



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE**

ORIGINAL APPLICATION NO.101 OF 2019 (WZ)

IN THE MATTER OF:

Mr. Sayyed Mohammed Sabir Usman & Anr.

... Applicants

Versus

Union of India
Through Secretary, MoEF & CC & Others

... Respondents

AFFIDAVIT-IN -REPLY OF RESPONDENT NO.27

I, Devabhai S/o. Karabhai Bhutiya, Religion: Hindu, Age: __ years,
Residing at: Porbandar, the deponent herein, do hereby solemnly affirm and
state on oath as under:-

1. I state that I had appeared through learned advocate in the aforesaid Original Application as Power of Attorney (POA) holder of Udaysinh Mohobatsinh Jethwa, the proprietor of M/s. Udaysinh Mohobatsinh Limestone Mine i.e. the respondent no.27. Subsequently, pending the Original Application, said Udaysing Mohobatsinh Jethwa has expired on 17.01.2022 and vide a Will dated 17.05.2017, executed by Udaysinh Mohobatsinh Jethwa, the asset (mining lease), which is subject matter of the aforesaid Original Application is devised and bequeathed in favour of the deponent and the probate proceedings in regard thereto before the competent court of jurisdiction are pending consideration. Thus, the cause of action in relation to the mining lease for pursuing and/or defending the cause has accrued and continued in favour of the deponent. The fact of demise of Udaysinh Mohobatsinh Jethwa has

also been duly informed to the learned advocate for the applicants and has also been brought on record of the Hon'ble Tribunal vide purshis dated 16.08.2022. The copy of purshis dated 16.08.2022 with enclosures thereto is collectively produced at **ANNEXURE-R-I (Colly.)**

I have perused the memo of Original Application (in short the 'OA') and Interim Application (in short the 'IA') filed therewith as also the documents annexed therewith. I am duly competent to file the present affidavit-in-reply as under:-

3. By way of preliminary objections as to maintainability of the Original Application, I had already filed a Interlocutory Application No.____ of ____ (WZ) in the Original Application No.101 of 2019 (WZ) on the grounds briefly stated as under:-
 - (i) That the Original Application is not filed in prescribed FORMS under Rule 8(1) and doesn't adhere to and fulfill the requirement of Rules 8(5) and 14 of the NGT (Practice & Procedure) Rules, 2011 (in short the 'NGT Rules, 2011') read with Section 14, 15, and 18 of the National Green Tribunal Act, 2010 (in short the 'NGT Act, 2010');
 - (ii) That the applicants have no *locus-standi* to file the Original Application;
 - (iii) That the Original Application is barred by law of limitation prescribed under Section 14(3) and 15(3) of the NGT Act, 2010;
 - (iv) That the Original Application is filed without any cause of action;
 - (v) That the Original Application suffers from gross suppression of facts and is filed with oblique motive.

It is also submitted therein that since, the issues as raised in the Misc. Application goes to the very root of the maintainability of the Original Application and the jurisdiction of the Hon'ble Tribunal, the said issues may

kindly be decided first as preliminary issues before entertaining the Original Application on its own merits. The averments made in the said Misc. Application may kindly be treated as part and parcel of the present affidavit and I carve leave to refer and rely upon the averments made therein at the time of hearing.

4. I state that the applicant/s have conveniently suppressed the relevant facts and have made false statement in the OA and therefore, before dealing with the parawise averments of the OA, it is just and necessary for me to state the correct facts, which, in seriatim are narrated as under:-

(A) FACTUAL ASPECTS ON GRANT OF LEASE:-

- 23.09.1974 Mining Lease was sanctioned in favour of Udaysinh M. Jethwa for mineral limestone for a period of 20 years in respect of land bearing survey no.78/5, admeasuring 12.14 hectares at near Village: Ranavav, Taluka: Ranavav, District: Porbandar.
- 02.08.1994 Since the original lease granted for a period of 20 years in the year 1976 the period thereof was about to expire, the applicant filed an application in FORM-J under Rule 24(A)(1) for 'first renewal' thereof before the competent authority under the provisions of the Mineral Concessions Rules, 1960 for a period of 20 years upto 09.02.2015 and said lease was operated thereafter under deemed renewal.
- 03.02.2014 Before the expiry of the 'first renewal' and in view of subsequent amendment, under Rule 24A of the Mineral Concession Rules, 1960, an application in FORM-J was made before the competent authority seeking 'second

 -

renewal' of the existing mining lease fro a period of 20 years upto 09.02.2035.



As per the amended provisions of Section 8A of the Mines and Minerals (Development and Regulations) Act, 1957 as brought into force w.e.f.

12.01.2015, any valid and subsisting lease as granted prior to the coming into force of the said amended provisions, would be valid for a period of 50 years and therefore, the lease validity is extended for a period of 50 years i.e. from 10.02.1975 upto 17.02.2025 thus, by virtue of the said amending provisions, the answering respondent is legally entitled to continue to operate the said lease.

The mining plans were also renewed by IBM from time to time and lastly for a period from 2021-22 to 2025-26 as required under the provisions of MMRD Act, 2015 and the Rules framed thereunder.

(B) ON THE ASPECT OF GRANT OF EC:-

12.04.2010 Application through consultant in Form-1 and Pre-Feasibility Report of mining lease was submitted for grant of EC before the State Level Expert Appraisal Committee, Gujarat (SEAC).

A copy of application dated 12.04.2010 is produced at **ANNEXURE-R-II** hereto.

15.10.2010 The said application, appears to have been registered on 24.07.2010 and the lessee i.e. the respondent no.27 herein was informed by SEAC to attend the meeting of SEAC, Gujarat on 26.10.2010 at 11:15 AM.

A copy of communication from SEAC, Gujarat dated 15.10.2010 is produced at **ANNEXURE-R-III** hereto.



11.01.2011 The SEAC de-listed the application from the list of pending applications with the SEAC, Gujarat on the ground that mining lease falls within 10 KM distance from the boundary of Barda Wild Life Sanctuary i.e. protected area and falls in Category 'A' hence, EC is required to be obtained from EAC/EIAA at MoEF.

A copy of communication from SEAC, Gujarat dated 11.01.2011 is produced at **ANNEXURE-R-IV** hereto.

18.03.2014 Again applied for EC before SEAC, Gujarat informing that the project (mining lease) falls under Category 1(a)(4). Mining extraction of natural resources and power generation (for a specified production capacity) and Category 'B' and hence, EC has to be obtained for the project from State Level Environment Impact Assessment Authority.

A copy of letter/application dated 18.03.2014 is produced at **ANNEXURE-R-V** hereto.

12.07.2016

&

20.07.2016

Acceptance letter for ToR application was issued SEIAA, Gujarat in respect of proposal dated 11.07.2016 regarding grant of ToR.

The copies of letters dated 12.07.2016, 20.07.2016, Acknowledgement slip for ToR dated 11.07.2016 and duly filled in APPENDIX I (Category 'B') Form are collectively produced at **ANNEXURE-R-VI (Colly.)** hereto.

14.09.2016

In the 305th meeting of the SEAC, Gujarat while referring to the Notification of MoEF dated 25.06.2014 observed that since the mining lease is located within 5 KM distance from



Barda Wildlife Sanctuary, the project falls under Category A and doesn't fall under the purview of SEAC and the lessee was advised to approach Environmental Appraisal Committee at MoEF & CC, New Delhi for obtaining Environmental Clearance.

A copy of minutes of meeting of SEAC held on 14.09.2016 is produced at **ANNEXURE-R-VII** hereto.

06.10.2016 The SEAC informed that the application for EC with relevant information furnished in Form I, Prefeasibility Report and presentation made was considered in the meeting held on 14th September 2016 and as general condition of EIA Notification, 2006 is applicable to the proposal, the project proponent/lessee is required to apply afresh to MoEF & CC, New Delhi under Category 'A' project.

A copy letter of SEAC dated 06.10.2016 is produced at **ANNEXURE-R-VIII** hereto.

05.11.2016 Acknowledgement slip for ToR/EC was issued for submission of proposal for ToR dated 05.11.2016 in respect of request for grant of ToR.

A copy of Acknowledgement slip for ToR/EC dated 05.11.2016 is produced at **ANNEXURE-R-IX** hereto.

20.02.2017 In Letters Patent Appeal No.268 of 2017 in Special Civil Application No.19917 of 2016, on instructions, the learned Government Pleader has submitted that in all other districts, where applications are pending before the District Committee, such leases are allowed to operate lease in terms of lease deed. Thus, the Division Bench of the



Hon'ble Gujarat High Court, while issuing notice, directed the respondent authorities to allow the applicant therein to carry lease in terms of the existing lease deed executed in favour of the members of the appellant-association, by issuing necessary All Time Royalty (ATR) passes. It is also made clear that such operation shall be in accordance with the terms and conditions of lease and such operations will also be subject to further orders to be passed by the Environmental Impact Assessment Committee.

The said Letters Patent Appeal was thereafter disposed of as withdrawn vide order dated 11.02.2019.

The copies of orders dated 20.02.2017 and 11.02.2019 passed in Letters Patent Appeal No.268 of 2017 are collectively produced at **ANNEXURE-R-X (Colly.)** hereto.

13.05.2017 Thereafter, an application for ToR/EC was filed before SEIAA/EAC and an acknowledgement slip for ToR application was issued for submission of proposal for ToR dated 13.05.2017 in respect of request for grant of ToR.

A copy of Acknowledgement slip for ToR dated 13.05.2017 is produced at **ANNEXURE-R-XI** hereto.

16.01.2018 Office of Geologist, Geologist and Mining Department, Porbandar informed the EAC, MoEF that the lessee (respondent no.27 herein) has paid 100% cost of legally mined mineral and no illegally mining case due upon lessee in terms of Section 21(5) of the MMDR Act, 1957. Hence, No Objection Certificate is given to the lessee for action regarding grant of Environment Clearance Certificate.

A copy of letter dated 16.01.2018 is produced at **ANNEXURE-R-XII** hereto.

11.07.2018

The application/proposal of the lessee dated 13.05.2017 was taken up in the EAC meeting and after deliberations considered to be a violation case as per Notification dated 14.03.2017 and was recommended to defer for want of information from the project proponent/lessee.

27.11.2018

The project was again taken up in the EAC meeting and recommended for issuing Standard Term of Reference alongwith specific Term of Reference.

A copy of minutes of meeting of SEIAA/EAC dated 27.11.2018 is produced at **ANNEXURE-R-XIII** hereto.

25.02.2019

Upon application of the lessee under Section 25 of Water Act, 1974 and Section 21 of Air Act, 1981, the Gujarat Pollution Control Board (GPCB) issued 'Consent to Establish' valid for a period of 7 years.

A copy of 'Consent to Establish' dated 25.02.2019 issued by GPCB is produced at **ANNEXURE-R-XIV** hereto.

07.06.2019

MoEF & CC issued the Terms of Reference (ToR) for the mining lease.

A copy of ToR issued by MoEF & CC dated 07.06.2019 is produced at **ANNEXURE-R-XV** hereto.

26.11.2019

The lessee was informed by GPCB about the Public Hearing scheduled on 07.01.2019 in respect of grant of EC to the project.

A copy of communication of GPCB dated 26.11.2019 is produced at **ANNEXURE-R-XVI** hereto.

27.11.2019 GPCB issued public notice in the newspaper inviting objections from the public at large for the scheduled public hearing on 07.01.2019 in respect of grant of EC to the project of the lessee.

The copies of public notice issued on 27.11.2019 by GPCB in the newspapers are collectively produced at **ANNEXURE-R-XVII (Colly.)** hereto.

27.11.2019 The present OA/101/2019 was filed by the applicants before the Hon'ble NGT (WZ).

15.01.2020 The proceedings drawn at the public hearing on 07.01.2020, wherein objections of the objectors and the replies thereto of the lessee were duly recorded, was submitted before the Member Secretary, GPCB.

The copies of communication dated 15.01.2020 and the proceedings of public hearing held on 07.01.2020 are collectively produced at **ANNEXURE-R-XVIII (Colly.)** hereto.

17.03.2020 The Hon'ble NGT (WZ) issued notice in the aforesaid OA.

18.08.2020 Pursuant to the notice issued by the Hon'ble NGT (WZ) in OA/101/2019, a closure order was issued by the GPCB for want of CCA permission from the Board and for not providing air pollution control measures.

A copy of closure order dated 18.08.2020 issued by GPCB is produced at **ANNEXURE-R-XIX** hereto.

12.10.2020 Upon request, the Geologist, Mines and Minerals Department, Porbandar, unlocked the All Time Royalty (ATR) account of the lessee, permitting lifting the earlier extracted mineral already lying at site subject to conditions contained therein.



A copy of communication dated 12.10.2020 issued by the Geologist, Mines and Minerals Department, Porbandar is produced at **ANNEXURE-R-XX** hereto.



2020-2021

A criminal case was filed by the GPCB for breach of EIA Notification dated 14.09.2006 and Section 16 read with Section 15 and 19 of the Environment (Protection) Act, 1986 before the learned Principal Judicial Magistrate First Class at Ranava. Pursuant to order dated 12.11.2022 passed below Exh.1 in said Criminal Case No.11/2021, the lessee has deposited the amount of Rs.50,000/- awarded thereunder.

The copies of memo of Criminal Case No.11/2021 and the order dated 12.11.2022 passed thereon are collectively produced at **ANNEXURE-R-XXI (Colly.)** hereto.

15.01.2021

EAC in the meeting opined to grant Environmental Clearance to the project of the lessee subject to terms and conditions contained therein and the lessee submitting Bank guarantee for Rs.79.62 lakhs towards Remediation Plan and Natural and Community Resource Augmentation Plan.

A copy of the minutes of meeting of EAC dated 15.01.2021 is produced at **ANNEXURE-R-XXII** hereto.

26.07.2021

The lessee submitted the Bank Guarantee date 22.07.2021 for Rs.79.62 lakhs with the GPCB with a request to revoke the closure order and issue EC.

The copies of communication dated 26.07.2021 alongwith the Bank Guarantee are produced at **ANNEXURE-R-XXIII (Colly.)** hereto.

26.07.2021 MoEF & CC issued Environmental Clearance (EC) in favour of the lessee subject to the terms and conditions contained therein.

A copy of communication of MoEF & CC dated 26.07.2021 granting Environmental Clearance (EC) is produced at **ANNEXURE-R-XXIV** hereto.

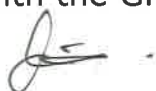
11.07.2022 Despite the deposit of Bank Gaurantee for a sum of Rs.79.62 lakhs and the grant of EC by MoEF & CC, the GPCB has failed and neglected to issue the 'Consolidated Consent & Authorization' (CCA) and revoke the closure order, the lessee has filed Special Civil Application No.15722 of 2022 before the Hon'ble High Cout of Gujarat *inter-alia* seeking directions against GPCB for issuance of CCA and quashing of closure order dated 18.08.2020, wherein, the Hon'ble High Court has issued notice vide order dated 11.10.2022 and is pending consideration by the Hon'ble High Court.

The copies of memo of Special Civil Application No.15722 of 2022 and the order dated 11.10.2022 are collectively produced at **ANNEXURE-R-XXV** **(Colly.)** hereto.

09.11.2022 GPCB informed the lessee to pay an amount of Rs.25 lakhs towards '*interim environment damage compensation*' subject to the directions that may be issued by the Hon'ble National Green Tribunal in OA/101/19, 58/18 and 37/20.

A copy of communication of GPCB dated 09.11.2022 is produced at **ANNEXURE-R-XXVI** hereto.

18.11.2022 The lessee deposited an amount of Es.12,50,000/- towards '*interim environment damage compensation*' and was also made to file an undertaking with the GPCB.



The copies of communication dated 18.11.2022 alongwith undertaking are collectively produced at **ANNEXURE-R-XXVII (Colly.)** hereto.

22.11.2022 The lessee also deposited the remaining amount of Rs.12,50,000/- towards '*interim environment damage compensation*' with the GPCB.

A copy of communication dated 22.11.2022 is produced at **ANNEXURE-R-XXVIII** hereto.

22.11.2022 While depositing the aforesaid amount, the lessee has also submitted a representation to the GPCB informing that at the time of issuance of Environmental Clearance and amount of Rs. 79.62 lakhs had been deposited by way of Bank guarantee which comprised of Rs.59.10 lakhs towards Cost of Damage/Remediation Plan, Rs.14.42 lakhs towards Natural Augmentation Plan and Rs.6.10 lakhs towards Community Augmentation Plan and thus, requested to refund the said amount of Rs.25 lakhs and that as and when the directions are issued by the Hon'ble Natural Green Tribunal in OA/101/19, the same would be complied.

A copy of representation made to GPCB on 22.11.2022 is produced at **ANNEXURE-R-XXIX** hereto.

22.11.2022 GPCB issued the revocation of closure order dated 18.08.2020.

A copy of revocation order dated 22.11.2022 issued by GPCB is produced at **ANNEXURE-R-XXX** hereto.



28.11.2022 GPCB issued 'Consolidated Consent and Authorization' (CCA) upto 26.07.2026 subject to the terms and conditions contained therein.

A copy of 'Consolidated Consent and Authorization' (CCA) dated 28.11.2022 issued by GPCB is produced at **ANNEXURE-R-XXXI** hereto.

03.12.2022 Additional Affidavit was filed in Special Civil Application No.15722 of 2022 by the lessee (the petitioner therein).

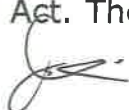
A copy of Additional Affidavit dated 03.12.2022 filed in Special Civil Application No.15722 of 2022 is produced at **ANNEXURE-XXXII** hereto

(C) ON THE ASPECT OF SUPPRESSION:-

(a) The applicants are only meddlesome inter polar and busy body, more particularly, the applicant no.2 who, on account of personal animosity with the respondent No.27 have abused the process of the Hon'ble Tribunal by seeking to file the aforesaid Original Application, which is only in the nature of personal vendetta as demonstrated hereinafter:-

(i) Since 2009 onwards, with the sole purpose to put undue pressure, various applications were filed by the applicant No.2 with the Mining Authorities, seeking information in respect of mining by the respondent No.27 through RTI applications.

(ii) Thus, at the outset, the Original Application in the present form and as filed before the Hon'ble Tribunal suffers from gross suppression of material facts including non-disclosure of filing of various applications, filed for the very alleged cause. Thus, it is false on the part of the applicant nos.1 & 2 to aver that the cause of action accrued to them only on 14.08.2019, when the applicant nos.1 & 2 sought information under the RTI Act. The said assertion is *per se*



false and has been made suppressing the necessary facts before the Hon'ble Tribunal as aforesaid. Otherwise also, the applicant no.1 cannot claim cause of action accrued to him on the basis of application of applicant no.2.

- (iii) Thus, the applicants have not approached the Hon'ble Tribunal with clean hands and have withheld true and correct facts from the Hon'ble Tribunal.

(D) ON THE ASPECT OF EIA NOTIFICATIONS:-

- 27.01.1994 The Central Government issued an Environmental Impact Assessment Notification dated 27th January 1994 in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the EP Act read with clause (d) of sub-rule (3) of Rule 5 of the EP Rules, directing that on and from the date of publication of the said notification in the Official Gazette, expansion or modernization of any activity or a new project listed in Schedule I to the said notification shall not be undertaken in any part of India, unless it has been accorded EC by the Central Government in accordance with the procedures specified in the said notification.
- 04.05.1994 Subsequently, an Explanatory Note was issued to this Notification wherein it was mentioned that the project proponents were required to seek Environment Clearance for proposed expansion/modernization activity, if the resultant pollution load is to exceed the existing levels. Under Clause 8 of the Explanatory Note, certain exemptions had been granted to the projects already initiated which reads as follows:



"For projects listed in Schedule - I to the notification in respect of which the required land has been acquired and all relevant clearances of the including NOC from the respective State Pollution Control Board have been obtained before 27 January, 1994 a project proponent will not be required to seek environmental clearance from the Impact Assessment Authority. However, those units who have not as yet commenced production will inform the Impact Assessment Authority."

Thus, the Environment Clearance was required only for new units and for the existing units, Environment Clearance was required only at the time of modernization or expansion and when the pollution load was increased.

14.09.2006 EIA Notification, whereunder, the projects listed in the Schedule to the Notification requires prior Environmental Clearance. They were classified into two categories viz., "A" category and "B" category. For "A" category projects, prior Environment Clearance had to be issued by MoEF & CC and for "B" category projects, Environment Clearance had to be issued by the State Environmental Impact Assessment Authority (SEIAA). "B" category projects were further divided into two categories viz., B-1 and B-2 category of which B-1 category projects require Environmental Impact Assessment Report, whereas, B-2 projects did not require the same.

02.07.2007 The MoEF & CC by their Circular issued a clarification regarding applicability of EIA Notification, 2006 for mining leases of less than 5 hectares of major minerals and mining leases of minor minerals which have been operating before 14.9.2006 which reads as follows:

CIRCULAR



Sub : Clarification regarding applicability of EIA Notification, 2006 on mining leases of 5 hectare (major minerals) and mining leases of minor minerals which have been operating before 14.9.2006 - reg. Federation of Mining Associations of Rajasthan and others have raised concerns regarding applicability of EIA Notification dated 14 September, 2006 to mining leases of 5 ha for major minerals and mining leases of minor minerals which have been in operation before the said Notification coming into force. The matter has been examined in the ministry.

It is clarified that all such mining projects which did not require environmental clearance under the EIA Notification, 1994 would continue to operate without environmental clearance till the mining lease falls due for renewal, if there is no increase in lease area and/or there is no enhancement of production. In the event of any increase in lease area and/or production, such projects would need to obtain prior environmental clearance. Further, all such projects which have been operating without any environmental clearance would obtain environmental clearance at the time of their lease renewal even if there is no increase either in terms of lease area or production.

It is clarified as per this notification that all mining projects which are in operation prior to the coming into force of EIA Notification, 2006 dated 14.9.2006 having a lease area of 5 hectares for major minerals and mining lease of minor minerals for which no Environment Clearance was required as per EIA Notification, 1994 which continue to operate without obtaining Environment Clearance till the mining lease falls due for renewal if there is no increase in lease area and/or there is no enhancement of production. In the event of any increase in lease area and/or production, such projects would need to obtain prior environmental clearance. Further, all such projects

which have been operating without any environmental clearance should obtain environmental clearance at the time of their lease renewal even if there is no increase either in terms of lease area or production.

01.11.2009

Thereafter, EIA Notification, 2009 was published, amending EIA Notification, 2006 where item 1(a) of Schedule I was replaced.

As per this amendment, mining area of non coal mine, having mining equal to or more than 50 hectares were brought under Category "A" and mining leases of non coal mining lease having extent of less than 50 hectares but more than or equal to 5 hectares was brought under Category "B" irrespective of whether it is minor or major minerals.

04.04.2011

Thereafter, EIA Notification, 2006 amended by 2009 Notification was further amended by EIA Notification, 2011 where against Item 1(a) in column (5) of Schedule I of EIA Notification, 2006, as amended by EIA Notification, 2009 the following was added:

"Prior environmental clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal."

09.09.2013

Thereafter, MoEF & CC has issued an amended notification, amending EIA Notification, 2006, amending the schedule.

Under column (5) of the schedule it was made clear that prior Environment Clearance is required at the stage of renewal of mining lease for which an application shall be made up to two years prior to the date due for renewal.

07.10.2014

Later, MoEF & CC issued an amendment to the EIA Notification by which all new mining operations were required to obtain prior Environment Clearance for mining of major minerals as well including mining lease area of less than 5 Hectares at the stage of renewal of mining of lease or enhancing the production capacity.

08.01.2016

The MoEF & CC issued a clarification, stating that after 07.10.2014, all mining operations required prior Environment Clearance and for existing mines, Environment Clearance had to be obtained at the time of renewal of mining leases.

14.03.2017

In exercise of power under Section 3(1) and Section 3(2)(v) of the EP Act read with Rule 5(3)(d) of the EP Rules, the Central Government issued a notification being S.O. 804(E) which provides for grant of *ex post facto* EC for project proponents who had commenced, continued or completed a project without obtaining EC under the EP Act/EP Rules or the Environmental Impact Notification issued thereunder. Paragraphs 3, 4 and 5 of the said notification, read as hereunder:

"(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site



which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment."

28.04.2017

By virtue of the notification dated 28.04.2017 whereby the Ministry of Environment and Forest in exercise of its powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986,





notified the Barda Wildlife Sanctuary and the area around it as the Barda Wildlife Sanctuary Eco-Sensitive Zone. The map appended thereto clearly reveals that the respondent no.27 leasehold area is outside the Nadiadhar Forest as well as the Eco-Sensitive Zone of Barda Wildlife Sanctuary.

08.03.2018

MoEF & CC also issued another Notification delegating certain powers for granting Environment Clearance in respect of Category "B" project to SEIAA.

15.03.2018

MoEF & CC issued another Office Memorandum as follows:

"OFFICIAL MEMORANDUM

Sub : Implementation of Notification S.O. 1030 (E) dated 8 March, 2018 - reg. The Environment Impact Assessment Notification, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior environmental clearance to the projects/activities listed in the schedule to the said Notification. These projects/activities have been categorized under Category "A" or "B" and require appraisal and approval by the respective regulatory authorities at the Central/State level.

The Ministry has issued a Notification number S.O. 804(E) dated 14 March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one time opportunity to submit the request in this regard within 6 months. In order to streamline and expedite consideration of proposals, it has now been decided that the projects/activities covered under category "B" shall be considered by the SEAC/SEIAAs in the respective States/UTs.

The Ministry has issued another Notification number S.O. 1030



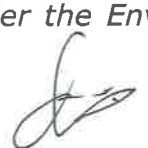
(E) dated 8 March, 2018, amending the Notification dated 14 March, 2017 to that extent. In order to operationalize the Notification number S.O. 1030(E) dated 8 March, 2018, following directions are being issued for compliance with immediate effect. The proposals received upto 13 September, 2017 on the Ministry's portal, shall be considered by the EAC or the SEAC/SEIAA in the respective States/UTs, as the case may be, in order of their submission. All the proposals of category "B" projects/activities pertaining to different sectors, received within six months only i.e. upto 13 September, 2017 on the Ministry's portal but yet not considered by the EAC in the Ministry, shall be transferred online to the SEAC/SEIAAs in the respective States/UTs. The proposals submitted directly for consideration of EC (in place of ToR) shall also be considered on the same lines in order of their submission on the Ministry's portal. All the projects of category "B" pertaining to different sectors, although considered by the EAC in the Ministry and accorded ToR shall be appraised for grant of EC by the SEA/SEIAAs in the respective States/UTs. All projects/activities of all sectors shall be required to adhere to the directions of Hon'ble Madras High Court vide order dated 13 October, 2017 while upholding the Ministry's Notification dated 14 March, 2017."

16.03.2018

MoEF & CC issued another Office Memorandum directing the concerned authority to comply with the order of the Madras High Court as follows:

"OFFICE MEMORANDUM

Sub : Compliance of the order dated 14 March, 2018 of Hon'ble High Court of Judicature at Madras in WMP. Nos. 3361 and 3362 of 2018 and WMP. No. 3721 of 2018 in WP. No. 11189 of 2017 - reg. The Ministry has issued a Notification number S.O. 804(E) dated 14 March, 2017 under the Environment (Protection) Act,





1986 to appraise and regularize the projects already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one time opportunity to submit the request in this regard within 6 months. Pursuant to the Ministry's Notification number S.O. 1030(E) dated 8 March, 2018 regarding consideration of proposals by the Expert Appraisal Committee or the SEAC/SEIAA depending upon the categorization of projects/activities (A or B) listed in the schedule to the Environment Impact Assessment Notification, 2006, the Ministry has issued Office Memorandum on 15 March, 2018 to operationalize the same. Hon'ble High Court of Judicature at Madras vide order dated 14 March, 2018 in WMP Nos. 3361 and 3362 of 2018 and WMP. No. 3721 of 2018 in WP. No. 11189 of 2017 has directed as under: In this view of the matter, considering that sub-clause (i)(d) of Stage III of paragraph 7(1) of parent notification as contained in item 1 No. 8(a) of the Schedule being housing projects, we deem it necessary to clarify that projects and project proponents falling under category alone shall be governed by the 'public consultation' clause in the parent notification. With regard to the prayer of MOEF for extension of time for submission of proposals by project proponents, we are of the view that it will serve the ends of justice if time is extended by 30 days from the date of delivery of this order in open court. In view of the above orders of Hon'ble High Court, following directions are being issued for compliance with immediate effect:—i. The project proponent who have not submitted the proposals within six months window i.e. upto 13 September, 2017 in pursuance of this Ministry's Notification S.O. 804(E) dated 14 March, 2017 are

required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects .ii. The project proponent who have submitted the proposals on the Ministry's portal after 13 September, 2017 are also required to submit the proposals afresh within 30 days to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.iii. The projects/activities pertaining to all sectors shall be considered as per the directions of Hon'ble High Court of Judicature at Madras vide order dated 14th March, 2018 in WMP Nos. 3361 and 3362 of 2018 and WMP. No.3721 of 2018 in WP. No.11189 of 2017. The directions issued vide this Ministry's OM dt.15 March, 2018 shall continue to apply."

- 20.04.2018 MoEF & CC issued another Office Memorandum regarding the procedure for disposal of Environment Clearance application in respect of certain categories.
- 30.05.2018 MoEF & CC issued another Office Memorandum No. 3- regarding consideration of violation cases on the basis of the notification dated 14.3.2017 and subsequent amendment as follows:

"OFFICE MEMORANDUM

Sub : Consideration of mining proposals involving violation of the EIA Notification, 2006 under the provisions of S.O. 804(E) dated 14.3.2017 and subsequent amendments for ToR/EC - reg. In order to regularize the projects involving violation of EIA Notification, 2006 the Ministry of Environment, Forest and Climate Change has issued a Notification number S.O. 804(E) dated 14 March, 2017 and S.O. 1030(E) dated 8 March, 2018 under the Environment (Protection) Act, 1986 to appraise the projects that have not taken prior environment clearance in terms of provisions of Environment Impact Notification, 2006



amended from time to time. Such cases have been termed as case of violation of said notification.

Meanwhile, Hon'ble Supreme Court vide judgment dated 2 August, 2017 Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause v. Union of India has passed a detailed order interpreting Section 21(5) of the MMDR Act and directing payment of 100% penalty for illegal mining operations with reference to the relevant statutes which inter alia include the Environment (Protection) Act, 1986 the Water (Prevention and Control of Pollution) Act, 1974 the Air (Prevention and Control of Pollution) Act, 1981, the Forest (Conservation) Act, 1980 and the Mines and Minerals (Development & Regulation) Act, 1957.

In pursuance of the Ministry's Notification referred to in para 1 above, the proposals involving violations of the EIA NOTIFICATION, 2006 are to be appraised for grant of ToR/EC at the Central level or by the respective SEAC/SEIAA in different States/UTs levels depending upon the categorization of the project.

In pursuance of the above notifications, the ministry had invited proposals for regularization of violation during a specified time window Now, the Ministry has received a number of proposals for grant of Terms of Reference Environment Clearance to mining projects engaged in mining of major and minor minerals for regularization of the same.

In the above context, in order to additionally comply with the directions given by the Hon'ble Supreme Court as referred to in para 2 above, it has been decided to include the following additional conditions in ToRs/ECs to be issued for mining projects under the provisions of S.O. 804(E) dated 14.3.2017 and subsequent amendments:—

The project proponent shall give an undertaking by way of affidavit to comply with all the statutory requirements and



judgment of Hon'ble Supreme Court dated the 2 August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause v. Union of India before grant of ToR/EC. The understanding inter alia include commitment of the PP not to repeat any such violation in future.

In case of violation of above undertaking, the ToR/Environmental Clearance shall be liable to be terminated forthwith.

The Environmental Clearance will not be operational till such time the Project Proponent complies with all the statutory requirement and judgment of Hon'ble Supreme Court dated the 2 August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause v. Union of India.

The State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied if any for illegal mining paid by the project proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause v. Union of India The direction issued vide this Ministry's OM dt.15 March 2018 and 16 March 2018 shall continue to apply."

14.08.2018

MoEF & CC Notification, whereby, schedule in respect of mining was amended thereby all mining activities either major or minor, having extent equal to or less than 100 hectares was classified as Category "B" and time for filing Environment Clearance was taken away. That makes mandatory for all mining operations, to file their application for Environment Clearance immediately.

09.09.2019

MoEF & CC issued another Office Memorandum regarding consideration of Category "B" violation proposal at State

level as per Notification dated 14.03.2017 which reads as follows:

"OFFICE MEMORANDUM

Subject : Consideration of Category B violation proposals at the State levels per the provisions of Notification. O.804(E) dt.14.3.2017 through lateral entry - reg.

The Ministry of Environment Forest and Climate Change issued a Notification vide S.O. 804(E) dt.14.3.2017 under the Environment (Protection) Act, 1986 to appraise the projects which have started the work onsite without taking prior environmental clearance in terms of the provisions of the Environment Impact Assessment Notification, 2006. Time period of six months (14.3.2017 to 13.9.2017) was given vide aforesaid notification to the proponents to submit proposals.

Soon after the publication of aforesaid notification a PIL challenging the validity of the notification dt.14.3.2017 was filed in Hon'ble High Court of Madras. Hon'ble High Court of Madras vide order dt.7 June 2017 prohibited from taking any further action pursuant to the Notification dt.14.3.2017 and therefore appraisal process for violation cases could not be taken up further. Hon'ble High Court of Madras vide order dt.13.10.2017 vacated the order while upholding validity of the notification dt. 14.3.2017.

Pursuant to the notification dt. 14 March 2017 Ministry received a number of proposals relating to all sectors covered under category A and category B. As per the said notification all the proposals of violation, irrespective of its categories were required to be appraised at Central level by the Expert Appraisal Committee.

Further, Ministry vide Notification S.O. 1030(E) dt.8.3.2018 amended the Notification S.O. 804(E) dt. 14.3.2017 and



delegated the power to the States for appraisal of category B proposals which are under violation of EIA Notification.

Subsequently, the Ministry issued an OM dt. 15.3.2018 for the implementation of Notification S.O. 1030(E) dt. 8.3.2018. All the category proposals were transferred to the concerned State Level Environment Impact Assessment Authority.

The Hon'ble High Court of Madras vide order dt. 14.3.20-18 was of the view that it will serve the ends of justice if time is extended by 30 days from the date of delivery of the order, thereby extending the time till 13th April, 2018 providing time for violators to apply as per the provisions of Notification S.O. 804(E). Therefore, again a one month window was given from the date of order of Hon'ble High Court (14.3.2018 - 13.4.2018) to submit proposals under violation of EIA Notification. The Ministry has issued OM dt. 16.3.2018 for the compliance of the order dt. 14.3.2018 of Hon'ble High Court of Madras.

Proposals involving violation of EIA Notification, which had applied during the window (14.3.2017 to 13.9.2017 & 14.3.2018 to 13.4.2018) under violation category are being considered by the violation committee. However, in addition to such proposals, there were many category A proposals submitted in the respective sectoral committees for regular appraisal during or prior to violation window period. Sectoral committee while deliberating on the proposals identified these as violation of EIA Notification. These proposals were subsequently forwarded to the violation committee after approval by the Competent Authority and such proposals are termed as 'lateral entry proposals'.

It is possible that there may be certain category B proposals which were submitted at SEIAA during or prior to the violation window period but not under violation category and later during



the appraisal by State Level Expert Appraisal Committee identified as violation proposals.

Now a decision has been taken in the Ministry that such proposals as mentioned in para (8) above may be considered in terms of provisions of Ministry's Notification dt. 14.3.2017 & 8.3.2018 by the SEIAA. It is clarified that only those proposals maybe taken up for consideration under this provision which had been submitted to SEAC during the window or prior to it as detailed above."

The Hon'ble National Green Tribunal (SZ) in the case of Tamil Nadu Small Mine Owners Federation V/s. Secretary, Ministry of Environment Forest and Climate Change, Government of India reported in 2020 SCC OnLine NGT 162, [Decided on June 30, 2020, (Date of reserved for judgment: - 18-03-2020)], while considering the above Notifications/Circulars/Office Memorandums issued by MoEF & CC and as amended from time to time, held and gave following directions:-

"77. So under these circumstances, the application can be disposed of, giving the following directions:

- (i) The applications which are pending as on 31.3.2016 for Environment Clearance have to be treated as normal applications and not violation applications and the authorities are directed to dispose of those applications in accordance with law.*
- (ii) The persons who have not filed applications on or before 31.3.2016 and filed thereafter, can be treated as violation applications and the MoEF & CC/SEIAA is directed to dispose of those applications as violation cases in accordance with law.*
- (iii) It is also made clear that all mining leases, either major or minor, even less than 5 hectares area, has to apply and get Environment Clearance as per the amended EIA Notification dated 15.1.2016. This will apply to the existing mining leases as well. The points are answered accordingly.*

Point No. 4;—



The application is disposed of as follows:

- (i) *The applicant is not entitled to get a declaration to quash Circular dated 3.4.2017 as prayed for but can be clarified as detailed as per direction No.(ii) onwards.*

The applications which are pending as on 31.3.2016 for Environment Clearance have to be treated as normal applications and not violation applications and the authorities are directed to dispose of those applications in accordance with law.

- (iii) *The persons who have not filed applications on or before 31.3.2016 and filed thereafter can be treated as violation applications and the MoEF & CC/SEIAA is directed to dispose of those applications as violation cases in accordance with law.*

- (iv) *It is also made clear that all mining leases, either major or minor, even less than 5 hectares area, has to apply and get Environment Clearance as per the amended EIA Notification dated 15.1.2016. This will apply to the existing mining leases as well. Without obtaining necessary Environment Clearance irrespective of area, no mining, both minor/major, shall be permitted to operate.*

78. *Considering the circumstances, there is no order as to costs.*

79. *The application is disposed of accordingly."*

A copy of judgement in the case of Tamil Nadu Small Mine Owners Federation V/s. Secretary, Ministry of Environment Forest and Climate Change, Government of India reported in 2020 SCC OnLine NGT 162 is produced at **ANNEXURE-XXXIII** hereto.

Further, the review application filed there against was dismissed by the NGT vide judgement dated 18.08.2020 passed in RA No.07 of 2020 in OA 136/2017 and the challenge thereto before the Hon'ble Supreme Court was also dismissed vide order dated 23.07.2021 passed in Civil Appeal Nos. 1789-1790 of 2021.

23.03.2020 The Ministry of Environment, Forest and Climate Change (MoEF&CC) issued a draft notification, which was duly





published in the Gazette of India Extraordinary Part II. The Notification was proposed to be issued in exercise of powers conferred by subsection (1) and clause (v) of subsection (2) of Section 3 of the EP Act for dealing with cases of violation of the notification with regard to EC. It was proposed that cases of violation would be appraised by the Appraisal Committee with a view to assess whether the project had been constructed or operated at a site which was permissible under prevailing laws and could be run sustainably on compliance of environmental norms with adequate environmental safeguards. Closure was to be recommended if the findings of the Appraisal Committee were in the negative. If the Appraisal Committee found that such unit had been running sustainably upon compliance of environmental norms with adequate environment safeguards, the unit would be prescribed appropriate Terms of Reference (TOR) after which the procedure for grant of EC would follow.

07.07.2021

By an Office Memorandum, the MoEF & CC issued Standard Operating Procedure (SOP) for identification and handling of violation cases under EIA Notification 2006, which inter alia reads as:-

"The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.



2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. v. Synochem Organics Pvt. Ltd. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar v. Central Ground Water Authority, vide order dated 03.06.2021 held that "(...) for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process".

4. Further, the Hon'ble National Green Tribunal in O.A. No. 34/2020 WZ in the matter of Tanaji B. Gambhire v. Chief Secretary, Government of Maharashtra, vide order dated 24.05.2021 has directed that "**.... a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been



examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations/decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined. In terms of the SOP, the proposal for grant of EC in cases of violation are to be considered on merits, with prospective effect, applying principles of proportionality and the principle that the polluter pays and is liable for costs of remedial measures.

Subsequently, the Hon'ble Supreme Court, while considering the EIA Notifications/Circulars/Office Memorandums issued by MoEF & CC above, in the cases of (i) Pahwa Plastics Pvt. Ltd. V/s. Dastak NGO reported in 2022 SCC OnLine 362 and (ii) D. Swamy V/s. Karnataka State Pollution Control Board reported in 2022 SCC OnLine 1278, held and reiterated that the Environmental Act does not prohibit ex post facto EC. Some relaxations and even grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with environment norms, is not impermissible.

The copies of Judgement of Hon'ble Supreme Court in the cases of (i) Pahwa Plastics Pvt. Ltd. V/s. Dastak NGO reported in 2022 SCC OnLine 362 and (ii) D. Swamy V/s. Karnataka State Pollution Control Board reported in 2022 SCC OnLine 1278 are produced at ANNEXURE-XXXIV (Colly.) hereto.

5. In view of the aforesaid facts and circumstances, at the outset, I deny all the averments and contentions raised in the Original Application & Interim Application, which are contrary to and inconsistent with the records of the case and the present reply. Thus, my specifically not dealing with each and every averments of the OA & IA may kindly not be construed as an admission of the same.



6. I state that I am filing the present reply only for the limited purpose of opposing the admission of the OA and the grant of the interim-relief and I reserve my right to file a further and detailed affidavit, if need arises and/or the Hon'ble Tribunal may otherwise direct in the facts and circumstances of the case.

7. Now dealing with the parawise averments of the memo Original Application, I have to state as under:-

- 7.1. With regard to the averments made in paragraph nos. 1 & 2, the same are formal and do not require any comment, however, the applicants be put to strict proof thereof.
- 7.2. The respondent no.27 is holding a valid mining lease upto year 2025 aforesaid and has operated the same in accordance with the terms and conditions of the lease agreement with due royalty, DMF and other applicable government charges paid thereon. Thus, the averments made in paragraph no.3 alleging illegal mining are specifically denied. Further, the applicants be put to strict proof of alleged information received under the Right to Information Act whereby, alleged gross intentional violation of EIA Notification and the referred Act for illegal mining has been attributed to the respondent no.27. It is equally denied that violation is with the active aid of the officers of various government authorities and that the government machinery in various offices are trying its level best to help and facilitate developer to violate laws as falsely alleged in paragraph nos.4 & 5 and the applicants be put to strict proof in regard thereto. The applicant's have suppressed material facts before this Hon'ble Tribunal, more particularly, the applicants no.2 as demonstrated hereinbefore wherefrom, it is evident that only with a view that the respondent no.27 succumb to the pressure of applicant no.2





since the year 2009, various applications have been filed before different forums, which are conveniently suppressed and deliberately not disclosed in the OA. Thus, the applicants have not come before the Hon'ble Tribunal with clean hands and the averments made in paragraph 6 that aggrieved by and dissatisfied with the inaction on the part of various environment protection authorities, the applicants have preferred this application is far from truth and the applicants be put to strict proof thereof.

- 7.3. The averments made in paragraph 7A(a) to (c) to 7G(a) to (k) are random and frivolous and the allegations of illegal mining relying on EIA Notifications and amendments thereto are not correct and hence denied. It is equally denied that there is any violation of CRZ Notification as falsely alleged therein.
- 7.4. The averments made in paragraph 8(a) to (f) and 9(a) to (i) are not correct and hence denied. The documents referred therein don't show any illegal mining as falsely alleged. The said paragraphs also don't mention various applications filed by applicant no.2 since the year 2009 and the response of the authorities thereto. The applicants have conveniently suppressed material facts before the Hon'ble Tribunal as aforesaid and surreptitiously refer to RTI application dated 14.08.2109 only. Nonetheless, the reply of the District Geologist, Geology & Mining Department, Porbandar dated 27.09.2019 to the said RTI application in no manner attribute any illegal mining except for providing details of mining leases held by different persons/leaseholders. The mining activities are carried out as per the terms and conditions of the mining lease agreement and the duly approved mining plans in regard thereto. The minerals are duly royalty paid alongwith applicable government cess, tax
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and other charges and the operation of mine was never held to be detrimental to environment by the competent authorities in that regard. Thus, the averments made in the said paragraphs on the allegation of illegal mining are false and without any substance.

7.5. The averments made paragraph no.10(a) to (dd) in support of grounds for filing the OA are not correct and hence, denied. With regard to the averments made in paragraph nos.11(a) to (j) and 12 to 15, I state that the application for grant of ToR/EC is was duly considered as per EIA Notifications/Circulars/Office Memorandums issued by MoEFF & CC from time to time by SEIAA/EAC as is evident from the averments made me in paragraph 4 above under heading (B) 'ON THE ASPECT OF GRANT OF EC'. Without prejudice to the above, the notification dated 14.03.2017 and amendments thereto provides to appraise and regularize the projects already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same gives jurisdiction to the SEIAA/EAC to consider and determine said aspects for recommending issuance and/or grant of ToR/EC. Further, the notification dated 07.07.2021 provides for mechanism to be followed as per SOP referred therein and in terms of said SOP, the proposal for grant of EC in cases of violation are to be considered on merits, with prospective effect, applying principles of proportionality and the principle that the polluter pays and is liable for costs of remedial measures. Thus, the issue as raised in the OA was duly considered by the constituted competent authority i.e. SEIAA/EAC in the case of the respondent no.27 and determined to recommend grant of





ToR/EC. Pursuant where to, the respondent no.27 has submitted the Bank Guarantee of Rs.79.62 lakhs composed of Rs.59.10 lakhs towards Cost of Damage/Remediation Plan, Rs.14.42 lakhs towards Natural Augmentation Plan and Rs.6.10 lakhs towards Community Augmentation Plan and thereafter, MoEFF & CC vide communication dated 26.07.2021 granted Environmental Clearance in favour of the respondent no.27. The said fact is well within the knowledge of the applicant no.2, who had participated in the public hearing in regard to the grant of EC and had filed objections thereto, which were duly replied by the respondent no.27 and recorded in the proceedings of public hearing held on 07.01.2021. Hence, in light of such facts, at this stage, the answering respondent doesn't deal with each and every averment of said grounds and instead crave leave to refer to and rely upon the said EIA Notifications/Circulars/Office Memorandums of MoEF & CC issued from time to time at the time of hearing of the OA.

7.6. With regard to the averments made in paragraph no.16, it is specifically denied that there is no enmity between the applicants and any of the respondents lease mining holders as falsely stated in said paragraph. The said statement on oath is false on record and requires to be deprecated. In view of the averments made by me in paragraph 4 above under the heading (C) 'ON THE ASPECT OF SUPPRESSION', the enmity between applicant no.2 and the answering respondent no.27 is apparent.

7.7. The averments made in paragraph 17(a) to (g), raising substantial question of environment are not correct and hence denied. It is only with a view to *pre-empt* the proceedings before the SEIAA/EAC the present OA has been filed. The MoEF & CC has already provided the procedure to deal with issue of grant of





EC additionally for violation cases and after due consideration and following the procedure in regard thereto, the mining lease of the respondent no.27 was recommended for grant of ToR/EC and lastly granted EC by MoEF & CC, in such circumstances, the present OA is not competent and deserves to be rejected in limine. Even Otherwise, the procedure provided under the Notifications/Office Memorandums/Circulars issued by MoEF & CC above, the concept of giving public hearing has been made available before grant of EC. In fact, the applicant no.2 has already participated in public hearing in respect of grant of EC for mining lease of respondent no.27 and after considering the same, SEIAA/EAC recommended for issuance/grant of EC and accordingly EC is granted by MoEF & CC aforesaid.

7.8. With regard to the averments made in paragraph no.18(a) to (m) on the aspect of *locus* of the applicants to file the OA, I state that as per the address stated in the cause title of the OA, the applicant no.1 resides at Kodinar, District Gir Somnath in the State of Gujarat whereas, the applicant no.2 resides at Porbandar in the State of Gujarat. Both the places are situated about 170 KM apart and stated to have cause of action accrued to the applicants in common on 14.08.2019 when the information was obtained under the RTI Act and through online search from websites of various government departments inviting attention of GPCB, CGM & IBM. The distance of respondent No.27 from the place of address of applicant no.1 is about 180 KM and that of applicant no.2 about 25 KM.

Further, Section 18(2) of the NGT Act, 2010 reads as under:-

Section 18(2):-*Without prejudice to the provisions contained in Section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by;*



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- (a) *the person, who has sustained the injury; or*
- (b) *the owner of the property to which the damage has been caused; or*
- (c) *where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or*
- (d) *any agent duly authorized by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or*
- (e) *any person aggrieved, including any representative body or organization; or*
- (f) *the Central Government or a State Government or a Union Territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for the time being in force.*

The applicants herein, do not fall in any of the categories/class of persons as mentioned in the in Section 18(2)(a) to (f) in as much as that (i) *the applicants are not the persons who have sustained the injury; (ii) the applicants are not the owner/s of the property/properties to which the damage has been caused; (iii) it's not a case, where death has resulted from the environmental damage, nor to any of the legal representatives of the deceased; (iv) the applicants are not the agents duly authorized by such person or owner of such property or all or any of the legal representatives of the deceased and (v) the applicants are not the persons aggrieved, including any representative body or organization, as the case may be and thus, have no locus-standi, to invoke the jurisdiction of the Hon'ble Tribunal.*





Further, in the Original Application, the applicants, in respect of their *locus* to file the Original Application, while drawing a distinction between 'person aggrieved' and 'person injured' averred that they are affected and aggrieved due to violations of their legal rights to clean and decent life & environment and that it is not necessary to be 'injured person' to file an application or appeal before the Hon'ble Tribunal. Nonetheless, while saying so, the applicant no.2 conveniently forgets to disclose the personal animosity/grudge, the applicant no.2 had with the respondent No.27 as demonstrated above. Thus, to settle the personal scores, the applicant no.2 cannot be allowed to invoke the jurisdiction of this Hon'ble Tribunal so as to abuse the process of law. The applicant no.1, thus, is a stranger to the proceedings, had no locus and cannot be said be an 'aggrieved person' in any manner whatsoever. In any case, the said applicants do not fall in any of the categories of 'person', entitled for grant of relief or compensation or settlement of dispute, invoking the jurisdiction of the Hon'ble Tribunal under Section 18 of the NGT act, 2010 on the basis of RTI application/s dated 14.08.2019.

