77.89 Ha). (Proposal No. : SIA/JH/MIN/29237/2018).

The proposal was examined in the light of 90th meeting held on dated 14-18.09.2021, 92nd meeting held on dated 20-23.10.2021 and 93rd meeting held on dated 18-27.02.2022 of SEAC, Jharkhand for granting of ToR. SEIAA considered the above proposal in 93rd meeting dated 26th, 27th & 28th October, 2021 and made queries with reference to its 59th meeting regarding minimum distance criteria of 100 meter of lease from forest boundary. It is pertinent to mention here that then SEIAA in its 59th meeting held on 09.08.2018 has taken a decision to keep a minimum distance criteria of 100 meter even for renewal of mines (existing mines) and other projects in the light of recommendation of then SEAC of 49th meeting.

SEAC has made full deliberation on the issues raised by SEIAA, in its 93rd meeting held on 26th - 28th October, 2021 and came to the conclusion that SEAC, Jharkhand is bound to follow the EIA notification 2006, guidelines of MoEF & CC and directions given by apex Court or any competent Court of Law. But examples of other state, if any, can not be taken as direction or necessary guidelines for this committee. SEAC has again reiterates its recommendation of 92nd meeting to issue ToR to Serangdag Bauxite Mines.

Hence after full deliberation, it was unanimously decided to grant ToR to the above mentioned project proposal with conditions recommended by SEAC. At the same time it was also decided that legally existing/renewal of all project following criteria from forest will be followed:

"as is where it is basis but not in the notified/demarcated forest and ECO Sensitive Zone(ESZ)" (Ref item no. 8 of 31st meeting of SEIAA dated 27.05.2015).

10. SEIAA considered the recommendations made by SEAC in its 93rd meeting held on 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th and 27th February, 2022 for grant of Corrigendum EC to the following projects:

- i. Corrigendum EC letter for Nand Vatika Greens of M/s Nand Vatika Developers Pvt. Ltd., Village : Bariatu, Tehsil : Bargain, Dist. : Ranchi, Jharkhand. (Proposal No. : SIA/JH/MIS/247349/2021).

The SEAC has made unanimous recommendation to issue corrigendum of earlier Environmental Clearance in the favor of above mentioned project proposal with

LIST OF PROJECT FOR WITHDRAWAL OF ToR APPLICATION

Sl. No.	Proposals No.	Projects Name	Remarks
1.	SIA/JH/MIS/72544/2022	Residential Complex Samriddhi Park	Project Proponent has made request for withdrawal for application
2.	SIA/JH/MIS/72195/2022	Proposed Residential Housing Complex Shri Vrinda Green Phase -III	Do
3.	SIA/JH/MIS/72073/2022	Green Residential Project "ESTATE ECO SYMPHONY"	Do
4.	SIA/JH/MIS/71930/2022	Group Housing Project Oceanik Exotika	Do
5.	SIA/JH/MIS/71889/2022	Proposed Affordable Housing Project" Assotech Hills Sec-1"of M/s Assotech Sun Growth Abode LLP	Do
6.	SIA/JH/MIN/69556/2021	Hathigarh Stone Mine	Do
7.	SIA/JH/MIS/68919/2021	CommCommon Bio Medical Waste Management Facility, Daltonganjon	Do
8.	SIA/JH/IND/68795/2021	The establishment of standalone Grinding Unit of Dalmia cement (Bharat) Limited to manufacture 2.5 MTPA cement from waste flyash /slag at Plot No. IV/A-7(P)4, Notified Bokaro Industrial Area, P.O. : Balidih Phase-4, Bokaro-827014, Jharkhand.	Do
9.	SIA/JH/MIN/68225/2021	Bhuska Stone Deposit (Area 2.0 hectare or 4.93 Acres)	Do
10.	SIA/JH/MIS/65751/2021	Shri Vrinda Green Phase - III Proposed Group Housing Project	Do
11.	SIA/JH/MIS/64801/2021	Residential Housing Complex "Sky Dale"	Do
12.	SIA/JH/MIS/64573/2021	Group Housing Project "Oceanik Exotika"	Do
13.	SIA/JH/MIS/64570/2021	Residential Apartments Project	Do
14.	SIA/JH/MIS/64565/2021	Group Housing Project "Oceanik Exotika"	Do
15.	SIA/JH/MIS/59038/2020	Proposed Common Biomedical Waste Treatment Facility, Pakur	Do
16.	SIA/JH/MIS/58790/2020	Residential apartment	Do
17.	SIA/JH/NCP/58100/2020	Group Housing Project "Oceanik Exotika"	Do

The project authorities of above mentioned project proposals have made request for withdrawal of the above proposals. Hence, SEIAA, unanimously decided to accept the request of PA's made in this regard and allowed to withdraws their projects with immediate effect from Parivesh.

The meeting concluded with vote of thanks to the Chairman.

Member
SEIAA

Member - Secretary
SEIAA

Chairman
SEIAA