In view of the above, as is evident, none of the persons living in the near vicinity have raised any grievance of mining by the respondent no.27 except for applicant no.2, who carries personal grudge as demonstrated. The applicant no.1 lives almost 180 KM apart from the mines of the respondent no.27 that too in other district and thus, is a stranger to the cause as alleged in the Original Application. In such circumstances, the applicants cannot be said to be either affected and/or aggrieved person in any manner whatsoever. Thus, the applicants have not approached the Hon'ble Tribunal with clean hands and under the



guise of public spirited persons/environmentalist, private malice and vested interest is apparent.

7.9. The averments made in paragraph no.19 as regards the jurisdiction of the Tribunal, I state that the case of the respondent no.27 is considered as a violation case under the Notification date 14.03.2017 and the amendments thereto providing regularization of such mining leases/projects by the competent authority namely, the SEIAA/EAC, which is empowered to consider and determine the case of the respondent no.27 in terms of the SOP drawn in that regard in terms whereof, the proposal for grant of EC in cases of violation are to be considered on merits, with prospective effect, applying principles of proportionality and the principle that the polluter pays and is liable for costs of remedial measures. After due consideration of the environment impact as a result of mining activities carried and/or to be carried by the respondent no.27 and after securing the cost towards damage/remediation plan, natural augmentation plan and community augmentation plan and upon depositing the amount of Rs.79.62 lakhs by way of Bank Guarantee, the EC is granted to the respondent no.27. Additionally, an amount of Rs.25 lakhs towards '*interim environment damage compensation*' is also deposited with GPCB as aforesaid. Under the circumstances, the applicants are precluded from invoking the jurisdiction of the Hon'ble Tribunal for the same cause. In any case, the jurisdiction to grant the EC as aforesaid is already provided under the Notifications/Office Memorandums/Circulars issued by the MoEF & CC from time to time and in the case of respondent no.27, Environmental Clearance (EC), Consent to Establish (CTE) and 'Consolidated





Consent and Authorization' (CCA) is already granted. Thus, the SEIAA/EAC has decided the application for grant of EC on its own merits and invocation of the jurisdiction of the Hon'ble Tribunal by the applicants on same cause solely with a view to *pre-empt* the said procedure for grant of EC by SEIAA and exercise of the jurisdiction by the Hon'ble Tribunal in respectful submission of the respondent no.27 doesn't survive.

7.10. The averments made in paragraph no.20(a) to (f) as regards the cause of action to file the OA, I state that in the Original Application in respect of cause of action, it is averred that the applicants have obtained the information in RTI dated 14.08.2019 and through online search from the websites of various government departments inviting attention of GPCB, CGM & IBM towards the violation of illegal mining. Thus, according to the applicants, the cause of action to file the Original Application arose on 14.08.2019, when such information was sought.

ON THE ASPECT OF CAUSE OF ACTION:-

- (i) The applicant No.2 had filed RTI applications before the Forest authorities, Mamlatdar, Geologist, Deputy Collector/Collector etc. since the year 2009, seeking details, alleging illegal mining by the respondent No.27 and/or others. Thus, if at all, the cause of action has arose in favour of the said applicant, the same has 'first arose' in the year 2009 and thus, the present Original Application filed only on 27.11.2019 is barred by law of limitation having been filed after more than 10 years.



- 
- (ii) Without prejudice to the above, mere filing of application by the said applicants before the authorities under RTI Act *per se* would not give the applicants the cause of action to file the present Original Application nor would the same extend the period of limitation as provided under Section 14(3) of the NGT Act, 2010. In fact, the applicants are duty bound and obliged under the law to disclose all the factual details regarding filing of RTI applications for very same alleged cause of action made since the year 2009 and the response received thereto from time to time, which has been conveniently suppressed and withheld with a view to misguide the Hon'ble Tribunal.
- (iii) If such an assertion on the cause of action as put forth by the applicants as regards web search of various departments is to be accepted in that case the concept of cause of action and limitation as provided are required to be given a go by and every application seeking information under the RTI Act or otherwise is to be treated as giving a cause of action, filed at any point of time with indefinite limitation.
- (iv) Without prejudice to the above, the Original Application in present form is not maintainable as the same doesn't adhere to the FORMS prescribed in that regard under NGT Rules, 2011 and non-disclosure of important facts within the knowledge of the applicant/s since the year, 2009 and subsequent information sought under the RTI application dated 14.08.2019 would not give fresh cause of action and would not extend limitation otherwise than provided under the provisions of the NGT Act, 2010. In the circumstances, the Original Application is barred by limitation prescribed
- 

under the NGT Act, 2010 and thus, beyond the jurisdiction of the Hon'ble Tribunal.

- 
- (v) According to the applicants, the alleged cause of action for filing the Original Application has accrued when RTI information was sought pursuant to application dated 14.08.2019, which was filed by applicant no.2 alone. Thus, how and in what manner, the cause has accrued in favour of applicant no.1 to file the Original Application is not born out from the averments made in the Original Application.
- (vi) Otherwise also, the parties to the Original Application are different and there is no commonality of cause of action amongst the applicants' viz.-a-viz. the parties to Original Application entitling the applicants to file the joint Application before the Hon'ble Tribunal.

In view of the above, the OA is filed without any cause of action. Hence, the averments made in made in paragraph no.20 are denied.

7.11 The averments made in paragraph no.21(A) to (E) as regards the limitation to file the OA, I state that in respect of limitation to file the Original Application it is stated that the application is made under Section 14 & 15 of the NGT Act, 2010 and limitation respectively is 6 months and 5 years and that Original Application is filed within 6 months from 14.08.2019 and thus, the same is filed within the prescribed period of limitation.

ON THE ASPECT OF LIMITATION:-

- (i) The Original Application is barred by law of limitation in view of the fact that the 'cause of action' *qua* the respondent No.27 for filing of the application assuming to have arisen, the same has 'first arose' in the year 2009,





when the applicant no.2 first filed the application under the provisions of RTI Act, 2005 and continued to file as such as aforesaid, however, the same cannot be said to have extended the period of limitation as long as the applicants continue to make such applications. Thus, the right to sue first, if at all accrued in favour of the said applicant no.2, the same has accrued in the year 2009 and therefore, successive applications filed under the RTI Act will not give fresh cause of action and/or indefinite cause beyond the period of limitation counted from said date, when such cause of action 'first arose' and accrued above. If the assertion of the applicants is to be accepted than there is no sanctity to the limitation provided under the NGT Act, 2010, which categorically records the limitation to start from the date when the cause of action 'first arose' and application shall have to be made within a period of six months from said date of cause of action for such dispute 'first arose'.

- (ii) The provision of Section 14(3) and Section 15(3) of the NGT Act, 2010 respectively provides for period of limitation for filing of application and the application for grant of compensation on the basis of cause of action 'first arose'. In the present case admittedly, the 'cause of action' has 'first arose', when the applicant no.2 has filed applications under RTI Act in the year 2009 and onwards and had informed knowledge since then. In the circumstances, it was well within the knowledge of the applicant no.2, more particularly from the response of the authorities thus, there is no question of extension of limitation from the year 2009 till the year 2019, when such similar





applications were filed by the applicants under the provisions of the RTI Act, 2005. Thus, assuming that the cause of action has accrued in favour of the applicants, the same has first accrued in the year 2009 and hence, the period of limitation has already exhausted and expired and the Original Application is barred by limitation in that regard. Thus, the averments in the Original Application that the authorities have provided information about mining without prior EC & Consents and Original Application is filed within six months from the information dated 14.08.2019 is false on record of the case. In any case, the response of the authorities under RTI Act to the application/s of the applicant/s in no manner attribute any illegal mining except for providing details of mining leases held by different persons/leaseholders.

- (iii) Further, unless the applicants show that the Original Application as filed is within the period of limitation as provided under Section 14(3) of the NGT Act, 2010, the question of invoking provision of Section 15 of the NGT, 2010 is not permissible. In any case, the Original Application, seeking compensation after 10 years from the date of cause of action, which, as aforesaid, has 'first arose' in the year 2009, invoking Section 15 of the NGT Act, 2010 is equally barred by law of limitation and has been filed without any cause of action.
- (iv) Further, according to the applicants, the alleged cause of action for filing the Original Application has first arose on 14.08.2019, when applicant no.2 has filed application for information under RTI Act, 2005. Thus, how and in what manner, the cause has accrued in favour of applicant no.1



on the basis of application dated 14.08.2019 filed by applicant no.2 alone and how the Original Application is filed within limitation is not born out from the averments made in the Original Application.

In view of the above, the OA is clearly barred by law of limitation. Hence, the averments made in paragraph no.21 are denied.

8. In light of the facts stated hereinabove, the applicants are not entitled for grant of any prayers much less the prayers made in paragraph no.22 and in respectful submission of the respondent no.27, the OA is required to be dismissed in limine.

Date : 13.01.2023

Place : _____

(ANIRUDDHA S. KULKARNI)

(Advocates for Respondent No.27)

VERIFICATION

I, Devabhai S/o. Karabhai Bhutiya, the deponent herein, resident of Porbandar, do hereby verify that the contents of paragraphs 1, 3 and 4(A) to 4(C)(i) are true to my personal knowledge and paras 5 to 8 believed to be true on legal advice and that I have not suppressed any material fact.

Date: __.__.2023

Place: _____

(DEPONENT)

Devabhai S. Bhutiya



ભારત સરકાર
Government of India

ભૂતિયા દેવાભાઈ
Bhutiya Devabhai

જન્મ તારીખ / DOB : 28/07/1967
પુરુષ / Male



5991 6151 1092



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO.101 OF 2019 (WZ)**

IN THE MATTER OF:

Mr. Sayyed Mohammed Sabir Usman & Anr.

... Applicants

Versus

Union of India
Through Secretary, MoEF & CC & Others

... Respondents

AFFIDAVIT

I, Devabhai S/o. Karabhai Bhutiya Hindu, Adult, Indian inhabitant, residing at Porbandar, the deponent herein, do hereby on solemn affirmation state that what is stated in paragraphs 1, 3 and 4(A) to 4(C)(i) of the reply are true to my own knowledge, what is stated in paragraphs 4(D) are based on information and belief and I believe the same to be true and correct, what is stated in paragraphs 4(C)(ii), (iii) and 5, 6, 7 to 7.11 and 8 contains reply to OA/submissions of law.

Solemnly affirmed at Porbandar on this 11th day of JAN, 2023



Devabhai S/o. Karabhai Bhutiya
DEPONENT

**SOLEMNLY AFFIRMED
BEFORE ME**

S.B. Hindocha
SAMIR B. HINDOCHA
NOTARY

11 JAN 2023 GOVT. OF INDIA
RG. SERIAL No. 193/2023
DATE 11 JAN 2023
BOOK No. 12
PAGE No. 37

S.B. Hindocha
SAMIR B. HINDOCHA
NOTARY
GOVT. OF INDIA

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE**

ORIGINAL APPLICATION NO.101 OF 2019 (WZ)

IN THE MATTER OF:

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... Respondents

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4.	R-IV	Copy of communication from SEAC, Gujarat dated 11.01.2011.	1021
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6	R-VI (Colly.)	Copies of letters dated 12.07.2016, 20.07.2016, Acknowledgement slip for ToR dated 11.07.2016 and duly filled in APPENDIX I (Category 'B') Form.	1023 to 1033
7.	R-VII	Copy of minutes of meeting of SEAC held on 14.09.2016.	1034 to 1036
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Date : __.__.2023

Place : _____

(ANIRUDDHA S. KULKARNI)
(Advocate for Respondent No.27)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH , PUNE**

**ORIGINAL APPLICATION NO.101 OF 2019(WZ)
(IA NO. 148 OF 2019)**

Mr. Sayyed Mahommad Sabir Usman & Anr.

...Applicants

Versus

Union of India & Ors.

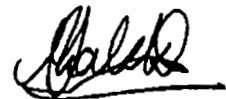
...Respondents

PURSHIS

1. That the respondent No.27 is represented by the undersigned Advocate/s in the aforesaid Original Application.
2. It has been informed that the respondent No.27 has expired on 17.01.2022 as is evident from the Death Certificate issued by the competent authority in that regard, a copy whereof is attached as ENCLOSURE-I hereto.
3. That Udaysinh M. Jethwa (Since Deceased) has executed a Will dated 17.05.2017 whereby, the asset (mining lease), which is subject matter of the aforesaid Original Application is devised and bequeathed in favour of Devabhai Karabhai Bhutiya, having address at: Gatral Bhavan, Satyam Park, Rajiv Nagar, Porbandar and the probate proceedings in regard thereto before the competent court of jurisdiction are pending consideration. A copy of Will dated 17.05.2017 is attached as ENCLOSURE-II hereto.
4. That the copy of this purshis with enclosures above is duly sent to the learned Advocate appearing for the petitioners through e-mail, a copy whereof is attached as ENCLOSURE-III hereto.

Date : __.08.2022

Place : Ahmedabad



Shweta Sharma / Mit S. Thakkar
(Advocates for Respondent No.27)
Udaysinh Mohobatsinh Limestone Mine

Encl: As Above



ગુજરાત સરકાર

GOVERNMENT OF GUJARAT

આરોગ્ય અને પરિવાર કલ્યાણ વિભાગ

DEPARTMENT OF HEALTH AND FAMILY WELFARE

મરણ પ્રમાણપત્ર

DEATH CERTIFICATE

(જન્મ અને મરણ નોંધણી અધિનિયમ, ૧૯૬૯ ની કલમ ૧૨/૧૩ અને

ગુજરાત જન્મ-મરણ નોંધણી નિયમો, ૨૦૧૮ ના નિયમ - ૮ મુજબ)

(Issued under Section 12/17 of the Registration of Birth and Death Act, 1969 and
Rule 8 of the Gujarat Registration of Birth and Deaths Rules 2018)

ફોર્મ - ૬ FORM - 6



આથી પ્રમાણિત કરવામા આવે છે કે, નીચેની માહિતી મરણના મૂળ રેકૉર્ડમાથી લેવામા આવી છે. જે ભારતના ગુજરાત રાજ્યના પોરબંદર જિલ્લાના પોરબંદર તાલુકાના પોરબંદર ગ્રામ/શહેરના રજિસ્ટરમા છે.

This is to certify that the following information has been taken from the original record of death which is in the register for Village/City Porbandar(M) of Taluka Porbandar of District Porbandar of Gujarat State, India

નામ Name / ગણિત /

જાતિ/Sex પુરુષ / Male

મરણ તારીખ Date of Death 17/01/2022

મરણ સ્થળ/ Place of Death :

Monday January 17 2022

BHAVSINHJI HOSPITAL PORBANDAR

માતાનું નામ Name of Mother

પિતાનું-પતિનું નામ / Name of Father or Husband

મેથાફલારબા

મોહબતસીદ જેઠવા /

મરનારના મૃત્યુ સમયનું સરનામું / Address of deceased at the time of Death

મરનારનું કાયમી સરનામું / Permanent address of Deceased

ભાવસિંહજી હોસ્પિટલ પોરબંદર / Bhavsinhji Hospital Porbandar

સોલ્વરકોઇન અપાર્ટમેન્ટ, પોરબંદર / Bhogeshwar Prasad Silvercoin Apartment, Porbandar

નોંધણી ક્રમાંક - Registration No 109

નોંધણીની તારીખ / Date of Registration 21/01/2022

નોંધણીના વિશેષ નોંધ / Remarks (if any)

પ્રમાણપત્ર નંબર / Certificate No D202210028957

0

પ્રમાણપત્ર કાઢી આપ્યાની તારીખ / Date of issue

પ્રમાણપત્ર આપનાર સત્તાધિકારીની સહી / Signature of issuing authority

25/01/2022

Registrar (Birth & Death)

રજિસ્ટ્રાર (જન્મ & મરણ)
Porbandar(M) , Porbandar

Disclaimer : This is computer generated extract of death register. In case of any objection, please contact concerned Registrar (B&D).

a-XNGoREqMxIGp8LKcGqXKkjupSY1I2mU2ODkWhga3IDfzMgK9qjGxF9#D2Gz783

A circular notary stamp from the Government of India, Gujarat. The outer ring contains the text "GOVT OF INDIA" at the bottom and "GUJARAT" at the top. Inside the ring, the word "NOTARY" is at the top, and "14/1/1977" is at the bottom. The center of the stamp contains the text "GOVT OF INDIA" and "GUJARAT" in a circular arrangement, with "14/1/1977" in the middle. The stamp is slightly faded and has a textured appearance.

दीरलकुमार मोहनलाल लाजाणी
रहेरप लेकनर ला. नं. १५
ओडीसा :- ओपननाथ पोस्ट,
मोरङ्ग.

WILL

I, **UDAYSINH M. JETHWA** S/of **MUHHOBAT SINH JETHWA** Age : 67 Years, Residing at Village : **KATWANA** Tehsil : **Porbandar** District : **Porbandar** have declared two wills before, one was power of attorney dated 6th July, 1994, and another one was partnership deed dated 26th January, 2010. I hereby declare that those two wills will remain valid forever for

ବିଧାନ ସଭା ନିମ୍ନଲିଖିତ ପ୍ରଶ୍ନର ଉତ୍ତର ଦିଅନ୍ତୁ :

-2-

3 MAY 2017

mining lease at Ranavav Survey No. 78/5 12.14 Hector Codicils and Testamentary dispositions made by me. I declare this to be my third and last Will and Testament.

I maintain good health and possess a sound mind. This Will is made of my own independent decision and free violation. Have not be influenced cajoled or concerned in any manner whatsoever. I have no immediate family and to avoid conflicts in future I am declaring this will. I am currently 67 Years old and because of my age. I declare this will to be last one.



I hereby appoint Mr. Deva Karabhai Bhutiya, Aged : 49 Years. Residing at : Gatrul Bhavan, Satyam Park, Rajiv Nagar, Porbandar, as the sole Executor of this WILL.

I own a mining lease in the name of Udaysinh M. Jethwa having Order no MCR-1572 (J-39) 5706-CHH dated 23rd September, 1974 located at Ranavav Survey No. 78/5 Tehsil : Ranavav District : Porbandar (Gujarat).

The entire above stated asset (Lease) owned by me are self acquired properties. No one else has any right, title, interest claim or demand whatsoever on these assets or properties. I have full right absolute power and complete authority on these assets or property which may be substituted in their place or places which may be acquired or received by me hereafter.

I hereby give, devise and bequeath above stated assets (Lease) or properties, whatsoever and wheresoever to Mr. Deva Karabhai Bhutiya absolutely forever.

Deva Karabhai Bhutiya

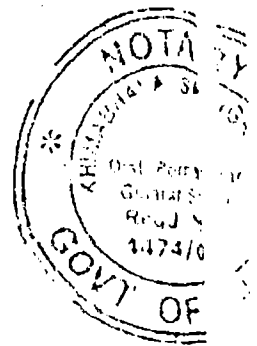
17 MAY 2017 -3-

ELECTION COMMISSION OF INDIA
IDENTITY CARD
ભારતીય ચૂંટણી પંચ
भारतीय चूँटणी पंच

NOTARY
SHINGRAKHIA
GUJARAT
GOVT. OF INDIA

Elector's Name : Jethava Udaysinh
પત્રદારનું નામ : જેઠા ઉદયસિંહ
Father's Name : Mahabatsinh
બિરાજી નામ : મહોબતસિંહ
Sex / જાતિ : Male / પુરુષ
Age as on 1.1.2006 : 55 Years
૧.૧.૨૦૦૬ના રોજ ઉંમર : ૫૫ વર્ષ

NOTARY
SHINGRAKHIA
GUJARAT
GOVT. OF INDIA



UNION OF INDIA Driving Licence (GJ) (NT+T)
GUJARAT STATE
GJ25 20030020713

NOTARY
SHINGRAKHIA
GUJARAT
GOVT. OF INDIA

Date of First Issue : 27-01-2003
Validity : 26-01-2023
COOL : 26-08-2016
Date of Birth : 04-08-1987
Blood Group : O+ve

NAGJIAN L OGEDRA
LILA OGEDRA

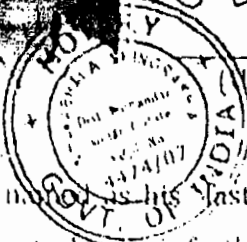
ભારત સરકાર
Government of India
જાડોજા યશપાલસિંહ
Jadoja Yashpal Singh
જન્મ તારીખ / DOB : 16/12/1990
પુરુષ / Male

2503 9318 2174

આધાર - સામાન્ય માણસનો અધિકાર

IN WITNESS WHEREOF I have hereunto set my hands on this
17th day of May, 2017 at Porbandar.



[Signature]

(DAYSINHI M. JETHIWA)

Signed by the above named person as his Last Will and Testament in our presence, who appear to have perfectly understood & approved the contents in the presence of both of us presents, at the same time who in his presence and in the presence of each other have hereunto subscribed our names as Witnesses.



સહી:

[Signature]

1. _____

ગાંધીજી. નાનાલાલ રાઉલ

1 / MAY 2017,

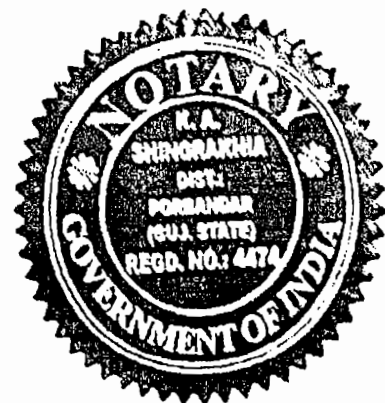
2. બંદીશ વશિષ્ઠ (સંપ. રામન)

SIGNED
BEFORE ME

[Signature]
K.A. Shingrakhi
Notary
Govt. of India

Serial No. 1123 2017

[Signature]
K.A. SHINGRAKHIA
NOTARY
GOVT OF INDIA



17 MAY 2017



17 MAY 2017.
NOTARIAL NOTARIAL



Mit Thakkar <msthakkaradv@gmail.com>

Purshis - Original Application No.101 of 2019 (WZ)

1 message

Mit Thakkar <msthakkaradv@gmail.com>
To: nitinlonkar@gmail.com

Tue, Aug 16, 2022 at 6:07 PM

Dear Sir,

I had filed my appearance in IA No.148 of 2019 in OA No.101 of 2019 (WZ) on behalf of the Respondent No.27. Unfortunately, the Respondent No.27 has recently passed away. I serve upon you a scanned copy of purshis along with the enclosures, being the Death Certificate and the Will, for your kind perusal.

Regards,
Mit S. Thakkar.

--
Regards,
Mit S. Thakkar,
Advocate.

409, Satyamev-A, Part-I,

Above Bar Council of Gujarat,

Opp. Gujarat High Court,

Sola, Ahmedabad – 60.

(O) - (079) 27663112; 27664112.
(Ph.) - +91 9925246493

 **Purshis in OA No. 101 of 2019 (WZ).pdf**
2080K



Mit Thakkar <msthakkaradv@gmail.com>

Purshis in IA No.148 of 2019 in OA No.101 of 2019 (WZ)

2 messages

Mit Thakkar <msthakkaradv@gmail.com> Tue, Aug 16, 2022 at 6:40 PM
To: ngt-pune@gov.in, judicial-ngt@gov.in

Dear Ma'am/Sir,

I had filed my appearance on behalf of Respondent No.27 in the captioned matter being Original Application No.101 of 2019 (WZ). Unfortunately, Respondent No.27 has passed away recently. I have informed the advocate of the Applicant in the captioned matter and served the purshis along with the enclosures. A scanned copy of the purshis and proof of service is attached herewith.

Regards,
Mit S. Thakkar.

--
Regards,
Mit S. Thakkar,
Advocate.

409, Satyamev-A, Part-I,
Above Bar Council of Gujarat,
Opp. Gujarat High Court,
Sola, Ahmedabad – 60.

(O) - (079) 27663112; 27664112.
(Ph.) - +91 9925246493

 **Purshis in OA No. 101 of 2019 (WZ)-combined.pdf**
2162K

Mit Thakkar <msthakkaradv@gmail.com> Tue, Aug 16, 2022 at 6:40 PM
To: Satyen Thakkar <satyenthakkarlegal@gmail.com>

[Quoted text hidden]

 **Purshis in OA No. 101 of 2019 (WZ)-combined.pdf**
2162K

Annexure R-II

24-16-98 01:34

A

002

GEO - ORE**TECHNICAL CONSULTANTS**

19, City Station Road, Opp. Apsara Hotel,
Udaipur - 313 001 (Raj)
Tele Fax : (0294) 2422950 (C) Tel - 2460377 (R)
Mob. No. 94141-65277
E-mail : geo_oretech@yahoo.co.in

GTC/1576/2009-2010

Dated : 12.04.2010

To

The Secretary,
Gujarat State Pollution Control Board, State Level Expert Appraisal Committee,
Sector No. 10, Block No. 14/B, New Sakinaka,
Gandhinagar.

Sub: Submission of Form - I & Pre-Feasibility Report of Limestone Mine,

N/y. Ranavav, S.No. 78/5, Taluka - Ranavav, Distt: Porbandar, State Gujarat

over an area of 12.14 Ha. in favour of Shri Uday Sinh M. Jetwa.

Dear Sir,

With reference to the above subject, I am enclosing herewith the above mentioned Form - I & Pre-Feasibility Report of Limestone Mine in three fair copies.

Please acknowledge it.

Thanking you,

Yours faithfully,

For Geo-Ore Technical Consultants,

(Signature)
(C.K. CHOUDHARY)

Encl. As above.



**HARDIK SHAH
SECRETARY**

State Level Expert Appraisal Committee

Annexure-R-III

**STATE LEVEL EXPERT APPRAISAL
COMMITTEE, GUJARAT.**

Office : Gujarat Pollution Control Board,
"Paryavaran Bhavan", Sector 10-A,
Gandhinagar-382010, GUJARAT

Phone : 079 -23232152, 23241514

Fax : 079 -23222784.

Email : ms-gpcb@gujarat.gov.in

Ref. No.: EIA-10-2010-717-E. *61144* Date: October 13, 2010.

15 OCT 2010

Sub: Environmental Clearance under the EIA Notification, 2006.

Dear Sir,

This refers to your application dated 24-07-2010 submitted to the State Level Expert Appraisal Committee, Forests & Environment Department, Government of Gujarat, regarding the subject mentioned above.

It is proposed to consider the said proposal in the next meeting of the State Level Expert Appraisal Committee, Gujarat, to be held on 26th October, 2010 at 11:15 AM. in the Conference Room of Gujarat Pollution Control Board, Sector 10-A, Gandhinagar

You are, therefore, requested to attend the meeting of the State Level Expert Appraisal Committee, Gujarat, along with the concerned officers / consultant and make a brief presentation before the committee covering the relevant information including the salient features of the project, site details, environmental issues and other relevant information furnished in Form I attached with your above-mentioned application.

With regards,

Yours sincerely,

(Signature)
(Hardik Shah)

Secretary, State Level Expert Appraisal Committee

To,

Shri Udaysingh M. Jetwa

Ranavav Limestone Mining Project (Lease Area : 12.14 Ha)

C/o Shri D.K. Bhutia,

"Gatral Bhawan", Satyam Park,

Dist : Porbandar-360575

Annexure R-IV



HARDIK SHAH
SECRETARY

State Level Expert Appraisal Committee

**STATE LEVEL EXPERT APPRAISAL
COMMITTEE, GUJARAT.**

Office : Gujarat Pollution Control Board,
"Paryavaran Bhavan", Sector 10-A,
Gandhinagar-382010, GUJARAT

Phone : 079 -23232152, 23241514

Fax : 079 -23222784.

Email : ms-gpcb@gujarat.gov.in

Ref. No.: EIA-10-2010-717-E. 70512

11 JAN 2011

To,
✓ Shri Udaysingh M. Jethwa
Ranavav Limestone Mining Project (Lease Area : 12.14 Ha)
C/o Shri D.K. Bhutia,
"Gatral Bhawan", Satyam Park,
Porbandar-360575

**Sub:Environment Clearance under the EIA Notification 2006 for your proposed project
at Survey No : 78/5 , Ta : Ranavav Dist : Porbandar**

Dear Sir,

This refers to your application on the subject mentioned above and the meeting held with the State Level Expert Appraisal Committee, Gujarat, on 26th Oct, 2010. The relevant information furnished in Form I and presentation made before the SEAC was considered.

During the meeting, the committee noticed that the proposed project is situated within 10 Km distance from the boundary of the Barda Wild Life Sanctuary, Dist. Porbandar and hence you were informed that general condition is applicable to the mining projects [Category 1(a)] and as the proposed project is situated within 10 Km distance from the boundary of the Barda Wild Life Sanctuary, i.e. protected area notified under the Wild Life (Protection) Act, 1972, the proposed project falls under Category "A" and hence prior environmental clearance is required to be obtained from the EIAA at the MoEF. In view of above, file of your proposed project has been closed and de-listed from the list of pending applications with the SEAC, Gujarat.

You are hereby once again advised to apply to the EAC / EIAA at the MoEF for obtaining the prior environmental clearance for the proposed project and not to start proposed activities until requisite prior environmental clearance is obtained.

With regards,

Yours sincerely,

(Signature)

(Hardik Shah)
Secretary, State Level Expert Appraisal Committee

Annexure - R - V

O/C

UDAYSINH M.JETHAWA

S.NO: 78/5/1A/P1, AT - RANAVAV, TA - RANAVAV, DIST - PORBANDAR.
(M) 9825209730

Date: 18-03-2014

To,

The Member secretary,

State Level Expert Appraisal committee, Gujarat

Paryavaran Bhavan,

Sector 10 A,

Gandhinagar.

Subject: Environment clearance under the EIA notification 2006 - Proposed project of "Udaysinh M.Jethwa. For Extraction of Lime Stone from S. No.78/5/1A/P1, At - Ranavav, Ta - Una, Dist - Porbandar

Respected Sir,

We "Udaysinh M.Jethwa" Proposes to do activity for Extraction of Lime stone from S. No.78/5/1A/P1, At - Ranavav, Ta - Ranavav, Dist - Porbandar. Total area will be 0.7.28.46Ha

So, as per EIA Notification, our project is fall under Cat 1(a)(4): Mining, extraction of natural resources and power generation (for a specified production capacity) and Cat B. So, we have to obtain Environmental Clearance for our project from State Level Environment Impact Assessment Authority.

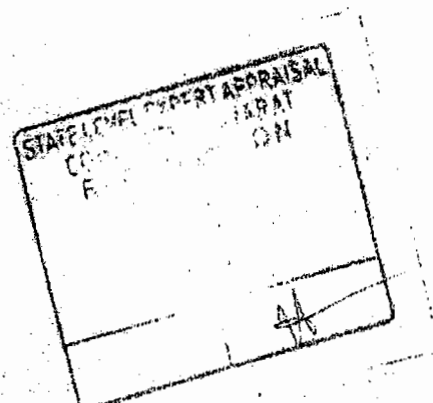
We are applying for obtaining EC for our project with form 1, and related supporting documents.

We therefore requested you to accord Environment Clearance to the project based on above documents.

Thanking you,

(X)

[Signature]



Annexure - R - VI (copy)

Acceptance Letter for TOR application

F.No.- SIA/GJ/82507/2016

State Environment Impact Assessment Authority
Gujarat .

Deputy Secretary (Environment), Forests and Environment Department, Gandhinagar

Dated: 12 Jul 2016

To,

DEVABHAI KARABHAI BHUTIYA

, Porbandar

Gujarat , 360550

Subject : ranavav limestone mine of udaysinh m jethwa

Sir,

This has reference to your proposal No. SIA/GJ/MIN/16707/2016 dated 11 Jul 2016 regarding grant of TORs for the above mentioned proposal.

2.0 This is to acknowledge that the proposal has been received in the SEIAA along with Form 1 and pre-feasibility report. You are requested to submit a hard copy (signed) of the documents in the SEIAA(at the address given below) within a week, along with email alert generated by the system(through speed post). Each page of the application including Annexures should be duly signed by the authorized signatory within a week.

Address:

Deputy Secretary (Environment), Forests and Environment Department, Gandhinagar

3.0 The project shall be listed for further consideration only after receiving the above desired documents in hard copy. Gujarat SEIAA shall not be responsible for the delay in listing in next agenda meeting due to non-submission of the hard copy of application form by applicant after due date.

Yours Sincerely

SEIAA, Gujarat

Note: ***This is an automatically generated email, please do not reply***

Acceptance Letter for TOR application

F.No.- SIA/GJ/82507/2016

State Environment Impact Assessment Authority

Gujarat

Member Secretary, Gujarat Pollution Control Board, Sector-10 A, Gandhinagar.

Dated: 20 Jul 2016

To.

DEVABHAI KARABHAI BHUTIYA

Porbandar

Gujarat . 360550

Subject : ranavav limestone mine of udaysinh m jethwa

Sir,

This has reference to your proposal No. SIA/GJ/MIN/16707/2016 dated 11 Jul 2016 regarding grant of TORs for the above mentioned proposal.

2.0 This is to acknowledge that the proposal has been received in the SEIAA along with Form 1 and pre-feasibility report. You are requested to submit a hard copy (signed) of the documents in the SEIAA (at the address given below) within a week, along with email alert generated by the system (through speed post). Each page of the application including Annexures should be duly signed by the authorized signatory within a week.

Address:

Member Secretary, Gujarat Pollution Control Board, Sector-10 A, Gandhinagar.

3.0 The project shall be listed for further consideration only after receiving the above desired documents in hard copy. Gujarat SEIAA shall not be responsible for the delay in listing in next agenda meeting due to non-submission of the hard copy of application form by applicant after due date.

Yours Sincerely

SEIAA, Gujarat.

Note: ***This is an automatically generated email, please do not reply***

Acknowledgement Slip for TOR

This is to acknowledge that the proposal has been successfully uploaded on the portal. The proposal shall be examined by MS of SEIAA to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

1. Proposal No. : SIA/GJ/MIN/16707/2016
2. Category of the Proposal : Non-Coal Mining
3. Project/Activity applied for : 1(a) Mining of minerals
4. Name of the proposal : ranavav limestone mine of udaysinh in jethwa
5. Date of submission for TOR : 11 Jul 2016
6. Name of the Project proponent along with contact details
 - a) Name of the proponent : DEVABHAI KARABHAI BHUTTYA
 - b) Mobile No. : 9825209730
 - c) State : Gujarat
 - d) District : Porbandar
 - e) Pincode : 360550

APPENDIX I

(See Paragraph-6)

CATEGORY - B

Note : If space provided against any parameter is inadequate, Kindly upload supporting document under 'Additional Attachments if any' at the last part of the Form1. Please note that all such Annexures must be part of single pdf document.

(I) Basic Informations

S.No.	Item	Details
1.	Name of the Project	ranavav limestone mine of udaysinh m jethwa
2.	Project Sector	Non-Coal Mining
3.	Location of the project	s n 78/5 ranavav dist porbandar
4.	Shape of the project land Uploaded GPS file Uploaded copy of survey of India Toposheet	Block (Polygon) <u>Annexure-GPS file</u> <u>Annexure-Survey of India toposheet</u>
5.	Brief summary of project	<u>Annexure-Brief summary of project</u>
6.	State of the project	Gujarat

Details of State of the project

S.no	State Name	District Name	Tehsil Name
(1.)	Gujarat	Porbandar	Ranavav
7.	Town / Village	at ranavav s n 78/5 ta ranavav dist porbandar	
8.	Plot/Survey/Khasra No.	s n 78/5	
9.	S. No. in the schedule	1(a) Mining of minerals	
10.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number or wells to be drilled	128000 MTA ha.	
11.	New/Expansion/Modernization	New	
12.	Category of project	B	
13.	Does it attract the general condition? If yes, please specify	No	
15.	Does it attract the specific condition?	No	
16.	Is there any litigation pending against the project?	No	
17.	Nearest railway station along with distance in kms.	ranavav, 7 km	
18.	Nearest airport along with distance in kms	porbandar, 15 km	
19.	Nearest Town/City/District Headquarters along with distance in kms	ranavav, 2 km	
20.	Distance of the project from nearest Habitation	1, 1 km	
21.	Details of alternative sites examined shown on a toposheet	No	
22.	Whether part of interlinked projects?	No	
23.	Whether the proposal involves approval/clearance under the Forest (Conservation) Act, 1980?	No	
24.	Whether the proposal involves approval/clearance under the wildlife (Protection) Act, 1972?	No	

Report Part I (FORM - B)

http://environmentclearance.nic.in/State/FORM_B_PDF.aspx?cat_id=S

25.	Whether the proposal involves approval/clearance under the C.R.Z notification, 2011?	No
26.	Whether there is any Government Order/Policy relevant/relating to the site?	No
27.	Whether there is any litigation pending against the project and/or land in which the project is proposed to be set up?	No
28.	Project Cost (in lacs)	30
29.	Mining lease area (in ha.)	12.14

Activity**1 Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No	Information/Checklist confirmation	Yes/No	Details there of (with approximate quantities/rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	Yes	There will be a change in land use and topography because of the mining of mineral. Mined out land cannot be backfilled up to original ground level therefore mined out land will be used as water reservoir.
1.2	Clearance of existing land, vegetation and buildings?	Yes	Area is devoid of any vegetation, except scattered bushes and scrubs.
1.3	Creation of new land uses?	Yes	Quarrying will be done and after completion of mining operation, quarried area will be used as water reservoir.
1.4	Pre-construction investigations e.g. bore houses, soil testing?	Yes	Lessee has explored the area by putting trial pits and working pits and the Limestone is available of cement & Chemical grade.
1.5	Construction works?	Yes	Construction of offices, rest shelter, Store and water supply, First Aid center etc.
1.6	Demolition works?	No	No demolition is proposed at mining site.
1.7	Temporary sites used for construction works or housing of construction workers?	No	No site is proposed for housing. Local workers will be employed.
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations and fill or excavations	Yes	Above Ground Structure: Construction of offices, rest shelter, First Aid center etc. Earthworks: Excavation operations.
1.9	Underground works including mining or tunneling?	No	Only open cast mining
1.10	Reclamation works?	Yes	Mined out area land cannot be backfilled up to original ground level, therefore mined out land will be used as water reservoir, which will be used by Water storage or irrigation.
1.11	Dredging?	No	There is no dredging involved in this lease area.
1.12	Offshore structures?	No	No offshore structure will be involved.

Report Part I (FORM - B)

http://environmentclearance.nic.in/State/FORM_B_PDF.aspx?cat_id=S...

1.13	Production and manufacturing processes?	Yes	This production will cause change in land use due to excavation of ore.
1.14	Facilities for storage of goods or materials?	Yes	Temporary storage of mine out material is proposed at mine site, which will be transported by trucks and tippers.
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	Solid Waste: Entire waste generated will be used for backfilling purpose. Liquid Waste: No STP & ETP required as waste water will be domestic and in small amount. The domestic waste will be treated in septic tanks and soak pits.
1.16	Facilities for long term housing of operational workers?	No	Only local labor will be employed who will go back to their homes. Thus no housing facilities will be developed near mine site.
1.17	New road, rail or sea traffic during construction or operation?	No	No new roads will be constructed.
1.18	New road, rail, air water borne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	Existing facilities are sufficient no new road etc. will be required.
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	There will be no such change caused due to the proposed project.
1.20	New or diverted transmission lines or pipelines?	No	There is no proposal for new construction or diversion of any transmission lines or pipelines.
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	No	There is no water course falling in this lease area. As ultimate depth of mining will be much higher than the ground water table, it will not cause any change to the hydrology of water courses or aquifers.
1.22	Stream crossings?	No	There is no stream (perennial or seasonal) within the lease area.
1.23	Abstraction or transfers of water from ground or surface waters?	Yes	Water for drinking and operations is required to be 5.0 KLD. Well and open dug-wells from nearby villages will be used for the required amount of water.
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	No	As there is absence of any river or nala in the lease area, mining process will not affect the natural drainage in the nearby area. The extraction of Limestone will lead to formation of pits, which will hold rain water and hence will have positive impact on environment.
1.25	Transport of personnel or materials for construction, operation or decommissioning?	Yes	Limestone from mine site will be transported by road by company's own resources/ hired vehicles. There is no transport of personnel.
1.26	Long-term dismantling or decommissioning or restoration works?	Yes	Mined out land cannot be backfilled up to original ground level, therefore mined out land will be used as water reservoir.
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	No activity of commissioning or decommissioning is proposed in this mine area.
1.28	Influx of people to an area in either temporarily or permanently?	No	All the workers engaged will be local villagers. No influx of people.
1.29	Introduction of alien species?	No	Only local species would be planted.

Report Part 1 (FORM - B)

http://environmentclearance.nic.in/State/FORM_B_PDF.aspx?cat_id=8

1.30	Loss of native species or genetic diversity?	No	No significant loss of native species will occur.
1.31	Any other actions?	No	No other actions are proposed

2 Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)	Yes	The entire land is Government waste land.
2.2	Water (expected source & competing users) unit: KLD	Yes	Total water requirement is about 5.00 KLD; this water will be supplied from nearby villages.
2.3	Minerals (MT)	No	No mineral will be used
2.4	Construction material - stone, aggregates, sand / soil (expected source - MT)	No	No construction is proposed at the mine site.
2.5	Forests and timber (source - MT)	No	There is no requirement of timber.
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	Power is not required for the project as the mining activity will be carried out during day time. Diesel will be required for trucks as a fuel source for transportation.
2.7	Any other natural resources (use appropriate standard units)	No	No other natural resources will be required

3 Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)	No	Explosive required for blasting will be used. It will be safely stored in magazine. All the rules and regulation as defined by D.G.M.S. or any other department will be observed at the time of blasting.
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	No	Not envisaged.
3.3	Affect the welfare of people e.g. by changing living conditions?	Yes	Living conditions will change for better as beneficial aspects would be there due to employment generation, and through CSR
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.	No	Impacts of this type are not expected as mine site is far away from settlements and no unauthorized person will be allowed to enter mining area.
3.5	Any other causes	No	Not Applicable

4 Production of solid wastes during construction or operation or decommissioning (MT/month)

Report Part I (FORM - B)

http://environmentclearance.nic.in/State/FORM_B_PDF.aspx?cat_14=S

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes	No	nil
4.2	Municipal waste (domestic and or commercial wastes)	Yes	Very insignificant Soak Pits and septic tanks are used for the treatment of domestic waste.
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	No	Hazardous wastes (as per Hazardous Waste Management Rules) will not be generated from the proposed project.
4.4	Other industrial process wastes	No	There is no such industrial waste will be generated from mining activity.
4.5	Surplus product	No	Limestone generated is directly supplied to Soda/cement industries.
4.6	Sewage sludge or other sludge from effluent treatment	Yes	There is no any kind of sludge generation. Small quantity of Domestic waste water will be treated into septic tank followed by soak pit.
4.7	Construction or demolition wastes	No	No Construction or demolition activity will be done in proposed area
4.8	Redundant machinery or equipment	No	No redundant machinery or equipment will be left at site after closure of mining operation.
4.9	Contaminated soils or other materials	No	Very insignificant
4.10	Agricultural wastes	No	No Agricultural waste will be generated
4.11	Other solid wastes	No	No other solid waste will be produced.

5 Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	Yes	There will be emissions from transportation. It is managed by the following methods:- • Proper maintenance of vehicles and machines. • PUC certified vehicles will be allowed for transportation purposes.
5.2	Emissions from production processes	Yes	Dust is the main pollutant which, will be generated from vehicle movement, blasting of rocks. However, proper mitigative measures such as water sprinkling and plantation would be done to control dust pollution.
5.3	Emissions from materials handling including storage or transport	Yes	There will be fugitive emission generated during material handling, drilling, blasting, transportation etc. Dust will be generated while handling material by excavators, transportation by dumpers on haul roads and unloading at mineral stacks and

Report Part I (FORM - B)

http://environmentclearance.nic.in/State/FORM_B_PDF.aspx?cat_id=8

			waste dumps, which is controlled by regular water sprinkling on the site, dispatch trucks carrying ore will be covered with tarpaulin, all service roads made boulder packed and water sprayed regularly.
5.4	Emissions from construction activities including plant and equipment	No	No construction activity is proposed in the mine lease area.
5.5	Dust or odours from handling of materials including construction materials, sewage and waste	Yes	Emission of dust due to movement of vehicles, drilling loading, unloading and blasting will produce impact on air.
5.6	Emissions from incineration of waste	No	No incineration activity will be there
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	No waste will be burnt in open.
5.8	Emissions from any other sources	Yes	Emission from blasting.

6 Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	Yes	Noise will be generated from Blasting and also from operation of machinery.
6.2	From industrial or similar processes	No	No other process is proposed in this area.
6.3	From construction or demolition	No	Construction or demolition will not be carried out for the purpose project.
6.4	From blasting or piling	Yes	The generation of noise and vibration produced due to blasting operation will be controlled and systematic in nature.
6.5	From construction or operational traffic	Yes	Due to vehicular traffic and material transportation within lease area, noise will be generated.
6.6	From lighting or cooling systems	No	Mining will be done in day time so no lighting will be required and cooling systems are not required.
6.7	From any other sources	No	No other sources of Noise & Vibration are there.

7 Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials	No	Explosives will be used, stored and transported to the working area. Proper Magazine will be provided for storage.
7.2	From discharge of sewage or other effluents to water or	No	Domestic waste water will be

Report Part I (FORM - B)

http://environmentclearance.nic.in/State/FORM_B_PDF.aspx?cat_id=S...

	the land (expected mode and place of discharge)		treated into septic tank followed by soak pit.
7.3	By deposition of pollutants emitted to air into the land or into water	Yes	Dust emission will be limited to the site itself which will be suppressed by regular water sprinkling.
7.4	From any other sources	No	No other sources are there
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	No other risks are anticipated from the proposed project.

8 Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances	Yes	1. There will be risk of accident by Fly-Rocks 2. There will be risk of accident by Premature Blast: Detonation of an explosive charge earlier than warranted. Premature explosion may be due to carelessness, accidental percussion, a faulty fuse or degenerated explosives. 3. There will be risk of accident by Misfires: Misfire means the complete or partial failure of a blasting charge to explode as planned. 4. Danger of Toxic Fumes from Blasting.
8.2	From any other causes	No	No other sources are there.
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?	Yes	Proposed Project is at seismic zone III

9 Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: - Supporting Infrastructure (roads, power supply, waste or waste water treatment, etc.) - housing development - extractive industries - supply industries - Other	Yes	- Improve socio-economic status of villages around mine area. - benefit local people due to employment - Improvement in educational facilities. - provision of health facilities.
9.2	Lead to after-use of the site, which could have an impact on the environment	Yes	There would be no adverse impact on the environment as the worked out area will be converted into water reservoir for rain waters.
9.3	Set a precedent for later developments	Yes	Mined out area will be used as water reservoir.
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	No	There will be no cumulative effects as there are no other mines in proximity of mining lease area.

(III) Environmental Sensitivity

Report Part I (FORM - B)

http://environmentclearance.nic.in/State/FORM_B_PDF.aspx?cat_id=8..

S.No	Areas	Name/Identity	Aerial distance (within 15km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	No	
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	No	CRZ 17 km arabian sea
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	No	no such area within 15 km
4	Inland, coastal, marine or underground waters	No	CRZ 17 km West direction arabian sea
5	State, National boundaries	No	No such place is there in 15 km
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	No	No such area is there in 15 km
7	Defence installations	No	No such place is there in 15 km
8	Densely populated or built-up area	No	No such area is seen within 15km from the site.
9	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	Yes	in ranavav school, collages & Govt. Hospital in 2 km west from lease area.
10	Areas containing important, high quality or scarce resources.(ground water resources,surface resources,forestry,agriculture,fisheries,tourism,minerals)	No	arabian sea about 17 km west
11	Areas already subjected to pollution or environmental damage.(those where existing legal environmental standards are exceeded)	No	No such place is there in 15 km
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions) similar effects	No	sesmic zone III

(IV) PROPOSED TERMS OF REFERENCE FOR EIA STUDIES

1	Uploaded Proposed TOR File	Annexure-TOR file
2	Uploaded scanned copy of covering letter	Annexure-scanned copy of covering letter
3	Uploaded Pre-Feasibility report(PFR)	Annexure-PFR

(V) Undertaking

The aforesaid application and documents furnished here with are true to my knowledge

V.(i)	Name	DEVABHAI KARABHAI BHUTIYA
	Designation	owner
	Company	DEVABHAI KARABHAI BHUTIYA
	Address	Gatral Bhuwan Satyam Park rajivnagar Porbandar

MINUTES OF THE 305th MEETING OF THE STATE LEVEL EXPERT APPRAISAL COMMITTEE HELD ON 14/09/2016 AT COMMITTEE ROOM, GUJARAT POLLUTION CONTROL BOARD, GANDHINAGAR.

The 305th meeting of the State Level Expert Appraisal Committee (SEAC) was held on 14th September 2016 at Committee Room, Gujarat Pollution Control Board, Gandhinagar. Following members attended the meeting:

1. Shri T.P. Singh, Chairman, SEAC.
2. Shri V.C. Soni, Vice Chairman, SEAC
3. Dr. Mayuri Pandya, Member, SEAC
4. Dr. V.K. Jain, Member, SEAC
5. Shri R.J. Shah, Member, SEAC

Following officers from the Geology and Mining Department attended the meeting:

1. Shri R.R. Bukhari, Royalty Inspector, Dist: Tapi
2. Shri Mann Chaudhry, Geological Assistant, Dist: Kutch
3. Shri M.B. Shah, Royalty Inspector, Dist: Chota Udepur

Sr.	District	Ordinary Clay	Marble	River bed Sand	Black trap	China Clay	Quartz	Chalk	Total
1	Ahmedabad	1	-	-	-	-	-	-	1
2	Banaskantha	--	3	-	-	-	-	-	3
3	Chotaudepur	-	-	3	-	-	-	-	3
4	Kheda	-	-	-	1	-	-	-	1
5	Mehsana	-	-	-	-	2	-	-	2
6	Panchmahal	-	-	-	-	-	1	--	1
7	Porbandar	-	-	-	-	-	-	1	1
8	Sabarkantha	-	-	-	-	1	-	-	1
9	Tapi	-	-	6	-	-	-	-	6
		1	3	9	1	3	1	1	19

All the above proposals of minor minerals which have been received by the Committee through the project proponent were taken up in the meeting.

1. ORDINARY CLAY MINING PROJECT, DIST: AHMEDABAD

of cluster formation for homogeneous minerals validated by the Asst. geologist are submitted.

In project details, Asst. geologist has validated that there is no instream mining and lease area remains dry except during monsoon season

The above proposal was categorized as B2 as per the amended EIA Notification 2016.

Considering the anticipated impacts of mining and mitigation measures proposed by the lease holder, committee unanimously decided to recommend the proposal for grant of environmental clearance to SEIAA with stipulation of standard conditions for Sand mining as approved in 232nd SEAC meeting held on 15th April 2015 with compliance of all the conditions mentioned in Sustainable sand mining management guidelines 2016 of MOEF&CC, New Delhi.

19. RIVER BED SAND MINING PROJECT, DIST: TAPI

Sr. No.	Proposal No.	Project Name	S NO	Vill, Taluka	Hectare	Rate of mining	Name of River	Nearest Habitation	Proposal use
19	SIA/GJ/MIN/48663/2016	Dhruv Stone Quarry	Opp S NO: 192, Block: A	Vill: Chinchoda Ta: Nizar	06-00 Ha	4,93,200 MTPA	Tapi	Chinchoda: 1.30 km	Construction

Shri R.R.Bukhari, Royalty Inspector, office of Geology and Mining, Dist:Tapi informed that there is no bridge piers / water intake wells / irrigation structures within 500 m distance from boundary of above lease area. He explained that sand excavation will be done up to maximum 3 m depth or water level, whichever is less. Water sprinkling will be done during loading of material. All the transportation vehicles are proposed to be covered to avoid fugitive emission of fine particles. PP informed that setback distance of 10 meter will be maintained from the river bank to prevent bank erosion. PP further mentioned that copy of mining plan is submitted to the office of the geology and Mining, dist: Tapi for approval. Also copy of prefeasibility report including mitigation measures to curb pollution and details regarding non applicability of cluster formation for homogeneous minerals validated by the Asst. geologist are submitted.

PP mentioned that district collector has cancelled their lease and they are going for appeal PP requested committee to defer their EC application to upcoming meeting. After deliberation, committee decided to defer the proposal in one of the upcoming SEAC meeting and asked PP to submit ownership of the aforementioned quarry lease.

PROPOSALS OF MAJOR MINERALS

- 1. Ranavav Limestone Mine (Lease area: 12.14 Ha), S NO: 78/5, Near Village: Ranavav, Ta: Ranavav, Dist: Porbandar.**

Sr. no.	Proposal No.	Project Name	S NO	Vill,Taluka	Hectare	Rate of mining	Nearest Habitation
1	SIA/GJ/MIN /16707/2016	Ranavav Limestone Mine	78/5	Vill:Ranavav Ta:Ranavav	12-14	1,28,000 MTPA	Ranavav: 2 km

The project proponent has applied for their new limestone mine located at above mentioned address. The mine lease area is 12.14 Ha and proposed rate of mining is 1,28,000 MTPA. Technical presentation was made by the PP. During presentation, it was noted by the committee that proposed lease area falls within 5 km of Barda wildlife sanctuary.

Referring Notification of MOEF dated 25 June 2014, it was observed by the committee that since above proposal is located within 5 KM distance from Barda Wildlife Sanctuary, general conditions are applicable and therefore the above project falls under category A and is not coming under the purview of SEAC. Being category A project, Committee advised project proponent to approach Environmental Appraisal Committee at MOEF&CC, New Delhi for obtaining Environmental Clearance.

2. Ranavav Limestone Mine (Lease area: 12.14 Ha), S NO: 78/5, Near Village: Ranavav, Ta: Ranavav, Dist: Porbandar.

Sr. no.	Proposal No.	Project Name	S NO	Vill,Taluka	Hectare	Rate of mining	Nearest Habitation
2	SIA/GJ/MIN /16774/2016	Ranavav Limestone Mine	78/5	Vill:Ranavav Ta:Ranavav	11-33	1,20,000 MTPA	Ranavav: 2 km

The project proponent has applied for their new limestone mine located at above mentioned address. The mine lease area is 11.33 Ha and proposed rate of mining is 1,20,000 MTPA. Technical presentation was made by the PP. During presentation, it was noted by the committee that proposed lease area falls within 5 km of Barda wildlife sanctuary.

Referring Notification of MOEF dated 25 June 2014, it was observed by the committee that since above proposal is located within 5 KM distance from Barda Wildlife Sanctuary, general conditions are applicable and therefore the above project falls under category A and is not coming under the purview of SEAC. Being category A project, Committee advised project proponent to approach Environmental Appraisal Committee at MOEF&CC, New Delhi for obtaining Environmental Clearance.

3. Limestone Mine of Shree Babhubhai Kalabhai Vaja (Lease area: 01.00 Ha), S NO: 397 paiki,Village: Khorasa, Ta: Malia-Hatina, Dist: Junagadh.



HARDIK SHAH, IAS
SECRETARY

State Level Expert Appraisal Committee

**STATE LEVEL EXPERT APPRAISAL
COMMITTEE, GUJARAT.**

Office : Gujarat Pollution Control Board,
"Paryavaran Bhavan", Sector 10-A,
Gandhinagar-382010, GUJARAT

Phone : 079 -23232152,

Fax : 079 -23222784.

Email : ms-gpcb@gujarat.gov.in

Ref. No.: SIA/GJ/MIN/16707/2014-E 2284

R.P.A.D

To,

Mr. Devabhai Karabhai Bhutiya

ranavav limestone mine of udaysinh m jethwa

Gatral Bhuwan Satyam Park

rajivnagar Porbandar 360550.

**Sub: Environment Clearance under the EIA Notification 2006 for your proposed project
at . Survey No. 78/5, Village: Ranavav, Taluka: Ranavav, Dist.: Porbandar.**

Dear Sir,

This refers to your application on the subject mentioned above and the meeting held with the State Level Expert Appraisal Committee, Gujarat, on 14th Sep 2016. The relevant information furnished in Form I, Prefeasibility report and presentation made before the SEAC was considered. As general condition of EIA notification 2006 is applicable to your proposal No. SIA/GJ/MIN/16707/2014; you are required to apply afresh to MoEF&CC, New Delhi under category "A" project.

This is for your information and to the necessary mention please.

With regards,

Yours sincerely,

(Hardik Shah, IAS)

Secretary, State Level Expert Appraisal Committee

Encl : As above.

1. Ranavav Limestone Mine (Lease area: 12.14 Ha), S NO: 78/5, Near Village: Ranavav, Ta: Ranavav, Dist: Porbandar.

Sr. no.	Proposal No.	Project Name	S NO	Vill, Taluka	Hectare	Rate of mining	Nearest Habitation
1	SIA/GJ/MIN /16707/2016	Ranavav Limestone Mine	78/5	Vill:Ranavav Ta:Ranavav	12.14	1,28,000 MTPA	Ranavav: 2 km

The project proponent has applied for their new limestone mine located at above mentioned address. The mine lease area is 12.14 Ha and proposed rate of mining is 1,28,000 MTPA. Technical presentation was made by the PP. During presentation, it was noted by the committee that proposed lease area falls within 5 km of Barda wildlife sanctuary.

Referring Notification of MOEF dated 25 June 2014, it was observed by the committee that since above proposal is located within 5 KM distance from Barda Wildlife Sanctuary, general conditions are applicable and therefore the above project falls under category A and is not coming under the purview of SEAC. Being category A project, Committee advised project proponent to approach Environmental Appraisal Committee at MOEF&CC, New Delhi for obtaining Environmental Clearance.

Annexure-R-IX

Acknowledgement Slip for TOR application

12-14-00

monitoring-ec@nic.in

Sat 11/5/2016 1:50 PM

To: s.kumar1958@gov.in <s.kumar1958@gov.in>; devabhai2016@outlook.com <devabhai2016@outlook.com>;

Crb.lal@nic.in <rb.lal@nic.in>; m.knight@gov.in <m.knight@gov.in>; monitoring-ec@nic.in <monitoring-ec@nic.in>;
khush.singh@gov.in <khush.singh@gov.in>;

Acknowledgement Slip for TOR

This is to acknowledge that the proposal has been successfully uploaded on the portal of the Ministry. The proposal shall be examined in the Ministry to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

1. **Proposal No.** : IA/GJ/MIN/60163/2016
2. **Category of the Proposal** : Non-Coal Mining
3. **Project/Activity applied for** : 1(a) Mining of minerals
4. **Name of the proposal** : Ranavav Limestone Mining Project
5. **Date of submission for TOR** : 05 Nov 2016
6. **Name of the Project proponent along with contact details**
 - a) **Name of the proponent** : DEVA KARABHAI BHUTIYA
 - b) **Mobile No.** : 9825209730
 - c) **State** : Gujarat
 - d) **District** : Porbandar
 - e) **Pincode** : 360575

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO. 268 of 2017

In CIVIL APPLICATION NO. 1503 of 2017

In SPECIAL CIVIL APPLICATION NO. 19917 of 2016

With

CIVIL APPLICATION NO. 2752 of 2017

In

LETTERS PATENT APPEAL NO. 268 of 2017

=====

DAKSHIN GUJARAT OAD GNATI LEASE HOLDER
ASSOCIATION....Appellant(s)

Versus

STATE OF GUJARAT & 4....Respondent(s)

=====

Appearance:

MS SRUSHTI A THULA, ADVOCATE for the Appellant(s) No. 1

ADVANCE COPY SERVED TO GP/PP for the Respondent(s) No. 1

=====

CORAM: **HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY**
and
HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI

Date : 20/02/2017

ORAL ORDER

(PER : **HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY**)

When this matter was listed on earlier occasion it was adjourned to enable the learned Government Pleader to obtain instructions. On instructions, it is submitted by the learned Government Pleader that there is an existing lease in favour of the members of the appellant-association. It is further represented

that as the application of the appellant is pending before the Environmental Impact Assessment committee at district level, as such appellant is not allowed to operate lease. At the same time, it is fairly submitted that in all other districts, where applications are pending before the District Committee, such lessees are allowed to operate lease in terms of lease deed.

2. In that view of the matter, issue **NOTICE** to the respondents returnable on 09.03.2017. There shall be direction to the respondents to allow the applicant to carry on lease in terms of the existing lease deed executed in favour of the members of the appellant-association, by issuing necessary All Time Royalty Passes in their favour. It is made clear that such operation shall be in accordance with the terms and conditions of lease. Such operations will also be subject to further orders to be passed by the Environmental Impact Assessment Committee. Direct service is permitted.

(R. SUBHASH REDDY, CJ)

(VIPUL M. PANCHOLI, J.)

karim

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 268 of 2017****With****CIVIL APPLICATION NO. 1 of 2017****With****R/MISC. CIVIL APPLICATION NO. 1542 of 2015****In****WRIT PETITION (PIL) NO. 131 of 2012**

=====

DAKSHIN GUJARAT OAD GNATI LEASE HOLDER ASSOCIATION**Versus****STATE OF GUJARAT**

=====

Appearance:**MS SRUSHTI A THULA(5014) for the PETITIONER(s) No. 1****MS NISHA M THAKORE, ASSISTANT GOVERNMENT PLEADER/PP(99) for
the RESPONDENT(s) No. 1****NOTICE SERVED BY DS(5) for the RESPONDENT(s) No. 1,2,3,5****VIRAL K SHAH(5210) for the RESPONDENT(s) No. 4**

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE**and****HONOURABLE MR.JUSTICE BIREN VAISHNAV****Date : 11/02/2019****ORAL ORDER****(PER : HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE)**

Learned advocate for appellant seeks permission to withdraw Letters Patent Appeal No. 268 of 2017 and Civil Application No. 1 of 2017. Permission is granted. Disposed of as withdrawn.

Misc. Civil Application No. 1542 of 2015 is ordered to be detached from the appeal.

(ANANT S. DAVE, ACJ)**(BIREN VAISHNAV, J)****A.M. PIRZADA**

Annexure-R - XI

To: s.kumar1958@gov.in, ranavavmine@gmail.com
Cc: rb.lal@nic.in, m.knight@gov.in, monitoring-ec@nic.in, ash.singh@gov.in

Acknowledgement Slip for TOR

This is to acknowledge that the proposal has been successfully uploaded on the portal of the Ministry. The proposal shall be examined in the Ministry to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

- 1. Proposal No. : IA/GJ/MIN/64678/2017
- 2. Category of the Proposal : Non-Coal Mining
- 3. Project/Activity applied for : 1(a) Mining of minerals
Limestone Mining Project with lease area of 12.14 Ha. at Survey No.: 78/5 (Govt. Waste Land) and production capacity of 2.85,500 TPA.
- 4. Name of the proposal : Near village – Ranavav, Taluka – Porbandar
Dist:- Porbandar in favor of Shri Udaysinh M. Jethwa
- 5. Date of submission for TOR : 13 May 2017
- 6. Name of the Project proponent along with contact details
 - a) Name of the proponent : DEVABHAI K BHUTIYA
 - b) Mobile No. : 9672567222
 - c) State : Gujarat
 - d) District : Porbandar
 - e) Pincode : 360575

Annexure - R - XII

OFFICE OF THE GEOLOGIST
GEOLOGY AND MINING DEPARTMENT, JILLA SEVA SADAN-1
OPP AIRPORT, SANDIPANI ROAD, PORBANDAR

PHONE/FAX NO. (0286) 2220542

No. GP/ML/IBM/ 225

Date: 16/11/2018

✓ Member Secretary

EAC (Non Coal Mining)

MoEF, Indra Paryavaran Bhawan

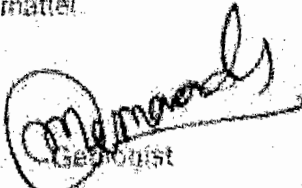
Jor Bagh Road, Jor Bagh

New Delhi

Sub: Regarding issuance of NOC in respect to settlement of amount payable against the identified violation to get Environmental clearance as per EIA notification amendment dated 15/03/2017 for the limestone mining project of Udaysinh M. Jethwa, power of attorney to Deva kara Bhutiya having mining lease area of 12.14ha, located at Survey No. 78/5, Village: Ranavav, Tehsil: Ranavav, District: Porbandar, Gujarat.

Respected Sir,

With reference to above mention subject, I would like to mention your kind attention of the fact, the lessee has paid 100% cost of legally mined Mineral and No illegal mining case due upon lessee in terms of the section 21(S) of MMDR Act-1957. Hence No Objection Certificate is issued to lessee. It is for your further action regarding grant of Environment Clearance Certificate. Kindly apprise us of the further progress in the matter.



Geologist

Porbandar

Copy to- Udaysinh M. Jethwa, power C/o Devabhai Karabhai Bhutiya, Satyam Park, Rajiv Nagar

Porbandar

Annexure-R- XIII

Minutes of 15th meeting of Expert Appraisal Committee for the proposal involving violation of EIA Notification, 2006 to be held on 27th-29th November, 2018 at Conference Hall (Indus), Ground Floor, Jal Wing, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003

Day 1: Tuesday, 27th November, 2018

Time: 10:00 AM

15.1. Opening remarks of the Chairman

15.2. Confirmation of the minutes of the 14th meeting held on 22th -24th October, 2018 at Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi

15.3. Consideration of proposals

S.NO	Proposals
15.3.1	Residential Building Project "Kent Hall Garden" at Sy. Nos. 135/2, 138 and 226/1 of Village Elamkulam, Taluk Kanayannur, District Ernakulam (Kerala) by M/s Kent Constructions Pvt. Ltd. - Further consideration of Terms of Reference. [Old Proposal No. IA/KL/NCP/65726/2017] [IA/KL/NCP/67123/2017] [F.No.23-92/2018-IA.III (V)]
15.3.1.1	M/s Kent Constructions Pvt. Ltd. has made online application vide proposal no. IA/KL/NCP/67123/2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 8(a) of the Schedule to the EIA Notification, 2006.
15.3.1.2	Details of the project as per the submission of project proponent: The project involves construction of residential building by M/s Kent Constructions Pvt Ltd with total built up area of 29,687.51 sqm in total plot area of 237226.72 sqm at Sy. Nos.135/2, 138 and 226/1 of Village Elamkulam, Taluk Kanayannur, District Ernakulam (Kerala). M/s Kent constructions Pvt Ltd was granted building permit for construction of residential apartments comprising of 2 towers at Sy. Nos.138 and 226/1 of Village Elamkulam, Taluk Kanayannur, District Ernakulam by the Cochin Corporation. The project proponent unaware of the EIA Notification, 2006, started the construction of this project after obtaining following statutory approvals. (i) Building Permit from Cochin Corporation dated 22/8/2006. (ii) Consent to Establish from Kerala State Pollution Control Board dated 29.03.2011. (iii) NOC from Fire and rescue services, Govt. of Kerala. (iv) Height clearance approval from Southern naval Command. The said project/activity is covered under category B of item 8(a) of the Schedule to the EIA Notification, 2006, and requires prior EC from the SEIAA in Kerala based on the appraisal by SEAC. Due to non-existence of SEIAA/SEAC in Kerala, the proposal was appraised at central level in the Ministry. The construction was reported to be started in August, 2006 and completed on 18th June, 2010 in December, 2012 without obtaining the prior EC. Now the proposal has been submitted for

	consideration in pursuance of the Ministry's Notification dated 14 th March, 2017 due to violation of the EIA Notification, 2006.
15.3.1.3	Above proposal was considered in 6th meeting held during 20.04.2018 wherein the EAC, after deliberations, observed that many of the proceedings related to consideration of the proposal were not informed in letter and spirit. The project proponent was asked to submit the complete details in the format for further consideration of the proposal. The proposal was, therefore, not taken forward.
15.3.1.4	Observations and recommendations of committee: The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for the following: (i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC. (ii) Grant of Terms of Reference for undertaking EIA and preparation of Environment Management Plan (EMP) as enumerated in Annexure. (iii) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. (iv) Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation. (v) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants. (vi) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the concerned regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the concerned regulatory authority. (vii) Detailed water balance statement to be submitted along with EIA/EMP report.
15.3.2	Proposed Synthetic Organic Chemical (Fine chemicals, Bulk drugs and intermediates) manufacturing unit at plot no. F2 of MIDC, Chincholi, District Sholapur (Maharashtra) by M/s Challa Chlorides Pvt. Ltd. - Terms of Reference. [IA/MH/IND2/68692/2017 dated 12.09.2017] [F. No. 23-120/2018-IA.III (V)]
15.3.2.1	M/s Challa Chlorides Pvt. Ltd has made online application vide proposal no. IA/MH/IND2/68692/2017 dated 12.09.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under item 5(f) of the Schedule to the EIA Notification, 2006.

15.3.2.2	The project proponent requested to defer the project as they were unable to attend the 8 th EAC meeting (Violation) held on 13-14 th June 2018
15.3.2.3	Observation: The proposal was again considered in this EAC meeting (Violation). Proponent attended the meeting and requested the committee to defer the proposal, as he was not ready with the presentation. Hence, the proposal was deferred on request of project proponent.
15.3.3	Expansion of Leela Hotel at Diplomatic Enclave, Africa Avenue, Netaji Nagar, Chanakyapuri, New Delhi by M/s Hotel Leela Venture Ltd. - Terms of Reference. [IA/DL/NCP/67057/2017 dated 31.07.2017] [F. No. 23-96/2018-IA.III (V)]
15.3.3.1	M/s Hotel Leela Venture Ltd. has made online application vide proposal no. IA/DL/NCP/67057/2017 dated 31.07.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 8(a) of the Schedule to the EIA Notification, 2006.
15.3.3.2	Details of the project as per the submission of project proponent: M/s Hotel Leela venture Ltd. has enhanced the Built-up Area of Leela Hotel at Diplomatic Enclave, Africa Avenue, Netaji Nagar, Chankyapuri, New Delhi-110023. The project has been developed on the total plot area of 12,140 m². The total built up area has been enhanced to 62,985.83 m². The development is done in accordance with Delhi Building Bye Laws, 1983. M/s Hotel Leelaventure Ltd. has been allotted the land vide allotment cum conveyance Deed Registration no. 3682 dated 04.04.2008. The project is currently in operational phase. The project has been granted Consent to Establishment (CTE) by Delhi Pollution Control Committee (DPCC) vide Consent Order No. DPCC/CMC/2009/19968 dated 31/03/2009. The project has been granted Consent to Operate (CTO) by Delhi Pollution Control Committee vide Certificate No. O-014412 dated 10.12.2010. The CTO was renewed vide Certificate No. O-021814 dated 31.01.2014. The application for renewal of CTO has been submitted to DPCC on 20-09-2018. The Leela Palace Hotel has also been granted Platinum Rating in Indian Green Building Rating System by Indian Green Building Council. The Project is designated under Category "B" and falls under Item 8(a) (Building & Construction) of the Environmental Impact Assessment (EIA) Notification of September 14, 2006 and its amendments.
15.3.3.3	The Proposal was earlier listed for Term of Reference in 7 th Meeting scheduled on 17.05.2018 the proponent has not attended the meeting and therefore was deferred.
15.3.3.4	Observations and recommendations of committee: The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for the following: (i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC. (ii) Grant of Terms of Reference for undertaking EIA and preparation of Environment Management Plan (EMP) as enumerated in Annexure. (iii) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited

	by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. (iv) Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation. (v) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants. (vi) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the concerned regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the concerned regulatory authority. (vii) Certified compliance report of earlier EC to be submitted. (viii) Certificate from Chief Wildlife Warden that the distance from the project site to Okhla Bird Sanctuary and Asola Wildlife Sanctuary.
15.3.4	Manufacturing MS bars, MS angles, Flts, Fe-Mn & Si-Mn ferroalloys at Jambad P.O. Udanbad, District Giridih (Jharkhand) M/s Shivam Iron & steel Co, Ltd. - Further consideration for Terms of Reference. [IA/JH/IND/74090/2018 dated 09.04.2018] [F. No. 23-140/2018-IA.III (V)]
15.3.4.1	M/s Shivam Iron & steel Co, Ltd. has made online application vide proposal no. IA/JH/IND/74090/2018 dated 09.04.2018 seeking Term of References for the above mentioned proposed project. The proposed project activity is listed at 3(a) Metallurgical industries (ferrous & non ferrous) of EIA Notification, 2006 and the proposal was appraised at Central level.
15.3.4.2	Details of the project as per the submission of project proponent: The project involves manufacturing of TMT rods 27,000 TPA, Ferro alloys 37,400 TPA & producer gas of production capacity 8,000 Nm³/hr by M/s Shivam Iron & Steel co. Ltd in an area of 15,36,954 sqm, village - Jambad, Taluka/Mandal - Udanabad, District - Giridih, Jharkhand. The said project is covered under category A of item 3(a) of the Schedule to the EIA Notification, 2006, and requires prior EC from the MoEF&CC based on the appraisal by Expert Appraisal Committee. The plant/unit was earlier set up with the consent to establish dated from the State Pollution Control Board. Subsequently, the unit is reported to be in operation with consent to operate renewed from time to time by the SPCB. The chronology of events for seeking EC, deliberations by the respective authorities and the actions taken are reported to be as under: 1) CTO -175 (C), dated 27.1.2015 from JSPCB for 170 TPD billet renewed up to 30.9.2017 1x7 T IF of capacity 16,000 TPA has been set up there after without NOC/EC 2) CTE B-2743, dated 28.04.2016 from JSPCB for 27,000 TPA Rolling mill running without CTO again capacity has been increased to 54,000 TPA with introduction of CCM and abolition of heating furnace. 3) EC has been taken vide J-11011/365/2009-IA II (I), dated 29.10.2010 but 4x6 MVA ferro alloy plant have been installed and producing Fe-Mn, Si-Mn & Fe-Cr. 4) CTO D-176 (C), dated 27.01.2015 from JSPCB for 50 TPD IF has not been in operation 5) NOC taken vide T-3865, dated 7.09.2000 for 15 TPD section mill renewed up to 30.09.2015 but there after not renewed and mean while capacity has been increased to 120 TPD.

	6). 1x60 TPD sheet Re-rolling mill is running to manufacture MS and GI pipes without EC 7) Without EC 8,000 Nm³/hr Coal gasifier is running for Re-rolling mill without EC. Now proposal has been submitted to the ministry for consideration in pursuance of the Ministry's Notification dated 14th March, 2017 due to violation of the EIA notification, 2006.
15.3.4.3	Above proposal was considered in 8th meeting held during 14.06.2018 wherein the EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, the committee observed that proponent has not submitted detailed chronological events of proposal for establishing violation. Hence proposal was deferred.
15.3.4.4	Observation of the committee: Committee advised submit revised Form-1 application and accordingly PP submitted the revised Form-1 with following changes. The project involves manufacturing of TMT rods 54000 TPA TMT ,40000TPA section mill, 37,400TPA Ferro alloys, 20000 MS Metal sheets ,8000Nm³ /hr Coal Gasfire, 800 TPA Jigging Plant and 6400 TPA Coal Crusher and 19200 TPA GIA Pipes by M/s Shivam Iron & Steel co. Ltd in an area of 9.5 ha, village - Jambad, Taluka/Mandal - Udanabad, District – Giridih, Jharkhand. The said project is covered under category A of item 3(a) of the Schedule to the EIA Notification, 2006, and requires prior EC from the MoEF&CC based on the appraisal by Expert Appraisal Committee. Recommendations of committee: The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for issuing Standard Term of Reference along with the following specific Term of Reference for undertaking EIA and preparation of Environment Management Plan (EMP): - (i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC. (ii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority. (iii) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. (iv) Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation. (v) The remediation plan and the natural and community resource augmentation plan to be prepared as an in dependent chapter in the EIA report by the accredited consultants. (vi) The PP is required to conduct public hearing as per EIA notification, 2006. (vii) Fresh one season base line data is to be collected.

	(viii) Fund allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/2017-IA.III dated 1st May, 2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in EIA/EMP report. (ix) Details of water balance statement . (x) Detailed process flow diagram. (xi) Details about pollution control equipment and mass balance statement. (xii) Detailed Hydro geological study as per the GEC-2015 guidelines.
15.3.5	M/s Shivam Iron & Steel Co. Ltd at BandiDighu, P.O. Chandwara, Jhumritelaiya, District Koderma (Jharkhand) - Further consideration for Terms of Reference. [IA/JH/IND/74132/2018 dated 10.04.2018] [F. No. 23-142/2018-IA.III (V)]
15.3.5.1	M/s Shivam Iron & steel Co, Ltd. has made online application vide proposal no. IA/JH/IND/74132/2018 dated 10.04.2018 seeking Term of References for the above mentioned proposed project. The proposed project activity is listed at 3(a) Metallurgical industries (ferrous & non ferrous) of EIA Notification, 2006 and the proposal was appraised at Central level.
15.3.5.2	Details of the project as per the submission of project proponent: The project involves manufacturing 3 X 100 TPD DRI Kiln by M/s Shivam Iron & Steel co. ltd in an area of 9.26 ha at village– Bandi Digdhu, Taluka/Mandal – Jhumri Telaiya, District – Koderma, Jharkhand. The said project is covered under category A of item 3(a) of the Schedule to the EIA Notification, 2006, and requires prior EC from the MoEF&CC based on the appraisal by Expert Appraisal Committee. Consent to Establish vide letter no B-1566 dated 30.06.2001 and Letter no N/461 dated 03.08.2005 have been obtained for 3 x 100 TPD DRI Kilns. 2X100 TPD DRI Kilns are in operation with CTO valid till 30.06.2018. The erection of the 3rd 100 TPD DRI kiln started late and completed by 25.01.2014. The company applied CTO for the 3rd Kiln which was denied by the Technical committee of JSPCB on 24.04.2014 and it was decided not to consider CTO as the validity of CTE was not extended beyond 30.02.2006. The committee opines that first the issue of revalidation of NOC, N-461 dated 03.08.2006 is to be considered as per law and decision w.r.t disposal of-CTO application is to be taken. It is accepted that construction has been done without renewal of CTE per EIA notification, 2006. Now the proposal has been submitted to the Ministry for consideration in pursuance of the Ministry's Notification dated 14th March, 2017 due to violation of the EIA Notification, 2006.
15.3.5.3	Above proposal was considered in 8th meeting held during 14.06.2018 wherein the EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, the committee observed that proponent has not submitted detailed chronological events of proposal for establishing violation. Hence proposal was deferred.
15.3.5.4	Observations and recommendations of committee: The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for Issuing Standard Term of Reference along with the following specific Term of Reference for undertaking EIA and preparation of Environment Management Plan (EMP): -

	(i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC. (ii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority. (iii) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. (iv) Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation. (v) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants. (vi) The PP is required to conduct public hearing as per EIA notification, 2006. (vii) Fresh one season base line data is to be collected. (viii) Fund allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/2017-IA.III dated 1st May, 2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in EIA/EMP report. (xi) Details of water balance statement (x) Detailed process flow diagram (xi) Details about pollution control equipment and mass balance statement (xii) Detailed Hydro geological study as per the GEC-2015 guidelines
15.3.6	Limestone mining project of an area of 11.33.00 Ha near village Ranavav, Survey No. 78/5, Taluka Ranavav, District Porbandar (Gujarat) by M/s Shri Devabhai K Bhutiya - Further consideration for Terms of Reference. [IA/GJ/MIN/64676/2017 dated 13.05.2017] [F. No. 23-150/2018-IA.III (V)]
15.3.6.1	M/s Shri Devabhai K Bhutiya has made online application vide proposal no. IA/GJ/MIN/64676/2017 dated 13.05.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'A' category of item 1(a) of the Schedule to the EIA Notification, 2006 because Barda wildlife sanctuary is located at a distance of 2.5 Km, hence general condition is applicable and the proposal was appraised at Central level.
15.3.6.2	Details of the project as per the submission of project proponent: The project involves production of Limestone of production capacity 1,94,850 MTPA by Sh. Deva Kara Bhutiya in an area of 11.33 ha at, village: Ranavav, Tehsil Ranavav, District Porbandar, Gujarat. The said project/activity is covered under category A of item 1 (a) of the Schedule to the EIA Notification, 2006, because Barda wildlife sanctuary is located at a distance of 2.5 km, hence general condition is applicable and requires prior EC from the MoEF&CC based on the appraisal by Expert Appraisal Committee. Neither Consent to Establish nor Consent to Operate has been taken from the Gujarat State Pollution Control Board.

	The chronology of events for seeking EC, deliberations by the respective authorities and the actions taken are reported to be as under: - • Application for EC was submitted to MoEF&CC 13/05/2017 • Appraisal by SEAC/EAC in its meetings :- Nil • Final observations/recommendations of the SEAC/ EAC :-Nil • Action taken by the State Government/SEIAA :- Nil • Complaint case filed by the State Government/State Pollution Control Board :- Nil • Further consideration of the proposal by the SEAC and recommendations :- Nil • Final recommendations of SEIAA :- Nil • Legal interventions, if any :- Nil Now the proposal has been submitted to the Ministry for consideration in pursuance of the Ministry's Notification dated 14th March, 2017 due to violation of the EIA Notification, 2006.
15.3.6.3	Above proposal was considered in 10th meeting held during 11.07.2018 wherein the EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended to defer the proposal for want of following information from project proponent: (i) LOI/mine lease (second renewal) along with the valid documentary proof from the state department of Mines and Geology. (ii) Details of past production of mine since its inception duly authenticated by Department of Mines & Geology, State Government. (iii) Wild life clearance status. (iv) Permission from DGMS as state highway (SH-27) is passing through mine lease area. (v) Affidavit to be submitted regarding no drilling and blasting at the project site. (vi) Documents related to mining lease transfer. (vii) To submit the KML/Shape Files of the mine lease area at the time of presentation before EAC.
15.3.6.4	Observations and recommendations of committee: The project proponent could not submit the required documents and hence, requested to defer the proposal.
15.3.7	Limestone Mining Project with lease area of 12.14 Ha. at Survey No. 78/5 (Govt. Waste Land) and production capacity of 2,85,500 TPA. Near village Ranavav, Taluka Porbandar District Porbandar (Gujarat) by M/s Shri Udaysinh M. Jethwa - Further consideration for Terms of Reference [IA/GJ/MIN/64678/2017 dated 13.05.2017] [F. No. 23-165/2018-IA.III (V)]
15.3.7.1	M/s Shri Udaysinh M. Jethwa has made online application vide proposal no. IA/GJ/MIN/64678/2017 dated 13.05.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under item 1(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level because general condition applies.
15.3.7.2	Details of the project as per the submission of project proponent: The project involves Mining of Limestone of production capacity 1,25,025 MTPA by Sh. Deva Kara Bhutiya (Power of Attorney Holder) of Sh. Uday Singh M. Jethwa in an area of 12.14 Ha at Village Ranavav, Tehsil Ranavav, District: Porbandar, Gujarat. The said project/activity is

	covered under category A of item 1 (a) of the Schedule to the EIA Notification, 2006, and requires prior EC from the MoEF&CC based on the appraisal by Expert Appraisal Committee. Neither Consent to Establish nor Consent to Operate has been taken from the Gujarat State Pollution Control Board. The chronology of events for seeking EC, deliberations by the respective authorities and the actions taken are reported to be as under: - • Application for EC was submitted to MoEF&CC :- 13/05/2017 • Appraisal by SEAC/EAC in its meetings :- NA • Final observations/recommendations of the SEAC/ EAC :-NA • Action taken by the State Government/SEIAA :-NA • Complaint case filed by the State Government/State Pollution Control Board:- NA • Further consideration of the proposal by the SEAC and recommendations:- NA • Final recommendations of SEIAA :- NA • Legal interventions, if any: - NA. Now the proposal has been submitted to the Ministry for consideration in pursuance of the Ministry's Notification dated 14th March, 2017 due to violation of the EIA Notification, 2006.
15.3.7.3	Above proposal was considered in 10th meeting held during 11.07.2018 wherein the EAC after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended to defer the proposal for want of following information from project proponent: (i) Submission of legal opinion of Power of Attorney. (ii) Details of past production of mine since its inception duly authenticated by Department of Mines & Geology, State Government. (iii) Status of wildlife clearance. (iv) Affidavit to be submitted regarding no drilling and blasting at project site. (v) Permission from the CGWA extraction of Ground water. (vi) Validity of LOI/mine lease along with the legible documentary proof. (vii) To submit the KML/Shape Files of the mine lease area at the time of presentation before EAC.
15.3.7.4	During the present meeting (15th EAC) the proponent submitted the following information: (i) Legal opinion on Power of Attorney. (ii) Details of past production certified by Mining Officer, Department of Geology and Mining, Government of Gujarat from the April, 1994 to till date. (iii) The application submitted to Deputy Forest Officer, Porbander for Wildlife Clearance as the Barda Wildlife Sanctuary is 1.73 km from the project site. (iv) Submitted affidavit regarding No Blasting to be done during mining operation. (v) Submitted lease validity document.
15.3.7.5	Observations and recommendations of committee: The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification,

	2006 and recommended for issuing Standard Term of Reference along with the following specific Term of Reference for undertaking EIA and preparation of Environmental Management Plan (EMP): (i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC. (ii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority. (iii) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. (iv) Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation. (v) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants. (vi) Public Hearing (PH) to be conducted. (vii) Three months Baseline data to be collected. (viii) To submit the lease sketch/ lease co-ordinates approved by DMG, at the time of presentation before EAC for EC (ix) Fund allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/2017-IA.III dated 1st May, 2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in EIA/EMP report. (x) Detailed hydrological study to be carried out in core and buffer zone of the project as per recent GEC guidelines 2015. (xi) Letter from state government that the lease holder has not carried out any mining activity beyond the lease boundary. (xii) Certificate from Chief Wildlife Warden that the mining lease is located outside the ESZ boundary of Barda Wildlife Sanctuary. (xiii) Certificate from local DFO that no forest land is involved in mining lease area. (xiv) Submission of report in tabular form regarding issues raised during public hearing and commitment made by the PP. (xv) Permission from the CGWA extraction of Ground water.
15.3.8	Existing and proposed expansion of cosmaceutical, active pharmaceuticals and specialty chemicals manufacturing unit at Plot No. 36A/B/60/62/63/64/65 and 83 & 84, KIADB Industrial Area, Jigani village, Anekal Taluk, District Bengaluru (Karnataka) by M/s Kumar Organic Products Ltd. - Further consideration. [Old Proposal No. IA/KA/IND2/64539/2016 dated 06.05.2017] [IA/KA/IND2/67915/2017] [F. No. 23-47/2018-IA.III]
15.3.8.1	Details of the project as per the submission of project proponent

	The project involves manufacturing of cosmaceutical, active pharmaceuticals and specialty chemicals by M/s Kumar Organic Products Ltd (KOPL) at Plot No. 36A/B/60/62/63/64/65 and 83 & 84, KIADB Industrial Area, Jigani village, Anekal Taluk, District Bengaluru (Karnataka). The said project/activity is covered under category B of item 5(f) of the schedule to the EIA Notification, 2006, and requires prior EC from the SEIAA based on the appraisal by State Expert Appraisal Committee in Karnataka. The chronology of events for seeking EC, deliberations by the respective authorities and the actions taken are reported to be as under:- • Application for EC was submitted to SEAC/SEIAA, Karnataka:- 7/4/2017 • Appraisal by SEAC in its meetings:- 19/4/2017 • Final observations/recommendations of the SEAC to the SEIAA/State Government: - SEAC in its meeting held on 19/4/2017, noted that the industry has gone for expansion in 2011 without obtaining prior EC, and also without consent to establish/operate. During the meeting, the proponent agreed the proposal involving violation of the EIA Notification, 2006. • Action taken by the State Government/SEIAA: - SEIAA in its 135th meeting held on 26-27 April, 2017 asked the project proponent to obtain EC in pursuance of the Ministry's Notification dated 14th March, 2017 due to violation of the EIA Notification, 2006. The proposal was submitted to the Ministry for consideration in pursuance of the Ministry's Notification dated 14th March, 2017 due to violation of the EIA Notification, 2006.
15.3.8.2	Above proposal was considered in 4th & 6th EAC meeting wherein the EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for the grant of ToR.
15.3.8.3	KOPL has appealed to MoEF&CC to reconsider and requested EAC to absolve case of violation against the existing operations at plot 62 and plot 60/65 based on following facts: Appeal to absolve the case with regards to Plot 60 & 65: • The existing facilities located on plot 65 are consented to produce Triclosan, Beta Arbutin and Noxide with a total consented capacity of 100.32 TPM in 2006. The facility has been adopting various environmental management programs and achieving highest environmental quality standards in the facility. Since the overall project cost is less than Rs 50 Cr, the facility did not attract the EIA Notification 1994. This also did not attract EIA Notification 2006 notification as the facility has obtained CFE before EIA notification 2006. Although the facility was consented to produce 100.32 TPM, the actual production capacity never exceeded 51 TPM. • The facility has obtained consent to establish and consent to operate for 100.32 TPM in 2007• with addition of new product 2,5, Dimethyl Indanone for which the consent to establish prior to EIA Notification 2006. Since the project cost is less than Rs. 5 Cr and the proposal was obtained consent to establish prior to EIA Notification 2006, this expansion proposal doesn't fall under EIA Notification 2006. • Further the production capacity was reduced from 100.32 TPM to 100.08 TPM in 2010, however new products Kopirox and Synovia are added, for which the necessary consent from KSPCB was obtained. Although there is a change in product mix scenario in 2010,

	for which necessary consent was already issued by KSPCB, the overall consented production is below 2006 consent levels. As per the MoEF&CC circular dated 14th December 2006, the production mix change that was envisaged in 2010 was a permitted activity. - The actual production throughput from the facility never exceeded more than 50% of the consented valued since 2006 to till date. Therefore the overall wastewater generation and pollution load from the facility far below the consented values and hence the possible environmental impacts are insignificant. Water and wastewater generation quantities are maintained within the consented levels. • Appeal to absolve the case with regards to Plot 62: - The existing facilities located on plot 62 has a consented capacity of 41 TPM until 2010 for which the consent for establish and consent for operation has been granted by KSPCB from time. Since the overall project cost is less than Rs. 5 Cr, the facility did not attract the EIA Notification 1994. This also didn't attract EIA Notification 2006 as the facility has obtained CFE before EIA Notification 2006 and interim guidelines and also circular dated 13th October 2006 issued by MoEF&CC. - Based on the market demand, KOPL has adopted product mix change scenario in the year 2010. Among the products that were consented prior to the year EIA Notification 2006, the following products C-16 Aldehyde, Allyl Caproate and Rose Oxide were dropped and the following new products N-Oxide, Carageenan, Indanone, Ascorbyl Palmitate and Stenol were added to the list for which necessary consent from KSPCB was obtained. As per the MoEF&CC circular dated 14th December 2006, the production mix change that was envisaged in 2010 was a permitted activity. - Although the consented production capacity was marginally increased from 41 TPM to 42.4 TPM in 2010 by adopting product mix-change as stated above for which necessary consent for establish and consent for operation were obtained by KSPCB, the overall production capacity has never exceeded the consented level of 2006 (41 TPM). Based on this, it is derived that the emissions and discharges from the facility are maintained within the consented levels of 2006. In addition to this, the products such Carageenan and Stenol are herbal extract based products and these products were never manufactured. Therefore these products don't fall under synthetic organic industry category. Therefore the increase in consented product quantities will not attract the EIA Notification 2006. Based on this information, KOPL appeals to MoEF&CC and concerned authorities that the current proposal doesn't fall under violation case. - Although there is a change in product mix scenario in 2010, for which necessary consent was already issued by KSPCB, the overall consented production has never exceeded the 2006 consent levels. These products are environmental friendly in nature. The actual production throughput from the facility never exceeded more than 85% of the consented valued since 2006 to till date. Therefore overall wastewater generation and pollution load from the facility is far below the consented values and hence the possible environmental impacts are insignificant. Water and wastewater generation quantities are maintained within the consented levels.
15.3.8.4	The Committee after detailed deliberations, observed the following: The SEAC, Karnataka in its 135th meeting noted that: "Industry has gone for expansion in 2011 and that the list of chemicals and drugs being manufactured, are required to obtain prior environmental clearance as per EIA

	Notification, 2006 and that they have not obtained CFE from KSPCB. In this regard, the SEAC has taken a decision to report the violation to SEIAA to initiate necessary action. Accordingly, the SEIAA had issued direction on 14.12.2016 under Section 5 of the Environment (Protection) Act, 1985. Hence, the proposal is placed again before the SEAC's meeting held on 19.04.2017 for further direction wherein, the proponent has agreed that the proposal is a violation of EIA Notification, 2006. The SEAC after discussion, decided to forward the proposal to SEIAA for further necessary action as per the Ministry's Notification 804 (E) dated 14.03.2017. The SEIAA perused the details and opined that as it is a case of violation, the proposal require Environmental Clearance from MoEF&CC, GoI as per Notification 804 (E) dated 14.03.2017." - The EAC (Violation) has also noted that the KSPCB while considering the application for renewal for consent to operate vide letter No. PCB/175/HPI/2017-18/68 dated 14.08.2018 observed that the Industry has been operating since 1993 without Environmental Clearance certificate. Hence, KSPCB directed the Industry to obtain the EC from the competent authority for all the products within three months and to submit the same to the Board. Accordingly, the KSPCB refused the renewal of consent to operate and directed the Industry to stop the discharge of emissions and effluents. - The Benerghata National Park is within 6 km from the proposed project. Hence, Wildlife Clearance is to be obtained from Ministry.
15.3.8.5	Observations and recommendations of committee: In light of the facts brought out by PP during the presentation and also the above observations of the Committee, the EAC recommended the following: The violation had already been established by the SIEAA and KSPCB, and thereafter referred to the Ministry for consideration under the Notification SO 804 (E) dated 14.03.2017 and the same was considered in the 6th EAC meeting held on 20.04.2018 as per the provisions of the said Notification and recommended for issue of Terms of Reference. At this stage, the project proponent appealed to the Ministry to absolve the case of violation against the M/s Kumar Organic Product Ltd. Hence the Committee recommended that the project proponent may approach to SEIAA and KSPCB for appeal in this regard.
Day 2: Wednesday, 28th November, 2018, Time: 10:00 AM to 10:30 AM Discussion on draft minutes of Day 1 proposals	
15.4.1	Expansion of existing hospital project at Kadapra Village, Pathanamthitta, Kerala by M/s St. Gregorios International Cancer Care Centre - Further consideration for Environmental Clearance [IA/KL/NCP/70240/2017 dated 25.08.2018] [F. No. 23-65/2018-IA.III]
15.4.1.1	M/s St. Gregorios International Cancer Care Centre has made online application vide proposal no. [IA/KL/NCP/70240/2017 dated 25.08.2018] [F. No. 23-65/2018-IA.III] seeking Environmental Clearance for the above mentioned proposed project. The Project activity covered under item of Schedule of Category 8(a) of EIA Notification, 2006.
15.4.1.2	Details of the project as per the submission of project proponent: Project title, location (plot No./ Village/ Tehsil/ District):- Environmental Clearance for Expansion of existing Hospital Project of M/s St. Gregorios International Cancer Care Centre at Sy. Nos. 286/2, 286/3, 286/16, Kadapra Village & Panchayat, Thiruvalla Taluk, Pathanamthitta District, Kerala

2. Salient features of the project

- Land use pattern/ Total plot area/ built up area :- Land use pattern = As per the revenue records, the land is a "Purayidam" land which can be used for residential as well as Institutional/commercial land use. Total Plot area – 3.6295 ha. Total Built-up area – 38,123.48 sq.m.
- Total water requirement and its source :- The total daily water consumption for the proposed project would be about 428 KLD (fresh water = 219 KL + Recycled water = 209 KL). The sources of water during operation phase for the project are :-
 - Stored Rain water in tanks (Non-flushing req.) (Rainy days) – Concurrent use.
 - Kerala Water Authority / Well water - (Non-flushing req.) (Non-rainy days)
 - Treated waste water from STP (Flushing Req.) (Entire year).
- Waste water generation, treatment and disposal: - The domestic sewage will be about 214 KLD which will be treated through Sewage Treatment Plant within the project premises. The treated water from STP will be used for flushing, horticulture & make-up water for cooling towers attached with HVAC plant. Also, the treated effluent of 16 KLD from the ETP would be reuse within the site.
- Municipal solid waste generated disposal facility :- Solid Waste Management
 - The Solid Waste Management Rules, 2016 will be followed in the solid waste disposal.
 - Collection & segregation within the site (bio-degradable waste (green bins), non-biodegradable waste (blue bins) and domestic hazardous waste (yellow bins).
 - The recyclable waste like packaging material, paper etc. would be sold through vendors and the area earmarked for the storage of the same.
 - The Bio-degradable waste would be disposed through the Bio-gas generation plan / bio-bin system to be installed within the site.
 - The manure generated will be utilized for green area development within the premises.
 - The domestic hazardous waste which includes discarded painted drums, pesticide cans, CFL bulbs, tube lights, used batteries etc. generated and will be collected in yellow bins and to be handed over to authorized waste pickers or waste collectors

Disposal of non-biodegradable waste

- Paper related recyclable materials are sold to vendors within the vicinity of the site.
- Other recyclable material like broken glasses, utensils etc. are sold to approved vendors.

Bio-medical Wastes:

- Bio-medical waste like infectious beddings, cotton, swabs, used syringes, discarded medicines, etc. constitute the bio-medical waste from the hospital.
- Bio-medical waste Management & Handling Rules, 2016 will be followed.
- Collection & segregation at source by providing appropriate colour coded bins / containers as per the colour coding provided in the Bio-Medical Waste (Management & Handling) Rules. The Bio-medical waste from the hospital would be outsourced through a Kerala State Pollution Control Board authorized agency (M/s Indian Medical Association Goes Eco Friendly, IMAGE).

Radio active waste management :

The use of unsealed radioisotopes regularly gives rise to radioactive waste, which has to be disposed of in a responsible and safe manner. The waste may include residual amounts of the original radionuclide, disposable containers (vials, syringes etc.) partially decayed or surplus unsealed sources.

- The radioactive waste should be segregated from the non-active waste. Lead lined waste bins with polythene linings should be used for collecting solid radioactive waste and Vials for liquid waste.
- When both lived nuclide and longer lived one are used, separate waste collection bins and storage bags should be provided for the two categories of radionuclide.

- The disposal procedures are based on the following principles.
- Dilute and dispersion for low level radioactive waste: - low activity short lived radioactive waste may be disposed off into the sewage system with adequate flushing with water.
- Delay and decay for short lived radio isotopes – waste containing short lived isotopes such as from isotope generator may stored in a special made RCC pit and release as general waste.

All the radiation safety guidelines of Atomic Energy Regulatory Board (AERB) Bhabha Atomic Research Centre (BARC) with regard to the disposal of radio active waste would be followed. A radiation safety office will be employed to ensure the radiation safety guidelines.

Hazardous waste

The hazardous wastes generated from the project site include waste oil, used batteries etc. Waste oil will be sold off to authorized recyclers while there will be buy-back arrangements with the supplier for DG Set batteries. The list of authorized recyclers for the processing of the above waste are M/s Perfect Alloys, Chengannur, M/s Peejay Enterprises, Thripunithura, M/s Excel Petrochemicals, Kochi. M/s Cee Jee Lubricants, Aluva. These companies are the approved recyclers for discarded batteries & used oil located in Kerala.

- Power requirement and source :- 3,00,000 kWh and supplied by Kerala State Electricity Board & D.G. sets (500 kVA x 4 nos.) (standby arrangement)
- Proposed energy saving measures :- By use of energy efficient lights, solar panels, solar street lights & by providing more open spaces the project would save about 22% energy.
- RWH :- The roof run-off from the site will be appropriately channelized to the storm water collection tank (2,200 KL total storage capacity) within the site and surface run-off will be connected to the external storm water drain available at site.
- Car parking :- 381 Cars + 480 two wheelers
- Investment/Cost of the project :- Rs. 96.10 Crores

Benefits of the project :- The proposed project is a hospital building project and thereby the living index of the people around the project site will definitely improve. Also there will be various ancillary activities like convenient shops, medical shop, food courts, and restaurants, transport facilities etc. attached to the project which will benefit the local people and change their living condition. Other benefits are :-

- Expansion of businesses with increased local spending on goods and services;
- An increase in business and community confidence in the continuing of prosperity for the project area;
- Financial contribution to the State government through the payment of taxes and duties thus enabling the State to invest in infrastructure development.
- The present project would provide better healthcare related facilities with supporting infrastructure facilities in the vicinity.
- Direct (about 500 nos.) and indirect employment (about 2,500 nos.) opportunities. The potential for employment and access to new services may draw people to the area around the project. There will be an increase in economic activity and employment for the local community, local skills development.
- Revenue (taxes) to the State & Central Government.
- The project proponent has carried out charity activities (Corporate Environment Responsibility) for on various developmental activities for the local community.
- Employment potential: - Direct (about 500 nos.) and indirect employment (about 2,500 nos.) opportunities.

	3. Project/ activity covered under item of Schedule to the EIA Notification, 2006:- Project activity covered under item of Schedule of Category 8(a) of EIA Notification, 2006. 4. Why appraisal/ approval is required at the Central level:- Since the tenure of SEIAA/SEAC, Kerala expired on 18/03/2018 and there was no duly constituted SEIAA/SEAC, Kerala at that time. Also, the earlier appraisal of the project was done in its 13th EAC meeting held on 18-09-2018, as per the MoEF direction further proceedings required at MoEF. 5. National Park/ Wild Life Sanctuary in 10 km radius area:- None within the study area 6. Eco-Sensitive Zone in 10 km radius area:- None within the study area 7. Details of Forest land involved, if any:- None within the study area 8. ToR Details :- The draft ToR was considered and approved by EAC in its 4th meeting held on 19th – 21st February, 2018 and the ToR letter was communicated to us by MoEF&CC vide letter dt. 19-04-2018. 9. Details of Public Hearing and main issues raised/response of the PP:- No Public Hearing required for Construction projects 10. If any court case pending for violation of the environmental laws (supported by an undertaking) :- No litigation pending and no violation of environmental laws. 11. Land use planning:- The expansion project is within the existing hospital campus and the project site confirms the land use. 12. Ground water withdrawal approval from CGWA:- As per the classification, the entire Pathanamthitta District declared as "Safe Zone" and permission is not required for ground water abstraction for domestic purposes. 13. For other sources, firm commitment of the water supply agency:- Will be obtained. 14. Undertaking to the effect that no activity has since been taken up :- Undertaking will be submitted during the appraisal. 15. Appraisal by State Coastal Zone Management Authority (SCZMA) :- No approval from State Coastal Zone Management Authority is required as the project site is not attracting the CRZ Notification. 16. Details of earlier EC, if any and compliance thereof:- Not applicable 17. Details of earlier appraisal by EAC/ SEAC; observation and compliance:- <u>1st time appraisal for ToR</u> The draft ToR was considered and approved by EAC in its 4th meeting held on 19th– 21st February, 2018 and the ToR letter was communicated to us by MoEF&CC vide letter dt. 19-04-2018. <u>1st time appraisal for EC</u> 1st time appraisal by EAC for EC - 13th EAC meeting held on 18-09-2018 and reply to the queries raised by EAC was submitted through online on 02-11-2018.
15.4.1.3	Above proposal was considered in 13th meeting held during 18.09.2018 for EC wherein Technical presentation was made by the project proponent and the EAC <i>deferred</i> the proposal because of following short fall while appraising the project: 1. Damage assessment computed by the PP is found to be inadequate in the areas like water, social economic and energy conservation. Proper damage assessment is to be submitted in the revised EIA report covering all the environmental attributes along with revised natural /community augmentation plan. 2. Remediation plan to be revised with a cost of Rs. Sixty lakhs.

	3. In the case of land use/land cover the PP has cleared 56 trees prior to site preparation and has not planted trees as per MOEF guideline of one tree per 80 sqm and hence the PP needs to planted 1010 trees, which is to be included in the revised EIA report. 4. Compliance report as per EC BC 2017 shall be submitted. 5. Base line health status to be submitted. 6. Effluent from ETP shall be discharged into municipal sewage line with prior permission and there not to be used for any purpose within the hospital premises.						
15.4.1.4	Observations and recommendations of committee: The project proponent along with consultant made a detailed presentation in the present meeting (15th EAC meeting) on the additional information sought during the 13th EAC meeting held on 18.09.2018. The Committee after detailed deliberations, sought the following additional information: (i) Revised budgetary estimation of remediation plan for implementation within a period of three years. (ii) Rain water harvesting details (iii) Details of green development plan along with budgetary allocation. (iv) Revised CER along with activities, timelines and budgetary requirement. (v) Details of Solar plant installation @ rate of 1% of total demand. The project proponent has submitted above details after the meeting and based on the above information furnished by the project proponent, the Committee recommended the proposal for grant of Environmental Clearance subject to the following specific conditions in addition to all standard conditions applicable for such projects: I. EAC recommended for an amount of Rs. 29,70,000/- towards Remediation plan (Rs. 50,000/- and Rs. 32,75,000/- towards Natural and Community Resource Augmentation plan to be spend within a span of three years. The details are given below: ➤ Remediation plan & budgetary provisions <table border="1"> <thead> <tr> <th>Sr. No.</th><th>Particulars</th><th>Revised Budget Allocation (In Rs.)</th></tr> </thead> <tbody> <tr> <td>1.</td><td>Air Environment</td><td> 1. The dust suppression and water sprinkling system consists of water sprinkler nozzles (about ½ dozen @ Rs. 1,000 per nozzle i.e. Rs. 6,000), Online twin filtration system (Rs. 15,000), Booster pump (1 HP (@ Rs. 10,000)), Water distribution pipeline (LS Rs. 10,000) and water storage tank (5,000 ltr @ Rs. 25,000.). Labour cost of Rs. 10,000. The total cost on water sprinkling and dust suppression system is Rs. 76,000 2. Wind breakers / barricades in the periphery of project site (3 m. height GI sheet) (Rs. 1,00,000). </td></tr> </tbody> </table>	Sr. No.	Particulars	Revised Budget Allocation (In Rs.)	1.	Air Environment	1. The dust suppression and water sprinkling system consists of water sprinkler nozzles (about ½ dozen @ Rs. 1,000 per nozzle i.e. Rs. 6,000), Online twin filtration system (Rs. 15,000), Booster pump (1 HP (@ Rs. 10,000)), Water distribution pipeline (LS Rs. 10,000) and water storage tank (5,000 ltr @ Rs. 25,000.). Labour cost of Rs. 10,000. The total cost on water sprinkling and dust suppression system is Rs. 76,000 2. Wind breakers / barricades in the periphery of project site (3 m. height GI sheet) (Rs. 1,00,000).
Sr. No.	Particulars	Revised Budget Allocation (In Rs.)					
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		3. Vehicle check up camp (@Rs. 10,000 per camp and Rs. 20,000 annual) 4. Ambient air quality monitoring in sensitive areas (@Rs. 5,000 per month x 12 months i.e. Rs. 60,000 x 2 locations = Rs. 1,20,000) <u>Total cost on remediation measures on Air Environment is Rs. 3,16,000/-</u>
2.	Ecological Environment	1. Plantation with native species of flowering and fruit bearing trees to compensate the removal of trees. 560 trees within the surrounding area are proposed for plantation at a cost of @ Rs. 1,100 per plant which includes maintenance for three years. The total cost estimate for tree plantation is 560 trees x Rs. 1100 = Rs. 6,16,000. 2. Cost of development of butterfly garden is Rs. 1,64,000 (L.S. estimate). 3. Cost of development of medicinal garden is Rs. 1,60,000 (L.S. estimate). 4. Rs. 50,000/- for development of panchayat park / avenue plantation towards habitat compensation. <u>Total cost on remediation measures on Ecological Environment is Rs. 9,90,000/-</u>
3.	Water Environment	1. Rs. 50,000/- for restoration of abandoned wells (Rs. 10,000 x 5 wells) + Rs. 50,000/- for water sampling and monitoring (Rs. 5,000 x 10 samples). Total = Rs. 1,00,000/- I. Rs. 2,00,000/- for rehabilitation of village pond. II. Rs. 60,000/- towards set up of 2 units of portable toilet at site (1 for male and 1 for female). III. Rs. 5,50,000 on setting up of an STP of 5 KLD capacity. IV. Chanalization of storm water (Rs. 4,00,000). V. Frequent cleaning of the vicinity of site

1.	Remediation measures on Air Environment	1,05,000	1,05,000	1,06,000	3,16,000
2.	Remediation measures on Water Environment	4,50,000	4,50,000	4,60,000	13,60,000
3.	Remediation measures on Land Environment	70,000	70,000	80,000	2,20,000
4.	Remediation measures on Noise Environment	10,000	20,000	20,000	50,000
5.	Remediation measures on Socio Environment	10,000	12,000	12,000	34,000
6.	Remediation measures on Ecology Environment	3,30,000	3,30,000	3,30,000	9,90,000
Grand Total					29,70,000/-

➤ Natural Resource Augmentation plan & budgetary provisions

Sr. No.	Activity	Year wise Implementation and Budgetary provision during operation phase (In Rs)			Total budgetary provision (Rs.)
		1 st year	2 nd year	3 rd year	
1.	Development of greenery in the surrounding area and road side plantation	25,000	50,000	50,000	1,25,000
2.	Provision of drinking water facilities through construction of hand pumps / dug wells / tube wells. 5 hand pups / wells per year in the nearby villages with maintenance	50,000	75,000	75,000	2,00,000
3.	Maintenance of village road, near the panchayat office or any other badly damaged road and consultation with panchayat (7 m. carriage way (1 km. length)	2,50,000	3,50,000	4,00,000	10,00,000

4.	Construction of pipeline network in the village in association with grama panchayat and water resource department (Kerala Water Supply Authority)	1,00,000	1,50,000	2,50,000	5,00,000
5.	Provision of solar system in common areas through local administration	25,000	50,000	50,000	1,25,000
6.	Rainwater harvesting and ground water recharge development	30,000	30,000	40,000	1,00,000
7.	Construction of storm water drainages in the nearby areas	20,000	30,000	50,000	1,00,000
Total					21,50,000

> Community Resource Augmentation plan & budgetary provisions

S.No	Activity	Year wise Implementation and Budgetary provision during operation phase			Total budgetary provision (Rs.)
		1 st year	2 nd year	3 rd year	
1.	Creation of irrigation facilities to the farmers supporting for irrigation	25,000	50,000	50,000	1,25,000
2.	Construction of sanitation facilities (toilet) in schools and villages (5 toilets each year)	25,000	50,000	50,000	1,25,000
3.	Periodic medical check-up camp by appointing specialist doctor for eyes, skin, heart and dental twice in a year	50,000	50,000	1,50,000	2,50,000
4	Free of cost distribution of medicine / body check up tests in the area	25,000	50,000	50,000	1,25,000
5	Training to the farmers related to healthcare	10,000	20,000	20,000	50,000

	6	Assistance in development of technical skills and training to the children of farmers and fishermen	30,000	30,000	40,000	1,00,000
	7	Assistance in providing study materials, uniform, books to the poor students located nearby area	30,000	30,000	40,000	1,00,000
	8	Scholarship to the clever students for higher education	50,000	50,000	1,50,000	2,50,000
	Total					11,25,000
	Total budgetary provision made towards the implementation of Natural & Community Resources Augmentation plan					
	1. Natural Resources Augmentation plan					Rs.21,50,000
	2. Community Resources Augmentation plan					Rs. 11,25,000
	Total budgetary provision					Rs. 32,75,000
	II. Total budgetary provision with respect to Remediation plan and Natural & Community Resource Augmentation plan is rupees 62,45 000/-. Therefore, project proponent shall be required to submit a bank guarantee of an amount of Rupees 62,45 000/- towards Remediation plan and Natural and Community Resource Augmentation plan with the SPCB prior to the grant of EC. III. Remediation plan shall be completed in 3 years whereas bank guarantee shall be for 5 years. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority. IV. The PP shall submit the proof of credible action taken by the concerned state government/ state pollution control board under the provisions of the section 19 of the Environment Protection Act 1986 to the MoEF&CC. V. Fund allocation for Corporate Environment Responsibility (CER) of Rs. 1.922 crores (2% of project cost). VI. Approval/permission of the CGWA/SGWA shall be obtained before drawing ground water for the project activities. State Pollution Control Board (SPCB) concerned shall not issue Consent to Operate (CTO) till the project proponent obtains such permission. VII. The PP shall construct rain water storage tank of capacity 2,200 KL (equivalent to 11 days of daily fresh water requirement).					
	15.4.2	Proposed expansion of M/s Shogun Organics Ltd at Plot No. D-18, MIDC Kurkumbh, Taluka Daund, District Pune (Maharashtra) by M/s Shogun Organics Limited - Further consideration for Environmental Clearance [IA/MH/IND2/64652/2017 dated 09.04.2018] [F. No. J-11011/241/2017-IA-II(I)]				
	15.4.2.1	M/s Shogun Organics Limited has made online application vide proposal no. IA/MH/IND2/64652/2017 dated 09.04.2018 for the above mentioned proposed project. The				

	proposed project activity is listed at 5(b) category A of EIA Notification, 2006 and the proposal is appraised at Central level.																												
15.4.2.2	Details of the project as per the submission of project proponent: 1. Project title, location (plot No./ Village/ Tehsil/ District):- Environmental Clearance For Expansion of M/s Shogun Organics Ltd. located at Plot no D- 18, Kurkumbh MIDC, Taluka Daund, District Pune, Maharashtra. 2. Salient features of the project :- The project is located in Notified Industrial Area, MIDC Kurkumbh. • Land use pattern/ Total plot area/ built up area: - Area in sq.m. <table border="1"> <thead> <tr> <th></th><th>Existing</th><th>Proposed</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Total Plot Area</td><td>1,06,384</td><td>--</td><td>106384</td></tr> <tr> <td>Built-up Area</td><td>9048.82</td><td>3375</td><td>12423.82</td></tr> <tr> <td>Parking area</td><td>3802.82</td><td>6835.58</td><td>10638.40</td></tr> <tr> <td>Greenbelt Area</td><td>7164.5</td><td>11825</td><td>18989.5</td></tr> </tbody> </table> • Total water requirement and its source :- Source of water – MIDC Kurkumbh. Water requirement : Existing – 13.8 CMD Proposed – 48.63 CMD Total – 62.43 CMD. • Waste water generation, treatment and disposal :- Wastewater in CMD <table border="1"> <tbody> <tr> <td>Sewage</td><td>Existing 0.94.4</td><td>Proposed 5.3</td><td></td></tr> <tr> <td>Industrial Effluent</td><td>Existing 4.5</td><td>Proposed 12.28</td><td>Total 16.78</td></tr> </tbody> </table> The sewage effluent will be treated in an STP of 6 CMD capacity. The treated effluent will be used for gardening and the sludge will be used as a manure for developing the green belt. The industrial effluent will be totally recycled and it will be Zero Liquid Discharge system, wherein the entire treated effluent will be reused for cooling tower make-up. The effluent will be treated in an ETP having capacity of 18 CMD. The ETP comprises of aeration tank followed by evaporator with centrifuge. The distillate from the evaporator will be sent through sand filter followed by carbon filter. The residue from the centrifuge will be disposed through CHWTSDf, Ranjangaon. • Municipal solid waste generated disposal facility :- The municipal waste will be disposed through local municipal facility. • Power requirement and source :- Source – MSEDCL • Existing – 95 KW • Proposed – 130 KW • Total - 225 KW • Proposed energy saving measures :- There are total 82 street lights in factory plot. Each street light is with 36 Watt LED. • RWH :- Roof top rain water harvesting has been provided over a roof top area of 1106 sq. m., a dedicated RWH tank of 100m³ capacity has been provided. • Car parking :- Area of about 10638 sq. m will be dedicated as parking area.		Existing	Proposed	Total	Total Plot Area	1,06,384	--	106384	Built-up Area	9048.82	3375	12423.82	Parking area	3802.82	6835.58	10638.40	Greenbelt Area	7164.5	11825	18989.5	Sewage	Existing 0.94.4	Proposed 5.3		Industrial Effluent	Existing 4.5	Proposed 12.28	Total 16.78
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• **Investment/Cost of the project :-** Existing Cost – 8.85 Crores

Proposed cost – 5.65 Crores

Total Cost – 14.5 Crores

• **Benefits of the project :-**

1) The plant is located at Notified Industrial Area & the proposed activity being executed within the existing premises, no human displacement or habitat loss is envisaged.

2) Improvement in locale specific socio-economic aspects.

3) It will help in improving the infrastructural facilities

4) Company will employ around 68 number of persons. The company would try to employ the local people under skilled workers and worker section to boost the economic condition of the surrounding area.

5) Under CSR activities the company will focus on locale specific aspects such as education & skill development, Health awareness to the people, water and sanitation and various social activities.

Education & Skill development:

- Provisions of uniform, books, and stationary, necessary equipments etc, to the schools of nearby areas.

- Conduction of trainings for youth & women empowerment.

Health Awareness:

- Organize free medical checkup camp for the villagers

- Health Awareness campaigns will be organized.

6) The project will also contribute in increase in revenue in form of various taxes which will be paid to government time to time. Company will also export their products to other country that also can be benefitted to the country by increase in revenue generated from taxes

7) The CSR activities planned by company can be considerably very beneficial for health, education, development of poor people, welfare of women & labour and support to disabled persons etc.

Thus a significant benefit to the socio-economic environment is likely to be created due to the expansion project and the project will help in developing the national income.

• **Employment potential :-** Existing – 27, Proposed – 41, Total – 68

3. Project/ activity covered under item of Schedule to the EIA Notification, 2006:- The project is covered under Schedule '5 (b)', Category – 'A' of the EIA Notification, 2006.

4. Why appraisal/ approval is required at the Central level:- The project is covered under Schedule '5 (b)', Category – 'A' of the EIA Notification, 2006. As stated in the Section 4 (ii) of the EIA Notification, 2006, " All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC)" to be constituted by the Central Government for the purposes of this notification."

5. National Park/ Wild Life Sanctuary in 10 km radius area:- There are no National Parks and Wildlife Sanctuaries within 10 km radial distance from the project site.

6. Eco-Sensitive Zone in 10 km radius area:- There are no Eco – Sensitive zones within 10 km radial distance from the project site.
7. Details of Forest land involved, if any:- It is not a forest land. The project is located in a notified Industrial Area, Kurkumbh MIDC. The land has been purchased by M/s Shogun Organics Ltd. from MIDC, Kurkumbh.
8. ToR Details :- ToR granted by MoEF under violation vide letter no – F. No J-11011/241/2007-IA II (I) dated 23rd January, 2018.
9. Details of Public Hearing and main issues raised/response of the PP:- The Public Hearing was carried out on 5th September, 2018 at site premises of M/s Shogun Organics Ltd at Plot no – D/18, MIDC Kurkumbh, Taluka – Daund, District – Pune. The details of Public hearing issues and response by PP is attached as Addendum – 1.
10. If any court case pending for violation of the environmental laws (supported by an undertaking) :- No
11. Land use planning:- Area in sq.m Existing Proposed Total
- | | | | |
|-----------------|----------|---------|----------|
| Total Plot Area | 1,06,384 | – | 106384 |
| Built-up Area | 9048.82 | 3375 | 12423.82 |
| Parking area | 3802.82 | 6835.58 | 10638.40 |
| Greenbelt Area | 7164.5 | 11825 | 18989.5 |
12. Ground water withdrawal approval from CGWA:- Ground water will be not exploited for the said project.
13. For other sources, firm commitment of the water supply agency:- Water will be obtained from MIDC, Kurkumbh. Letter has been obtained from MIDC, Kurkumbh for providing the required quantity of water.
14. Undertaking to the effect that no activity has since been taken up :- Undertaking mentioning the same has been obtained.
15. Appraisal by State Coastal Zone Management Authority (SCZMA) :- Not applicable
16. Details of earlier EC, if any and compliance thereof:- Not applicable
17. Details of earlier appraisal by EAC/ SEAC; observation and compliance:-
- 6th reconstituted expert appraisal committee (industry) held during 5th March, 2013 – 7th March, 2013.
- MoM – ToR granted for M/s Shogun Organics Ltd.
- 1st Expert Appraisal Committee meeting dated 30-11-2015 to 01-12-2015.
- MoM - The project will be considered for taking action as per Ministry's O. M no. J-11013/41/2006-IA II (I) dated 12th December, 2012 and 27th June, 2013.
- 6th Expert Appraisal Committee (Industry-2) Meeting held during 30th March to 2nd April 2016.
- MoM - PP has again requested for amendment in TOR. The Committee was of the view that proposal shall be considered on merit of the case after finalization of procedure registered for violation.
- 1st EAC meeting for cases with respect to violation of EIA Notification.
- MoM-ToR was granted under violation cases of EIA Notification.
- 6th expert appraisal committee (Violation) held during 19th– 20th April, 2018.

	MoM – Case deferred for submission of EIA report. • 7th expert appraisal committee (Violation) held during 17th– 18thMay, 2018. MoM – Case was deferred for conducting Public hearing and for submission of additional information. The compliances of the same were done, PH was carried out on 5th September, 2018, the MoM of PH and the reply of the project proponent along with the additional information sought by EAC was uploaded on the portal.
15.4.2.3	Above proposal was considered in 7th meeting held during 18.05.2018 wherein After detailed deliberations on the technical and public hearing issues, the EAC recommended the following: Public hearing: The committee noted that proposed project is located in the notified Industrial area. As per EIA notification 2006, the activities/projects located in the notified industrial areas are exempted from public hearing. However, the present proposal has been established as violation case. All such violation cases are required to undergo public hearing as per the orders of Hon'ble High court of Madras dated 13.10.2017 in WP NO.11189 of 2017 titled "Puducherry Environmental Protection Association Vs Union of India even though they are located in notified industrial areas. The committee also noted that as per the orders of Hon'ble High court of Madras dated 14.03.2018 W.M.P NoS.3361AND 3362 of 2018 and W.M.P.No 3721 of in WP NO.11189 of 2017, the public hearing in respect of category 8(a) only exempted as under ; "24 In this view of this matter, considering that sub-clause (i) (d) of stage iii of paragraph 7(i) of parent notification as contained in item No. 8(a) of the schedule being housing projects, we deem it necessary to clarify that projects and project proponents falling under this category alone shall be governed by the 'public consultation' clause in the parent notification." In view of the above observations the committee recommended that M/s Shogun Organics Ltd. is required to undertake public hearing as per the provisions EIA notification, 2006. The committee has sought the following additional information: 1. Risk assessment should be made covering entire inventory, part inventory for Toxic and Fire hazards per the damage anticipated in case of solvent used for the reaction for products manufacturing and storage related. 2. Disaster management plan covering mitigation measures, sensor deployment, automatic control machines to shut the inventory as well as process in case of indication of toxic leakages. 3. Proper safety and disaster management plan should be prepared to avoid any catastrophic effect. 4. Revised water balance. 5. Green belt development plan. 6. Worst case scenario related to the Air and Water should be given in case of reactor failure or damage done for the reactor. 7. Toxicity test (bio assay) is required for the treated effluent. 8. Analytical data related to surface & groundwater was found to be not up to the mark: Ionic balance was not matching. 9. Soil analysis data to be rechecked (related to texture & CEC). 10. Impacts and the Mitigation of impacts of project activities during construction and operation on the above components, for which the study has been conducted, to be included separately in specific chapter/s; 12. Positive and Negative (if any) aspects of the project/project activities need to be assessed and included specifically in Conclusion;

	13. Impacts of the project due to 'Violation' to be assessed/narrated qualitatively and quantitatively and financial analysis/assessment/commitment with Budgetary provisions to be included separately. 14. Details of damage assessment, remediation plan and natural and community resource augmentation plan along with budgetary requirement. 15. The details of Corporate Environment Responsibility (CER) as per ministry's office memorandum F.No. 22-65/2017-IA.III dated 1st May, 2018 based on the issues raised during the public hearing and also issues emerged during the social impact assessment studies along with time bound action plan and budgetary requirement.
15.4.2.4	Observations and recommendations of committee: The project proponent along with the consultant made a detailed presentation on the additional information sought during the last 7th EAC meeting held on 18.05.2018. The Committee after detailed deliberations deferred the proposal and sought the following additional information: (i) The response of the project proponent to the issues raised during the public hearing should be replied appropriately and to be resubmitted and the same should be reflected in the chapter of the Environment Management Plan of Environment Impact Assessment. (ii) Revised CER based on the issues raised during the public hearing and emerged in the social impact assessment covering the activities, timelines and budgetary requirement should be submitted. (iii) The Risk Assessment report with Risk Curve in the event of explosion/accident of the inventory of Toxic and Hazardous chemicals as per the DOW index summary sheet. (iv) NOC from MIDC for the additional water requirements. (v) Certificate of acceptance by MIDC for accommodating the effluent discharge during emergency. (vi) The coverage of green belt and plantation shall be to the extent of 33% of the total plot area against the proposed green belt of 11,825 sqm area. The density of the plant to be increased as per the guidelines of the Ministry. Selection of the Trees/Plant as per the CPCB guidelines. (vii) Detailed consequences and the action plan in case of reactor failure or damage/worst case scenario (SOPs). (viii) Toxicity test report (bioassay test) of the treated effluent. (ix) Analytical data related to surface and ground water and soil. (x) The ecological impacts, mitigation and the remediation measures during construction/operation phase furnished by the PP is found to be inadequate in the following: a) Assessment of air pollution during earlier construction, operation and during / post expansion. b) Comparison of LULC pre construction and present. c) Ground water and surface water pollution during construction and operation. d) Land environment. e) Ecological damages of flora and fauna. f) Occupational health impacts during construction/post expansion. g) Community and natural resources augmentation plan. h) Benefits accrued due to violation

15.4.3	Colour Granite mine of over an area of 4.00 Hectares Sy. No: 185, Parlapally Village, Thimmapur Mandal, Karimnagar District, Telangana State by M/s. Sreevaree Exports-Terms of Reference [IA/TG/MIN/68517/2017 dated 12.09.2017][F. No. 23-282/2018-IA.III (V)]
15.4.3.1	M/s. Sreevaree Exports has made online application vide proposal no. IA/TG/MIN/68517/2017 dated 12.09.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 1(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level as SEIAA is not functional at Telangana.
15.4.3.2	Details of the project as per the submission of project proponent: 1. Project description: The Proposal of M/s Sreevare Exports is for Mining of colour granite from Sreevare Exports Exports for Total Excavation 42,000 m³/annum[including 3,42,000 m³Waste for plan period of 5 years and average waste is 68,400m³/annum] from mining lease area 4.0 Ha located at Parlapally Village, Thimmapur Mandal, Karimnagar District, Telangana State by M/s Sreevare Exports . 2. Project Background: The proposal of M/s Sreevare Exports is for production of 42,000 m³/per annum (colour granite from Sree Venkateshwara Exports Mine (ML Area 4.0 Ha, located at Survey No.185, at Parlapally Village, Thimmapur Mandal, Karimnagar District, Telangana. The mining lease is located on Survey of India Topo-sheet no.56N/3. The area is bounded between the coordinates Latitude 18°28' 52.20"N to 18°28' 41.11"N and Longitude 79°11'50.81" E 79°11'41.80" E. 3. Category of the Project (Refer cluster certificate If applicable): copy Enclosed The said project/activity is covered under category Mining of Minerals of item 1(a) of the Schedule to the EIA Notification, 2006 as amended, and requires prior EC from the MoEF&CC/SEIAA based on the appraisal by Expert Appraisal Committee or the State Expert Appraisal Committee in different. 4. Violation Details & Sectorial EAC/SEAC Comments: [The proposed project comes under violation due to exceeding the production in the Environment Clearance of 4080 cum/annum of colour granite.] Recommendations of sectorial EAC or SEAC before submitting the application on violation portal: - The SEAC Telangana state considered this project in its meeting held on 02.11.2012 and SEIAA meeting held on 21.11.2012 recommended to take action accordance with OMs dt: 16.11.2009 issued by MoEF&CC, GOI, New Delhi. - The credible action was initiated by the EFS&T Department, Telangana vide order no.SEIAA/TS/KRM/-61/2016 dated:24.03.2016. - The case was filed in court of 1st additional judicial magistrate of F.C at Karimnagar, vide C.C.No.312 of 2017. 5. Application (Form-1 & PFR): Fresh application was made online vide proposal no. IA/TG/MIN/68517/2017 dated 12thSep,2017 under violation category for Term of References (ToR) in terms of provision of the Ministry's Notification S.O 804 (E) and submitted Form-1 and PFR . The proposed project activity is covered under 'Schedule Item – 1(a) Mining of Minerals of EIA Notification, 2006 and is a category 'B2' [Note: appraised at EAC (MoEF&CC) because of absence of SEIAA committee in Telangana state] [Note: The cluster details are enclosed given by ADMG]

	6. Details of Minerals: The mineral is colour granite which is minor mineral before 2006. 7. Letter of Intent (LoI)/Mining Lease Details: • Original lease grant by DMG, Notice no:5497/R6-3/2010 dated:06.04.2011 • ADMG lease execution proceeding.no.1206/Q1/10 dated:25.02.2012 8. Method of Mining & Mining Plan Details: • The method of mining shall be open-cast semi-mechanized method. • 1st Mining scheme vide letter no: 634/QP-1/KNR/2018 dated 30-01-2018. • Modified Mining Plan vide letter no:35/MP/KMNR/2015 dated 23-02-2015. • Mining Plan vide letter no: 3256/MP/KMNR/2011 dated 23-06-2011 9. Other Waste Generation, If any: [3,42,000 m³Waste for plan period of 5 years and average waste is 68,400m³/annum. The waste is dumped in the area allocated for the dumping yard.] 10. Land Use (Forest/Agricultural/Waste): NIL – no agricultural /forest /waste land involved in mine lease area. 11. Details of past production since inception of mine authenticated by DMG: The past production details given by ADMG are enclosed 12. Applicability of General Condition & Status of SEIAA: This lease area does not attract any general conditions as no wild life sanctuaries or habitat, state boundaries within 10km radius. [Status of SEIAA :SEIAA Committee tenure is over] 13. Project Cost & Employment: Cost of the project: Rs 50 lakhs EMP cost – Rs 4.0 lakhs Recurring cost – Rs 2.17 lakhs Man power requirement – 14 persons 14. Affidavit for SC Order 2.08.2017: Affidavit is enclosed Note: Submit affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. 15. Status of DSR, in case of minor mineral: Not Available
15.4.3.3	Observations and recommendations of committee: EAC after detailed presentation by the PP observed that lease document submitted by the PP is for 3.3 ha whereas in application PP has mentioned mining lease area is 4.0 ha. EAC therefore deferred the proposal for want of following information: (i) Submission of revised Form1 and PFR w.r.t proposed area , production in Cum, along with waste generated per year. (ii) Submission of kml file with coordinates authenticated by the state DMG . (iii) Declaration from state DMG that PP has not mined outside mine lease area. (iv) Permission from state DMG for storing Granite in stock yard outside mine lease area. (v) Site photograph showing EIA coordinator visited the site.

15.4.4	Colour Granite mine of over an area of 1.5 Hectares at Sy. No.: 1133 Gattubuthkur Village, Gangadhara Mandal, Karimnagar District, Telangana State by M/s. Sreevaree Exports- Terms of Reference [IA/TG/MIN/68568/2017, dated 12.09.2017] [F. No. 23-283/2018-IA.III (V)]
15.4.4.1	M/s. Sreevaree Exports has made online application vide proposal no. IA/TG/MIN/68568/2017, dated 12.09.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 1(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level as SEIAA is not functional at Telangana.
15.4.4.2	Details of the project as per the submission of project proponent: 1. Project description: The Proposal of <u>M/s</u> Sreevaree Enterprises is for Mining of colour granite from Sreevare Enterprises for Total Excavation 7,800 m³/annum [including 42,455 m³Waste for plan period and average waste is 8,491m³/annum] from mining lease area 1.5 Ha located at Gattubuthkur Village, Gangadhara Mandal, Karimnagar District, Telangana State by M/s Sreevare Enterprises. 2. Project Background: The proposal of M/s Sreevare Enterprises is for production of 7,800 m³/per annum (colour granite from Sree Venkateshwara Exports Mine (ML Area 1.5 Ha, located at Survey No.1133, at Gattubuthkur Villages, Gangadhara Mandal, Karimnagar District, Telanagana State. The mining lease is located on Survey of India Topo-sheet no.56N/3. The area is bounded between the coordinates Latitude 18°28'47.12"N to 18°28'51.43"N and Longitude 79°00'55.17" E to 79°00'59.90" E 3. Category of the Project (Refer cluster certificate If applicable):copy enclosed The said project/activity is covered under category Mining of Minerals of item 1(a) of the Schedule to the EIA Notification, 2006 as amended, and requires prior EC from the MoEF&CC/SEIAA based on the appraisal by Expert Appraisal Committee or the State Expert Appraisal Committee in different. 4. Violation Details & Sectorial EAC/SEAC Comments: [The proposed project comes under violation due to exceeding the production in the Environment Clearance of 1091 cum/annum of colour granite.] Recommendations of sectorial EAC or SEAC before submitting the application on violation portal: - The SEAC Telangana state considered this project in its meeting held on 23.02.2016 and SEIAA meeting held on 21.03.2016 recommended to take action accordance with OM's dt: 12.12.2012 & 27.06.2013 issued by MoEF&CC, GOI, New Delhi. - The credible action was initiated by the EFS&T Department, Telangana vide order no.SEIAA/TS/KRM/-60/2016-3069 dated:24.03.2016. - The case was filed in court of 1st additional judicial magistrate of F.C at Karimnagar vide C.C.No.310 of 2017. 5. Application (Form-1 & PFR): Fresh application was made online vide proposal no. IA/TG/MIN/68568/2017 dated 12thSep,2017 under violation category for Term of References (ToR) in terms of provision of the Ministry's Notification S.O 804 (E) and submitted Form-1 and PFR. The proposed project activity is covered under 'Schedule Item – 1(a) Mining of Minerals of EIA Notification, 2006 and is a category 'B2' [Note: appraised at EAC (MoEF&CC) because of absence of SEIAA committee in Telangana state]

	[Note :The cluster details are enclosed given by ADMG] 6. Details of Minerals: The mineral is colour granite which is minor mineral before 2006. 7. Letter of Intent (LoI)/Mining Lease Details: • Original lease by DMG, Proceedings no:36955/R6-3/09 dated:02.06.2010. • ADMG Execution of lease deed vide proceeding.no:8857/Q1/2009 dated 04-06-2010. From 04.06.2010 to 03.06.2030. 8. Method of Mining & Mining Plan Details: • The method of mining shall be open-cast semi-mechanized method. • 1st Mining scheme vide letter no: 464/QP-1/KNR/2018 dated 30-01-2018. • Modified Mining Plan vide letter no:34/MP/KMNR/2015 dated 23-02-2015. • Mining Plan vide letter no: 6254/MP/KMNR/2011 dated 24-04-2012 9. Other Waste Generation, If any: [42,455 m³ of Waste is generated for plan period and average waste is 8,491m³/annum which will be dumped in the area allocated for dump yard.] 10. Land Use (Forest/Agricultural/Waste): NIL – no agricultural /forest /waste land involved in mine lease area. 11. Details of past production since inception of mine authenticated by DMG: The past production details given by ADMG are enclosed 12. Applicability of General Condition & Status of SEIAA: This lease area does not attract any general conditions as no wild life sanctuaries or habitat, state boundaries with in 10km radius. [Status of SEIAA :SEIAA Committee tenure is over] 13. Project Cost & Employment: Cost of the project: Rs 60 lakhs EMP cost – Rs 2.65 lakhs Recurring cost – Rs 1.47 lakhs Man power requirement – 14 persons 14. Affidavit for SC Order 2.08.2017: Affidavit is enclosed Note: Submit affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. 15. Status of DSR, in case of minor mineral: Not Available Note: Submit status of DSR in case of minor mineral. If available, please submit
15.4.4.3	Observations and recommendations of committee: EAC after detailed presentation by the PP observed that PP has increased the production beyond EC capacity. EAC also observed that present application is for expansion from 1091 cum/ year to 7800 CUM/year whereas total waste generation is not mentioned in the Form 1 which is 42,455 CUM over the plan period. EAC therefore deferred the proposal for want of following information: i. Submission of revised Form1 and PFR w.r.t proposed production in Cum, along with

	waste generated per year. ii. Submission of kml file with coordinates authenticated by the state DMG . iii. Declaration from state DMG that PP has not mined outside mine lease area. iv. Permission from state DMG for storing Granite in stock yard outside mine lease area. v. Site photograph showing EIA coordinator visited the site
15.4.5	Colour Granite mine of over an area of 8.0 Ha at Sy. No: 199 Palltham Village, Peddapalli Mandal, Peddapalli District Telangana State by M/s. Ganga Bhavani Granites- Terms of Reference. [IA/TG/MIN/68578/2017, dated 12.09.2017][F. No. 23-284/2018-IA.III (V)]
15.4.5.2	Project proponent did not attend the meeting therefore proposal was deferred.
15.4.6	Colour Granite mine of over an area of 3.0 Ha at Sy. No : 81 Kalawala Village, Shankarapatanam Mandal, Karimnagar District, Telangana State by M/s. Sree Venkateshwara Exports- Terms of Reference [IA/TG/MIN/68613/2017, dated 12.09.2017][F. No. 23-285/2018-IA.III (V)]
15.4.6.1	M/s. Sree Venkateshwara Exports has made online application vide proposal no. IA/TG/MIN/68613/2017, dated 12.09.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 1(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level as SEIAA is not functional at Telangana..
15.4.6.2	Details of the project as per the submission of project proponent: 1. Project description: The Proposal of <u>M/s Sree Venkateshwara Exports PvtLtd</u> is for Mining of <u>colour granite</u> from Sree Venkateshwara Exports for Total Excavation 10,312.5 m³/annum[including 73,462.5 m³Waste for plan period and average waste is 24500m³/annum] from mining lease area 3.0 Ha located at Kalawala Village, ShankarapatanamMandal, KarimnagarDistrict,Telangana State by M/s SreeVenkateshwara Exports Pvt Ltd. 2. Project Background: The proposal of M/s SreeVenkateshwara Exports PvtLtd is for production of 10,312.5 m³/per annum (colour granite from SreeVenkateshwara Exports Mine(ML Area 3.0 Ha, located at Survey No.81, at Kalawala Villages, ShankarapatanamMandal, Karimnagar District, TelanaganaState. The mining lease is located on Survey of India Topo-sheet no.56N/7. The area is bounded between the coordinates Latitude 18°20'11.5668"N to 18°20'22.0060"N and Longitude 79°22'49.0757" E to 79°22'54.2436" E 3. Category of the Project (Refer cluster certificate If applicable):Copy Enclosed The said project/activity is covered under category Mining of Minerals of item 1(a) of the Schedule to the EIA Notification, 2006 as amended, and requires prior EC from the MoEF&CC/SEIAA based on the appraisal by Expert Appraisal Committee or the State Expert Appraisal Committee in different. 4. Violation Details & Sectorial EAC/SEAC Comments: [The proposed project comes under violation due to exceeding the production in the Environment Clearance of 4,800 cum/annum of colour granite.] Recommendations of sectorial EAC or SEAC before submitting the application on violation portal:

- The SEAC Telangana state considered this project in its meeting held on 23.02.2016 and SEIAA meeting held on 21.03.2016 recommended to take action accordance with OMs dt: 12.12.2012 & 27.06.2013 issued by MoEF&CC, GOI, New Delhi.
- The credible action was initiated by the EFS&T Department, Telangana vide order no.SEIAA/TS/KRM/-62/2016 dated:24.03.2016.
- The case was filed in court of 1st additional judicial magistrate of F.C at Huzurabad vide C.C.No.40 of 2017. Accused and paid an amount of Rs.10,000/- on 15.03.2017.

5. Application (Form-1 & PFR):

Fresh application was made online vide proposal no. IA/TG/MIN/68613/2017 dated 12thSep,2017 under violation category for Term of References (ToR) in terms of provision of the Ministry's Notification S.O 804 (E) and submitted Form-1 and PFR . The proposed project activity is covered under 'Schedule Item – 1(a) Mining of Minerals of EIA Notification, 2006 and is a category 'B2'

[Note: appraised at EAC (MoEF&CC) because of absence of SEIAA committee in Telangana state]

[Note :The cluster details are enclosed given by ADMG]

6. Details of Minerals:

The mineral is colour granite which is minor mineral before 2006.

7. Letter of Intent (LoI)/Mining Lease Details:

- Original lease by DMG, Proceedings no: 28760/R6-1/2006 dated:14.08.2007.
- Transfer proceeding.no.17751/R6-3/2011 dated:05.05.2012
- Execution Transfer of mining lease vide proceedings no 4572/Q1/2011 dated: 11-06-2012 from M/s Imperial granites to M/s SreeVenkateshwara Exports valid upto 25.08.2027

8. Method of Mining & Mining Plan Details:

- The method of mining shall be open-cast semi-mechanized method.
- 1st Mining scheme vide letter no: 2715/QP-1/KNR/2018 dated 31-05-2018.
- Modified Mining Plan vide letter no: 36/MP-KMNR/2015 dated 23-02-2015.
- Mining Plan vide letter no: 8626/MP-KMNR/2012 dated 16-01-2013.

9. Other Waste Generation, If any:

[Details of any other waste generated during activity and its mitigation measures
NIL no other waste generation.

10. Land Use (Forest/Agricultural/Waste):

NIL – no agricultural /forest /waste land involved in mine lease area.

11. Details of past production since Inception of mine authenticated by DMG:

The past production details given by ADMG are enclosed

12. Applicability of General Condition & Status of SEIAA:

This lease area does not attract any general conditions as no wild life sanctuaries or habitat, state boundaries within 10km radius.

[Status of SEIAA :SEIAA Committee tenure is over]

13. Project Cost & Employment:

Cost of the project: Rs 60 lakhs

EMP cost – Rs 2.0 lakhs

	Recurring cost – Rs 1.41 lakhs Man power requirement – 13 persons 14. Affidavit for SC Order 2.08.2017: Affidavit is enclosed Note: Submit affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. 15. Status of DSR, in case of minor mineral: Not Available Note: Submit status of DSR in case of minor mineral. If available, please submit
15.4.6.3	Observations and recommendations of committee: EAC after detailed presentation by the PP observed that PP has increased the production beyond EC capacity i.e 4800. EAC also observed that present application is for expansion from 4800 cum/ year to 10312.5 CUM/year whereas total waste generation is not mentioned in the Form 1. Credible action was initiated, but pp repeated the violation again. EAC therefore deferred the proposal for want of following information: • Submission of revised Form1 and PFR w.r.t proposed production in Cum along with waste generated per year. • Submission of kml file with coordinated authenticated by the state DMG. • Declaration from state DMG that PP has not mined outside mine lease area. • EC letter and production details of two adjacent mine in the name of PP
15.4.7	Road Metal and Rough Stone Quarry over an area of 15.00 Ha In Sy. No 278 of Saravaram Village, Garidepally Mandal, Nalgonda District of Telangana State by M/s Srinivasa Edifice Pvt. Ltd- Terms of Reference. [IA/TG/MIN/68622/2017, dated 12.09.2017][F. No. 23-286/2018-IA.III (V)]
15.4.7.1	M/s Srinivasa Edifice Pvt. Ltd has made online application vide proposal no. IA/TG/MIN/68622/2017, dated 12.09.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 1(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level as general condition applies.
15.4.7.2	Project proponent did not attend the meeting therefore proposal was deferred
15.4.8	Road Metal and Rough Stone Quarry over an area of 4.277 Ha In Sy. No 310 of Saravaram Village, Garidepally Mandal, Nalgonda District of Telangana State by M/s Srinivasa Edifice Pvt. Ltd- Terms of Reference [IA/TG/MIN/68640/2017, dated 12.09.2017][F. No. 23-287/2018-IA.III (V)]
15.4.8.3	Project proponent did not attend the meeting therefore proposal was deferred
	Day 3: Thursday, 29th November, 2018, Time: 10:00 AM to 10:30 AM Discussion on draft minutes of Day 2 proposals.
15.5.1	Expansion of Artemis Hospital located at Sector-51, Gurgaon, Haryana by M/s Artemis Medicare Services Ltd. - Environmental Clearance [IA/HR/MIS/84185/2007] dated 01.11.2018, [F. No. 23-279/2018-IA.III (V)]
15.5.1.1	M/s Artemis Medicare Services Ltd. has made online application vide proposal no. IA/HR/MIS/84185/2007, dated 01.11.2018 seeking Environmental Clearance for the above

	mentioned proposed project. The proposed project activity is covered under 'B' category of item 8(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level because of SEIAA Haryana tenure is completed. .
15.5.1.2	Details of the project as per the submission of project proponent: Project title, location (plot No./ Village/ Tehsil/ District):- "Expansion of Artemis Hospital" at Sector- 51, Tehsil Gurugram, District Gurugram- 122001, Haryana Salient features of the project :- - Land use pattern/ Total plot area/ built up area: - Land Use –Land Use of land has already been changed to Hospital use. Total plot area is 33588.908 sqm. Total Built-up area – 67444.652 Sqm (after expansion). - Total water requirement and its source :- Total water requirement after expansion is 1104 KLD in which fresh water requirement will be 590 KLD and Treated water will be 514 KLD. The fresh water is sourced from HUDA Municipal Supply/borewell (groundwater) at Artemis Hospital in operational building and same shall be followed for expansion part. - Waste water generation, treatment and disposal :- Total quantity of wastewater generation shall be 637 KLD (581 KLD from domestic uses & 56 KLD from Lab). The 581 KLD of generated sewage shall be treated in STP of 325 KLD (existing) 400 KLD (proposed) and 56 KLD from Lab shall be treated in ETP of 25 KLD (existing) & 45 KLD (proposed). The treated water generation from STP will be 552 KLD out of which 514 KLD shall be reused for domestic, flushing, Gardening, Filter backwash and excess 38 KLD shall be discharged in public sewer. The Excess treated water of 53 KLD from ETP shall also be discharged into public sewer. - Municipal solid waste generated disposal facility :- After expansion, around 1930 kg/day of municipal solid waste will be generated from the complex. Biodegradable waste of 1351 Kg/day shall be treated in organic waste converter of the complex and recyclable (483 Kg/day) and plastic waste (96 Kg/day) shall be given to approved recycler. - Biomedical waste of 298 Kg/day generated from hospital will be handed over to authorized processor. In existing agreement with M/s Vulcan Waste Management Pvt. Ltd. has already been done. - Power requirement and source :- Total power requirement after expansion will be 4500 KW which will be met by DHBVN. - Proposed energy saving measures :- Energy Saving Measures – - Adequate design to limit the losses in transmission and distribution system. - Use of energy efficient devices like light sources such as LED lamps. - Use of insulation on roof top to reduce air-conditioning load. - Use of capacitors at load centres to improve voltage and power factor to reduce distributional losses and also to avoid penalty by state electricity authority. - All high efficiency motors will be used in the complex. 1% solar power provision of connected load shall be provided. - Solar lights will be installed for the streets. - Solar lights will be used for common and open areas. - Air ducts in the design to provide proper cross ventilation for reducing power consumption. - RWH :- 6 no. of RWH pits will be installed after expansion. (5 already installed + 1 proposed) - Car parking :- Total Parking provision is 668 ECS, out of which 236 ECS has already been provided.

	- Investment/Cost of the project :- Total cost of the project is Rs. 399 Crores. - Benefits of the project :- - Project Benefits – - It has provided employment to the people during construction and operation phase directly & indirectly. 300 no. of labour during construction stage. - It has led to increase in the infrastructure of the area and encouraged others for further development of the area. - Medical facility is being extended for BPL and CGHS/ECHS. - Major income source to an important section of society and also to the upcoming investors. The hospital will also have hostel facility. - Employment potential :- It has provided employment to the people during construction and operation phase directly & indirectly. 300 no. of labour during construction stage and 2512 no. of persons as staff & employee during operational phase. 3. Project/ activity covered under item of Schedule to the EIA Notification, 2006:- The project is an expansion of Artemis Hospital. It falls under Category B schedule 8(a) under violation category. 4. Why appraisal/ approval is required at the Central level:- Since, the tenure of the SEAC Haryana committee was completed on 20.10.2018, therefore the case is transferred to MOEF&CC. 5. National Park/ Wild Life Sanctuary in 10 km radius area:- There is No national park/Wild Life Sanctuary in 10 km radius of the site. 6. Eco-Sensitive Zone in 10 km radius area:- None 7. Details of Forest land involved, if any:- None 8. ToR Details :- Terms of Reference was granted by SEIAA, Haryana vide letter no. SEIAA/HR/2018/829 dated 26.07.2018. 9. Details of Public Hearing and main issues raised/response of the PP:- Not applicable 10. If any court case pending for violation of the environmental laws (supported by an undertaking) :- Directions are issued to file a court case against the project. 11. Land use planning:- Proposed Land Use after Expansion- Ground coverage (achieved)- 8193.479 sqm , Green Area- 10230.77 sqm , Road & Open area- 15164.66 sqm 12. Ground water withdrawal approval from CGWA:- Permission for boring of one tubewell at Artemis Medicare Services Pvt., Ltd. Is acquired. Letter No.40-4/GUR-Artemis/CGWA/2007-1492 13. For other sources, firm commitment of the water supply agency:- Water is sourced through HUDA Municipal supply/borewell and same shall be followed for future expansion. 14. Undertaking to the effect that no activity has since been taken up :- The project was declared in Violation in 161 SEAC Haryana meeting dated 14.12.2017. Since then no construction activity has been initiated. 15. Appraisal by State Coastal Zone Management Authority (SCZMA) :- Not applicable 16. Details of earlier EC, if any and compliance thereof:- - Environmental Clearance granted vide letter no. 21-292/2007-IA.III dated 19.07.2007 for plot area 33,958.90 sqm and built-up area of 27,354.0 sqm for development of hospital. - Certified Compliance was received for the existing complex Vide Letter No. 4-363/2007/Vol II/RO (NZ)/ 329-330 dated 23.08.2017 and applied for latest certified compliance report. 17. Details of earlier appraisal by EAC/ SEAC; observation and compliance:- - The case was appraised in 175th SEAC Haryana meeting where case was deferred due to submission of revised remediation plan alongwith cost assessment, natural and community resource augmentation plan corresponding to ecological damage and economic benefits derived due to violation duly vetted from the reputed Government Technical Institute. Now the same has been vetted by Delhi Technical University (DTU).

15.5.1.3	Observations and recommendations of committee: The EAC after deliberation deferred the proposal for want of following information: (i) Table indicating progressive construction right from beginning before issue of Environmental Clearance dated 19.07.2007 and the consumption of various construction materials including water and energy. (ii) Green belt as per MoEF&CC guidelines to be compensated in the green area. (iii) Latest certified compliance report from the Regional Office of the Ministry for the existing EC. (iv) A table indicating the Air, Water and Soil sampling stations with distances and directions as per the wind direction. (v) Detailed action plan for maintaining indoor air quality. (vi) Noise levels were exceeding the prescribed standard during the night time. A detailed action plan for the maintaining the noise quality should be submitted and a detailed action plan for reducing noise levels. (vii) Details of fauna in the buffer zone to be submitted. (viii) Baseline health survey in the core and buffer zone to be submitted. (ix) Details of primary health centers to be adopted. (x) A copy of Environmental Policy of the Hospital clearly stating that non-compliances relating to environment, if any, shall be reported to the Board of Directors. (xi) A dedicated Environment Management division with qualified Environmental Scientist/Engineer along with a requisite number of supporting staff, reporting to the Managing Director of the Hospital shall be established. (xii) Traffic analysis and the management for a radius of 5 km surrounding the project. (xiii) Environmental mitigation plan for the Impacts should be given in the separate chapter of EMP in the EIA report. (xiv) The effluent of laboratory and patient shall not be treated in ETP and not to be recycled. (xv) Arrangement with authorized recycler (MoU) for recyclable waste. (xvi) Provisions of Energy efficient motors as per ECBC 2017. (xvii) The damage assessment during the construction period (xviii) LU/LC analysis of pre and post construction (xix) The revised remediation and community and natural resource augmentation plan with budgetary provision to augment them in 3 years period shall be submitted as suggested by the committee in the meeting. (xx) Status of credible action taken against violation of EIA Notification, 2006 (xxi) Revised CER considering Greenfield project, since it is a violation case as per the MoEF&CC OM dated 01.05.2018. (xxii) Status of credible action taken against violation (xxiii) Clarification regarding submission of EIA and EMP report to SEIAA Haryana on the same date of ToR was issued i.e. 26.07.2018.
15.5.2	Commercial building project at Plot No. M-1, Village Samaspur, Bindapur, Sector-51, Mayfield Garden, Gurgaon, Haryana by M/s Sunvision Builders Pvt. Ltd. - Environmental Clearance. [IA/HR/MIS/84395/2017] dated 02.11.2018, [F. No. 23-280/2018-IA.III (V)]
15.5.2.1	M/s Sunvision Builders Pvt. Ltd. has made online application vide proposal no. IA/HR/MIS/84395/2017 dated 02.11.2018 seeking Environment Clearance for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 8(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level as tenure of SEIA Haryana is completed.
15.5.2.2	Details of the project as per the submission of project proponent: Chronology of the EC application of the project

	• EC application submitted to earlier SEIAA, Haryana on 09.06.2009 • Project was taken up in 23rd SEAC meeting held on 22.10.2009 wherein 15 observations were raised • Reply submitted to SEAC on 09.02.2010 • Project was taken up for reconsideration in 31st SEAC meeting held on 17.03.2010 wherein 10 observations were raised • Reply submitted to SEAC on 07.06.2010 • Project was taken up for reconsideration in 39th SEAC meeting held on 22.07.2010 wherein 5 observations were raised • Reply submitted to SEAC on 30.08.2010 • Project was taken up for reconsideration in 44th SEAC meeting held on 30.09.2010 and recommended for grant of Environment Clearance with GOLD rating • The case was recommended to SEIAA for grant of Environmental Clearance by SEAC on 31.12.2010 • The case was considered by SEIAA during the meeting held on 22.01.2011 wherein certain observations were raised • The tenure of SEIAA/SEAC completed and the case was transferred to MoEFCC on 04.05.2011 • The case was considered during 104th EAC meeting held on 17.08.2011 wherein 9 observations were raised • Reply was submitted to MoEFCC on 14.11.2011 • SEIAA/SEAC was reconstituted by MoEFCC on 23.03.2012 and the project was transferred back to SEIAA, Haryana on 05.06.2012 • Project was taken up during 63rd SEAC meeting held on 28.08.2012 wherein 4 observations were raised • Reply submitted to SEAC on 06.03.2013 • Project was taken up for reconsideration during 81st SEAC meeting held on 10.05.2013 wherein 3 observations were raised • Project was taken up for reconsideration during 95th SEAC meeting held on 27.11.2013 and it was decided to send the case to SEIAA for delisting as no reply was submitted to last SEAC queries • Project was referred back to SEAC from SEIAA on 22.01.2014 with the instructions of site visit by committee members • The case was taken up in 103rd SEAC meeting held on 28.04.2014 wherein a sub-committee was formed for site visit • The site was inspected on 10.06.2014 and during inspection, it was found that the construction has been initiated at site without Environment Clearance • The project was taken up in 114th SEAC meeting held on 22.08.2014 wherein violation of EIA notification 2006 was confirmed and the case was processed further for prosecution • The case was taken up in 76th SEIAA meeting held on 13.10.2014 and SEIAA vide letter dated 07.11.2014 forwarded the case to Principal Secretary Environment for initiating credible action against the project proponent as per MoEFCC OM dated 12.12.2012 • The tenure of SEIAA/SEAC completed on 21.03.2015 and the case was again transferred to MoEFCC in March, 2015 • SEIAA/SEAC was reconstituted by MoEFCC on 21.08.2015 and the project was transferred back to SEIAA, Haryana • NGT vide judgment dated 25.08.2015 quashed MoEFCC OM dated 12.12.2012 and the violation projects were put on hold • SC vide order dated 14.09.2015 maintained status quo and put an interim stay on the above-said NGT judgment • MoEFCC published draft notification vide S.O. 1705(E) dated 10.05.2016 for appraisal of violation projects • MoEFCC published final notification for violation projects vide S.O. 804 (E) dated 14.03.2017 for appraisal of violation projects

- EC application re-submitted to MoEFCC on 28.07.2017 under violation category
- MoEFCC vide OM dated 15.03.2018 delegated the powers for appraisal of violation projects to State and the file has been transferred to SEIAA, Haryana

1. **Project title, location (plot No./ Village/ Tehsil/ District):-** Commercial Colony project at Plot no.M-1, Village- Samaspur, Bindapur, Sector-51, Mayfield Garden, Gurgaon, Haryana

2. **Sallent features of the project :-**

- Land use pattern/ Total plot area/ built up area: - Total Plot Area- 10,898.16sq.m. Total Built up area -32,331.99 sq. m.
- Total water requirement and its source :- Construction Phase:
Total water demand of the project was approximately 162 ML.
Operation Phase: Total water demand of the project is expected to be 101 KLD approximately;

S. No.	Description	Total
1.	Fresh water (KLD)	42
2.	Domestic water (KLD)	84
3.	Total water (KLD)	101
4.	STP Capacity (KL)	100

And the water requirement will be met by HUDA.

- Waste water generation, treatment and disposal :- Wastewater Generation

• Domestic Water Requirement	• 84 KLD
• Fresh	• 42 KLD
• Flushing	• 42 KLD
• Waste Water Generated (80% fresh of domestic + 100% flushing)	• 34+42= 76 KLD + 6 = 82

It is expected that the project will generate approx. 82 KLD of wastewater. The wastewater will be treated in an onsite STP of 100 KL capacity. Approx. 68.4 KLD of treated water will be generated from the STP which will be reused within the project premises for flushing and horticulture. Surplus treated water will be discharged to the external sewer

Construction Phase:

During the construction phase soak pits and septic tanks was provided for disposal of waste water. Temporary sanitary toilets were provided.

- Municipal solid waste generated disposal facility :- Operation Phase:

The total municipal (domestic) solid waste to be generated is approx. 890.56 kg/day

• Biodegradable waste	• 356.224 kg/day (Waste vegetables and foods etc.)
• Non-biodegradable waste	• 445.28 kg/day (Papers, cartons, thermocol, plastics, glass etc.)
• Inert waste	• 89.056 kg/day
• Total	• 890.56 kg/day

- Power requirement and source :- Electrical Load

Electrical load = 2,300 kW

Source: State Electricity Board

There is provision of 3 no. of DG sets of total 3,250 KVA capacity (1 × 1500 kVA + 1 × 250 kVA) and 1X1500 on standby mode for power back up in the Project.

- Proposed energy saving measures :- Energy will be saved using T-5 Lamp, LED lamps, Solar PV.
- RWH :- Rain water recharge pits (3 Nos.) will be provided
- Car parking :-

	<table><tr><td>• Area</td><td>• No. of parking provided</td></tr><tr><td>• Open</td><td>• 78 ECS</td></tr><tr><td>• Basement I</td><td>• 150 ECS</td></tr><tr><td>• Basement II</td><td>• 150 ECS</td></tr><tr><td>• Total parking provided</td><td>• 378 ECS</td></tr></table>	• Area	• No. of parking provided	• Open	• 78 ECS	• Basement I	• 150 ECS	• Basement II	• 150 ECS	• Total parking provided	• 378 ECS
• Area	• No. of parking provided										
• Open	• 78 ECS										
• Basement I	• 150 ECS										
• Basement II	• 150 ECS										
• Total parking provided	• 378 ECS										
	- Investment/Cost of the project :- INR 92.9 Crore (inclusive of Land cost & Development cost) - Benefits of the project :- Direct & Indirect employment opportunities and Infrastructural Development of the Area. - Employment potential :- Construction Phase : During the construction phase, approx. 200 workers got direct employment opportunity Operational phase : On completion of project there will be regular movement of owners, visitors, staff and related personals. Total influx of population is expected to be 378ECS.										
	3. Project/ activity covered under item of Schedule to the EIA Notification, 2006:- Building and Construction project, Category 'B',Project or Activity: 8(a)										
	4. Why appraisal/ approval is required at the Central level:- As state SEAC/SEIAA does not exist.										
	5. National Park/ Wild Life Sanctuary in 10 km radius area:- None										
	6. Eco-Sensitive Zone in 10 km radius area:- None										
	7. Details of Forest land involved, if any:- None										
	8. ToR Details: - Terms of Reference (ToR) was granted by State Environment Impact Assessment Authority, vide Memo No: - SEIAA/HR/2018/848 dated: - 07.08.2018.										
	9. Details of Public Hearing and main issues raised/response of the PP:- Not applicable										
	10. If any court case pending for violation of the environmental laws (supported by an undertaking) :- Yes, Credible action under Environment Protection Act.										
	11. Land use planning:- M/s Sheetal International Pvt. Ltd. was granted license (no. 98 of 2008 dated 14.05.08) by Town & Country Planning Department, Haryana for land measuring 19.069 acre. Out of this, 2.693 acre land was sold to M/s. Sunvision Builders Pvt. Ltd. for development of a commercial project vide Conveyance Deed dated 24th Sep., 08.										
	12. Ground water withdrawal approval from CGWA:- Not applicable										
	13. For other sources, firm commitment of the water supply agency:- Water will be supplied by HUDA										
	14. Undertaking to the effect that no activity has since been taken up :- Project is under violation										
	15. Appraisal by State Coastal Zone Management Authority (SCZMA) :- Not applicable										
	16. Details of earlier EC, if any and compliance thereof:- None										
	17. Details of earlier appraisal by EAC/ SEAC; observation and compliance:										
15.5.2.3	Observations and recommendations of committee: The EAC after deliberation deferred the proposal for want of following information: (i) All the copies of minutes of SEIAA. (ii) Date of construction was started. (iii) Copies all the necessary approvals obtained. (iv) Submission of Commitment regarding ZLD. (v) Approval letters for water supply and sewage treated water supply shall be submitted. (vi) Ambient air quality table shall be revised to include the directions along with windrose diagrams and submit reasons for higher air quality values. (vii) Scheme for implementation of indoor air quality system shall be submitted.										

	(viii) Schedule I – Fauna is observed to be in buffer zone as per the list and hence suitable conservation plans shall be submitted. (ix) The Rainwater harvesting system in compliance with GEC 2015 shall be submitted apart from building guideline. (x) A commitment for providing MBBR STP system with ACF and UV filtration of adequate size shall be submitted. Confirmation for provision of dual plumbing system shall be submitted. (xi) Copy of MOU for disposal of non-biodegradable hazardous waste and recyclable waste including e-waste shall be submitted. (xii) Submit the program of greenbelt indicating the species as per the MOEF guidelines. (xiii) In ECBC compliance report 2017 specify the provision of LPD as per ECBC, the efficiency of motors as per ECBC and the proposed compliance. (xiv) Solar Power @ 1% of the demand (xxiv) Status of credible action taken against violation of EIA Notification, 2006 (xxv) Revised CER considering Greenfield project, since it is a violation case as per the MoEF&CC OM dated 01.05.2018. (xv) The revised remediation and community and natural resource augmentation plan with budgetary provision to augment them in 3 years period shall be submitted by considering following points: - Air Environment: Shall submit increase in GLC during construction, impacts on occupational health of construction workers and the nearby habitats in the absence of proper mitigation measures during construction and the budget shall be revised accordingly. Cost of DG stack, AAQ monitoring shall be covered under EMP cost. - Damage to surface water regime during construction due to effect on surface runoff by construction material and the fugitive dust. - Non-provision of Rainwater Harvesting system during construction and subsequent damage due to stagnation and avoidance of ground water recharge. - Since high risk of noise environment due to habitation in closer proximity additional plantation coverage/ Greenbelt coverage to mitigate the impact. - Land Environment: Improper use of handling of topsoil and subsequent damage and surface runoffs with land use change. Solid and hazardous waste during and improper handling.
15.5.3	Expansion of warehouse for storage of non-agriculture produce (Logistic) at Village Jhamuwas & Gudhl, District Mewat, Haryana by M/s Gokaldas Warehousing Corp. Ltd. - Environmental Clearance. [IA/HR/MIS/84477/2018] dated 02.11.2018, [F. No. 23-281/2018-IA.III (V)]
15.5.3.1	M/s Gokaldas Warehousing Corp. Ltd. has made online application vide proposal no. IA/HR/MIS/84477/2018] dated 02.11.2018 seeking Environment Clearance for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 8(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level as tenure of SEIA Haryana is completed.

15.5.3.2

Details of the project as per the submission of project proponent:

1. Project title, location (plot No./ Village/ Tehsil/ District):- Expansion Of Warehouse For Storage Of Non-Agriculture Produce (Logistic), Village Jhamuwas&Gudhi, District Mewat, Haryana

2. Salient features of the project :-

- Land use pattern/ Total plot area/ built up area: - Total Plot Area- 72,613sq.m.
Total Built up area -34,901.44sq. m.
- Total water requirement and its source :- Construction Phase:
Total water demand of the project was approximately 174 KLD.
Operation Phase: Total water demand of the project is expected to be 6 KLD approximately;

S. No.	Description	Total
1.	Fresh water (KLD)	1
2.	Domestic water (KLD)	3
3.	Total water (KLD)	6

Source :- water requirement will be met by Private water tanker

- Waste water generation, treatment and disposal :- Wastewater Generation

Domestic Water Requirement	3 KLD
Fresh	1 KLD
Flushing	2 KLD
Waste Water Generated (80% fresh of domestic + 100% flushing)	0.8 + 2 = 2.8 KLD

It is expected that the project will generate approx. 3 KLD of wastewater. The wastewater will be collected in soak pits.

Construction Phase:

During the construction phase soak pits and septic tanks was provided for disposal of waste water. Temporary sanitary toilets were provided.

- Municipal solid waste generated disposal facility :- Operation Phase:

The total municipal (domestic) solid waste to be generated is approx. 17 kg/day

Biodegradable waste	10 kg/day (Waste vegetables and foods etc.)
Non-biodegradable waste	5 kg/day (Papers, cartons, thermocol, plastics, glass etc.)
Inert waste	2 kg/day
Total	17kg/day

- Power requirement and source :- Electrical Load

Electrical load = 1,200kVA

Source: Dakshin Haryana Bijli Vitran Nigam (DHBVN).

There is a provision of 3 DG sets of 250 KVA, 200 KVA and 200 KVA for power backup.

- Proposed energy saving measures :- Energy will be saved using T-5 Lamp, LED lamps, Solar PV
- RWH :- Rain water recharge pits (6 Nos.) will be provided

	• Car parking :- Required Parking = 10,891.95 m² (15% of plot area) Proposed Parking (Surface Parking) = 10,928.26 m² (15.05 % of plot area) • Investment/Cost of the project :- INR 35Crore (inclusive of Land cost & Development cost) • Benefits of the project :- Direct & Indirect employment opportunities and Infrastructural Development of the Area. • Employment potential :- Construction Phase : During the construction phase, approx. 75 workers got direct employment opportunity Operational phase : On completion of project there will be regular movement of owners, visitors, staff and related personals. Total influx of population is expected to be 75 ECS. 3. Project/ activity covered under item of Schedule to the EIA Notification, 2006:- Building and Construction project, Category 'B', Project or Activity: 8(a) 4. Why appraisal/ approval is required at the Central level:- As state SEAC/SEIAA does not exist. 5. National Park/ Wild Life Sanctuary in 10 km radius area:- None 6. Eco-Sensitive Zone in 10 km radius area:- None 7. Details of Forest land involved, if any:- None 8. ToR Details: - Terms of Reference (ToR) was granted by State Environment Impact Assessment Authority, vide Memo No: - SEIAA/HR/2018/858 dated: - 07.08.2018. 9. Details of Public Hearing and main issues raised/response of the PP:- Not applicable 10. If any court case pending for violation of the environmental laws (supported by an undertaking) :- No 11. Land use planning:- Commercial 12. Ground water withdrawal approval from CGWA:- Not applicable 13. For other sources, firm commitment of the water supply agency:- Water will be supplied by Private water tanker 14. Undertaking to the effect that no activity has since been taken up :- Project is under violation 15. Appraisal by State Coastal Zone Management Authority (SCZMA) :- Not applicable 16. Details of earlier EC, if any and compliance thereof:- None 17. Details of earlier appraisal by EAC/ SEAC; observation and compliance:- Chronology of the EC application of the project • EC application submitted to MoEF&CC, New Delhi on 10.02.2018 under violation category • Again EC application was submitted to SEIAA, Haryana on 20.03.2018. Ref: MoEF&CC 8th March 2019 notification (S.O 1030 E) for violation cases. • ToR has been granted by SEIAA, Haryana in 115th Meeting on 25.07.2018. • EIA/EMP report was submitted online portal to SEIAA, Haryana on 31.08.2018 under violation category. • EIA/EMP report was submitted online portal to MoEF&CC on 02.11.2018 under violation category. • Case listed in 15th EAC meeting agenda on 29.11.2018.
15.5.3.3	Observations and recommendations of committee: The EAC after deliberation deferred the proposal for want of following information: (i) Date of construction was started and completed (ii) Copies all the necessary approvals obtained (iii) Parking area shall be on a paved platform and the PP shall give a commitment for the same.

	(iv) Change of Land use plan is valid for 2 yrs i.e. upto 5/08/2017 and whether extension obtained if so please submit the same. (v) Revised Table depicting AAQ station locations, with distance and direction w.r. to the wind rose shall be submitted (vi) AAQ data appears to be very high considering site location, not so closer proximity to MDR and surrounded by agricultural fields. Hence this may be rechecked and if there is no change, proper justification for the high values shall be provided. (vii) Conservation plan approved by local wildlife warden for the schedule-1 (common peafowl) found in buffer zone shall be submitted. (viii) RWH calculation in compliance with GEC 2015 shall be submitted and such water including the storm water shall be stored in adequate size tanks to be treated and reused for the requirements such as sprinkling and other uses, shall be submitted. (ix) Source of authorized water supplier shall be submitted. (x) Copies of MOU between the PP and authorized recycler shall be submitted for disposing of Non-Biodegradable and recyclable and hazardous waste. (xi) Table showing the compliance to ECBC-2017 norms shall be submitted. (xii) Three tier Green Belt plan of width 15 metres of native species of thick and foliated leaves all around the boundary shall be submitted. (xiii) Solar power @ 1% of demand is required and commitment for the same shall be submitted. (xiv) Traffic impact study considering the traffic surrounding 5KM area present and future shall be submitted. (xv) Status of credible action taken against violation of EIA Notification, 2006 (xvi) Revised CER considering Greenfield project, since it is a violation case as per the MoEF&CC OM dated 01.05.2018. (xvii) The revised remediation and community and natural resource augmentation plan with budgetary provision to augment them in 3 years' period shall be submitted by considering following points: - All ecological damage assessment shall be calculated for the total construction period of 62 months and resubmitted. - Please correct the annual average rainfall figures and workings shall be accordingly. - High sensitivity receptors shall include construction workers (Nos) apart from farm house (No. of Occupants), Gudha village (Population) i.e. habitants within 350 metres and since no control / mitigative measures must have been adopted in the absence of EC, increase in GLC of PM₁₀,_{2.5} needs to be estimated by modelling and considered for damage assessment and such actual damage quantum shall be submitted along with Isopleths PM₁₀, 2.5, Sox and Nox. - Further while High Degree of damage is assessed due to air pollution during construction stage, on human health of construction workers, nearby habitats (within 350m) and ecology. Hence the remediation plan shall focus on Dust suppression activity involving providing paved roads, health camps, community plants surrounding the nearby habitations like Gudha village, water sprinkling, provision of greenery in the nearby school, personal protective equipments, etc.

	e. Water Environment: -Though Ground water was not used instead STP water was used, the source and arrangement shall be indicated. Damage due to waste water generated during construction, increase in suspended solid due to surface runoff from building under construction and obstruction of Rain water percolation in the absence of proper control measures during construction, water harvesting damages due to surface runoff and stagnation. The above damages needs to be accented for in the remediation budget. f. Improper Solid and Hazardous waste disposal and the damages cost on land and soil. g. Noise Environment: Budget provided for acoustic enclosure, vibration patches and low Nox burners constitute EMP cost and not remediation cost. And remediation budget should comprise of providing noise abatement measures surrounding the project. h. Land environment shall cover the damages due to change in land use and other surface changes and improper top soil management leading to damage assessment and remediation budget. i. Biological Environment shall be taken in to consideration, plantation of 900 trees instead of 250 trees in the vacant and adjustment area. j. Socio Economic environment shall take to account the inflow of construction worker and related load on local infrastructure and the remediation towards the same. Damage should cover occupational health and the remediation. k. ECBC 2017 applicable to commercial buildings has bot been implemented so far and hence high consumption of energy shall be factored into the impact and remediation worked out. l. Natural and community resource augmentation plan shall be revised by considering development of greenery, black topping, parks, public toilets including schools and Healthcare programs, provision of drinking water facilities (RO), Rainwater harvesting system in the nearby habitat and school, skill development, enhancement of resources in farming etc.
15.5.4	Expansion of Medapalli Opencast Expansion project at Ramagundam Area-I, Village Medapalli, Mandal Ramgundam, District Pedapalli, Telangana by M/s The Singareni Collieries Company Ltd. - Terms of Reference [IA/TG/CMIN/74390/2018 dated 13.04.2018] [F. No. 23-278/2018-IA.III (V)]
15.5.4.1	M/s The Singareni Collieries Company Ltd. has made online application vide proposal no. IA/TG/CMIN/74390/2018 dated 13.04.2018 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'B' category of item 1 (a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level as general condition applies.
15.5.4.2	Details of the project as per the submission of project proponent: 1. The Project Proponent made a detailed presentation on the salient features of Medapalli Opencast Coal Mine Expansion Project. 2. The project involves extraction of coal @ 3.0 MTPA(peak 4.09 MTPA) (Proposed for 5.00 MTPA) by M/s Singareni Collieries Company Ltd. in an area of 1145.03 hectares at Medapalli Village, Ramagundam Taluka/Mandal, Peddapalli District, Telangana (State). 3. The said project is covered under category 1 (a) of item Mining of Minerals of the Schedule to the EIA Notification, 2006, and requires prior EC from the MoEF&CC/SEIAA based on the appraisal by Expert Appraisal Committee.

	4. Whether project attracts the General Condition specified in the Schedule of EIA Notification (Yes/No)? [provide name of WL/CPA/ESA/Inter-state boundary / International boundary and distance from the project]: No 5. River Godavari forming North Eastern boundary of the block, drains the area along with its ephemeral tributaries. The Highest Flood Level (HFL) of Godavari River was recorded as 138.55 m above MSL (Corresponding to 838.55 m of assumed Level) during the monsoon on 20.10.1995. Large portion of the block is covered under this HFL of the river and the same was protected with a bund between River and mine. 6. Details of Forest issues, if any: Nil 7. Details of Consent to Operate: (i) Whether Consent to operate obtained (Yes/No)? Yes (ii) Date of issue : 21.04.2018 (iii) Valid up to : 31.03.2021 (iv) Submit Copies of all Consent to operate obtained since inception 8. Mine Capacity in ROM (Run of Mine): 3.00 MTPA (Peak 4.09 MTPA) (Proposed for 5.00 MTPA) 9. Whether the proposal is mining of Minor minerals project (Yes/No)? No 10. Whether the proposal is mining of Major minerals project (Yes/No)? Yes 11. No. of Mineral to be Mined with name: One (Coal) 12. Details of mine lease: - Medapalli Mining lease (i) Date of entering into original lease deed : 20.06.1991 (ii) Date of expiry of original lease deed : 09.12.2021 13. Details of DGMS permission, if any: - Obtained 14. Details of past production of mine since its inception duly in tabular form: (Hard copy authenticated by Department of Mines & Geology, State Government to be submitted)

Year	EC Capacity (MTPA)	Actual Production (MTPA)	Excess production beyond the EC sanctioned capacity (MTPA)
1994-95	1.25	0	-
1995-96		0.36	-
1996-97		0.48	-
1997-98		0.56	-
1998-99		0.59	-
1999-00		0.85	-
2000-01		0.73	-
2001-02		1.00	-
2002-03		1.41	0.16
2003-04		1.44	0.19
2004-05		1.57	0.32
2005-06		1.48	0.23
2006-07		1.36	0.11
2007-08		2.50	0.16
2008-09	4.09	3.09	-
2009-10		3.32	-
2010-11		4.18	0.09
2011-12		3.57	-
2012-13		3.99	-
2013-14		2.74	-
2014-15		3.87	-
2015-16		4.59	0.50
2016-17		4.65	0.56
2017-18		4.67	0.58

15. Details of Violation (Brief description of the project activity that leads to violation of EIA Notification, 2006): Production exceeded the EC sanctioned capacity as furnished in the above table.

16. The chronology of events for seeking EC, deliberations by the respective authorities and the actions taken are reported to be as under: (Note: Do not furnish details in Annexures)

- (i) Date of application for TOR/EC submitted to MoEF&CC/SEIAA: 13.04.2018
- (ii) Date of appraisal of EAC/SEAC meetings so far: **Fresh Proposal**
- (iii) Observations/recommendations of the EAC/SEAC in each meeting: **Not applicable**
- (iv) Details of action taken by the State Government/SEIAA u/s 5/u/s 19 of the EP Act, 1986 for the alleged violation of the EIA Notification, 2006: **Nil**
- (v) Complaint case filed by the State Government/State Pollution Control Board: **Nil**
- (vi) Further consideration of the proposal by the EAC/SEAC, in case action was taken as mentioned in point (iv) and (v) above. If yes, furnish details: **Nil**
- (vii) Final recommendations of MOEF&CC/SEIAA in reference to point (vi) above: **Not applicable**
- (viii) Legal interventions, if any: **Nil**

Now the proposal has been submitted to the Ministry for consideration in pursuance of the Ministry's Notification dated 14th March, 2017 due to violation of the EIA Notification, 2006.

15.5.4.3	Observations and recommendations of committee: The EAC after the presentation by the PP observed that present proposal is for regularisation of earlier EC granted vide dated 22.06.1992 & 02.07.2008 for 1.25 MTPA & 3.0 MTPA (4.09 peak) respectively. Based on the production detail PP has gone for enhanced production beyond EC capacity from 2002 to 2008, 2010-2011 and 2015-2018. Also, PP has proposed for reduction in mine lease area from 1171.55 Ha (earlier EC) to 1145.03 Ha in the present expansion proposal. The EAC after detailed deliberation deferred the proposal for want of following information: (i) KML file showing earlier and present proposed mining lease area. (ii) Clarification for decrease in Mine Lease area and a table showing Pre-Mining and Present land use details for earlier EC proposal and present proposal. (iii) Comparison table for details of land use status after mine closure stage for earlier EC proposal and present proposal. (iv) Submission of affidavit in compliance of Hon'ble Supreme Court order dated 02.08.2017.
15.5.5	Proposed Black Granite Quarry (M.L. Area 166.920 Ha) at Survey No. 917(Part) & 921(Part) at Mahimandalam Village, Katpadi Taluk, Vellore District, Tamil Nadu by M/s Tamil Nadu Minerals Limited - Further consideration for Terms of Reference [IA/TN/MIN/67985/2017 dated 06.09.2017][F. No. 23-203/2018-IA.III (V)]
15.5.5.1	M/s Tamil Nadu Minerals Limited has made online application vide proposal no IA/TN/MIN/67985/2017 dated 06.09.2017 seeking Term of References for the above mentioned proposed project. The proposed project activity is covered under 'A' category of item 1(a) of the Schedule to the EIA Notification, 2006 and the proposal was appraised at Central level.
15.5.5.2	Details of the project as per the submission of project proponent: 1. Project description The Proposal of M/s Tamil Nadu Minerals Ltd, Chennai, (popularly known as TAMIN) is for Mining of Black Granite (Minor Mineral) from Mahimandalam Black Granite Quarry for Total Excavation of 1003 m³/annum. In Granite Industries excavation of Granite blocks are measured in volumetric basis, i.e., Cubic meter (m³). However, approximately 1 m³ = 4 Tons in respect of Black Granite deposits i.e., geologically called as Dolerite dyke (Minor Mineral) formation. Waste, 32432 M3 (Granite Rejects) O.B, 2580 m³ Inter Burden, 2160 m³ Top Soil etc. Nil. (As it is rocky formation)] Mining lease area is 166.92 Ha located at Sf No 917part & 921part of Mahimandalam Village, Walajah taluk (Now Katpadi Taluk), Vellore District in Tamil Nadu State by M/s Tamil Nadu Minerals Ltd. 3. Project Background The proposal of M/s Tamil Nadu Minerals Ltd is for production of 1003 m³ per annum of Mining of Minor Minerals from Mahimandalam Black Granite Quarry (ML Area 166.92 Ha located at SurveyNo.917 Part and 921 Part, at Mahimandalam Villages, Katpadi Tehsil Vellore District, Tamil Nadu,StateThe mining lease is located on Survey of India Topo-sheet no. 57 O 4 and 57 O 8. The area is bounded between the coordinates Latitude 13°4'53.86"N to 13° 5'27.78"NandLongitude79°12'0.63"E to 79°13'54.09"E 3. Category of the Project (Refer cluster certificate If applicable) ➤ The said project/activity is covered under category 'A' of item 1(a) Mining of MineralsoftheScheduletotheEIANotification,2006 as amended, and requires prior EC

from the MoEF & CC based on the appraisal by Expert Appraisal Committee.

- Cluster certificate is not applicable for this project as there is no quarry within 500 meter radius as well as the total extent of the project is more than 25 Ha, ie., 166.92 Ha.

**4. Violation Details & Sectorial EAC/SEAC Comments:
(Chronological events of the Project)**

S. No	Year	Activity	Reference
1	13.04.2015	EC Application (before 14 th March 2017 violation notification)	IA/TN/MIN/27398/2015
2	01.05.2015	EC Application acceptance by MS	Acceptance letter
3	15.05.2015	Proposal Considered in 33 rd EAC Meeting	33 rd EAC Agenda
4	05.06.2015	ToR Issued by MoEF&CC	J-11015/131/2015-
5	Dec-2015 to Feb 2016	Baseline studies	--
6	02.12.2016	Public Hearing	Public Hearing
7	06.09.2017	EC Application as per 14 th March 2017 violation notification)	IA/TN/MIN/67985/2017
8	01.08.2018	Proposal considered in 11 th EAC meeting proposal involving in Violation	11 th EAC Agenda No 11.4.7
9	12.08.2018	Project is deferred in 11 th EAC meeting & Additional details are sought by MS	Additional submission at portal
10	10.10.2018	Additional details sought furnished & uploaded at MoEF&CC Portal	Acceptance mail received from MS on Nov 16 th 2018
11	29.11.2018	Proposal considered in 15 th EAC meeting proposal involving in Violation	15 th EAC Agenda No. 15.5.5

5. Application (Form-1 & PFR)

Fresh application was made online vide proposal no: IA/TN/MIN/67985/2018 dated: 06.09.2017 under violation category for Terms of References (ToR) in terms of provision of the Ministry's Notification S.O804 (E) and Submitted Form-1 and PFR. The proposed project activity is covered under 'Schedule 1(a) mining of Minerals Notification, 2006 and is a category 'A'.

The proposed project activity is covered under 'Schedule 1(a) Mining of Minerals Notification, 2006 and is category 'A' due to the following reasons:

1. Black Granite Quarry is over extent of 166.92 Ha.
2. Project attracts the General Conditions. (Tamil Nadu-Andhra Pradesh Interstate boundary is passing adjacent to Mine lease area towards NW direction.)

6. Details of Minerals: Number of minerals. Whether mineral is major or minor. Status of same mineral before 2006 (major or minor):

- It is a Minor Mineral quarry (Black Granite only) since 1999.

7. Letter of Intent (LoI)/Mining Lease Details:

1. Quarry lease was granted over an extent of 373.36.5 Ha. In SF. No. 917 & 927 of Mahimandalam village, Walajah Taluk, (Now Katpadi Taluk), Vellore District, Tamil Nadu for 10 years vide G.O. Ms. No. 300 Industries Department, Dated 26.06.1991, valid up to 22.11.2001.
2. TAMIN surrendered an extent of 126.36.5 Ha. to the government and the same accepted by the government vide G.O. 3D No. 17 Industrial Development, Dated 03.03.1998.
3. Subsequently TAMIN filed the renewal lease application for the remaining extent of 247.0 ha. (373.36.5 – 126.36.5 = 247.0 ha.) for 20 years vide letter date on 17.11.2000 & 28.03.2001. The mining plan of the same was approved in Director of Geology and Mining Letter RC. No. 14624/MM2/2001, Dated 16.11.2001.
4. Further, TAMIN once again requested the government to reduce the lease area by an extent of 80.08.0 ha. from 247.0 ha. (247.0 – 80.08 = 166.92 ha.) and the government have accepted and granted renewal lease for 166.92 ha. Vide G.O. 3D No. 45 Industries (MME 1) Department, Dated 20.11.2002 for 20 years. Valid up to 22.11.2022.

8. Method of Mining & Mining Plan Details:

1. Mining Plan: approved by Director of Geology and Mining Letter RC. No. 14624/MM2/2001 fated 16.11.2001 to 2006.
2. Scheme of mining-I vide Letter No. 8301/ML3/2007 dated. 17.04.2007 (deemed to approved)
3. Scheme of Mining-II Letter No. 2366/ML2/2012, dated. 21.02.2012. (deemed to approved)
4. Scheme of mining III Letter No 2366/ML2/2016, dated. 13.05.2016. period: 2016-17 to 2020-21.

Project Description:

Production Capacity	1003 m ³		
Geological Reserves	Geological reserves, the total quantity of reserves have been computed on the geological cross sections up to the economically average depth of 25 m from the top surface of the granite body works out to 86, 14,000 m ³ and the total updated geological reserves after deleting before mine plan period, during mine plan period and Scheme of mining period I and II is 81, 91,116 m ³ .		
Mineable Reserves	The total mineable reserve have been computed after deleting of reserves due to mineral lock up in benches as 84,19,563 m ³ and updated mineable reserves after deleting before mine plan period, during mine plan period and Scheme of mining period I and II is 79,96,679 m ³ .		
Saleable Reserves	The commercially viable or saleable reserve is computed at 3 % recovery, the saleable reserve was about 2, 39,901 m ³ .		
Land Use Pattern of the lease	S. No	Particulars	Extent in Ha
	1	Mine Pit area	8.86
	2	Road	1.46
	3	Afforestation	1.00
	4	Office Building	0.75
	5	Existing Waste Dump	5.0
	6	Proposed Waste Dump	3.11
	7	Unmined area	146.74
	Total Mine Lease area		166.92
Method of Mining	Open cast method. Primary Cutting: Open cast, semi-mechanized mining with stages of splitting of rock mass, and separation of two vertical ends along the		

	width slide by diamond wire cutting. Separation of the horizontal and vertical planes by serial blasting simultaneously along the above two plans by using 32 mm dia blast holes charged with mild explosives like gunpowder or detonating cord. Secondary splitting: The secondary splitting to size required size involves long hole drilling up to the bottom of the separated block and mild blasting along the required planes. Secondary splitting is done by using the compressed air available at the quarry, initially widening and splitting up to 15 to 18 cm. The blocks are toppled and removed from the pit to the dressing yard by using hydraulic excavators.
Depth of Mining	25 m Above Ground-Top of the Hill- for lease period.
Main mining equipment	Hydraulic Excavator (Hitachi), Compressor Portable and tractor mounted, Crane 10- Ton Escort, Tipper, Jack Hammer and Diamond wire saw machine with accessories.
Life of the mine	20 years
Man Power	Direct – 41 Nos and Indirect – 70 Nos.
Waste Generation	The total quantity of waste generation for scheme of mining II and III is 329439 m ³ . (Scheme II – 108201 + Scheme III - 2,21,238 m ³).
Waste Management	The waste generated during the mining operation i.e., side burden, granite rejects and the non-recoverable / un-sized boulders and rubbles etc, will be dumped within the mine lease area. The existing dump area is 5.0 Ha. & proposed waste dump area in the beginning of scheme III is 3.11 Ha. and during end of the life of the mine is 75.09 Ha. The unsold blocks are kept within the boundary on the country rock area. The dumps will be maintained not exceeding 5m height and the angle of slope of dumps will be at 45° from horizontal.
Water Requirement	The Total Water requirement is 9.1 KLD Source: Private tank waters
Effluent Generation	1.4 KLD is discharged into septic tanks with soak pits.
Power Requirement	25 kVA – 2 Nos.
Project Cost	Rs. 1.0 Crore

9. Other Waste Generation, If any:

- ▶ The existing dump area is 5.0 Ha & proposed waste dump area in the beginning of scheme of Mining-III is 3.11 Ha. and during end of the life of the mine is 75.09 Ha.
- ▶ The overburden is dumped inside the mining area to stabilize slopes and reclaim low lying areas within the mine.
- ▶ Top Soil recovered will be used in the green belt areas on the North western boundary of the mine site.
- ▶ Top soil will be removed & stored on the inner boundary of the mining lease area. To improve its quality, soil stabilizers shall be mixed and leguminous plantation will be done over these stacks.
- ▶ The solid waste that is likely to be generated during the quarry activity will be stacked along the lease barrier according to the mining plan. All the care will be taken to minimize the waste generation at the source.

10. Land Use (Forest/Agricultural/Waste):

- The project Lease area is categorized as government poramboke land. Tamil Nadu Minerals Limited Obtained Lease vide G.O. 3D No. 45 Industries (MME 1) Department, Dated 20.11.2002 for 20 years. Valid up to 22.11.2022.

- No Forest/Agricultural/ Grazing land and water bodies land is involved in project lease area.

Environmental Features of the project:

The topography of the lease is hilly. The highest elevation of the lease area is 240 m to 340 m above MSL.

Environmental Features of the Project

S.No	Description	Details			
1.	Nearest Highway	State Highway NH-124, distance 4.0 km (E).			
2.	Nearest Railway Junction	Ramapuram Railway Station – 4.6 km (W)			
3.	Nearest Airport	Tirupati Airport- 70.0 Km (E)			
4.	Nearest Water Bodies /River/Sea	Ponnai River - 5.5 Km (E)			
5	Nearest Town / City	Thiruvalam – 12.13 km (N)			
6	Nearest Village	S. No.	Name of the Villages	Approximate distance & direction from project site	Population (Census 2011)
		1	Bodinattam village (in m)	56 (S)	200
		2	Ammavaripalli (in Km)	1.35 (SE)	1000
		3	Perumalkuppam (in Km)	1.89 (NE)	1300
		4	Vallimalai (in Km)	3.7 (NE)	1000
7	Archeological Important Areas	None within 10 km radius			
8	National Parks/Wildlife Sanctuaries	None within 10 km radius			
9	Reserved/ Protected Forests	1. Mahimandalam RF - 2.25 Km –Aerial distance (S) 2. BasavapalleRF – 4.75 Km –Aerial distance (SW) 3. Basavapalle RF – 5.75 km –Aerial distance (NW) 4. Chilapalle RF - 6.5 Km –Aerial distance (NW)			
10	Seismic zone	Zone III			
11	Defense Installations	None			

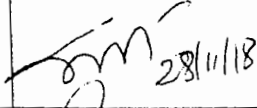
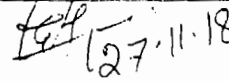
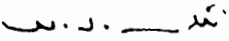
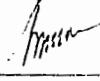
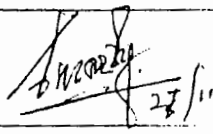
The proposed project activity is covered under 'Schedule 1(a) Mining of Minerals Notification 2006' and is a category 'A' due to the following reasons:

1. Black Granite Quarry is over extent of 166.92Ha.
2. Project also attracts the General Conditions. (Tamil Nadu-Andhra Pradesh Interstate boundary is passing adjacent to Mine lease area towards NW direction.)

15.5.5.3	Observations and recommendations of committee: The EAC in its 11th meeting, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, observed that EIA co-ordinator did not visit the site prior, EAC took a serious note and advised the EIA co-ordinator to submit report of the site visit. EAC defer the proposal for want of following information to be submitted along with report of the site visit: (i) DGMS permission for blasting at project site as there is large habitation/temple at the distance of 56 m. (ii) Submission of production details to be certified by Director Mines and Geology of State Government. (iii) Documents related to valid mine lease and mine plan approved by Indian Bureau of Mines. (iv) Certificate from revenue authorities that any road is not passing through mine lease area.
15.5.5.4	Observations and recommendations The EAC after detailed presentation noted that PP has submitted affidavit in compliance of the Hon'ble Supreme Court order dated 02.08.2017, DGMS permission for blasting at project site. The EAC after detailed deliberation recommended the proposal for issuing standard Term of Reference along with the specific Term of Reference for undertaking EIA and preparation of Environmental Management Plan (EMP) subject to the submission of following: "Toposheet, production detail from state DMG duly signed and stamped with name of the signatory, hard copy of Annexure II duly signed by the PP and submission of kml file to the Ministry at the earliest" PP submitted the above information on 30.11.2018. Accordingly following specific Term of Reference are required for undertaking EIA and preparation of Environmental Management Plan (EMP) along with standard Term of Reference: I. The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC. II. The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority. III. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. IV. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation. V. The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants. VI. Fresh base line data of one season is to be collected.

	VII. Public Hearing (PH) has been conducted on dated 02.12.2016 covering all the issues, committee felt that one time PH as per the order of Hon'ble High Court of Madras has already taken care and hence repeat PH is not required.
	VIII. Fund allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/2017-IA.III dated 1st May, 2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in EIA/EMP report

Members of the EAC for the proposal involving violation of EIA Notification, 2006 present during 15th meeting held on 27th-29th November, 2018 at MoEF&CC, New Delhi and approved the above minutes.

Sl. No.	Name of the EAC member	Role/Designation	Signature
1.	Dr. S.R. Wate,	Chairman	 28/11/18
2.	Dr. G.V. Subrahmanyam	Member	 27.11.18
3.	Dr. A. L. Ramanathan	Member	
4.	Dr. M.V. Ramana Murthy,	Member	
5.	Shri K Gowarappan	Member	
6.	Dr.Dilip S. Ramteke,	Member	
7.	Dr. Poonam Kumria,	Member	
8.	Dr. Bharat Jain,	Member	
9.	Dr.Subrata Maity,	Member	 28/11
10.	Shri Raghu Kumar Kodali	Member Secretary	

Annexure**Terms of Reference for EIA and preparation of Environment Management Plan**

1. Project description, its importance and the benefits.
2. Project site details (location, toposheet of the study area of 10 km, coordinates, google map, layout map, land use, geological features and geo-hydrological status of the study area, drainage).
3. Land use as per the approved Master Plan of the area, Permission/approvals required from the land owning agencies, Development Authorities, Local Body, Water Supply & Sewerage Board, etc.
4. Land acquisition status, R&R details.
5. Forest and Wildlife and eco-sensitive zones, if any in the study area of 10 km – Clearances required under the Forest (Conservation) Act, 1980, the Wildlife (Protection) Act, 1972 and/or the Environment (Protection) Act, 1986.
6. Baseline environmental study for ambient air (PM₁₀, PM_{2.5}, SO₂, NO_x & CO), water (both surface and ground), noise and soil for one month (except monsoon period) as per MoEF&CC/CPCB guidelines at Minimum 5 locations in the study area of 10 km.
7. Details on flora and fauna and socio-economic aspects in the study area.
8. Likely impact of the project on the environmental parameters (ambient air, surface and ground water, land, flora and fauna and socio-economic, etc).
9. Source of water for different identified purposes with the permissions required from the concerned authorities, both for surface water and the ground water (by CGWA) as the case may be, Rain water harvesting, etc.
10. Waste water management (treatment, reuse and disposal) for the project and also the study area.
11. Management of solid waste and the construction & demolition waste for the project vis-avis the Solid Waste Management Rules, 2016 and the Construction & Demolition Rules, 2016.
12. Energy efficient measures (LED lights, solar power, etc) during construction as well as during operational phase of the project.
13. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
14. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.

15. The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.

Contd.. (Annexure)

All the building projects including hotels, hospitals shall be prescribed with the following additional TOR points along with Specific TOR enumerated for study of ecological damages, remediation including above mentioned points for EIA and preparation of Environment Management Plan:

- (i) The EIA would study the impact of dewatering and draw up an action plan for disposal of the excess water.
- (ii) The EIA would study the impact of Demolition and conformance to the Construction and Demolition Rules under the E.P. Act, 1986.
- (iii) Certified Compliance Report issued by the MoEF&CC, Regional Office or concerned Regional Office of Central Pollution Control Board or the Member Secretary of the respective State Pollution Control Board for the conditions stipulated in the earlier environmental clearance issued for the project along with an action taken report on issues which have been stated to be partially complied or non/not complied.
- (iv) The Air Quality Index shall be calculated for base level air quality.
- (v) A detailed report on compliance to ECBC-2017 norms.
- (vi) A certificate from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water allotted to the project under consideration and the balance water available. This should be specified separately for ground water and surface water sources, ensuring that there is no impact on other users.
- (vii) An assessment of the cumulative impact of all development and increased inhabitation being carried out or proposed to be carried out by the project or other agencies in the core area, shall be made for traffic densities and parking capabilities in a 2 kms radius from the site. A detailed traffic management and a traffic decongestion plan drawn up through an organization of repute and specializing in Transport Planning shall be submitted with the EIA and the plan to be implemented to the satisfaction of all the concerned state departments and implementing agencies.
- (viii) The permission of the CGWA for abstraction of ground water if any and for basement/excavation dewatering if applicable.
- (ix) A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project.

- (x) A certificate from the competent authority for discharging treated effluent/ untreated effluents into the Public sewer/ disposal/drainage systems along with the final disposal point.
- (xi) A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project.
- (xii) The Air Quality Index shall be calculated for base level air quality.

For Hospitals Only (In addition to above)

- (i) As per prescribed WHO guidelines, the proposal has to ensure that the Indoor Air Quality is maintained as per prescribed standards.
- (ii) Proposals to ensure that the parking areas are secure and do not permit entry of vehicles within the Hospital campus. Only ambulances and emergency vehicles shall be provided access into the hospital through dedicated emergency and exit gates. Battery operated vehicles shall be provided for internal movement of patients and attendants.
- (iii) A management plan for handling and disposal of biomedical wastes to the satisfaction of the State Pollution Control Board shall be drawn up in conformance to the Biomedical Waste Management Rules, 2016.
- (iv) Silence zones under the Noise Rules shall be demarcated and maintained in consultation with the District Administration. Proposals should be submitted in this regards.
- (v) Laboratory wastes shall be managed in accordance to the BMW Rules, 2016 and the atomic Energy Commission regulations as applicable. Proposals may be submitted in this regards.



http://cgmatr.ncode.in/ePayment_CGM/Operation.aspx?Form=6WGNBPVWomJgSG580cu9GA=&Operation=M5UTHdeILKSrj0Y/rn0Q==&CD=i(QRA1) Search...



Commissioner of Geology And Mining Industries and Mines Department (Govt of Gujarat)

Help Line Number : 07923254034, email us on : cgm.gmr@gmail.com
For Cyber treasury issues (Pending Payment) please e-mail your QL number and

Transaction

PAN Number Registration

Online Internet Banking Payment

View CTP Challan

Reports

Bank Transaction Details

Daily MIS Report

Failed / Pending Payment

Payment Total Transaction

Utility

Change Password

Home

Back

User Details

LeaseHolder Code : ML2001008725
LeaseHolder Name : SHREE DEVABHAI KARABHAI BHUTIYA - Ranavav - 78./5 - 11.33
District Name : PORBANDAR
Mineral : Limestone Major
Lease Royalty Balance : 349181.24 Rs.
LeaseType Name : Mining Lease
Budget Code : 0853-00-102-02

Payment Information

Leaseholder Address * :	"Gatral Bhavan" Satyam Park, Rajiv Nagar, Pobandar		
Company / Firm Name * :	Deva Kara Bhutiya	Pincode * :	360577
Mobile No * :	9825209730	Email * :	devabhutiya@yahoo.co.in
From Date :		To Date :	
Type of Amount * :	-Select-	PAN Number * :	-Select-
Amount to be Paid * :			

Description * :

(Up to of 150 Character)

Save

Type here to search



GPCB

Annexure-R-XIV

GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar 382 010

Phone : (079) 23222425

(079) 23232152

Fax : (079) 23232156

Website : www.gpcb.gov.in

"Consent to Establish"(CTE)

CTE NO: 99599

NO: GPCB/CCA/PBR-733/ID-31609/

To,

M/S Udaysinh M. Jethawa,

R.S No: 78/5(12.14 Hectare),

Nr Tata Chem Mine, Ranavav,

Ta: Ranavav, Dist: Porbandar.

Sub: Consent to Establish (NOC) under Section 25 of Water Act 1974 and Section 21 of Air Act 1981

Ref: Your application Inward No: 149625, dated.07/01/2019.

Sir,

Without prejudice to the powers of this Board under the Water (Prevention and Control of Pollution) Act-1974, the Air (Prevention and Control of Pollution) Act-1981 and the Environment (Protection) Act-1986 and without reducing your responsibilities under the said Acts in any way, this is to inform you that this Board grants Consent to Establish (NOC) for setting up of a crusher plant/activities at R.S No: 78/5(12.14 Hectare), Nr Tata Chem Mine, Ranavav, Ta: Ranavav, Dist: Porbandar for the manufacturing of the following items.

The Validity period of the CTE will be Seven years i.e. up to 06/01/2026.

Sr. No.	Products	Capacity
1.	Mining & Crushing of Lime Stone	25000 MT/M

Specific condition:

- (1) Unit shall not carry out any mining activity till EC is obtained from competent authority & CCA is obtained from the Board

CONDITIONS UNDER WATER ACT 1974:

- There shall be no generation of the industrial effluent from the manufacturing process and other ancillary industrial operations.
- The quantity of the domestic waste water (sewage) shall be 200 liter/day.
- Sewage shall be disposed of through septic tank/soak pit system.

CONDITIONS UNDER AIR ACT 1981:

- There shall be no use of fuel, hence there shall be no flue gas emission for the Manufacturing process and other ancillary industrial operation.
- There shall be no process emission from the manufacturing process other Ancillary industrial operation.
- The following air pollution control measures shall be installed in order to avoid Fugitive emission.
 - Water spraying system.
 - Hood for screening classifier & crusher.
 - Cover over conveyer belts.
 - Construction of wind breaking walls.

Clean Gujarat Green Gujarat

ISO-9001-2008 & ISO-14001 - 2004 Certified Organisation

- e) Construction of metalled road within permission.
 - f) Regular cleaning & wetting at ground within permission.
 - g) Dust suppression system.
 - h) Green belt of 10-meter width all along the periphery.
7. The concentration of particulate matter at a distance of 10 meter for the stone Crusher shall not exceed 600 microgram per cubic meter.
8. Ambient air quality within the premises of the industry shall conform to the Following parameters and a distance of 10 meters from the source & shall not Exceed the following levels.

PARAMETERS	PERMISSIBLE LIMIT	
	Annual	24 Hrs Average
Particulate Matter-10 (PM ₁₀)	60 Microgram/M ³	100 Microgram/M ³
Particulate Matter-2.5 (PM _{2.5})	40 Microgram/M ³	60 Microgram/M ³
SO ₂	50 Microgram/M ³	80 Microgram/M ³
NO _x	40 Microgram/M ³	80 Microgram/M ³

9. All measures for the control of environmental pollution shall be provided before commencing production.

CONDITIONS UNDER HAZARDOUS WASTE :

10. Applicant shall strictly adhere with the notarized undertaking that unit is not covered under the provisions of hazardous waste (management, handling & Trans boundary movement) rules-2016 as amended from time to time.

GENERAL CONDITION:

11. Adequate plantation shall be carried out all along the periphery of the industrial premises in such a way that the density of plantation is at least 1000 trees per acre of land and a green belt of 5 meters width is developed.
12. The applicant shall have to submit the returns in prescribed form regarding water consumption and shall have to make payment of water cess to the Board under the Water Cess (Prevention and Control of Pollution) Act- 1977.
13. In case of change of ownership/management the name and address of the new owners/partners/directors/proprietor should immediately be intimated to the Board.
14. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gaseous emission or sewage waste from the proposed industrial plant. The applicant is required to make applications to this Board for this purpose in the prescribed forms under the provisions of the the Act-1974, the Air Act-1981 and the Environment (Protection) Act-1986.
15. The applicant also comply with the General conditions as per Annexure - I attached herewith (No.1 to 38) (whichever applicable).
16. The concentration of Noise in ambient air within the premises of industrial unit shall not exceed following levels:

Between 6 A.M. and 10 P.M.: 75 dB (A)
Between 10 P.M. and 6 A.M.: 70 dB (A)

For And On Behalf Of
Gujarat Pollution Control Board

(M.V.Patel)
Environment Engineer

**NET Payment Receipt****PCB ID: 31609-Udaysinh M. Jethawa (Limestone Mines)****Address : S. NO.78/5(12.14 HECTARE), --, Nr. Tata chem Mine,, RANAVAV , Porbandar Pin: 360570****Application: 149625(NOC)-dd/MM/yyyy****Payment Id 185990****Payment Date 01/01/2019****Paid Amount 2500****Bank Details HMP-016692****Transaction No PHMP7059571384****Status Success****Remarks PGS10001-Success****Referance No 149625 (CTE-Fresh)****Type NOC-NOC-CCA****MIS Date 02/01/2019****Date : 03/12/2021**

Annexure - R - XV

No. 23-165/2018-IA.III (V)

Government of India

Ministry of Environment, Forests and Climate Change

IA Division



3rd Floor, Vayu Block,
Indira Paryavaran Bhawan,
Jor Bagh Road, Allganj,
New Delhi-110003

Dated: 7th June, 2019

To,

M/s Shri Udaysinh M. Jethwa
Gatral Bhawan, Satyam Park,
Rajiv Nagar, District-Porbandar,
Gujarat-360575

Email: ranavavmine@gmail.com

Subject: Proposed Limestone Mining Project with production capacity of 1,25025 TPA Limestone(ROM) in the mine lease area 12.14 Ha, located at Survey No. 78/5 (Govt. Waste Land), village Ranavav, Taluka Porbandar District Porbandar (Gujarat) by M/s Shri Udaysinh M. Jethwa - Terms of Reference regarding.

Proposal No. IA/GJ/MIN/64678/2017

The proposal of M/s Shri Udaysinh M. Jethwa mine is for production of 1,25025 TPA Limestone(ROM) in the mine lease area of 12.14 Ha. The mine is located at Survey No: 78/5 near Village Ranavav, Taluka Porbandar District Porbandar (Gujarat). The mine leases is covered on Survey of India Topo Sheet no. 41G/14. The area lies between

S.No	Pillar	Latitude	Longitude
1	BP 1	21° 41' 38.93" N	69° 45' 31.97" E
2	BP 2	21° 41' 47.30" N	69° 45' 35.10" E
3	BP 3	21° 41' 54.41" N	69° 45' 37.75" E
4	BP 4	21° 41' 54.44" N	69° 45' 42.91" E
5	BP 5	21° 41' 50.80" N	69° 45' 40.48" E
6	BP 6	21° 41' 46.92" N	69° 45' 40.66" E
7	BP 7	21° 41' 48.88" N	69° 45' 43.51" E

8	BP 8	21° 41' 58.44" N	69° 45' 48.28" E
9	BP 9	21° 41' 58.78" N	69° 45' 50.09" E
10	BP 10	21° 41' 49.06" N	69° 45' 50.48" E
11	BP 11	21° 41' 48.78" N	69° 45' 44.57" E
12	BP 12	21° 41' 46.27" N	69° 45' 40.98" E
13	BP 13	21° 41' 45.74" N	69° 45' 40.60" E
14	BP 14	21° 41' 37.66" N	69° 45' 38.73" E

2. The project is covered under category 'A' of the Item 1(a) mining of Mineral of the EIA schedule to the EIA Notification, 2006 as the PP submitted that the project attracts the general conditions, since, the Barda wild life sanctuary is 1.73KM from the mine lease area, is applicable and requires prior EC from the MoEF&CC. The PP requires NBWL clearance.

3. The PP applied online vide proposal no. IA/GJ/MIN/64678/2017 dated 13.05.2017 under **violation category** for Term of References (ToR) and submitted Form-1 and PFR. The proposal was considered in the EAC (Violation) meeting held during 27th -29th November 2018 and **25th - 26th February, 2019** wherein the Committee **recommended** the proposal for grant of Standard Terms of Reference (TOR) along with Specific Terms of Reference.

4. PP submitted that initially the mining lease was granted in favor Shri Udaysinh M. Jethwa vide G.O. NO. MCR-1572(J-39) 5706-CHH dated 23.09.1974 for a period of 20 years over the mine lease area of 12.14ha by the Department of Industries, Mines and Power, Government of Gujarat. The mining lease deed was executed on 18.02.1975. Further, PP submitted letter dated 02.02.2018 with reference to earlier order no MCR-1572-(J-39)-5706-Chh dated 23.09.1974 issued by Department of Industries, Mines and Power and with reference to letter no CGM-LEASE-ML-EXTENSION-16-17-POR-18 dated 20.09.2017 stating that the State Government has sanctioned Mining Lease for Limestone to Shri Udaysinh M. Jethwa for 20 years earlier and as per the section 8(A) (6) of the Mines and Minerals (Development and Regulation) Act, 1957, the Commissioner, Geology and mining has made a proposal dated 20.09.2017 to extend the lease period, the same was examined by the Deputy Secretary, Department of Industries, Mines, Government of Gujarat extended the lease period of mining up to 17.02.2025, the same was earlier confirmed vide letter no MCR-102016-569-Chh1 dated 05.04.2016 over the mine lease area of 12.14ha by the Department of Industries, Mines, Government of Gujarat.

5. PP submitted that the Review of mining plan along with the Progressive Mine Closure Plan was approved by Office of the Regional Controller of Mines, Indian Bureau of Mines, Government of India vide Letter no: 684(4)(1)/MP-37(86/17)/2017-GMR Dated : 24.01.2018 for a period of 2 years from 2017-18 to

2019-20. The mining will be carried out by semi mechanized opencast method with no Drilling and Blasting. PP reported that the total Water required 5.0KLD for drinking and operations of mine which will be supplied through water tankers from nearby villages

6. PP submitted that the total mining lease area is 12.14ha out of which 2.05 ha is the excavation area, 0.22ha will be used for road, 0.02ha will be the Built-up area, 0.13ha is afforestation area, 0.01ha for Mineral storage and 9.71ha will be the undisturbed area.

7. PP submitted that Barda Wildlife Sanctuary is located 1.73KM towards North direction from the mine lease area. The Khambhada Reservoir is at the distance of 3.8 km in NNW direction, 5.5 km away Water Body (Salt waste) towards SSW direction, the Minsar River is at distance of 12.7 km towards East direction, the Dhangawa Stream is at the distance of 3.7 km towards NNW direction, the Chhapravala Nes water body is at distance of 9.3 km towards NNW direction and the Dai River is at 14.2 km towards NE direction.

8. PP submitted the past production details from 1994-95 to 2018-2019 vide letter no GP/account/pro-dis./2018/2651 dated 16.07.2018 from the Office of the Geologist, Geology and Mining Department, Collector Office, Jilla Seva Sadan-1, Porbandar. PP also submitted an undertaking by the way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court Order dated the 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors."

9. PP submitted that the total cost of the project shall be Rs.25 Lakhs and cost towards EMP shall be Rs. 2.50 Lakhs per annum. PP submitted that the project will generate employment for 18 persons.

10. The EAC (V), after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification S.O. 804 (E) dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for prescribing Standard Term of Reference along with the Specific Term of Reference, for undertaking EIA and preparation of Environmental Management Plan (EMP) for **1,25025 TPA Limestone(ROM) in the mine lease area of 12.14 Ha, located at Survey No. 78/5 (Govt. Waste Land), village Ranavav, Taluka Porbandar District Porbandar Gujarat by M/s Shri Udaysinh M. Jethwa.**

11. The matter was examined in the Ministry and the undersigned is directed to say that the Ministry of Environment Forest & Climate Change after accepting the recommendation of EAC (V), hereby decided to accord Specific & Standard Term of

Reference (ToR) as recommended by EAC (Violation) in pursuant to Ministry's O.M. No. 3-50/2017-IA.III (Pt.) dated 30.05.2018, Z-11013/49/2018-IA. II (M) dated 18.06.2018 and 21-103/2015-IA.III dated 02.11.2018 for the above mentioned project. Accordingly, the Project Proponent is requested to prepare and submit Final EIA/EMP report based on the prescribed ToR which is as under:

A. Standard TOR (Mining).

1. Project Proponent shall comply with all the statutory requirements and judgment of Hon"ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors., before submitting the application for EC to MoEF&CC.
2. Department of Mining & Geology, State Government shall ensure that mining operation shall not commence till the entire compensation levied, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon"ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
3. Financial Year-wise production details since 1993-94 should be given, clearly stating the highest production achieved in any one year prior to 1993-94. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994. The production details need to submit since inception of mine duly authenticated by Department of Mines & Geology, State Government.
4. A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.
5. All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
6. All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).

2019-20. The mining will be carried out by semi mechanized opencast method with no Drilling and Blasting. PP reported that the total Water required 5.0KLD for drinking and operations of mine which will be supplied through water tankers from nearby villages

6. PP submitted that the total mining lease area is 12.14ha out of which 2.05 ha is the excavation area, 0.22ha will be used for road, 0.02ha will be the Built-up area, 0.13ha is afforestation area, 0.01ha for Mineral storage and 9.71ha will be the undisturbed area.

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District Porbandar Gujarat by M/s Sho Udaysinh M. Jethwa.

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2. Department of Mining & Geology, State Government shall ensure that mining operation shall not commence till the entire compensation levied, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.

3. Financial Year-wise production details since 1993-94 should be given, clearly stating the highest production achieved in any one year prior to 1993-94. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994. The production details need to submit since inception of mine duly authenticated by Department of Mines & Geology, State Government.

4. A copy of the document in support of the fact that the Proponent is the rightful lessor of the mine should be given.

5. All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production

levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.

6. All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the propose area should clearly show the land use and other ecological features of the study area (More and buffer zone).

7. Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
8. Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
9. It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors. If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/ conditions. The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the proposed safeguard measures in each case should also be provided.
10. Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
11. The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
12. Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
13. Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.

14. A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
15. Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.
16. Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
17. The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
18. A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
19. Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
20. A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan alongwith budgetary provisions for their conservation should be prepared in

consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.

21. Proximity to Areas declared as „Critically Polluted“ or the Project areas likely to come under the "Aravali Range", (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
22. Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).
23. R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.
24. One season (non-monsoon) [i.e. March -May (Summer Season); October - December (post monsoon season); December -February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.

25. Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modelling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
26. The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
27. Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
28. Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
29. Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
30. Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
31. Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be.
32. Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and BGL. A schematic diagram may also be provided for the same.

33. A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
34. Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
35. Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
36. Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
37. Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
38. Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
39. Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far

as possible, quantitative dimensions may be given with time frames for implementation.

40. Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should Inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
41. Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
42. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
43. The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
44. A Disaster Management Plan shall be prepared and included in the EIA/EMP Report.
45. Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
46. The activities and budget earmarked for Corporate Environmental Responsibility (CER) shall be as per Ministry's O.M No 22-65/2017-IA. II (M) dated 01.05.2018 and the action plan on the activities proposed under CER shall be submitted at the time of appraisal of the project included in the EIA/EMP Report.
47. The Action Plan on the compliance of the recommendations of the CAG as per Ministry's Circular No. J-11013/71/2016-IA.I (M), dated 25.10.2017 needs to be submitted at the time of appraisal of the project and included in the EIA/EMP Report.
48. Compliance of the Ministry's Office Memorandum No. F: 3-50/2017-IA.III (Pt.), dated 30.05.2018 on the judgment of Hon'ble Supreme Court, dated the 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India needs to be submitted and included in the EIA/EMP Report.

B. Additional TOR (Mining).

49. The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment(Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
50. The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
51. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
52. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
53. The remediation plan and the natural and community resource augmentation plan to be prepared as an Independent chapter in the EIA report by the accredited consultants.
54. Public Hearing (PH) to be conducted.
55. Three months Baseline data to be collected.
56. To submit the lease sketch/ lease co-ordinates approved by DMG, at the time of presentation before EAC for EC.
57. Fund allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/2017-IA.III dated 1st May, 2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in EIA/EMP report.
58. Detailed hydrological study to be carried out in core and buffer zone of the project as per recent GEC guidelines 2015.

- 59. Letter from state government that the lease holder has not carried out any mining activity beyond the lease boundary.
- 60. Certificate from Chief Wildlife Warden that the mining lease is located outside the ESZ boundary of Barda Wildlife Sanctuary.
- 61. Certificate from local DFO that no forest land is involved in mining lease area.
- 62. Submission of report in tabular form regarding issues raised during public hearing and commitment made by the PP.
- 63. Permission from the CGWA for extraction of Ground water.

12. Besides the above, the below mentioned general points are also to be followed: -

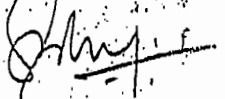
- a) All documents to be properly referenced with Index and continuous page numbering.
- b) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
- c) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
- d) Where the documents provided are in a language other than English, an English translation should be provided.
- e) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
- f) While preparing the EIA report, the Instructions for the Proponents and instructions for the Consultants Issued by MoEF vide O.M. No. J-11013/41/2006-IA.II (I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.

- g) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
- h) As per the circular no. J-11011/618/2010-IA. II (I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
- i) The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) Sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

13. The prescribed TOR would be valid for a period of three years for submission of the EIA/EMP reports, as per the O.M. No. J-11013/41/2006-IA. II (I) dated 29.08.2017. The TOR is **valid up to 07.06.2022**.

14. The PP should submit the EIA/EMP report as per the generic structure prescribed in Appendix- III of the EIA Notification, 2006, after incorporating the details of public hearing and covering the above mentioned issues, to take further necessary action for obtaining environmental clearance in accordance with the procedure prescribed under the EIA Notification, 2006 and S.O. 804 (E) dated 14.03.2017.

Yours faithfully,



(Sundeep)

Director/Scientist 'F'

Copy to:

1. The Secretary, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi-110 001.

2. **The Secretary, Department of Mines & Geology, Government of Gujarat, Secretariat, Gandhinagar.**
3. **The Secretary, Department of Environment, Government of Gujarat, Secretariat, Gandhinagar- Requested to take action against the project proponent under the provisions of section 19 of the Environment(Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.**
4. **The Secretary, Department of Forests, Government of Gujarat, Secretariat, Gandhinagar.**
5. **The Chief Wildlife Warden, Government of Gujarat, Dr. Jivaji Mehta Bhavan, Block No. 14, 1st Floor, Old Sachivalaya, Gandhinagar-382 010.**
6. **The Additional Principal Chief Conservator of Forests, Ministry of Environment, Forest and Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, E-5 Arera Colony, Link Road-3, Ravishankar Nagar, Bhopal - 462016**
7. **The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.**
8. **The Member Secretary, Central Ground Water Authority, 18/11, Jam Nagar House, Man Singh Road, New Delhi-110011.**
9. **The Member Secretary, Gujarat State Pollution Control Board, Sector 10-A, Gandhi Nagar - 382043, Gujarat- Requested to take action against the project proponent under the provisions of section 19 of the Environment(Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.**
10. **The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur-440 001.**
11. **The District Collector, Porbandar District, Government of Gujarat.**
12. **Guard File.**
13. **MoEF&CC Website.**

(Sundeep)
Director/Scientist 'F'



Annexure-R-XVI

REGIONAL OFFICE

GUJARAT POLLUTION CONTROL BOARD

1st floor, Sandip Complex, Narsang Tekri, PORBANDAR 360577

NO. GPCB/RO-PBR/PH-32/2019-20/ 400/19

Date:

26 NOV 2019

To,
The Member Secretary,
Gujarat Pollution Control Board,
Paryavaran Bhavan, Sector-10/A,
Gandhinagar.

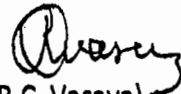
Kind Attention: Shri G.H. Trivedi (SEE)

Sub: Public Hearing of M/s. Udaysinh M. Jethwa (Mining Lease Area 12.14 Hec.) at Survey
No. 78/5, Village: Ranavav, Dis: Porbandar
Ref: H.O. letter no. GPCB/PH/2019-20/Porbandar-31/526948. Dt.16/11/2019.
(Email received on Dt. 21/11/2019)

Respected sir,

In connection with above referred subject, we have discussed with District Magistrate cum Collector, Porbandar for conducting the Public Hearing of M/s. Udaysinh M. Jethwa (Mining Lease Area 12.14 Hec.) for proposed production of Limestone Mining with capacity 1,25,025 TPA. And after discussion, we decided to conduct Public Hearing On site of M/s. Udaysinh M. Jethwa (Mining Lease Area 12.14 Hec.) at Survey No. 78/5, Govalani Area, Ranavav-Lalpur Road, Village: Ranavav, Ta: Ranavav, Dist: Porbandar on Date: 07/01/2020 at 11:00 AM. This is for your information and necessary further action please.

On Behalf of
Gujarat Pollution Control Board


(R.C. Vasava)
Regional Officer

Copy to.

✓ M/s. Udaysinh M. Jethwa (Mining Lease Area 12.14 Hec.)
Survey No. 78/5, Village: Ranavav,
Dis: Porbandar.....for information



Gujarat Pollution Control Board

Paryavaran Bhavan, Sector 10 A, Gandhinagar 382 010

Tel 079-23232152 Fax 079-23222784 www.gpcb.gujarat.gov.in

Public Notice

It is hereby informed that as per the Ministry of Environment, Forests & Climate change, Government of India, New Delhi vide its Notification no. S.O. 1533 dated September 14, 2006 Public Hearing has been fixed of M/s. Udaysinh M. Jethwa (Mine Lease Area: 12.14 Ha) for Proposed Limestone (ROM) Mining 1,25,025 TPA, at Survey No. 78/5 (Govt. Waste Land), Village: Ranavav, Ta: Porbandar, Dist: Porbandar, covered under "A" as mentioned in their request application.

All local affected persons of the project are requested to remain present in the public hearing or send their response in writing to Member Secretary, Gujarat Pollution Control Board before the hearing date.

Other concerned persons having a plausible stake in environment aspects of the project or activity can submit their responses to Member Secretary, GPCB in writing before the hearing date.

It may be noted that, draft Environmental Impact Assessment report and the Executive Summary of Environment Impact Assessment Report of the project has been sent to the following authorities or offices to make it available for inspection to the public during normal office hours, till the Public Hearing is over.

1. The District Collector Office, Porbandar
2. District Development Office, Porbandar
3. District Industries Centre, Porbandar
4. Taluka Development Office, Ta. Porbandar, Dist. Porbandar
5. Additional Principal Chief Conservator of Forests (C),
Ministry of Environment, Forests & Climate Change, GoI,
Regional Office (West Zone), Kendriya Paryavaran Bhavan, E- 5,
Arera Colony, Link Road 3, Ravisankar Nagar, Bhopal 462 016
6. Regional Office, Gujarat Pollution Control Board, Porbandar.
Sandip Complex, First Floor, Opp. Madhvani Collage, Narsang
Takri, Airport Road, Porbandar- 360 577.

The District Magistrate / District Collector / Deputy Commissioner or his/ her representative not below the rank of an Additional District Magistrate shall supervise and preside over the entire public hearing process.

The Public Hearing is scheduled to be held on 07/01/2020 at 11.00 Hrs, Venue: M/s Udaysinh M. Jethwa (Mining Lease Area: 12.14 Ha), at Survey No. 78/5 Govalani Area, Ranavav - Lalpur Road, Village: Ranavav, Ta: Ranavav, Dist: Porbandar.

Place: Gandhinagar
Date: 27/11/2019

N. M. Tabhani
Member Secretary



ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ

પર્યાવરણ ભવન, સેક્ટર ૧૦ અ, ગાંધીનગર ૩૮૨૦૧૦

ટેલી. ૦૭૯-૨૩૨ ૩૨૧૫૨ ફેક્સ ૦૭૯-૨૩૨૨૨૩૮૪ www.gpcb.gujarat.gov.in

જાહેર સૂચના

ભારત સરકારના પર્યાવરણ, વન અને જળવાયુ પરિવર્તન મંત્રાલયના, નવી દિલ્હીના જાહેરનામા ક્રમાંક: એસ.ઓ. ૧૫૩૩ તારીખ, ૧૪.૯.૨૦૦૬ અન્વયે જણાવવાનું કે, મેસર્સ ઉદયસિંહ એમ. જેઠવા (માઇનીંગ લીઝ એરીયા: ૧૨.૧૪ હેક્ટર), સર્વે નં. ૭૮/૫ (સરકારી વેસ્ટ સાઇટ), રાણાવાવ, તા. પોરબંદર, જીલ્લો. પોરબંદર, દ્વારા ૧,૨૫,૦૨૫ ટીપીએ લાઇમસ્ટોન (રોમ) માઇનીંગના ઉત્પાદન માટેની (પ્રોજેક્ટ) કેટેગરી "એ" અંતર્ગત તેઓની અરજી અન્વયે પર્યાવરણીય લોકસુનાવણી આયોજીત કરવામાં આવેલ છે.

લોકસુનાવણીની પ્રક્રિયાના ભાગરૂપે લાગતાવળગતા સ્થાનિક અસરગ્રસ્ત લોકોનું ધ્યાન દોરીને સદર લોકસુનાવણી દરમિયાન હાજર રહેવા અથવા તેઓની ટીકા-ટિપ્પણી લેખિતમાં પર્યાવરણીય સુનાવણીની તારીખ પહેલા સભ્ય સચિવશ્રી, ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડને મોકલવા વિનંતી છે.

રસ ધરાવતી અન્ય વ્યક્તિઓને પણ તેઓની ટીકા-ટિપ્પણી પર્યાવરણીય સુનાવણીની તારીખ પહેલા લેખિતમાં સભ્ય સચિવશ્રી, ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડને મોકલી આપવા વિનંતી છે.

અત્રે ઉલ્લેખનીય છે કે, પ્રોજેક્ટના ઇઆઇએ - (એન્વિરોન્મેન્ટ ઇમ્પેક્ટ એસેસમેન્ટ) અહેવાલના મુસદ્દાની પ્રત તથા એન્વિરોન્મેન્ટ ઇમ્પેક્ટ એસેસમેન્ટનો સંક્ષિપ્ત અહેવાલની પ્રત નીચે દર્શાવેલ ઓફિસ/ કાર્યાલયો ખાતે કામકાજના દિવસો દરમિયાન લોકસુનાવણીના દિન સુધી નિહાળી શકાશે.

૧. જિલ્લા કલેક્ટરશ્રીની કચેરી, પોરબંદર.

૨. જિલ્લા વિકાસ અધિકારીની કચેરી, પોરબંદર.

૩. જિલ્લા ઉધોગ કેન્દ્ર, પોરબંદર.

૪. તાલુકા વિકાસ અધિકારીની કચેરી, તા. પોરબંદર, જી. પોરબંદર.

૫. અધિક અગ્ર મુખ્ય વન સંરક્ષકશ્રી(સી), પર્યાવરણ, વન અને જળવાયુ પરિવર્તન મંત્રાલય ભારત સરકારની પ્રાદેશિક કચેરી (પશ્ચિમ ઝોન), કેન્દ્રીય પર્યાવરણ ભવન, ઇ-૫, અરેરા કોલોની, લીન્ડ રોડ-૩, રવીશંકર નગર, ભોપાલ - ૪૬૨૦૧૬.

૬. પ્રાદેશિક કચેરી, ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ, પોરબંદર.

સંદિપ કોમ્પ્લેક્સ, પહેલો માળ, માધવાણી કોલેજની સામે, નરસંગ ટેકરી, એરપોર્ટ રોડ, પોરબંદર - ૩૬૦૫૭૭.

જિલ્લા કલેક્ટર/જિલ્લા મેજિસ્ટ્રેટ/ડેપુટી કમિશ્નર અથવા તેઓના/તેણીના પ્રતિનિધિ, કે જેનો હોદ્દો અધિક જિલ્લા મેજિસ્ટ્રેટથી ઉતરતી કક્ષાનો ન હોય, તેવી વ્યક્તિ સદર લોકસુનાવણીની કામગીરીનું દેખરેખ અને સંચાલન કરશે.

લોકસુનાવણીની તારીખ. ૦૭/૦૧/૨૦૨૦ ના રોજ ૧૧:૦૦ કલાકે, સ્થળ: મેસર્સ ઉદયસિંહ એમ. જેઠવા (માઇનીંગ લીઝ એરીયા: ૧૨.૧૪ હેક્ટર), સર્વે નં. ૭૮/૫, ગોવાલાણી વિસ્તાર, રાણાવાવ - લાલપુર રોડ, ગા., રાણાવાવ, તા. રાણાવાવ, જીલ્લો. પોરબંદર ખાતે યોજવામાં આવેલ છે.

સ્થળ: ગાંધીનગર

તા: ૨૭/૧૧/૨૦૧૯

એન. એમ. તાભાણી

સભ્ય સચિવ

Annex-R- XVIII (copy)



REGIONAL OFFICE

GUJARAT POLLUTION CONTROL BOARD**1st floor, Sandip Complex, Narsang Tekri, PORBANDAR 360577**

NO: GPCB/RO-PBR/PH-32/ 011/20

Date: 115 JAN 2020

To,
The Member Secretary,
Gujarat Pollution Control Board,
Paryavaran Bhavan, Sector-10 A,
Gandhinagar.

Kind Attention: Shri G.H. Trivedi(SEE)

Sub: Environmental Public Hearing Proceeding of M/s. Udaysinh M. Jethwa(Mining Lease Area- 12.14 Hec) at Survey No. 78/5, Vill: Ranavav, Ta: & Dist: Porbandar conducted on 07/01/2020 at 11:00 hrs. on Project site.

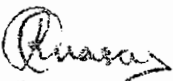
Ref: H.O. letter no. GPCB/PH/2019-20/Porbandar-31/526948, Dtd. 16/11/2019.

Respected sir,

In connection with above subject, please find enclosed herewith, the Proceedings of the Environmental Public Hearing for "Proposed Limestone (ROM) Mining with capacity 1,25,025 Tons per Annum (TPA) of M/s. Udaysinh M. Jethwa(Mining Lease Area- 12.14 Hec) Conducted on 07/01/2020, 11:00AM At Project site of Udaysinh M. Jethwa ,Survey No. 78/5, Govalani Area, Ranavav-Lalpur road, Vill: Ranavav, Ta:Ranavav & Dist: Porbandar.

This is for your information and necessary further action please.

Yours faithfully,


(R C Vasava)
Regional Officer

Encl:

- 1). Proceeding of Environmental Public Hearing with Annexure A, B & B1 in original and two photocopy.
- 2). Video CD of Public Hearing 3 nos.
- 3). Soft copy of Proceeding in PDF 3 nos.

Copy to:

The District Magistrate & Collector,
Collector Office, Seva Sadan-I,
Porbandar

16/01/2020
16/01/2020
16/01/2020
16/01/2020
16/01/2020

GUJARAT POLLUTION CONTROL BOARD**REGIONAL OFFICE**

Sandeep Complex, First Floor, Opp. Madhvani Collage NarsangTekari, Airport Road, Porbandar - 360 577
 website : www.gpcb.gov.in

**PUBLIC HEARING PROCEEDINGS**

It is hereby informed that as per the Ministry of Environment, Forests and Climate Change, Government of India, New Delhi vide its notification no. S.O.1533 dated 14/09/2006 and its amendment S. O. 3067 (E) dated 01/12/2009, Public Hearing has been fixed of M/s. Udaysinh M. Jethwa (Mining Lease Area- 12.14 Hec), with proposed capacity of 1,25,025 Tons per Annum (MTPA) at survey no. 78/5, Govalani Area, Ranavav-Lalpur road, Vill: Ranavav. Ta:Ranavav & Dist: Porbandar on 7th January 2020 at 11:00 AM.

A copy of the Draft Environment Impact Assessment report and the summary of Environment Impact Assessment report were sent to the following authorities or offices to make available the draft EIA report for the inspection to the public during normal office hours, till the Public Hearing is over :

1. The District Collector Office, Porbandar
2. District Development Office, Porbandar
3. District Industries Centre, Porbandar
4. Taluka Development Office, Ta. Ranavav, Dist. Porbandar
5. The Chief Conservator of Forests, Ministry of Environment & Forests, Govt. of India, Regional Office (West Zone), Kendriya Paryavaran Bhavan, E - 5, Area Colony, Link Road - 3, Ravishankar Colony, BHOPAL - 462 016
6. Regional Office, Gujarat Pollution Control Board, Porbandar, Sandeep Complex, First Floor, Opp. Madhvani Collage NarsangTekari, Airport Road, Porbandar - 360 577.

Other concerned persons having plausible stake in the environmental aspects were requested to send their responses in writing to the concerned regulatory authorities.

The Public Hearing was scheduled on date 7th January, 2020 at 11.00 hours at Site of M/s. Udaysinh M. Jethwa, Survey No. 78/5, Govalani Area, Ranavav-Lalpur road, Vill: Ranavav, Ta:Ranavav & Dist: Porbandar

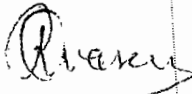
An advertisement in English was published in "The Indian Express" dated 04/12/2019 and in Gujarati in "Jay Hind" dated 04/12/2019.

District Magistrate, Shri D.N.Modi (IAS), supervised and presided over the entire public hearing proceedings.

A statement showing participants present during the Public Hearing is enclosed herewith as Annexure A.

A statement showing the salient points highlighting issues raised by the participants and responded to by the representative of the applicant during the Public Hearing in English and Gujarati Languages are enclosed herewith as Annexure B and BI.

Place: Project Site of
 Mrs. Udaysinh M. Jethwa,
 Survey No. 78/5,
 Govalani Area,
 Ranavav-Lalpur road,
 Vill: Ranavav,
 Ta: Ranavav & Dist: Porbandar


 (R. C. Vasava)
 Regional Officer &
 representative of Member
 Secretary, GPCB


 (D.N. Modi, (IAS))
 District Magistrate & Collector,
 Porbandar

Date : 07/01/2020

Encl: 1. Annexure A, B and BI as above.
 2. Video CD/DVD of Public Hearing.

ANNEXURE - A

A Statement showing participants present during the PUBLIC HEARING:

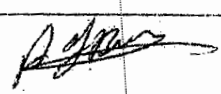
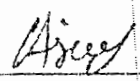
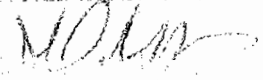
As per the Ministry of Environment, Forests & Climate Change, Government of India, New Delhi vide its notification no. S.O. 1533 dated 14/09/2006, Public Hearing is fixed for the following project covered under Category -A, **M/s. Udaysinh M. Jethwa (Mining Lease Area- 12.14 Hec)**, Survey No.78/5, Village: Ranavav, Ta:Ranavav & Dist: Porbandar for proposed production of limestone with capacity 1:25,025 TPA on site of M/s. **Udaysinh M. Jethwa (Mining lease area 12.14 Hec)**, at survey no. 78/5, Govalani Area, Ranavav-Lalpur road, Vill: Ranavav, Ta:Ranavav & Dist: Porbandar on 7th January 2020 at 11:00 AM.

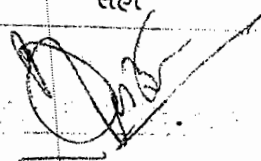
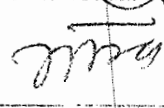
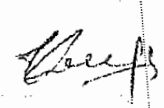
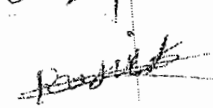
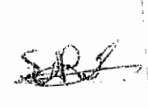
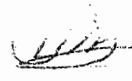
The list of participants present during the public hearing:

ભારત સરકારના પર્યાવરણ, વન અને જળવાયુ પરિવર્તન મંત્રાલય નવી દિલ્હીના જાહેરનામા ક્રમાંક એસ. ઓ. ૧૫૩૩(ઇ), તા. ૧૪/૯/૨૦૦૬ હેઠળ કેટેગરી 'એ' માં આવરી લેવાયેલ મે. ઉદયસિંહ એમ. જેઠવા(એમ.એલ.-૧૨.૧૪ હેક્ટર), સર્વે નં.૭૮/૫, ગામ. રણાવાવ, તા. રણાવાવ & જી. પોરબંદર દ્વારા લાઈમસ્ટોન માઈનિંગની ઉત્પાદન ક્ષમતા ૧.૨૫,૦૨૫ ટન પ્રતિવર્ષ માટેની દરખાસ્તની લોક સુનાવણી તા.૦૭/૦૧/૨૦૨૦ ના રોજ સવારે ૧૧.૦૦ કલાકે સ્થળ: મેસર્સ ઉદયસિંહ એમ. જેઠવા(એમ.એલ.-૧૨.૧૪ હેક્ટર) સર્વે નં.૭૮/૫, ગોવાલાણી વિસ્તાર, રણાવાવ-લાલપુર રોડ, ગામ. રણાવાવ, તા. રણાવાવ & જી. પોરબંદર ખાતે યોજવામાં આવેલ.

લોક સુનાવણીમાં હાજર લોકોની યાદી:

Sr. No. અ.નં.	Name & Address નામ અને સરનામું	Signature સહી
	(કલ્યાણ) (૧) કૃષી, સરખા ગામના કિ. ૫,	કલ્યાણકૃષી
	J. R. Oddekar, સરખા ગામના કિ. ૫	J. R. Oddekar
	27 Jan. 2020, 11:00 AM, 11:00 AM	
	C. M. Dhanireddy, Total Chemicals, Ranavav	
	કે. ડી. રાવ, ગોવાલાણી વિસ્તાર	
	જિલ્લા માનવ સંસાધન મંત્રાલય	
	કોમ્પ્યુટર ગ્રામ, રાણાવાવ	
	કોમ્પ્યુટર ગ્રામ, રાણાવાવ	

Sr. No. અ.નં.	Name & Address નામ અને સરનામું	Signature સહી
	પ્રભાતીબેન વલ્લભી પટેલ	શાંતલાલ
	ભાઈભાઈ દેસાઈ	રામ
	શિવજી ભટ્ટાચારી (સાગરા)	
	ભાઈભાઈ 2મ ગોશાળા (સાગરા)	(Dohemide)
	ભાઈભાઈ રામલાલ દેસાઈ (ભીરલાલપુરા)	(ભાઈભાઈરામ)
	સરોજીબેન જાધવ મોઢવાડીયા ભીરલાલપુરા	સરોજીબેન
	અમલ દેવજી ભાઈ શાંતલાલ ભીરલાલપુરા	
	અંજીદેવજી ભાઈભાઈ રામલાલ	અંજીદેવજીભાઈ રામ
	સાંઈજીભાઈ (સાગરા)	
	કેશવજીભાઈ દેસાઈ	કેશવજીભાઈ
	દિલ્લમ ભૂરાભાઈ મોઢવાડીયા (પોરબંદર)	દિલ્લમભાઈભાઈ
	પ્રજ્ઞાલક્ષ્મી મોઢવાડીયા	પ્રજ્ઞાલક્ષ્મી
	રામભાઈ (પોરબંદર)	રામભાઈ
	રાજેશભાઈ અંજીદેવજી ચંડેર	રાજેશભાઈ
	શીલ્પાબેન દેસાઈ	
	ગોવિંદ રા. મલ્લિક	
	Yagyesh Pratap Singh	

Sr. No. અ.ન.	Name & Address નામ અને સરનામું	Signature સહી
	Balsam Singh, Tatachemicals Ltd - Ramnagar.	
	V.N. Vora, Tata Chemicals Ltd Ramnagar	
	મરત દેવદાસ કોટેડેડી રામનગર	Blawad
	શિવનિભાઈ નામદે રામનગર	શ્રી નિમવડ
	(મરત, સરખપત્રાજી)	Burkhusi
	Kishan Bhatkeshari Nimavat Bordi	
	Rytvik Nampal Nimavat Bordi	
	Suresh Lakshman Ulva Bordi	
	Dhruv Jiteshbhai Kumbhar Bordi	
	મીના મડી મીરા નામદે	મીના ના. મીરા
	રામી હિભી ઉભી રામનગર	રામી હિ. ઉભી
	રામી દેવદાસ કોટેડેડી II રામનગર	રામદેવદાસ
	Kumbhar Kishan Kumbhar D.	K. K. Kumbhar
	મીના મીરા નામદે રામનગર	મીના નામદે
	Anishbhai Kishor Kumbhar રામનગર નામદે મીરા નામદે	 મીરા નામદે
	શ્રી રામનગર	રામનગર

Sr. No. અ.ન.	Name & Address નામ અને સરનામું	Signature સહી
	ડરરન જામી રાડગાવાવ	ડરરન
	ડીતરે કુજળ રાડગાવાવ	ડીતરે
	જવલકાં ગોરધન રાડગાવાવ	જવલકાં
	રામદે રવમલ રાગઠ	રામદે
	રૂઝલ ન કુહીમ	રૂઝલ ન કુહીમ
	રાજુ વામ વાઝે	વાજ રાજુ
	ડિતરે કીજાં રાગેદરા રાડગાવાવ	ડિતરે રામ
	રાડેદરા ભાગાકાં રૂમવાઈ રાડગાવાવ	રાડેદરા
	કુહીયાં કાનાનાઈ બાબુનાઈ રાડગાવાવ	
	રાડેદરા અજર મેજદવાઈ રાડગાવાવ	A.M.D
	જવલકાં મેરા મુગ રાડગાવાવ	જવલકાં
	ગરેશ ભાંડ ડાંગ ભાંડ રાડગાવાવ	
	Bhakti Ram Khandani	
	ભાગાવાઈ કાના વાઈ રાડગાવાવ	
	Bhakti Ram Khandani રાડગાવાવ	
	કાગાવાઈ કાનાવાઈ ભુતિયા ૧૬૦૦	
	ડરરગાવાવ રાજની આંડેરા રાડગાવાવ	ડરરગાવાવ

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GUJARAT POLLUTION CONTROL BOARD REGIONAL OFFICE

1st Floor, Sandip Complex, Opp. Madhvani College Narsang Tekri,
Porbandar-380577

Website: www.gpcb.gov.in



ANNEXURE – B (English)

As per the Ministry of Environment, Forest and Climate Change, Government of India, New Delhi vide its notification no. S.O. 1533 dated 14th September, 2006 and its subsequent amendment S.O. 3067 (E) dated 1st December, 2009, Project is covered under category- A and Environmental Public Hearing was fixed for M/s. Udaysinh M. Jethwa (Mining Lease Area- 12.14 Hec), Survey No.78/5, Village: Ranavav, Ta & Dist: Porbandar for proposed production of limestone with capacity 1,25,025 TPA on site of M/s. Udaysinh M. Jethwa (Mining lease area 12.14 Hec), at survey no. 78/5, Govalani Area, Ranavav-Lalpur road, Vill: Ranavav, Ta: Ranavav & Dist: Porbandar on 7th January 2020 at 11:00 AM.

Shri D. N. Modi, District Magistrate and District Collector, Porbandar has presided over the entire public hearing process.

Shri R. C. Vasava, Regional officer, as representative of the Member Secretary, GPCB; welcomed all stakeholders in the Public Hearing. He outlined the various provisions of the Notification and briefed the procedural details for conducting this public hearing including actions taken by GPCB for wide publicity of this public hearing and informed that the advertisement given earlier in the English Daily newspaper "The Indian Express" and Gujarati Daily newspaper "Jay Hind" on 04/12/2019. In addition, for wide publicity auriksha was moved nearby internal villages. He announced that as per the provision of notification, only locally affected persons will be allowed to represent in the public hearing while others having plausible stake holders may give their representation in writing which would be included in the proceedings.

Regional officer informed the forum that no written representation from plausible stakeholder received prior to conduct of the Public Hearing.

Then after, with due permission of District Magistrate and District Collector, Regional Officer, opened the Public forum and invited the project proponent to make technical presentation and details of their project.

Thereafter, project consultant, representative of M/s Fulgro Environmental & Engineering Services India Pvt. Ltd. Mr. Himanshu Gupta (Senior Environmental Officer), gave the presentation in Hindi language covering introduction of the company, salient features of the project, technical details of proposed project, Environmental Management System, its impact on environment along with proposed mitigation measures.

After the presentation by the project proponent, Regional Officer, with the due permission of the District Magistrate and District Collector opened the forum for representations/ suggestions/ issues/ objection/opinions from the locally affected people.

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The statement showing representations/ suggestions/ issues/ objection/opinions raised by the participants during Public Hearing and responded by the representative of the Project Proponent during the Public Hearing are as under:

Sr. No.	Name and Address	Point Represented	Replies from Project Proponent
1.	Shri. Dilip Modhwadia, Porbandar	➤ My farming land Survey No.77 is located near this mine and leaseholder has done encroachment in nearby area.	➤ Survey No.77 land is not any adjoining part of the mine lease area hence there is no question of encroachment in the Survey No.77 land. We have not carried out any encroachment in agriculture land further I would like to bring in kind notice that encroachment has been done by nearby farmer in our mine lease area.
		➤ Since 2006, leaseholder has worked without any government approvals and there has been fine of Rs 98.00 Lac on lease for illegal mining.	➤ Regarding fine of Rs. 98.00 Lac, District collector had nullified the issue in 2014.
		➤ At the time of land measurement of this mine lease area they have been issued notice of 22.02 Cr.	➤ We have already submitted our reply of notice to concerned authority.
		➤ If the rainwater storage in mine pit will be overflowed then it will ruin the crops of the nearby agriculture land of the area.	➤ Rain water in the mine pit is being used by the nearby farmers for agriculture purpose and also for the green belt development within the mine lease area. Surface runoff water is being captured in the mine pit and mine pit is quite below the general ground level of the mine lease area so, there is rare of rarest possibility of the overflow of mine pit capture water. Further we would like to bring in kind notice that the mine pit of the mine lease area will be act as rain water harvesting after the exhaustion of mineral in the mine lease.
		➤ Without approval of E.C and NOC they had carried out mining operation in past.	➤ We have applied our mining project for Environmental clearance in violation

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Sr. No.	Name and Address	Point Represented	Replies from Project Proponent
			category as per MoEF&CC gazette vide S.O.804(E) dated 14/03/2017 and S.O.1031(E) dated 08/03/2018 and details of the mining operation carried out by us is given as a separate Chapter of the Draft EIA/EMP further we have allotted fund for the Ecological damage Remedial and community resource augmentation plan of around 16.25 Lac.
		➤ By the lease holder was carried out operation in nearby Survey No. 128, in around 5-6 ha land, Grazing land 2.0 Ha. and Tata Chemicals Ltd's 0.28Ha. valuable land.	➤ Regarding encroachment by nearby Survey No. 128 in our mine lease area further I would clarify that encroachment land is being clearly depicted in the approved mining plan and its Plates further we would like to bring in kind notice that we have carried out operation with in mine lease area only and it is also certify by the Geologist. Mining Department Porbandar.
		➤ There is no fencing around the mine lease area.	➤ We have maintained pillars around the mine lease area and partly mudwall & fencing is provided around the lease area at present.
		➤ According to presentation, they will carry out plantation in 4.00 Ha. Land but there is no such land available for plantation with in lease area. ➤ Therefore I wish unless the government collects the penalty the lease should not be grant E.C.	➤ As our lease is of 12.14 Ha and we are committed to develop green belt in 4.00 Ha. Land of the area as per submitted land use pattern in Draft EIA/EMP report.
2.	Shri Ram bhai Odedra. Ranavav (Adjacent Farmer)	We do not have any problem if the mining project takes place. Earlier we had some dust problem however lease holder had resolved the problem of dust by water sprinkling on the roads daily near the mine lease area.	➤ Project proponent welcomes the point represented

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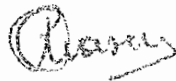


Sr. No.	Name and Address	Point Represented	Replies from Project Proponent
3.	Shri. Deva Bhai Khunti (Adjacent Farmer)	We have benefitted from the water storage in the mine pit of the mine lease area. It helps for farming and we have no problem if mining operation takes place in future.	➤ Project proponent welcomes the point represented.
4.	Shri. C.M. Dwivedi (Mines Manager, Tat Chemicals Ltd.), Ranavav	I believe industry should be encouraged to do operation and I believe society cannot be flourished without industrial development.	➤ Project proponent welcomes the point represented.

Regional Officer, GPCB repeatedly requested the gathering for any other representation: however, no additional representations/ suggestions/ issues/ objection/opinions were raised.

The Public Hearing was concluded with thanks to the worthy chair.

Place: Ranavav
Tal: Ranavav
Dist: Porbandar
Date: 07/01/2020


R. C. Vasava
Regional Officer.
As representative of the
Member Secretary, GPCB


D. N. Modi (IAS)
District Collector and
District Magistrate,
Porbandar

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એનેક્ષર બી-૧ (ગુજરાતી)

ભારત સરકારના પર્યાવરણ, વન અને જળવાયુ પરિવર્તન મંત્રાલય નવી દિલ્હીના જાહેરનામા ક્રમાંક એસ. ઓ. ૧૫૩૩(૪), તા. ૧૪/૯/૨૦૦૬ અને તેના પછીના સુધારા ક્રમાંક એસ.ઓ.૩૦૬૭(૪) તા. ૦૧/૧૨/૨૦૦૯ ના અનુસંધાને કેટેગરી 'એ' માં આવરી લેવાયેલ મે. ઉદયસિંહ એમ. જેઠવા(એમ.એલ.-૧૨.૧૪ હેક્ટર), સર્વે નં.૭૮/૫, ગામ. રાણાવાવ, તા. & જી. પોરબંદર દ્વારા લાઈમસ્ટોન માઇનના સૂચિત ઉત્પાદન ક્ષમતા ૧,૨૫,૦૨૫ ટન પ્રતિવર્ષ માટેની પરિયોજના(પ્રોજેક્ટ) પર્યાવરણ લોક સુનાવણી મેસર્સ ઉદયસિંહ એમ. જેઠવા(એમ.એલ.-૧૨.૧૪ હેક્ટર), સર્વે નં.૭૮/૫, ગોવાલાણી વિસ્તાર, રાણાવાવ-લાલપુર રોડ, ગામ. રાણાવાવ, તા. રાણાવાવ & જી. પોરબંદર તા.૦૭/૦૧/૨૦૨૦ ના રોજ સવારે ૧૧.૦૦ કલાકે યોજવામાં આવેલ.

સમગ્ર લોક સુનાવણીની કાર્યવાહી શ્રી ડી.એન.મોદી(આઈ.એ.એસ.) જીલ્લા મેજિસ્ટ્રેટ અને જીલ્લા કલેક્ટર, પોરબંદર ની દેખરેખ તથા અધ્યક્ષપણા હેઠળ કરવામાં આવેલ.

શ્રી આર.સી.વસાવા, પ્રાદેશિક અધિકારી અને સભ્ય સચિવશ્રી, ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ, ગાંધીનગરના પ્રતિનિધિએ લોક સુનાવણી સમિતિના સભ્ય સચિવ તરીકે લોક સુનાવણીમાં ઉપસ્થિત સૌને આવકાર્યા. તેઓએ ઈ.આઈ.એ. નોટિફિકેશનન અંતર્ગત વિવિધ જોગવાઈઓ અને લોક સુનાવણી બાબત સંક્ષિપ્તમાં માહિતી આપી. તેમણે આ લોક સુનાવણીની બહોળી પ્રસિધ્ધી અંગે ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ કરેલ કાર્યવાહીની માહિતી આપી અને અંગ્રેજી દૈનિક પત્ર 'ધ ઇન્ડિયન એક્સપ્રેસ' અને સ્થાનિક ગુજરાતી ભાષામાં 'જય હિન્દ'માં તા. ૪ ડિસેમ્બર, ૨૦૧૯ ના રોજ આપવામાં આવેલ જાહેરખબર વિશે જણાવેલ. વધુમાં અંતરીયાળ વિસ્તારના ગામોમાં ઓટો રીક્ષા દ્વારા પ્રસિધ્ધિ કરાવેલ. વધુમાં તેઓએ જણાવ્યું કે, સદર નોટિફિકેશનની જોગવાઈ પ્રમાણે ફક્ત સ્થાનિક અસરગ્રસ્ત લોકો જ લોક સુનાવણીમાં મૌખિક રજૂઆત કરી શકશે જ્યારે અન્ય હિત ધરાવતા વ્યક્તિઓ લેખિતમાં રજૂઆત કરી શકશે જેનો કાર્યસૂચિમાં સમાવેશ કરવામાં આવશે.

પ્રાદેશિક અધિકારીશ્રીએ ઉપસ્થિત જનસમુદાયને જણાવેલ કે લોક સુનાવણી અગાઉ અન્ય હિત ધરાવતા વ્યક્તિની લેખિત રજૂઆત મળેલ નથી.

ત્યારબાદ અધ્યક્ષશ્રીની પરવાનગીથી લોક સુનાવણીનો પ્રારંભ કરેલ અને તેઓએ પ્રોજેક્ટના પ્રપોનન્ટને સ્થાનિક ગુજરાતી ભાષામાં તેમની સૂચિત પરિયોજના વિશે ટેકનીકલ માહિતી આપવા જણાવ્યું.

પ્રોજેક્ટ પ્રપોનન્ટના કન્સલ્ટન્ટ શ્રી હિમાંશુ ગુપ્તા(સિનયર એન્વાયરમેન્ટલ ઓફિસર), મે. ફુલ્ગારી એન્વાયરમેન્ટલ એન્ડ એન્જિનિયરીંગ સર્વિસીસ ઇન્ડિયા પ્રા. લી દ્વારા હિન્દી ભાષામાં પાવર પોઇન્ટ પ્રેઝન્ટેશન વડે સૂચિત પરિયોજના વિશે ટૂંકમાં જણાવ્યું અને કંપનીની ટેકનીકલ માહિતી, ઉત્પાદન અંગેની માહિતી, સૂચિત પરિયોજનાની માહિતી,

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પર્યાવરણની વ્યવસ્થાપન પદ્ધતિ. તેની અસરો અને સૂચિત નિયંત્રણો, ઉપાયો તથા સામાજિક જવાબદારી વગેરેની ગતિવિધિઓ અંગે હાજર રહેલ સર્વેને માહિતગાર કર્યા.

પ્રાદેશિક અધિકારીશ્રી દ્વારા આ લોકસુનાવણી ના અધ્યક્ષશ્રીની પરવાનગીથી સ્થાનિક અસરગ્રસ્ત લોકોની રજુઆતો/વાંધાઓ/સુચનો માટે મંચ ખુલ્લો મુકવામાં આવ્યો.

લોક સુનાવણી દરમિયાન હાજર લોકો દ્વારા પુછવામાં આવેલ પ્રશ્નો/સુચનો/વાંધાઓ/અભિપ્રાય તેમજ રજુ કરવામાં આવેલ રજુઆતો તથા અરજદારના પ્રતિનિધિ દ્વારા આપવામાં આવેલ જવાબ નીચે મુજબ છે.

ક્રમ	રજુઆત કરનારનું નામ અને ગામ	રજુ કરવામાં આવેલ મુદ્દોઓ	પરીયોજનાના પ્રતિનિધિશ્રી દ્વારા અપાયેલ પ્રત્યુત્તર
૧	શ્રી દિલીપ મોઢવાડિયા, જી: પોરબંદર	➤ આ ખાણની નજીકમાં મારી સર્વે નં. ૭૭ની ખેતીની જમીન આવેલ છે. આસપાસના વિસ્તારમાં લીઝધારક દ્વારા પેશકદમી કરેલ છે. ➤ લીઝધારક દ્વારા ૨૦૦૬ થી આજ સુધી કોઈ સરકારી મંજૂરી મેળવ્યા વિના ખાણ ખનન કરેલ છે અને ખનીજચોરીનો ૯૮ લાખનો કેસ ચાલે છે. ➤ ખાણ માપણી દરમિયાન લીઝધારક પર ૨૨.૦૨ કરોડ ખનીજખનનનો કેસ ચાલુ છે, જે MCDR & MMDR ના એક્ટ મુજબ ફોજદારી ગુનો બને છે ➤ આસપાસના ખેડૂતોના રસ્તા પર દબાણ થયેલ છે તેમજ વરસાદી પાણી ખાણમાં ભરવાથી આસપાસના ખેડૂતોના ખેતરમાં પાક ધોવાણની શક્યતા છે ➤ EC તેમજ NOC મેળવ્યા વિના માઉનીંગ થયેલ છે.	➤ આ લીઝ એરિયાની નજીક સર્વે નં. ૭૭ની જમીન આવેલ નથી તેથી દબાણનો પ્રશ્ન શત્રો નથી. અમે નજીકની ખેતીની જમીનમાં એરિયા જાતની પેશકદમી કરેલ નથી. અમે જણાવવાનું કે, નજીકના ખેડૂત દ્વારા મારા લીઝ એરિયામાં પેશકદમી કરેલ છે. ➤ ડીસ્ટ્રિક્ટ કલેક્ટરશ્રી દ્વારા ૨૦૧૪ માં ખનીજચોરીનો દંડ લેવાને પાત્ર નથી તેવો આદેશ કરેલ છે ➤ અમે નોટીસના જવાબ સંબંધિત સત્તાધિકારીને રજુ કરેલ છે. ➤ આસપાસના ખેડૂતોના રસ્તા પર દબાણ થયેલ નથી તેમજ વરસાદી પાણી ખાણમાં ભરવાથી પવાહ ઓછો થઈ જશે તેમજ ઓવરફ્લો થવાની શક્યતા નહિવાર છે ➤ અમે માલિયા ડીપોઝીટની રજીસ્ટ્રેશન કેટેગરીમાં નોંધાયેલ છે.

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			vide SO.804(E), 14/03/2017 & SO No. 1054(E) 08/05/2018 મુજબ એપ્લિકેશન કરી તેનો EIA રીપોર્ટમાં સમાવેશ કરેલ છે. EC મેળવ્યા વિના કરેલ માઈનીંગની ભરપાઈ કરવા આશરે ૧૬.૨૫ લાખ MOEF & CC ઓથોરીટીના મૂ્યન મુજબ નક્કી કરવામાં આવશે.
		લીઝધારક દ્વારા સર્વે નં. ૧૨૮, આસપાસના ૫ થી ૬ હેક્ટર, ગૌચર ૨ હેક્ટર, ટાટા કેમિકલ્સ લીમીટેડની ૦.૨૮ હેક્ટર વિસ્તારમાં માઈનીંગ કરેલ છે.	માઈનિંગ પ્લાનમાં સર્વે નં. ૧૨૮ દ્વારા અમારી ખાણમાં પેશકદમી કરેલ છે જે દર્શાવેલ છે. અમે અમારી લીઝ એરિયામાં કરેલ છે તેમજ તે જીઓલોજીસ્ટ, માઈનીંગ ડીપાર્ટમેન્ટ, પોરબંદર દ્વારા સર્ટીફાઇડ કરેલ છે.
		ખાણની આસપાસ ફેન્સીંગ કરેલ નથી જેથી અકસ્માત થવાની સંભાવના છે.	લીઝની હદ દર્શાવવા માટે પીલર મુકેલ છે તેમજ આંશિક પાળ અને આંશિક ફેન્સીંગ કરેલ છે.
		- પ્રોજેક્શનમાં જણાવ્યા મુજબ ખાણવિસ્તારમાં ગ્રીનબેલ્ટ માટે ૪ હેક્ટર જેટલી જમીન બાકી રહેલ નથી - આથી મારી રજૂઆત છે કે, જ્યાં સુધી ઇંડ વસુલવામાં ના આવે ત્યાં સુધી આ પ્રોજેક્ટને મંજૂરી આપવામાં ન આવે.	અમારી લીઝ ૧૨.૧૪ હેક્ટરનો વિસ્તાર છે જેમાંથી ૪ હેક્ટરમાં EIA રિપોર્ટમાં સબમિટ કરાવ્યા મુજબ અમે ગ્રીનબેલ્ટ એરિયા ડેવલપ કરીશું
૨	શ્રી રામભાઈ ઓકેદરા, ખેડૂત, ગામ - રાણાવાવ	આવનાર પ્રોજેક્ટથી અમને કોઈ વાંધો નથી તેમજ ખાણખનનથી થતા ડસ્ટીંગને રોકવા માટે પાણીનો છંટકાવ કરવામાં આવતો હતો.	પ્રોજેક્ટ આવકાર્ય હોઈ તેથી પ્રોજેક્ટ પ્રોપનન્ટે આભાર વ્યક્ત કરેલ.
૩	શ્રી દેવાભાઈ ખુટી, ખેડૂત, ગામ - રાણાવાવ	માઈનીંગ થવાથી વરસાદી પાણીના ભરવાથી માઇન પીટમાં પાણીનો સંગ્રહ થવાથી આસપાસના ખેડૂતોને સિંચાઈમાં ઉપયોગી થાય છે. આવનાર પ્રોજેક્ટથી અમને કોઈ વાંધો નથી	પ્રોજેક્ટ આવકાર્ય હોઈ તેથી પ્રોજેક્ટ પ્રોપનન્ટે આભાર વ્યક્ત કરેલ.

GUJARAT POLLUTION CONTROL BOARD
REGIONAL OFFICE

1st Floor, Sandip Complex, Opp. Madhvani College Narsang Tekri,
 Porbandar-380577

Website: www.gpcb.gov.in



શ્રી સી. એમ. દ્વિવેદી, માઈન્સ મેનેજર, ટાટા કેમિકલ્સ લીમીટેડ, ગામ -રાણાવાવ	માફું માનવું છે કે, ઉધોગને ચાલુ રહેવા માટે પ્રોત્સાહિત કરવા જોઈએ અને ઔદ્યોગિક વિકાસ વિના સમાજ સમૃદ્ધ થઈ ન શકે.	પ્રોજેક્ટ આપકાર્ય હોઈ તેથી પ્રોજેક્ટ પોપનંદે આભાર વ્યક્ત કરેલ.

પ્રાદેશિક અધિકારી, ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ દ્વારા ઉપસ્થિત સ્થાનિક અસરગ્રસ્તોને અન્ય કોઈ રજુઆત હોય તો રજુઆત કરવા માટે વારંવાર જણાવવામાં આવેલ પરંતુ અન્ય વધુ કોઈ રજુઆત મળેલ ન હતી.

લોક સુનાવણી અધ્યક્ષશ્રીના આભાર સહ પૂર્ણ થયેલ જાહેર કરવામાં આવી.

સ્થળ: રાણાવાવ,
 તાલુકો: રાણાવાવ
 જિલ્લો: પોરબંદર
 તારીખ: ૦૭/૦૧/૨૦૨૦


 શ્રી આર.સી.વસાવા
 પ્રાદેશિક અધિકારી અને
 સભ્ય સચિવશ્રી, ગુજરાત પ્રદૂષણ
 નિયંત્રણ બોર્ડના, પ્રતિનિધિ


 શ્રી ડી.એન. મોદી (IAS)
 જિલ્લા મેજસ્ટ્રેટ અને
 જિલ્લા કલેક્ટરશ્રી,
 પોરબંદર



Annex - R - XIX 145
GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN
Sector-10-A, Gandhinagar 382.010
Phone : (079) 23222425
(079) 23232152
Fax : (079) 23232156
Website : www.gpcb.gov.in

By R.P.A.D.

DIRECTIONS UNDER SECTION 31-A OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT - 1981

WHEREAS you are having Mine lease of M/s Udaysinh Mohbatsinh limestone mine for the mining of Limestone at Survey No: 78/5, Vill: Ranavav, Ta: Ranavav, Dist: Porbandar.

AND WHEREAS you have started mining of Limestone mineral without obtaining prior permission of the Gujarat Pollution Control Board under The Air Act - 1981 and The Water Act - 1974 at above mentioned site.

AND WHEREAS you are required to submit an application in the prescribed form to obtain the consent of the Board. However, you have failed to apply for the same, which is a punishable offence with imprisonment for a period up to six years and also fine under Section 37 of the Air Act - 1981 and also under Section 44 of the Water Act - 1974.

AND WHEREAS during the inspection of your mine lease on dated 09/07/2020 by the authorized officer of the Board, it has been noticed that you have started mining activity without CCA permission of the Board and not provided air pollution control measures. An appeal has been filed in Hon'ble NGT with O.A No: 101/2019(WZ) regarding illegal mining of limestone.

AND WHEREAS you are operating your mine lease without obtaining CCA Permission of the Gujarat Pollution Control Board under the provisions of the Water Act - 1974 & The Air Act - 1981.

UNDER THE CIRCUMSTANCES, I M. V. PATEL, Environment Engineer of Gujarat Pollution Control Board is directed to issue the directions under Section 31-A of the Air (Prevention and Control of Pollution) Act-1981 as under:-

1. To prohibit forthwith mining of Limestone at aforesaid location.
2. To close the operation of your mine lease activity on the above mentioned site.
3. To direct the concerned authority to stop Virtual Account cum royalty pass and supply of electricity & water.

This order will be effective immediately from the date of issued.

IF the above directions are not complied, you are liable for prosecution under Section 37 of The Air (Prevention and Control of Pollution) Act-1981. which provides punishment with Imprisonment for a term not less than one year and six months and may extend to six years with fine.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD


(M.V. PATEL)

ENVIRONMENT ENGINEER

NO: GPCB/PBR-C-205/ID-37291/

ISSUED TO:-

M/s. Udaysinh Mohbatsinh limestone mine

Survey No: 78/5, Vill: Ranavav,

Ta: Ranavav, Dist: Porbandar

COPY TO:-

1. The Chairman,
Paschim Gujarat Vij. Co. Ltd,
Corporate Office, Laxminagar,
Rajkot.

2. The Dy.Engineer,(O & M),
Paschim Gujarat Vij Co.Ltd.
Porbandar,

Dist: Porbandar...With a request to disconnect the supply of electricity to the mine lease of M/s. Udaysinh Mohbatsinh limestone mine mine at Survey No: 78/5, Vill: Ranavav, Ta: Ranavav, Dist: Porbandar effective immediately from the date of issuing of this order and intimate to us accordingly.

3. To
District Collector
Collector and District magistrate office, Porbandar
District: Porbandar.....With a request to seal plant machinery/ D.G.Set in mine lease of M/s Udaysinh Mohbatsinh limestone mine mine at Survey No: 78/5, Vill: Ranavav, Ta: Ranavav, Dist: Porbandar.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD


(M.V.PATEL)
ENVIRONMENT ENGINEER

21/08/2020 10:50:00 AM 21/08/2020

Annexure-R-XX



ભૂસ્તરશાસ્ત્રીશ્રીની કચેરી

ભૂસ્તર વિજ્ઞાન અને પ્રનિજ ખાતુ,
કલેક્ટર કચેરી, જિલ્લા સેવા સદન-૧, એરપોર્ટ સામે,
સાંદિખની રોડ, પોરબંદર.



E-mail: - geologist-por@gujarat.gov.in, Website: - www.ggm.gujarat.gov.in

નં.ભુપો./એમએલ/અકડ/ ૨૫૬૯

તા. ૧૨/૦૮/૨૦૨૦

પ્રતિ,

શ્રી ઉદયસિંહ એમ. જોશી

મુ. રાણાવાવ, તા.રાણાવાવ,

પોરબંદર

વિષય : એટીઆર અનલોક કરવા બાબત (ML2001000725)

સદર્ભ : આપની તા.૧૬/૦૮/૨૦૨૦ ની લેખિત રજુઆત

ઉપરોક્ત વિષય પરત્વે જણાવવાનું કે આપશ્રીની મોજે પોરબંદર જિલ્લાના રાણાવાવ તાલુકાના રાણાવાવ ગામના સર્વે નંબર ૭૮/૫ પૈકીમાં ૧૨.૧૪.૦૦ હેક્ટર વિસ્તારની લાઇમસ્ટોન પ્રનિજની માઇનીંગ લીઝનું વર્યુઅલ એકાઉન્ટ નીચે મુજબની શરતોને આધીન અનલોક કરવામાં આવે છે.

શરતો:

(૧) ઉપરોક્ત લીઝમાં ઓગસ્ટ-૨૦૨૦ અંતિત પડેલ ૯૯૯૦૨.૨૮ મે.ટન (માસિક પત્રક મુજબ)

લાઇમસ્ટોનના જથ્થા ઉપરાંતનું પ્રનિજ ઉપાડી શકાશે નહીં.

(૨) ઉપરોક્ત લીઝમાં નવું ખાણકામ કરી શકાશે નહીં.

(૩) MCR અને MCDR ના નિયમોનું ચુસ્તપણે પાલન કરવાનું રહેશે.

(૪) ઉપરોક્ત લીઝમાંથી ઉપાડેલ જથ્થાની વિગતો માસિક પત્રકમાં દર્શાવવાની રહેશે, તથા ઉક્ત જથ્થાનો નિકાસ પૂર્ણ થયે તુરંત જ અત્રેની કચેરીને લેખિત જાણ કરવાની રહેશે.

(૫) GPCB દ્વારા તથા પર્યાવરણ અંગે ભવિષ્યમાં કોઇ પ્રશ્ન ઉપસ્થિત થયે તાત્કાલીક અસરથી આપની

લીઝનું ATR લોક કરવામાં આવશે.

માન. કલેક્ટરશ્રીની નોંધ પરની આજ્ઞા મુજબ

ભૂસ્તરશાસ્ત્રી

ભૂસ્તરવિજ્ઞાન અને પ્રનિજ ખાતુ

પોરબંદર

નકલ રવાના :-

આર.આઇ.શાખા જાણ સારુ તેમજ ઉક્ત લીઝમાં સમયાંતરે ચેકીંગ તથા સ્થળતપાસની કામગીરી

હાથ ધરી નવું ખાણકામ ના થાય તેની તકેદારી રાખવા સારું.

ભૂસ્તરશાસ્ત્રીશ્રીની કચેરી
ભૂસ્તર વિજ્ઞાન અને ખનિજ ખાતું, કલેક્ટર નીરી, જિલ્લા સેવા સદનન
એરપોર્ટ સામે, સંદિપની રોડ, પોરબંદર,

ન. ભુપો/ઈમેલ/અડક/૨૫૬૧

તા-૧૨.૧૦.૨૦૨૦

પ્રતિ,

શ્રી ઉદયસિંહ એમ.જેઠવા

મુ-રાણાવાવ , તા-રાણાવાવ

પોરબંદર

વિષય :- એટીઆર અનલોક કરવા બાબત (ML2001000725)

સંદર્ભ :- આપની તા-૧૬.૮.૨૦૨૦ ની લેખીત રજૂઆત

ઉપરોક્ત વિષય પરત્વે જણાવવાનું કે આપશ્રી ની મોજે પોરબંદર જિલ્લા ના રાણાવાવ તાલુકા ના રનાવવા ગામ ના સર્વે નંબર ૭૮/૫ પૈકી માં ૧૨.૧૪.૦૦ હેક્ટર વિસ્તાર ની લાઈમ સ્ટોન ખનીજ ની માઈનીંગ લીઝ મું વર્યુઅલ એકાઉન્ટ નીચે મુજબ ની શરતોને આધીન અનલોક કરવામાં આવે છે.

૧. ઉપરોક્ત લીઝ માં ઓગસ્ટ-૨૦૨૦ અંતિત પડેલ ૮૮૮૦૨.૨૮ મેં.ટન (માસિક પત્રક મુજબ) લાઈમ્સ્ટોન ના જથ્થા ઉપરાંત નું ખનીજ ઉપાડી શકશે નહિ.
૨. ઉપરોક્ત લીઝ માં નવું ખાણકામ કરી શકાશે નહિ.
૩. MCR અને MCDR ના નિયમો નું ચુસ્તપણે પાલન કરવાનું રહેશે.

૪. ઉપરોક્ત લીઝ માંથી ઉપાડેલ જથ્થા ની વિગતો માસિક પત્રક માં દર્શાવવાની રહેશે , તથા ઉક્ત જથ્થા નો નિકાશ પૂર્ણ થયે તુરતજ અત્રે ની કચેરીને લેખિત જાણ કરવાની રહેશે .

૫. GPCB દ્વારા તથા પર્યાવરણ અંગે ભવિષ્ય માં કોઈ પ્રશ્ન ઉપસ્થિત થયે તાત્કાલિક અસર થી આપની લીઝ નું ATR લોક કરવામાં આવશે.

માં. કલેક્ટર શ્રી ની નોંધ પરની આજ્ઞા મુજબ

સહી-ભૂસ્તર શાસ્ત્રી
ભૂસ્તર વિજ્ઞાન અને ખનીજ ખાતું
પોરબંદર

નકલ રવાના :-

આર.આઈ. શાખા જાણ સારું તેમજ ઉક્ત લીઝ માં સમ્યાન્તરે ચેકિંગ તથા સ્થળ તપાસ ની કામગીરી હાથ ધરી નવું ખાણકામ ના થાય તેની તકેદારી રાખવા સારું.

Annex-R - XXI (colly)

રાણાવાવના નામ. મહે.પ્રિન્સી.જયુડી.મેજી.ફર્સ્ટ ક્લાસ સાહેબની કોર્ટમાં

ફોજદારી કેસ નં. ૧૧/૨૦૨૦

૧. ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ ગાંધીનગર થુ
ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ
પોરબંદર
શ્રીમતી કલ્પનાબેન નિલેષભાઈ પરમાર
ઉ.વ.આ.૧૨, ધંધો-નોકરી (પ્રાદેશીક અધિકારી પોરબંદર)
રહે.બ્લોક નં.૩૮, સાંઈબાબા પાર્ક,
મહાત્મા ગાંધી સ્કુલની પાછળ, રાજકોટ

.....ફરીયાદી

વિરુદ્ધ

૧. ઉદયસિંહ એમ. જેઠવા લાઈટ ઓન માર્ઈન્સ
સર્વે નં.૭૮/૫, એરીયા-૧૨.૧૪.૦૦ હે.
ગામ-રાણાવાવ, જી.પોરબંદર
૨. ઉદયસિંહ એમ. જેઠવા
ઉ.વ.આ.પુખ્ત, ધંધો-માઈનીંગ
ગામ-લાલપુર રોડ, રાણાવાવ જી.પોરબંદર
૩. દેવાભાઈ કારાભાઈ ભુતિયા
ઉ.વ.આ.પુખ્ત, ધંધો-માઈનીંગ
ગામ-લાલપુર રોડ, રાણાવાવ જી.પોરબંદર



.....આરોપીઓ

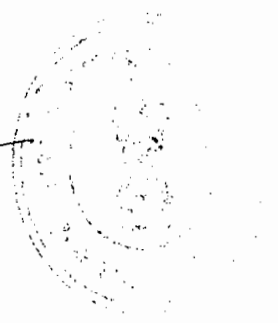
Regional Officer,
G.P.C.B. Regional Office
Porbandar

ગાબત : પર્યાવરણ (સુરક્ષા) અધિનિયમ-૧૯૮૬ હેઠળ કેન્દ્ર સરકાર
દ્વારા તા.૧૪/૦૮/૨૦૦૬ ના રોજ જાહેર કરવામાં આવેલ
નોટીફિકેશન નં.એસ./ઓ ૧૫૩૩ ભંગ બદલ અધિનિયમની કલમ
-૧૬ સાથે વાંચતા કલમ-૧૫ તથા કલમ-૧૮ મુજબના ગુન્હાની
ફરીયાદ.

ઉપરોક્ત કામના અમો ફરીયાદીની માનસર નમ્ર અરજ કે. અમારી હાલની આ
ફરીયાદની ટુંકા હકિકત નીચે મુજબ રજુ કરવા રજા લઈએ છીએ.

- (૧) અમો ફરીયાદી ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડની પોરબંદર ખાતેની પ્રાદેશીક કચેરીમાં
પ્રાદેશીક અધિકારી તરીકે ફરજ બજાવીએ છીએ, પર્યાવરણ(સુરક્ષા)
અધિનિયમ-૧૯૮૬ ની આઈ.પી.સી. કલમ-૨૧ મુજબ અમો જાહેર સેવક હોય જેથી
હાલના ગુન્હાની ફરીયાદ અમોએ. આરોપીએ વિરુદ્ધ દાખલ કરેલ છે.

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- (૨) પાણી અધિનિયમ-૧૯૭૪ ની કલમ-૪ અન્વયે રાજ્ય સરકાર દ્વારા ગુજરાત પોલ્યુશન નિયંત્રણ બોર્ડની રચના કરવામાં આવેલ છે. જે વૈદ્યાનિક અને સ્વાયત સંસ્થા છે. બોર્ડની વડી કચેરી પર્યાવરણ ભવન, સેક્ટર નં.૧૦/એ, ગાંધીનગર ખાતે આવેલ છે.
- (૩) એન્વાયરમેન્ટ પ્રોટેક્શન એક્ટની કલમ-૧૯૮૬ અન્વયે ભારત સરકારના નોટીફિકેશન નં.એસ./ઓ-૩૮૪(ઈ) અન્વયે અમોને ફરીયાદ દાખલ કરવા ઓર્થોરોઈઝ કરવામાં આવેલ છે. અમો અધિકૃત ઓફીસર છીએ. સદરહું નોટીફિકેશન તા.૧૬/૦૪/૧૯૮૭ એસ/ઓ-૩૮૪(ઈ) ની નકલ આ સાથે સામેલ છે.
- (૪) ભારત સરકારના ઈ.આઈ.ઓ.નોટીફિકેશનના ભંગ બદલ જવાબદાર કંપનીના સંચાલન માટે સંચાલન માટે જવાબદાર વ્યક્તિઓ સામે કાયદાના ભંગ બદલ ફોજદારી રાહ ન્યાયિક કાર્યવાહી ચલાવવા ફરીયાદમાં જણાવેલ આરોપીઓ વિરુદ્ધની અમારી ફરીયાદ છે.
- (૫) આ કામના આરોપી નં.૧ પ્રાઈવેટ લીમીટેડ(લાઈમ સ્ટોન માઈન્સ) ના નામે ચાલતી પેઢી છે કે જે બોક્સાઈટ નું ઉત્પાદન કરે છે આ ઉદ્યોગ પેઢી એકમ આપ નામ.સાહેબની કોર્ટના હકુમતમાં પોન્જન્ટર મુકામે આવેલ છે.
- (૬) આ કામના આરોપી પેકી નં.૧ એકમ હોય, અને આરોપીઓ આ પેઢીના સંચાલન કર્તા હોય, તેથી પેઢીના એકમ રોજનું રોજ સંચાલન-વહિવટ કરે છે જેથી પેઢી સામે વ્યક્તિગત તેમજ સામુહિક રીતે જવાબદાર અને જોડાયેલા છે.
- (૭) ભારત સરકારના મીનીસ્ટ્રી ઓફ એન્વાયરમેન્ટ એન્ડ ફોરેસ્ટ વિભાગના નોટીફિકેશન નં.એસ/ઓ-૧૫૩૩, તા.૧૪/૦૮/૨૦૦૬ ની જોવાઈઓના ભંગ બદલ એન્વાયરમેન્ટ પ્રોટેક્શન એક્ટ-૧૯૮૬ ની કલમ-૧૬ અન્વયે આરોપીઓ વ્યક્તિગત તેમજ સામુહિક રીતે જવાબદાર છે.
- (૮) આ કામના આરોપીઓએ ઈ.સી.સર્ટી મેળવ્યા વગર વર્ષવાર નીચે મુજબનું ઉત્પાદન કરેલ છે.

ક્રમ	વર્ષ	પ્રોડક્શન (મેટ્રીક ટન)
૧	૨૦૦૬-૨૦૦૭	૧૨૫૨૨.૮૪૫૧૩
૨	૨૦૦૭-૨૦૦૮	૧૩૦૧૨.૧
૩	૨૦૦૮-૨૦૦૯	૮૩૪૦.૦૯૨
૪	૨૦૦૯-૨૦૧૦	૩૧૩૧.૨૩
૫	૨૦૧૦-૨૦૧૧	૬૦
૬	૨૦૧૧-૨૦૧૨	૦
૭	૨૦૧૨-૨૦૧૩	૦
૮	૨૦૧૩-૨૦૧૪	૦
૯	૨૦૧૪-૨૦૧૫	૨૦૫૪૦
૧૦	૨૦૧૫-૨૦૧૬	૫૬૦૦
૧૧	૨૦૧૬-૨૦૧૭	૮૪૩૫૦



[Signature]

૧૨	૨૦૧૭-૨૦૧૮	૧૮૪૫૬૦
૧૩	૨૦૧૮-૨૦૧૯	૧૨૬૦૦૦
૧૪	૨૦૧૯-૨૦૨૦	૯૧૧૩૩.૯૨
	કુલ ઉત્પાદન	૫૫૮૨૧૦૧.૮૧૧૩

૫૫૮

આરોપીઓએ લાઈસન્સ માઈન લીઝ રીન્યુ ઈ.સી. (ઈન્વાયરમેન્ટ કલીયરન્સ) એન્વાયરમેન્ટ પ્રોટેક્શન એક્ટની કલમ-૧૮૮૬ અને ઈ.આઈ.ઓ. નોટીફિકેશન-૧૮૮૪ નો ભંગ કરેલ હોય તેમ છતાં ગેરકાયદેસર ઉત્પાદન કરેલ છે.

ઉપરોક્ત રીતે આ કામના આરોપીઓએ ઉત્પાદન મેળવે તે વર્ષવાર મુજબનું ડી.એ.લીસ્ટ સામેલ છે જે આરોપી કંપની દ્વારા ભુસ્તર શાસ્ત્રી પોરબંદરને આપેલું હોય જે ભુસ્તર શાસ્ત્રી દ્વારા મેળવેલ હોય જે આ કામે રજુ રાખેલ છે.

(૮) ગુજરાત પોલ્યુશન કન્ટ્રોલ બોર્ડ પ્રાદેશીક કચેરી દ્વારા ખરાઈ કરેલ પરિક્ષણ રિપોર્ટ તા.૧૪/૦૭/૨૦૨૦ ના નોટીફિકેશન નં.એસ/ઓ.-૧૫૩૩ નો સરેઆર ઉલ્લંઘન કરીને પર્યાવરણ સુરક્ષા અધિનિયમ-૧૮૮૬ ની કલમ-૧૬ સાથે વાંચતા કલમ-૧૫ અને ૧૮ મુજબનો ગુન્હો કરેલ છે. તો આરોપીઓની સામે સમન્સ કાઢી ધોરણસર કાનૂની કાર્યવાહી કરવા અરજ છે.

(૧૦) અમો ફરીયાદમાં જણાવેલ અને બોર્ડમાં હસ્તક સઘળા દસ્તાવેજો દસ્તાવેજી લીસ્ટથી સામેલ રાખેલ છે.

(૧૧) આ ફરીયાદના આરોપી નં.૧ ઉદ્યોગ એકમની સામે પ્રોસેસ તથા આરોપીઓ સામે સમન્સનો હુકમ કરવા મહે. કરશો.

(૧૨) તાલની અમારી ફરીયાદમાં સાહેદો નીચે મુજબ

૧. અમો ફરીયાદી પોતે
૨. પી.બી.રસ્તોગી, ડાયરેક્ટર, પર્યાવરણ ભવન, ન્યુ દિલ્હી
૩. એમ. વી. પટેલ, એન્વાયરમેન્ટ એન્જીનીયર, ગાંધીનગર
૪. ભુસ્તર શાસ્ત્રી પોરબંદર

જરૂર પડ્યે નામ.કોર્ટની પરવાનગીથી વધુ સાહેદો તથા દસ્તાવેજી પુરાવા રજુ કરીશું આ સાથે વકીલપત્ર દસ્તાવેજી પુરાવાનું લીસ્ટ તથા આરોપીને આપવાની નકલો તથા જરૂરી પ્રોસેસ સ્ટેમ્પ રજુ રાખેલ છે.

એજ અરજ,

સહાયતા

તા.૩૧/૧૨/૨૦૨૦

x.....

Regional Office

(KIR. Noma)

20/11



:: ઓકરાર ::

આથી અમો ફરીયાદી ઓકરાર કરીએ છીએ કે, ઉપર ફરીયાદમાં જણાવેલ તમામ હકિકતો મારી રેકર્ડ ઉપરની ઉતમ જાણ તથા માહિતી મુજબ સાચી અને ખરી છે.

રાજાવાવ

તા. ૩૧/૧૨/૨૦૨૦

x.....

:: સોગંદનામું ::

આથી હું નીચે સહી કરનાર શ્રીમતી કલ્પનાબેન નિલેષભાઈ પરમાર, ઉ.વ.આ.પર, ધંધો-નોકરી (પ્રાદેશીક અધિકારી પોરબંદર), રહે.બ્લોક નં.૩૮, સાંઈબાબા પાર્ક, મહાત્મા ગાંધી સ્કુલની પાછળ, રાજકોટ વાળા મારી સત્ય અને ધર્મ પ્રતિજ્ઞા ઉપબર જાહેર કરું છું કે,

૧. હું ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ પોરબંદરમાં પ્રાદેશીક અધિકારી તરીકે મારી ફરજ બજાવું છું.
૨. અમોએ આજરોજ આ કામના આરોપીઓની સામે વિગતવાર ફરીયાદ દાખલ કરેલ છે. જે અમારી ફરીયાદમાં જણાવેલ તમામ હકિકતો મારી રેકર્ડ ઉપરથી ઉતમ જાણ તથા માહિતી મુજબ સત્ય અને ખરી છે.

ઉપરોક્ત હકિકત ખરી છે જે મારા ધર્મના સોગંદ ઉપર જાહેર કરું છું.

રાજાવાવ

તા. ૩૧/૧૨/૨૦૨૦

ઓળખાણ આપનાર

(કે. કે. મકવાણા)

એડવોકેટ-પોરબંદર

મો.નં. ૮૦૮૦૨૧૪૧૫૨

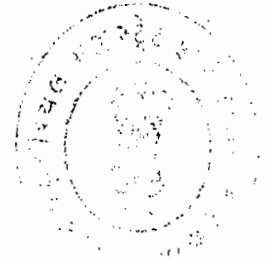
x.....

સોગંદનામું
પોરબંદર

Kalpnaaben Nilash Parmar
Rajkot
K.K. Makwana ADV

સહી

સહી

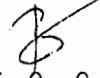


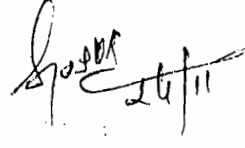
ફોજદારી કેસ નં. ૧૧/૨૦૨૧

આંક-૧ તળે હુકમ

ફરીયાદીની ફરીયાદ અરજી વંચાણે લીધી. તેઓના વ.શ્રી.ને સાંભળ્યા. આ કામ ફોજદારી કેસ તરીકે રજીસ્ટરે લેવું. ફરીયાદી તરફથી નકલ રજુ થયેથી આરોપીને મુદત તારીખ ૦૬/૦૨/૨૦૨૧ ના રોજ હાજર રહેવા સમન્સ ઇસ્યુ કરવો.

તા.૦૪/૦૧/૨૦૨૧
રાણાવાવ


(બી.વી.ગોહિલ)
જ્યુડી.મે.જી.ફ.ક
રાણાવાવ





કો.કેસ નં.૧૧/૨૦૨૧

-:આંક-૧ લગત હુકમ:-

આ કામનાં ફરીયાદી ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડની પોરબંદર ખાતેની પ્રાદેશીક કચેરીમાં પ્રાદેશીક અધિકારી તરીકે ફરજ બજાવે છે. તેઓએ હાલના આરોપીઓ સામે પર્યાવરણ (સુરક્ષા) અધિનિયમ-૧૯૮૬ હેઠળ કેન્દ્ર સરકાર દ્વારા તા.૧૪/૦૮/૨૦૦૬ નાં રોજ જાહેર કરવામાં આવેલ નોટીફિકેશન નં.એસ./ઓ ૧૫૩૩ ના ભંગ બદલ અધિનિયમની કલમ-૧૬ સાથે વાંચતા કલમ-૧૫ તથા કલમ-૧૮ મુજબના ગુન્હા અન્વયેની ફરીયાદ દાખલ કરેલ છે. આ કામની ફરીયાદ હકીકત આરોપીઓને વાંચી સંભળાવી અને સમજાવવામાં આવેલ છે તેના જવાબમાં આરોપીઓએ સ્વેચ્છાએ ગુન્હો કબુલ કરેલ છે જે નહીં માનવા કોઈ કારણ નથી તેથી આરોપીઓને સજા કરવી જોઈએ તેવું માનવું છે.

આરોપીઓએ સ્વેચ્છાએ ગુન્હો કબુલ કરેલ છે અને કોઈપણ જાતના લાલચ, દબાણ કે પ્રલોભન વગર ગુન્હાની કબુલાત કરેલ હોય આરોપીઓને આ પ્રથમ ગુન્હો છે આરોપીઓ સામાન્ય વર્ગના માણસ છે તેમજ ભવિષ્યમાં આવા પ્રકારનો ગુન્હો નહિ કરવાની ખાત્રી આપે છે. આરોપીઓએ તેઓને કાયદામાં જે દંડની સજા છે તે કરવા રજુઆત કરેલ છે તે સંજોગોમાં આરોપીઓના સામેના ગુન્હાની ગંભીરતા તેમજ કેસના સંજોગો વગેરે હકીકતો ધ્યાને લઈ આરોપીઓને માત્ર દંડની સજા કરવામાં આવે તો ન્યાયનો હેતુ જળવાઈ રહે તેમ છે જેથી નીચે મુજબ હુકમ કરવામાં આવે છે.

-:: હુકમ ::-

આ કામના આરોપી નં.૧ સંસ્થા તેમજ આરોપી નં.૩ નાઓને ક્રિમીનલ પ્રોસીયર કોડની કલમ-૨૪૮(૨) મુજબ ધી એન્વાયર્મેન્ટ પ્રોટેક્શન એક્ટની કલમ-૧૬ સાથે વાંચતા કલમ-૧૫ અને ૧૮ મુજબના ગુન્હામાં તકસીરવાન ઠરાવી દંડ રૂપિયા ૨૫,૦૦૦/- આરોપી દીઠ કરવાનો હુકમ કરવામાં આવે છે, આરોપીઓ પાસેથી કુલ રૂપિયા ૫૦,૦૦૦/- અંકે રૂપિયા પચાસ હજાર પુરા દંડ વસુલ કરવો, આરોપી નં.૩ દંડ ન ભરે તો ત્રણ માસની સાદી કેદની સજા ભોગવવાનો હુકમ કરવામાં આવે છે.



આજરોજ તા.૧૨, માહે-નવેમ્બર, સને-૨૦૨૨ ના રોજ ગુજરાત સ્ટેટ લીગલ સર્વિસ
ઓથોરીટીનો પત્ર નંબર જી.એસ.એલ.એસ.એ./૨૮૧૨/૨૦૨૨, તા.૨૯/૦૯/૨૦૨૨ માં જણાવેલ
બાબતો તેમજ નામદાર ચેરમેન શ્રી ડિસ્ટ્રીક્ટ લીગલ સર્વિસ ઓથોરીટીના ચેરમેન સાહેબના
નોટીફિકેશન/પત્ર નંબર ૫/૨૦૨૨, તા.૧૦/૦૮/૨૦૨૨ અન્વયે ખાસ સીટીંગમાં (SPECIAL SITTING)
માં આ કામ ફેસલ કરવામાં આવે છે.

તા.૧૨/૧૧/૨૦૨૨
રાણાવાવ.

(ગુલાબ ટાભાભાઈ સોલંકી)
જ્યુડીશ્યલ મેજીસ્ટ્રેટ ક્લેસ
રાણાવાવ.
Code no. GJ 01292

A.M. ના ૨૨૧-૨૨૨ તા. ૧૨-૧૧-૨૦૨૨
થી દંડની રકમ રૂ. ૨૫૦૦૦/- ૨૨-૧૧-૨૦૨૨
અંદે રા.પ્રશાંત કોડર. ૨૨૧ વરુદ લીધા

ગુલાબ ટાભાભાઈ સોલંકી

ગુલાબ ટાભાભાઈ સોલંકી



સાંચી ૨૨/૧૨

સાંચી ૨૨/૧૨

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સાંચી ૨૨/૧૨

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સાંચી ૨૨/૧૨

IN THE COURT OF PRINCIPAL JUDICIAL
MAGISTRATE FIRST CLASS, RANAVAV

Criminal Case No 11/2021

COMPLAINANT

1. Gujarat Pollution Control Board

Gandhinagar through

Gujarat Pollution Control Board

Porbandar

Smt Kalpanaben Nileshbhai Parmar

Age: 52, Occupation: Service

[Regional Officer Porbandar]

Residing at Block No 38, Saibaba Park

B/h Mahatma Gandhi School, Rajkot

V/s

1. Udaysinh M Jehwa

Lime Stone Mines,

Survey No 78/5 Area 12-14-00 hector

Village Ranavav, Taluka Ranavav

District Porbandar

2. Udaysinh M Jehwa

Village Ranavav, Taluka Ranavav

District Porbandar

3. Devabhai Karabhai Bhutia

Age: major, Occupation: Mining,

Village Lalpur road, Ranavav, Porbandar

SUB COMPALINT UNDER VIDE NOTIFICATION NO
S/O 1533 FOR VIOLATION OF SECTION 16
READ WITH SECTION 15 AND SECTION 19 OF
ENVIRONMENT [PROTECTION] ACT, 1986

We the complainant respectfully, leaves
to present our representation as follows,

1. We complainant are rendering our duty
in the office of Gujarat Pollution
Control Board at Porbandar - performing
duty as a Country Officer, Pollution
(Protection) Act - 1983 and under
section 21 of the Indian Penal Code the
present court shall be competent to
prosecute the present offence filed
against the present Accused persons
2. The Gujarat Pollution Control Board has
been constituted by the State
Government under Clause-4 of the Water
Act-1974 functioning independently.
The head office of the board is
situated at Prakash Bhawan, Sector
No.101 Gandhinagar.
3. We are authorized to file a complaint
vide Government of India Notification

No.S/O-394(E) under Section-1986 of the Empowerment Protection Act. We are authorized officers. A copy of said Notification dated 16/04/1987 S/O-394(E) is enclosed herewith.

4. Our complaint is against the authorized / responsible persons of the company mentioned in the complaint to initiate criminal proceedings for violating the EIA notification of the Government of India.
- 5 The accused in this work are not Private Limited (Lime Stone Mines) A firm which manufactures boxside is a unit of this industry, located in the jurisdiction of Ranavav Court.
6. Since the accused are operating as a unit of the firm, the unit is conducting day-to-day operations so that individual as well as collective action can be taken against the firm.
7. Under Section-16 of the Environment Protection Act-1980, the accused

persons are individually and collectively liable for violation of the provisions of Notification No.S/O-1533, dated 14/09 2006 of the Ministry of Environment and Forests, Government of India.

8. The accused in this case produced annually the following without obtaining E.C. Certificate

Sr. No.	Year	Production Metric Ton
1	2006-2007	12522.84513
2	2007-2008	13012.1
3	2008-2009	8340.092
4	2009-2010	3131.23
5	2010-2011	60
6	2011-2012	0
7	2012-2013	0
8	2013-2014	0
9	2014-2015	20540
10	2015-2016	5600
11	2016-2017	84350
12	2017-2018	194560
13	2018-2019	126000

14	2019-2020	91133.92
	Total	5592500.713
	Production	

Accused License Mine Lease Renewal E.C.
(Environment Clearance) Environment
Protection Act No. 1986 and EIA Despite
violation of Notification-1994, you
have produced illegally.

Accused of this work get the product as
above. It included the year wise DA
list which was given by the accused
company to Geologist, Porbandar which
was obtained by Geologist who
maintained this work.

9. Violation of inspection report dated
1487 2020 verified by Gujarat Pollution
Control Board Regional Office No.S-1533
of 2020 as per Section-15 and 19 read
with Section-16 of Environment
Protection Act-1986 so there is a
request to issue summons against the
accused and take legal action.

10. All the documents mentioned in the
complaint and in the possession of the

board have been enclosed with the list of document.

11. Pleased to issue process and/or summones against Accused No.1 Entity and other accused.

12. Our witnesses of the complainant are as under.

1. We complainant ourselves

2. P.S. Ratogi, Director, Environment Bhawan, New Delhi

3. M.V.Patel, Environment Engineer, Gandhinagar

4. Geologist, Porbandar

In case of required, we would give further evidence to produce documentary evidence and copies to be paid to the accused person and to produce requisite process stamp

Ranavav
31/12/2020

AFFIRMATION

We complainant are stating and submitting that, the facts stated and submitted hereinabove are true and correct.

Ranavav
31/12/2020

AFFIDAVIT

Therefore, I, the undersigned Mrs. Kalpanaben Nilesbhair Parmar, Age: 52 years, Occupation: Service (Regional Officer Porbandar), Residing at Block No.38, Saibaba Park, Behind Mahatma Gandhi School, Rajkot declare my truth and religion that,

1. I am doing my duty as Regional Officer in Gujarat Pollution Control Board Porbandar.
2. We had today filed a detailed complaint against the accused in this case. All the facts stated in our complaint are true and correct to the best of my knowledge and information on record.

The above fact is true which I declare under the oath of my religion.

Ranavav
31/12/2020

.

Identified by

[K.K.Makwana]
Advocate-Porbandar
Mobile No 8780214152

Criminal Case No 11/2021

ORDER PASSED BELOW EXHIBIT: 1

Compliant is taken into consideration and heard advocate this matter shall be taken into register and on production of copy, summons be issued upon accused person on fixed date 06/02/2021

04/01/2021 [B.V.Gohil]
Ranavav Judicial Magistrate First Class
Ranavav

Criminal Case No 11/2021

ORDER PASSED BELOW EXHIBIT: 1

The complainant of this work is working as a Regional Officer in the Regional Office of Gujarat Pollution Control Board at Porbandar. They have issued notification for violation of this 1533, a complaint has been filed under Section-15 and Section-19 read with Section-16 of the Act. The name of the village, the accused has admitted the crime, which there is no reason to deny, I assume that he should be punished.

Accused have voluntarily confessed to the crime and without any inducement, pressure or greed these are the first offenses of the accused. In the circumstances that the accused have requested to be punished which is prescribed in the law in the circumstances the seriousness in front of the accused person the circumstances

// O R D E R //

Accused No. 1 Organization and Accused No. 2 shall under section 248[2] of the

Criminal Procedure Code and under section-16 section-15 and section-19 of the Environment Protection Act, a fine of Rs. 25,000/- per accused as fine and to recover a sum of Rs. 50,000/- from accused persons failing which if accused person no.2 to undergo simple imprisonment for three months if he does not pay the fine.

Sd/-

Today on 12th November, 2022 Gujarat State Legal Service authorities letter no GSLSA/2812/2022 dated 29/09/2022 with the facts stated and Chairman Shri District Legal Service Authority Chairman Sahib's notification letter no 5/2022 dated 10/08/2022 in special sitting this matter is disposed of.

12/11/2022 [Gulab Tabhabhai Solanki]
 Ranavav Judicial Magistrate First Class
 Ranavav Code No GJ-01292

Date 12/11/2012
 Penalty Amount Rs. 25,000/- x 2 = 50,000/-
 In words Rupees Fifty thousand charged

Nazir

Annex-R-XXII

Minutes of 41th meeting of Expert Appraisal Committee for the proposal involving violation of EIA Notification, 2006 held on 15th January, 2021

Following members were present in the meeting:

- (i) Dr. Satish R Wate -Chairman
- (ii) Dr. G.V. Subrahmanyam -Member
- (iii) Dr. A.L. Ramanathan -Member
- (iv) Shri K Gowarappan -Member
- (v) Dr. Dilip S. Ramteke -Member
- (vi) Dr. Poonam Kumria -Member
- (vii) Dr. Bharat Jain -Member
- (viii) Dr. Subrata Maity -Member
- (ix) Shri Ashok Agrawal -Member
- (x) Shri Anil Kumar Jha -Member
- (xi) Shri Amardeep Raju -Member Secretary

Dr. Ramana Murthy could not join the meeting

Day 1: 15th January, 2021

Time: 11.00 AM to 05.30 PM

41.1. Opening remarks of the Chairman

41.2. Confirmation of the minutes of the 40th meeting held on 31st December, 2020 at Indira Paryavaran Bhawan, JorBagh Road, New Delhi

EAC noted that after uploading of Minutes, Project Proponent informed that some of the entries related to basic parameters against the item 40.3.1 have been mentioned from the details earlier submitted by them to the Ministry.

EAC after detailed deliberation confirmed the earlier minutes of the meeting with following correction against item 40.3.1:

40.3.1. Enhancement of iron ore production from 3.0 MTPA to 6.0 MTPA at Daitri Iron Mine (ML Area 1018.3085 Ha) at Keonjhar and Jaipur District, Odisha by M/s The Odisha Mining Corporation Ltd. - Environmental Clearance Proposal No. IA/OR/MIN/186262/2018 and File No. 23-236/2018-IA.III (V)

7. Employment generated/ to be generated :- 1250

8. Benefits of the project

Environmental

- Mine workings will not intersect ground water.
- Progressive afforestation of mined out area will be carried out.
- Air quality, water quality and noise levels will not change by any appreciable margin. Thus public health is unlikely to be affected by the proposed project.

Social

- No private land acquisition is required for the expansion.
- OMC is committed towards welfare activities of surrounding areas through peripheral development activities and CSR activities.
- The proposed expansion project will help to improve the human development index.
- Strong employment generation potential: Project will directly employ about 1250 people & substantial number of indirect jobs benefitting mostly the local people will also be generated.
- The project will provide a fillip and impetus to the agriculture sector, physical infrastructures like roads, railways, electricity generation, and distribution along with the social infrastructures like education, health sector, water supply and training etc. among the other things.

Economic Benefits:

- Revenue to state exchequer and to meet the rising demand of iron ore in Iron & Steel industries.
- The Project is proposed to invest in Odisha ~Rs. 19878.135 lakhs which will boost the revenue of the state.

13. No. and Date of the EC and the revised EC letter issued by the MoEF (if this is a case for reconsideration. If so, what specific reconsideration(s) being sought by the proponent)
32nd MoM of EAC (Violation) dated 23.04.2020; Information sought

14. If the project was considered in EAC, Pl. give dates of the meeting(s).

13th Meeting of EAC (Violation) dated 18.09.2018 – Consideration of ToR

32nd Meeting of EAC (Violation) dated 23.04.2020 – Consideration of EC

18. Date of approval of mine plan, mine closure plan, status & date

Review of Mining Plan (RMP) with Progressive Mine Closure Plan (PMCP) has been approved by Indian Bureau of Mines for an area of 1018.3085 ha vide letter no. RMP/A/46-ORI/BHU/2019-20/2353 dated 21.02.2020.

[Final Mine Closure Plan (FMCP) for surrendered area (794.6815 ha) was approved by IBM vide letter no. 314(3)/2012-MCCM (CZ)/FMCP-6/453 dated 15.03.2013.]

22. Date of mine closure approval :- Not Applicable

Progressive Mine Closure Plan (PMCP) has been approved by Indian Bureau of Mines for an area of 1018.3085 ha vide letter no. RMP/A/46-ORI/BHU/2019-20/2353 dated 21.02.2020.

25. Geological Reserve:

- (i) Total geological reserve: 168.668 Million Tonnes (as on 31.08.2019)
- (ii) Mineable reserve: 86.16 Million Tonnes (as on 31.08.2019)
- (iii) Extractable reserve: 86.16 Million Tonnes (as on 31.08.2019)
- (iv) Per cent (%) of extraction: 100 %
- (v) Range of ground water level: > 130 m bgl
- (vi) Total estimated water requirement: Average water consumption for domestic and industrial use are 750 m³/day and 198 m³/day respectively
- (vii) Details of intersecting ground water level: The mine working will not intersect ground water table.

26 Details of Deposits :

- (i) Depth of ore body :284 m (max.)
- (ii) Grade of ore :Average : 60.56% Fe
- (iii) Stripping ratio: 1 tonne (ore) : 1.72 m³ (waste)

28 Life of mine: 29 years

29 Whether ambient air quality seasonal data has been monitored. If so, from which season to which season and whether the results are within the prescribed limits. Yes, Winter 2018-19 (Dec. - Jan. - Feb.)

31 Details of O.B.

- (i) External OB dumps :Proposed
- (ii) No. of OB dumps :2 nos. [WD1 and WD2]
- (iii) Area of each dump: [WD1 - 79.87 ha, WD2 - 84.89 ha]
- (iv) Height of each dump :160 m (16 lifts of 10m each) [against hill slope]
- (v) Quantity (in MCm) of OB in each dump [Mcum] :[WD1 - 25.53 Mm³, WD2 - 26.60 Mm³]
- (vi) Year of back filling :From 2035 - till end of work
- (vii) No. of OB dumps reclaimed :Not Applicable.
- (viii) If garland drains and settlement facility for runoff created :Toe walls and garland drains have been provided for the dumps to control surface run-off.

(ix) Whether runoff water being utilized :-

34. Details of final Mine Voids

- (i) Area :166.6 ha
(ii) Depth :510m AMSL; 40m (below adj. ground level)

35 Details of Quarry:

- (i) Total quarry area :240 ha [Conceptual stage]
(ii) Backfilled quarry area of ha shall be reclaimed with plantation : 74.3 ha [Conceptual stage]
(iii) A void of ha at a depth of m which is proposed to be converted into a water body :Nil
(iv) Green belt created in ha. :458.98 ha (Total plantation area, including post mining stage)

36. Details of Land usage :- LANDUSE DETAILS

(i) Pre-mining

S. No.	Land use	Within ML area (ha)	Outside ML area (ha)	Total
1.	Agriculture land	0.0000	0.0000	0.0000
2.	Forest Land	846.3995	376.4787	1222.8782
3.	Wasteland	171.6370	0.0000	171.6370
4.	Grazing Land	0.0000	0.0000	0.0000
5.	Surface Water Bodies	0.0000	0.0000	0.0000
6.	Settlements	0.0000	0.0000	0.0000
7.	Other (specify) <i>Tenanted unauthorized occupied land</i>	0.2720	0.0000	0.2720
	Total	1018.3085	376.4787	1394.7872

(ii) Post- Mining

Sl.	Description	Land use

		Plantation	Water Body	Public use	Undisturbed area	Total
1.	Excavated area *	240.0000	-	-	-	240.0000
2.	Waste Dump	164.7600	-	-	-	164.7600
3.	Mineral storage / sub grade dump	35.7000	-	-	-	35.7000
4.	Infrastructure	-	-	2.3700	-	2.3700
5.	Road	-	-	40.5600	-	40.5600
6.	Mineral processing plant	5.2500	-	-	-	5.2500
7.	Statutory barrier	13.2770	-	-	-	13.2770
8.	Others	-	-	-	516.3915	516.3915
	Total	458.9870	0.0000	42.9300	516.3915	1018.3085
<i>Source: Approved RMP & PMCP [Table – 2.25]; * 73.4 ha will be backfilled.</i>						

(iii) Core area

Particulars	Existing Land use *	Landuse at the end of Plan period (i.e. 31.03.2025)	Conceptual Landuse
Mining	67.1300	104.0800	240.0000
Waste Dumping	Nil	42.8500	164.7600
Mineral Storage	12.6400	35.7000	35.7000
Infrastructure (Office, magazine, pumping station, parking plaza etc.)	5.5000	9.7600	2.3700
Road	8.9700	27.8000	40.5600
Mineral Processing Plant	1.3600	4.7400	5.2500
Mineral Reject Storage	Nil	Nil	Nil
Sub Total	95.6000	224.9300	488.6400
Statutory Barrier	13.2770	13.2770	13.2770
Others	909.4315	780.1015	516.3915
Total	1018.3085	1018.3085	1018.3085

Source: Approved RMP & PMCP [as on 31.03.2020]*

39 Details of transportation of mineral

(i) **In pit:** Blasted material will be loaded into 35 - 60t capacity dumpers using 1.5 - 4.5 m³ capacity excavators and will be transported to the existing 150 tph & 230 tph crushing & screening plants, 800 tph OHP and proposed 1000 tph crushing & screening plants.

(ii) **Surface to siding:** From Ore Handling Plant (OHP) to the stock pile at Baliparbat through conveyor belt and sized ore from Baliparbat will be dispatched by rail.

(iii) Siding to loading: Finished ore of CLO (10-40mm) & fines (-10mm) produced through OHP & converged at Baliparbat Stock yard through the belt conveyor shall also be loaded by loaders of 0.91 – 1.5 cu.m capacity & transported through 16 - 25 t tippers to railway siding for wagon loading. Direct loading onto buyer's trucks shall be done at Baliparbat stock yard for outbound sales.

(iv) Quantity being transported by Road/Rail/conveyer /ropeway :6 MTPA

(v) Proposed change in transportation means if any, give details. :Additional Conveyor corridor upto Daitari Railway siding is envisaged as part of expansion project.

40 Details of reclamation:

a. Afforestation shall be done covering an area of: ha at the end of mining.

This will include: 458.987 ha

(i) Reclaimed external OB dump (in ha) : 164.760 ha

(ii) internal dump (in ha) :73.4 ha (Backfilled area)

(iii) Green belt (in ha) : 13.277 ha (Statutory Barrier)

(iv) Density of tree plantation (in no of plants) :1600 nos./ha

(v) Void (in ha) at a depth of (in m) which is proposed to be converted into water body :166.6 ha; 40m (from adj. GL)

(vi) Others in ha (such as excavation area along ML boundary, along roads and infrastructure, embankment area and in township located outside the lease etc).

(vii) Agriculture and horticulture: Nil

(viii) Fisheries: Nil

(ix) ECO Tourist/recreation spot: Nil

43. Give details of actual production vis-à-vis sanctioned capacity since the inception of mine in following format since 1993-94 :

Year	EC sanctioned Capacity (in Million tonnes/ year)	Actual production (in Million tonnes/ year)	Excess production beyond EC sanctioned capacity	Year	EC sanctioned Capacity (in Million tonnes/ year)	Actual production (in Million tonnes/ year)	Excess production beyond EC sanctioned capacity
1993-	202835	202825	0	2010-11	3000000	787799.820	Nil
1994-	202835	410257	207422	2011-12	3000000	1988975.425	Nil
1995-	202835	230985	28150	2012-13	3000000	703440.0	Nil
1996-	202835	258878	56043	2013-14	3000000	351589.830	Nil
1997-	202835	115054	Nil	2014-15	3000000	1801704.100	Nil

1998-	202835	296766	93931	2015-16	3000000	2999635.000	Nil
1999-	202835	300747	97912	2016-17	3000000	2824235.000	Nil
2000-	202835	283155	80320	2017-18	3000000	3000000.000	Nil
2001-	202835	667891.200	465056.2	2018-19	3000000	2986714.000	Nil
2002-03	202835	861073.870	658238.9	2019-20	3000000	2806652.000	Nil
2003-04	202835	896980	694145	2020-21	3000000	1843000.000	Nil
2004-	202835	1101048.72	898213.7	* (upto Oct.2020 only)			
2005-	202835	1343234.58	1140400				
2006-	202835	1917962.63	1715128				
2007-	202835	736548.111	533713.1				
2008-	202835	1593553.46	1390718				
2009-	202835	1652347.54	1449513				

48 Name of the EIA consultant who prepared the EIA/EMP report. :MECON Limited (A Govt. of India Enterprise), Ranchi – 834002

49 Whether the consultant has been accredited by the QCI and NABET as per the MoEF OM dated 2nd December, 2009. Yes; Sr. No. 45 in the "List of ACOs with their Certificate / Extension Letter no. Rev. 4, Nov 10, 2020.

50 Name of other specialists/consultants involved in making EIA report in collecting data. EC: Shri-Palash Banerjee; FAEs: Dr. M.K.Mukhopadhyay, Dr. S.K.Singh, Dr. S.Bhattacharya, Shri S Adak, Dr. Sumana Chakraborty, Dr. Ashok Kumar, Shri A.K.Mishra, Shri V. Skaria, Shri Anand Bhardwaj, Shri Sunny Budhraj, Dr. Piyal Das.

41.3 Consideration of proposals

41.3.1. Limestone Mining Project with lease area of 12.14 Ha. at Survey No. 78/5 (Govt. Waste Land) and production capacity of 1, 25,025 TPA (ROM) TPA. Near village Ranavav, Taluka Porbandar District Porbandar (Gujarat) by M/s Shri Udaysinh M. Jethwa - Further consideration for Environmental Clearance Proposal No. IA/GJ/MIN/64678/2017 and File No. 23-165/2018-IA.III (V)

The project proponent and the accredited consultant M/s. Furgo Environmental & Engineering Services Ltd., Jaipur, made a detailed presentation on the salient features of the project and informed that:

1. This is an existing project of limestone mining of UdaySinh M. Jethwa having Survey No.78/5/P with proposed production capacity 1, 25,025 TPA (ROM) located at Village-Ranavav, Tehsil - Ranavav, District-Porbandar, State-Gujarat.The mine lease

was sanctioned in favor of UdaySinh M. Jethwa for mineral Limestone at near village - Ranavav, Taluka - Ranavav & District-Porbandar, vide order no. MCR-1572(J-39)5706-CHH dated 23.09.1974 for a period of 20 years. Application for 1st lease renewal was submitted in Form-J of MCR, 1960 on dated 02/08/1994 for a period of 20 year i.e upto 09/02/2015. Application for 2nd lease renewal was submitted in Form-J of MCR, 1960 on dated 03/02/2014 for a period of 20 year i.e upto 09/02/2035. As per section 8 (A) (6) of the Mines & Minerals (Development and Regulation) amendment ordinance act, 2015, lease validity is extended for 50 year i.e. from 10/02/1975 - 17/02/2025.

Salient features of the Project:

2. If a Joint venture, the names & addresses of the JV partners including theirshare:
NA
3. Latitude and Longitude of theproject

S.No	Pillar	Latitude	Longitude
1	BP 1	21°41'38.93"	69°45'31.97"
2	BP 2	21°41'47.30"	69°45'35.10"
3	BP 3	21°41'54.41"	69°45'37.75"
4	BP 4	21°41'54.44"	69°45'42.91"
5	BP 5	21°41'50.80"	69°45'40.48"
6	BP 6	21°41'46.92"	69°45'40.66"
7	BP 7	21°41'48.88"	69°45'43.51"
8	BP 8	21°41'58.44"	69°45'48.28"
9	BP 9	21°41'58.78"	69°45'50.09"
10	BP 10	21°41'49.06"	69°45'50.48"
11	BP 11	21°41'48.78"	69°45'44.57"
12	BP 12	21°41'46.27"	69°45'40.98"
13	BP 13	21°41'45.74"	69°45'40.60"
14	BP 14	21°41'37.66"	69°45'38.73"

4. Whether the project is in the Critically Polluted Area(CPA): No

5. Cost of the project: 25.00 Lac
6. Employment generated/to be generated: Total manpower requirement during the mining activity is estimated to be about 18
7. Benefits of the project: The project activity and the management will provide assistance for the development of public amenities in the region. The mine management will recruit semi-skilled & unskilled eligible workers from the nearby villages. The management will contribute to the needs of the local schools, dispensaries for the welfare of the villagers. The overall effect will be improved by power of employees and thus a higher standard of living viz. better education, improved health and sanitation facilities and housing.
8. Whether new or expansion project. If expansion: New project
9. If for expansion, whether the application is under 7(ii) of the EIA Notification, 2006.: NA
10. No. and Date of the ToR /and revised ToR, if any, letter issued by the MoEF (if this is a case for EC)- Yes (No.23-165/2018-IA.III(V) and date of the grant of ToR: 07/06/2019)
11. No. and Date of the EC and the revised EC letter issued by the MoEF (if this is a case for reconsideration. If so, what specific reconsideration(s) being sought by the proponent)- No (it is a Fresh Proposal)
12. If the project was considered in EAC, Pl. give dates of the meeting(s). Earlier the said limestone mining project was considered in 15th EAC meeting (violation category) on dated 27th November, 2018.
13. type of Mine: (Opencast/Underground/mixed): Open Cast
14. Capacity of the mine applied for: 1,25,025 TPA (ROM)
15. ML Area: 12.14 ha.
16. As per block allotment: 12.14 ha.
17. As per approved mine plan: 12.14 ha.
18. Date of approval of mine plan, mine closure plan, status & date: 24.01.2018.
19. Date of Ground water clearance and surface water approval - Water demand will be met available by borewell present at the mine site. Applications for the grant of CGWA NOC has been filed vide no. 21-4/4689/GJ/ MIN/ 2018 on dated 28/12/2018 for 5.00 Kld abstraction of ground water. However an exemption letter was issued to us by CGWA.

20. Existing Ground water level in (M) – Pre-Monsoon: 22 m bgl
21. Post-Monsoon: 20 m bgl
22. Date of mine closure approval: 22/11/2019
23. Any river/Nallah flowing near or adjacent to the proposed mine. If yes, please give details.
- ❖ Khambhala Talav (~3.8 km towards NNW direction from mine lease area).
 - ❖ Dhangva River (~5.82 km towards North-East direction from mine lease area).
 - ❖ Arabian Sea Creek (~5.50 km towards SSW direction from mine lease area).
 - ❖ Dobaliya Talav (~8.00 km towards West direction from mine lease area).
 - ❖ Ghodhara Talav (~9.20 km towards North of North-West direction from mine lease area).
 - ❖ One seasonal Nallah is passing through the mine lease area in East direction of mine lease.
24. Details of mine lease:-

1. Date of entering into original lease deed: 10/2/1975	1. Date of 1 st lease renewal: 02/08/1994	1. Date of 2 nd lease renewal: 17/2/2014	1. Date of 3 rd lease renewal: 02/02/2018
2. Date of expiry of original leased deed 09/02/1995	2. Whether renewal or deemed renewal: Renewal	2. Whether renewal or deemed renewal: Renewal	2. Whether renewal or deemed renewal: deemed Renewal
	3. Date of expiry of 1 st lease renewal: 09/02/2015	3. Date of expiry of 2 nd lease renewal: 09/2/2035	3. valid till: 17/02/2025

TECHNICAL DETAILS

Geological Reserve:

- a. Total geological reserve: 10,27,625 MT
- b. Mineable reserve: 7,18,625 MT
- c. Extractable reserve: 1,25,025 TPA (ROM)
- d. Per cent (%) of extraction: 69.93 %
- e. Range of ground water level: Pre-monsoon: 22 m bgl, Post-monsoon- 20 m bgl
- f. Total estimated water requirement: 5 KLD
- g. Details of intersecting ground water level- No any intersection of ground water table will be done by the Mining activity as mining activity will be carried out up to 6 m bgl till the end of life of mine and water table is 20-22 mbgl.

25. Details of Deposits:

Depth of overbody: NA

Grade of ore: 1:0

Stripping ratio: 1:0

26. Method of mining: Opencast Semi-mechanized

27. Life of mine: 6 Year as per the approved mining plan.

28. Whether ambient air quality seasonal data has been monitored. If so, from which season to which season and whether the results are within the prescribed limits.: Yes, (From Dec, 2018-February, 2019) and the results for PM₁₀, PM_{2.5}, SO₂, NO_x and CO at ambient air quality monitoring locations and are within the CPCB prescribed limits.

29. Whether the monitoring report of earlier EC from MoEF Regional Office has been obtained, in case the proposal is for expansion- Not Applicable for the said mining project.

30. Details of O.B.

a. External OB dumps: Nil

b. No. of OB dumps: Nil (recovery of mineral limestone is 100 %)

c. Area of each dump: Nil

d. Height of each dump: Nil

e. Quantity (in MCm) of OB in each dump: Nil

f. Year of backfilling: Nil

g. No. of OB dumps reclaimed: Nil

h. If garland drains and settlement facility for runoff created: NA

i. Whether runoff water being utilized: --

31. Details of Internal Dumps

a. Number of internal dumps: Nil

b. Area of each dump: Nil

c. Height of each dump: Nil

d. Quantity of wastes filled (MCm): Nil

32. Utilization potential of wastes

a. Within the mines: NA

b. Outside the mines: NA

c. Efforts made by proponent: NA

33. Details of final Mine Voids

a. Area: 5.86 ha. (58,600 sq.mtr)

b. Depth: 6 m from the lowest surface level.

34. Details of Quarry:

- a. Total quarry area: 12.14 ha
- b. Backfilled quarry area of .ha. shall be reclaimed withplantation: No backfilling proposed
- c. A void of 5.86ha at an depth of 6.00 m which is proposed to be converted into a water body.
- d. Green belt to be created in4.00 ha.

35. Details of Landusage

(i)Pre-Mining

S.No.	Land Use	Within ML Area (Ha.)	Outside ML Area (Ha.)	Total (in ha.)
1.	Agriculture Land	--	--	--
2.	Forest Land	--	--	--
3.	Waste Land	12.14	--	12.14
4.	Grazing Land	--	--	--
5.	Surface water bodies	--	--	--
6.	Settlements	--	--	--
7.	Other(Specify)	--	--	--

(ii) Post-Mining

S.No.	Land Use during Mining	Land Use (Ha.)				
		Plantation	Water Body	Public use	Undisturbed	Total (Ha.)
1.	External OB Dump	--	--	--	--	--
2.	Top Soil Dump	--	--	--	--	--
3.	Excavation	--	5.86	--	--	5.86
4.	Roads	--	--	0.29	--	0.29
5.	Built up area	--	--	0.06	--	0.06
6.	Green Belt	4.00	--	--	--	4.00
7.	Undisturbed area	--	--	--	1.93	1.93
	Total	4.00	5.86	0.35	1.93	12.14

III. Core area: 5.86 ha. (Water reservoir), 4.00 ha (Green Beltarea), 1.93 ha (Undisturbed area)

36. Details of Forest issues: Non-Forest land

- a. Total forest area involved (in ha.) for mining lease.: No forest area

involved

- b. Total broken forest area.: NA
- c. Status of Forest Clearance and extend of forest land diverted inha.: NA
- d. Is there any National Park, eco-sensitive Zones, within 10 km radius? If so, give the details.: Yes , ESZ of Barda Wildlife Sanctuary. e (~0.224 km towards North-East direction from minelease area.).
- e. Extent of forest land in the project (including safety zone and all types of forest land) (inha): NA
- f. Details of wild life issues involved, if any. If so, whether WL management plan has been prepared; pl. indicate the status.: Yes, Schedule -I faunal species are present within 10 km radius of the study area as per the direct evidence during field survey /as per authentic list of Flora and Fauna issued by Forest dept., Porbandar and it is approved by Chief Wild Life Warden, Gandhinagar, Gujarat.
- g. Whether schedule -I species, if yes conservation plan is approved by CWLW? Yes, and conservation plan is approved by DCF, Porbandar.

37. Costs of the project:

- e. Total capital Cost: 25.00 Lac
- f. Cost of Production: 202.75 per metric ton
- g. Sale Price: Rs 250.00 per metric ton
- h. CER cost: 2.80 Lac per annum
- i. R&R Cost: NA
- j. No of PAFs: NA
- k. Cost for implementing EMP: 12.227 Lac per annum

38. Details of villages/habitation in mine lease area

- l. Inside the lease: NA
- m. Surrender by lease: NA
- n. Extent of cropland acquired/ being acquired in ha.: No

39. Details of transportation of mineral

- o. In pit: Tipper & Trucks
- p. Surface to siding: Trucks
- q. Siding to loading: Tipper & Trucks
- r. Quantity being transported by Road/Rail/conveyer /ropeway: 454 TPD mineral limestone will be transported by roadways to Ultratech cement plant, Rajula, GHCL, Sutrapada and Reliance industries, Hazira.
- s. Proposed change in transportation means if any, give details: No change in transportation means.

40. Details of reclamation:

- t. Afforestation shall be done covering an area of 4.00 hectare at the end of life of mine. This will include:
- i. Reclaimed external OB dump (in ha) : Nil

- ii. internal dump (in ha): Nil
- iii. Green belt (in ha.): Total 4.00 ha area will be developed as green belt upto the end of life of mine.
- iv. Density of tree plantation (in no of plants) 1500 trees per ha.
- v. Void (5.86 ha) at a depth of (6 m)which is proposed to be converted into water body.
- vi. Others in ha (such as excavation area along ML boundary, along roads and infrastructure, embankment area and in township located outside the lease etc).:--
- vii. Agriculture and horticulture: --
- viii. Fisheries: Nil
- ix. ECO Tourist/recreation spot: --

41. Any court case pending. If so, please provide a list with details as an annexure.

(i). Environment (Protection) Act- No

(ii). Air (P&CP) Act- No

(iii). Water (P&CP) Act No

(iv). MMRD Act- No

(v) The Factories Act- No

(vi) Other land R&R related cases- No

42. Any violation cases pending. If so, please provide a list with details as annexure: No

43. Give details of actual production vis-à-vis sanctioned capacity since the inception of mine in following format or since 1993-94 as applicable:

Year	EC sanctioned capacity (MTPA)	Actual production (MTPA)	Excess production beyond the EC sanctioned capacity
1993-1994	--	--	--
1994-1995	--	50.00	50.00
1995-1996	--	40.00	40.00
1996-1997	--	40.00	40.00
1997-1998	--	238.935	238.935
1998-1999	--	46661.200	46661.200

1999-2000	--	12695.600	12695.600
2000-01	--	9044.800	9044.800
2001-02	--	54843.305	54843.305
2002-03	--	17031.915	17031.915
2003-04	--	16664.130	16664.130
2004-05	--	16575.495	16575.495
2005-06	--	8696.445	8696.445
2006-07	--	12522.845	12522.845
2007-08	--	13012.100	13012.100
2008-09	--	8340.092	8340.092
2009-10	--	3090.03	3090.03
2010-11	--	60.00	60.00
2011-12	--	0.00	0.00
2012-13	--	0.00	0.00
2013-14	--	0.00	0.00
2014-15	--	20540.00	20540.00
2015-16	--	5600	5600
2016-17	--	84350.00	84350.00
2017-18	--	199560.00	199560.00
2018-19	--	41000.00	41000.00

44. **PUBLIC HEARING:** Date and Place of public hearing: 07/01/2020 and Place of public hearing is at Mine site(Survey No.78/5/P), Near village & Tehsil-Ranavav, Porbandar (Gujarat). The designation of officer presided our the PH: District collector and District magistrate, Porbandar.

45. **Consultant:**

Name of the EIA consultant who prepared the EIA/EMP report. Fulgro Environmental & Engineering Services India Pvt. Ltd., accredited by the QCI and NABET as per the MoEF OM dated 2nd December, 2009.: Yes

Observation and recommendation of the EAC in the 36th EAC meeting held on 21st -22nd September, 2020:

Project proponent along with the consultant made the detailed presentation before the EAC on the project proposal. After detailed presentation by the PP, EAC observed that Barda Wildlife Sanctuary (~1.771 km towards NNW direction from mine lease area) and ESZ is at the distance of ~0.224 km towards North-East direction from mine lease area. Method of mining for the limestone mine is open cast semi-mechanized (No drilling and blasting involved). No forest land is involved. EAC after detailed deliberation on the information submitted by the PP (Form 2, EIA/EMP report, PH details, kml file etc) and as presented, deferred the project for want of following information:

1. Certificate from the Chief Wildlife warden regarding exact distance of Barda Wildlife Sanctuary and ESZ from the project site with respect to satellite imagery.
2. Safety measures for Nallah falling in the project area and restoration plan for Nallah.
3. Approved Mining plan to be submitted
4. Total project cost shall be revised with proper justification.
5. Damage assessment cost shall be revised for all the environmental attributes as suggested by the committee, accordingly RP, NRA and CRA shall be prepared.
6. Status of Credible action.
7. Pre mining and post mining land use plan shall be revised and submitted.
8. Protective measures for the state highway passing thru the area.
9. As mine lease is allotted prior to 1993 therefore production details authenticated by the mining department, prior to 1994-95 shall be submitted.
10. Greenbelt Development & Ecology Restoration programme with Budgetary provisions (for the 1st two years) to mitigate the Predicted impacts.

Observation and recommendation of the EAC in the 41st meeting (present) held on 15.01.2021

Above information as sought by the EAC in the 36th meeting was submitted to the Ministry on 26.12.2020, accordingly proposal was taken to the EAC for deliberation in the 41st meeting held on 15.01.2021. Project Proponent made the detailed presentation on the additional information. After detailed presentation by the PP, EAC observed that PP has submitted the Certificate from Office of Deputy Conservator of Forests, Porbander Forest Division, Porbandar issued vide letter no. C/JMN/T.7/28/2020-21 dated 26/05/2020 stating the distance of Barda Wild Life Sanctuary

and ESZ of Barda Wild Life Sanctuary. EAC noted that mine lease area is located outside the Barda Wild Life Sanctuary and its ESZ. Further, no forest land is involved in the mining lease area.

EAC after detailed deliberation suggested corrections in the damage assessment and advised the Project Proponent (PP) to submit the revised details to the EAC through email before finalization of minutes. Accordingly, PP vide email dated 18.01.2021 submitted the revised details to the EAC.

The EAC after detailed deliberation on the information submitted by the PP (EIA/EMP report, PH issues, Compliance report, Form 2, Additional information, Annexures etc), recommended the proposal for grant of Environmental Clearance to the Limestone Mining Project with lease area of 12.14 Ha. at Survey No. 78/5 (Govt. Waste Land) and production capacity of 1, 25,025 TPA (ROM) TPA. Near village Ranavav, Taluka Porbandar District Porbandar (Gujarat), subject to the compliance of following Specific conditions in addition to all Standard conditions applicable for such projects:

- i. EAC recommended for an amount of Rs 79.62 lakh towards Remediation plan and Natural and Community Resource Augmentation plan to be spent within a span of three years. The details of Remediation plan, Natural resource Augmentation plan and Community Resource Augmentation plan with budgetary provision are mention below:

Remediation Plan & Budgetary Provision

Sr. No.	Environmental component	Activities Proposed	Budgetary provision			Total (in lakhs)
			1 st Year	2 nd Year	3 rd Year	
1.	Air Environment a) Ambient Air b) Air Pollution	- Dust Suppression and water sprinkling. - Provision of Barricades - Thick plantation along both sides of village roads in three villages namely Bordi, Amardad and Ranavav, Tehsil: Ranavav, District: Porbandar, Gujarat.	5.00	4.50	3.50	13.00

2	Noise Environment	Supply of personnel projective equipment's	0.35	--	--	0.35
3	Water Environment	• Rain water harvesting structure in the exhausted pits for groundwater recharge • Rain water harvesting structure	6.15	4.10	--	10.25
4	Land Environment	Leachate proof storage facility for chemicals and solvents	0.25	0.25	--	0.50
5	Ecology	Plantation in 2 villages, both sides of nallah, additional plantation in mine lease area.	15	15	--	30.00
6	Solid and hazardous waste	• Provision of coloured bins. • Transportation of solid waste to disposal site	1.50	1.00	0.50	3.00
7	Socio-economic	First aid kit and health check up	0.50	0.25	0.25	1.00
8	Energy consumption	Installation of solar panels within lease area (10 kva)	1.00	--	--	1.00
		TOTAL	29.75	25.10	4.25	59.10

Natural Resource Augmentation Plan alongwith budgetary provision

Sr. No.	Activities Proposed	Year wise Implementation and Budgetary provision in Rs.			Total cost (Rs.)
		1st year	2nd year	3rd year	
1	Provision of drinking water facilities through hand pumps per year in the nearby villages, Ranavav, Amardad, Bhod, Bordi @ Rs. 25,000 per hand pump to a	1,00,000	1,00,000	50,000	2,50,000

	depth of 25 meter at 10 places (schools, mandir, within villages or after consultation of local authority.				
2	Providing solar street lights comprising of MS pole, solar panel, LED lamps, battery wiring etc. for 2 villages each year, 10 street lights per village with complete set up @ Rs. 200000	0	2,00,000	2,00,000	4,00,000
3	Construction of check dam on the nallah (40' ft × 1ft × 9.9 ft) @ Rs. 2000 per cubic feet cost.	2,64,000	2,64,000	2,64,000	7,92,000
	TOTAL	3,64,000	5,64,000	5,14,000	14,42,000

Community Resource Augmentation Plan alongwith budgetary provision

Sr. No.	Activities Proposed	Year wise Implementation and Budgetary provision in Rs.			Total cost (Rs.)
		1 st year	2 nd year	3 rd year	
1.	Development of sanitation facilities in Village: Ranavav, Amardad, Bhod, Tehsil: Ranavav, District: Porbander, (provision of two toilets in each year per village)	50,000	50,000	50,000	1,50,000
2	Distribution of medical equipment's as a capital cost in the nearby Govt. Hospital in village Ranavav, Tehsil: Ranavav, District: Porbandar.	1,50,000	--	--	1,50,000
3	Assistance in providing study materials, uniforms, books to the poor students (20 students)	1,00,000	60,000	40,000	2,00,000
4	Installation of Sanitary napkin vending machine and sanitary	1,00,000	5,000 (Maintenance	5,000 (Maintenance	1,10,000

	napkin incinerator in Govt. Secondary School of village: Amardad, Tehsil: Ranavav, District: Porbander.		Cost)	Cost)	
	TOTAL	4,00,000	1,15,000	95,000	6,10,000

Summary

Sr. No.	Activity Proposed	Total (Rs. in lakhs)
1.	Cost of damage/Remediation plan	59.10
2.	Natural Resource Augmentation Plan	14.42
3.	Community Augmentation Plan	6.10
	Total	79.62

- ii. Total budgetary provision with respect to Remediation plan and Natural & Community Resource Augmentation plan is Rs 79.62 lakhs. Therefore, project proponent shall be required to submit a bank guarantee of an amount of Rs 79.62 lakhs towards Remediation plan and Natural and Community Resource Augmentation plan with the SPCB prior to the grant of EC.
- iii. Remediation plan shall be completed in 3 years whereas bank guarantee shall be for 5 years. The bank guarantee will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.
- iv. Approval/permission of the CGWA/SGWA shall be obtained before drawing ground water for the project activities, if applicable. State Pollution Control Board (SPCB) concerned shall not issue Consent to Operate (CTO) till the project proponent obtains such permission.
- v. Wild life Conservation plan as approved by the Competent Authority shall be implemented.
- vi. The Environmental Clearance will not be operational till such time the Project Proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.

- vii. State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
- viii. Effective dust suppression system shall be adopted at the transportation site and in the other parts of the mining lease to arrest the fugitive dust emission.
- ix. Project proponent shall take necessary other clearances/permissions under various Acts and Rules if any, from the respective authorities / department.
- x. The mining lease holder shall, after ceasing mining operations, under take re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to condition which is fit for growth of fodder, flora and fauna etc.
- xi. State Government/SPCB to take action against the Project Proponent under the provision of Section 19 of the E(P) Act.
- xii. Project Proponent shall take activities in three years on the issues raised in the PH and in the socioeconomic assessment towards community development activities (provision of R O for safe drinking water, infrastructure development in nearby schools, assistance to farmers in agriculture) under EMP which shall be monitorable by the Regional office, MoEFCC.

41.3.2. Manufacturing of APIs and Intermediates by M/s Acebright (India) Pharma Pvt. Ltd. at Plot No. #116/117, KIADB Industrial Area, village Jigani, Taluk Anekal, District Bengaluru, Karnataka - Further consideration for Environmental Clearance Proposal no. IA/KA/IND2/174762/2017 and File No. 23-2/2017-IA.III (V)

The project proponent and the accredited consultant M/s. Environmental Health and Safety Consultants Pvt Ltd, Bangalore made a detailed presentation on the salient features of the project and informed that:

- i. The proposal is for Environmental Clearance to the project "Proposal for Change in Product mix" in the existing Bulk Drugs and Intermediates Manufacturing Unit at #116/117, KIADB Industrial area, Jigani Village, Anekal Taluk, Bangalore District-560105, Karnataka by M/s Acebright (India) Pharma Pvt. Ltd.,

- ii. The project proposal was considered by Expert Appraisal Committee (violation cases) in its meeting held on 22nd June, 2017 and 30th August, 2019. The EAC, after detailed deliberations, confirmed the case to be of violation of the EIA Notification, 2006 and recommended terms of references (TORs) for the project. The TOR has been issued by Ministry vide letter No: 23-2/2017-IA.III dated 21.01.2020.
- iii. The final EIA report was submitted to the Ministry and the project was considered in the 37th EAC meeting held on 23rd October 2020 and the Ministry sought additional information for onward issue of EC. Compliance to the observation of EAC has been submitted to Ministry on 28.12.2020.
- iv. All Synthetic organic chemicals industry (bulk drugs and intermediates) are listed at S.N 5(f) of Schedule of Environmental Impact Assessment (EIA) notification, 2006 and are appraised at Central Level by Expert Appraisal Committee (EAC) under category (A)attracting General Conditions. Current proposal is located in a critically polluted area (Jigani-Bommasandra Industrial Area).
- v. Ministry had issued EC earlier vide letter no. J-11011/11/2002-IA II(I) dated:20.06.2002 to the existing project Manufacturing of bulk drugs at #116/117, KIADB Industrial area, Jigani Village, Anekal Taluk, Bangalore District in favour of M/s Intermed Labs Pvt Ltd. (Application for Transfer of Environmental Clearance from M/s Intermed Labs Pvt Ltd., to M/s Acebright (India) Pharma Pvt Ltd., was filed online vide online proposal no. 163270)- (in Expansion case/if applicable).
- vi. Existing land area is 15426.04 Sq.m; no additional land is required for proposed expansion (Expansion will be within the premises).
- vii. As per EC issued by the MoEF & CC, the industry has to maintain 25 % of green belt. The company old management has maintained 12.06% i.e., 1861.5 Sq. m of green belt in the industry. When the new management took over the industry, there was no chance for further increase of green belt inside the premises.

As per recent norms, 33% of green belt has to be maintained and in case of CEPI areas, 40 % green belt has to be maintained. Existing green belt of 0.46 acres (12.06%) is developed within the industrial premises and remaining 0.84 acres (21.00%) of green belt is being developed outside the premises in the leased land and Additional 7% of the green belt is also proposed in an area of 1.38 acres (5584.662 Sq. Mt).

- viii. The estimated project cost is Rs. 101.31 crores, total capital cost earmarked towards environmental pollution control measures is Rs.2049.885 Lakhs and the Recurring cost (operation and maintenance) will be about Rs. 131.28 Lakhs per annum.
- ix. Total employment will be 200 nos (No additional man power required). The profit benefit of the company is worked out to Rs. 18, 33, 88,000/-. As per the EAC suggestions, 3% of the profit shall be reserved for Community Resource Augmentation Plan (CRAP) which is Rs.55,01,000/-. Will be spent on community activities.
- x. Bannerghatta National Park is located at a distance of 4.08 km from project site towards SW direction and ESZ boundary is at a distance of 3.19 km. Vadera Manchenahalli Lake is at a distance of 0.36 kms in S direction.
- xi. Ambient air quality monitoring was carried out at 10 locations during October 2018 to December, 2018 and submitted baseline data indicates that ranges of concentrations of PM_{10} ($46.3 \mu g/m^3$ - $86.3 \mu g/m^3$), $PM_{2.5}$ ($16.5 \mu g/m^3$ - $42.2 \mu g/m^3$), SO_2 ($6.01 \mu g/m^3$ - $17.38 \mu g/m^3$) and NO_2 ($9.58 \mu g/m^3$ - $27.65 \mu g/m^3$) respectively. AAQ modeling study for the point source emissions indicates that the maximum incremental GLC after the proposed project would be $0.11 \mu g/m^3$, $0.01 \mu g/m^3$ and $1.41 \mu g/m^3$ with respect to PM_{10} , SO_2 and NO_2 respectively. The resultant concentrations are within the National Ambient Air Quality Standards (NAAQS).
- xii. Total water requirement is $72 m^3/day$ and of which fresh water requirement of $54 m^3/day$ will be met from KIADB/Water Tankers and the balance 25.2 KLD will be recycled.
- xiii. Effluent of 18 KLD (Low TDS Effluent-4.5 KLD & High TDS Effluent - 12KLD, Utility-1.5KLD) is being treated in ETP. The plant is based on Zero Liquid discharge system. Domestic Sewage of 7.2 KLD is being treated in 10 KLD STP (SBR based).
- xiv. Power requirement after expansion will be 2450 KVA which will be met from Bangalore Electricity Supply Company Limited (BESCOM). Existing unit has 5 Nos DG set of 2 x 725 KVA + 1 x 380 KVA capacity, 2 X 1010 KVA DG sets are installed as Standby No additional DG sets are required. DG sets are used as standby during power failure. Stack (height 6 mt ARL) provided as per CPCB norms to the existing DG sets.
- xv. Existing unit has 4000 Kg/hr & 2000 Kg/hr PNG fired Boilers are installed from 2019/20. No Additional boiler will be installed. Common Stack height of 30 mt AGL has been provided for the existing boilers. for controlling the particulate emissions within the statutory limit of 150 mg/Nm³ for the boilers.

xvi. Details of Process emissions generation and its management:

Existing Emission Details

Stack No.	Stack attached to	Stack Height (m)	Emission	Concentration (mg/Nm ³)	Control Measures
1	Boiler 4000 Kg/hr (FO fired converted to PNG)	30m AGL	PM	150	Stack
2	Boiler 2000 Kg/hr (HSD fired converted to PNG)		PM	150	Stack
3	725 KVA DG set	6m ARL	SO ₂	--	Stack with silencer
4	725 KVA DG set	6m ARL	SO ₂	--	Stack with silencer
5	380 KVA DG set	6m ARL	SO ₂	--	Stack with silencer
6	2 X 1010 KVA DG set (Standby)	30m AGL	SO ₂	--	Stack with silencer
7	Scrubber-1	3m ARL	Acid mist	50	Stack with caustic scrubber
8	Scrubber-2	3m ARL	Acid mist	50	
9	Scrubber-3	3m ARL	Acid mist	50	
10	Scrubber-4	3m ARL	Acid mist	50	
11	Scrubber-5	3m ARL	Acid mist	50	
12	Scrubber-6	3m ARL	Acid mist	50	
13	Scrubber-7	3m ARL	Acid mist	50	
14	Scrubber-8	3m ARL	Acid mist	50	
15	Scrubber-9	3m ARL	Acid mist	50	
16	Scrubber-10	3m ARL	Acid mist	50	
17	Scrubber-11	3m ARL	Acid mist	50	
18	Scrubber-12	3m ARL	Acid mist	50	

xvii. Details of solid waste/ Hazardous waste generation and its management:

Solid Waste Management

Description of waste	Existing Quantity	After Expansion Quantity	Mode of disposal
Domestic solid Waste	15MT/Annum	No change	- Organic waste handed over to local piggeries and inorganic waste handed over to local recyclers/agencies. - STP sludge of 0.5Kg/d being reused for gardening purpose

Hazardous Waste Management

S	Hazardous	Description	Quantity/Year	Mitigation measures

No.	waste category no.				Method of Collection	Method of Disposal
			Existing	Proposed		
1	5.1	Used oil	1.5KL /annum	No Change	Collected in leak-proof container	KSPCB authorized Reprocessor
2	5.2	Oil soaked cotton waste	0.3 MT/annum	No Change	Stored in secured manner	KSPCB authorized incinerator
3	20.3	Distillation residue	0.3 MT/annum	No Change	Stored in secured manner	KSPCB authorized TSDF
4	28.1	Residues and waste from production of drugs	6.5 MT/annum	No Change	Stored in secured manner	KSPCB authorized TSDF
5	28.3	Spent Carbon	7 MT/annum	No Change	Stored in secured manner	KSPCB authorized incinerator
6	28.4	Off- specification drugs	1 MT/annum	No Change	Stored in secured manner	KSPCB authorized incinerator
7	28.6	Spent organic solvent	160 KL/annum	No Change	Stored in secured manner	KSPCB authorized Recycler/Reprocessor
8	33.1	Empty barrels/containers/ liners contaminated with hazardous chemicals /wastes	38 MT/annum	No Change	Stored in secured manner	KSPCB authorized Recycler
9	35.3	Chemical sludge from wastewater treatment plant	312.5 MT/annum	No Change	Stored in secured manner	KSPCB authorized TSDF
10	35.3	Sludge from wet scrubber	0.72 MT/annum	No Change	Stored in secured manner	KSPCB authorized TSDF

xviii. Public Hearing for the proposed project has been conducted by the State Pollution Control Board on 07.08.2020. The main issues raised during the public hearing are related to Positive feedback received and public Expressed necessary environmental Measures undertaken by the industry.

xix. Details of Certified compliance report submitted by RO, MoEF&CC. (In case of expansion Proposal)- Certified compliance report obtained from RO, MoEF & CC dated 23.04.2020 and it is reported that, the compliance to the various conditions of Environmental Clearance is Satisfactory.

xx. Status of Litigation pending against the proposal if any - The complaint has been filed by SEIAA u/s 19 of the E(P)Act, 1986 for the violation at Additional Civil Judge & JMFC at Anekal & case has been registered under PCR no. 367/2019 on 12.07.2019.

xxi. The details of products and capacity as under:

Sl. No	Product Details	Existing Quantity, kg/month	Proposed Quantity kg/Annum	Total Quantity
1	EFAVIRENZ	0	40000	40000
2	ABACAVIR SULPHATE	0	66000	66000
3	NELFINAVIR MESYLATE	3000	-2175	825
4	RITONAVIR	0	4968	4968
5	GEMCITABINE HCL	0	400	400
6	DARUNAVIR ETHANOLATE	0	12500	12500
7	SAQUINAVIR MESYLATE	3000	0	3000
8	GABAPENTIN	0	480	480
9	GEFITINIB	0	7425	7425
10	OSELTAMIVIR PHOSPHATE	0	32000	32000
11	EMTRICITABINE	0	3000	3000
12	AGOMELATINE	0	10	10
13	MOXIFLOXACIN HYDROCHLORIC ACID	0	1890	1890
14	MONTELUKAST SODIUM	0	962	962
15	TEMOZOLOMIDE	0	272	272
16	ERLOTINIB HCL	0	300	300
17	IMATINIB MESYLATE	0	17108	17108
18	LOPINAVIR IP	0	41140	41140
19	PEMETREXED DISODIUM	0	978	978
20	AMLODIPINE BESYLATE	0	3000	3000
21	SORAFENIB TOSYLATE	0	1528	1528
22	CAPECITABINE	0	28500	28500
23	ATAZANAVIR SULPHATE	0	10212	10212
24	GLATIRAMER ACETATE	0	174	174
25	DASATINIB	0	1012	1012
26	MYCOPHONOLATE MOFETIL	0	5000	5000
27	TENOFOVIR DISOPROPYL FUMERATE	0	80090	80090
	Total Production			3,62,774 Kg/Annum

Environmental Clearance was obtained for the production of 6 products, out of which 4 will be stopped and 2 nos. of products will be continued in the current proposal.

The proposed change in product mix proposal includes 25 new products + 2 existing products.

Total 27 products with total manufacturing capacity of 3,62,774 Kg/Annum.

Sl. No	Product Details	Existing Quantity	Proposed Quantity kg/Annum	Total Quantity	Remarks
1	APIs and Intermediates	52000 Kg/A + 338020 Kg/A (3,90,020Kg/A)	310774 Kg/A	362774 Kg/A	Intermediates quantity of 338020 Kg/A was not mentioned in the earlier EC

Observation and recommendation of the EAC (violation) in earlier meeting in the 37th meeting held on 22nd-23rd October, 2020:

Earlier proposal for EC was considered in the 37th meeting held during 22-23 October, 2020. Project proponent made the detailed presentation on the project. EAC after detailed presentation by the PP, observed the following:

EC was obtained from MOEF & CC on 20.06.2002 for manufacturing 6 products of quantity 52 TPA which includes 338.02 TPA intermediates. The industry has undertaken change in product mix for 16 product of quantity 245.62 TPA which includes 144 TPA of intermediates in 2009 and obtained CFE from KSPCB. The industry again planned for change in product mix for 27 product of quantity 245.154 TPA which includes 117.6 TPA of intermediates in 2015 and obtained CFE from KSPCB. Subsequently, when it was applied for CFO, the KSPCB advised to obtain EC for change in product mix. As the PP has gone for expansion without taking prior EC from MoEFCC is a violation of the EIA Notification.

EAC further observed that the name of the company has changed from M/s. Intermed Labs Private Ltd. to M/s. Cdymax (India) Pharma Pvt. Ltd. Again changed from M/s. Cdymax (India) Pharma Pvt. Ltd to M/s. Ace bright (India) Pharma Pvt. Ltd. The proposal has been submitted to MoEF&CC (Online proposal no.163270) for Transfer of EC.

EAC further observed that case has been filed by SEIAA u/s 19 of the E(P)Act, 1986 for the violation at Additional Civil Judge & JMFC at Anekal under PCR no. 367/2019 on 12.07.2019.

EAC after detailed deliberation on the information submitted to the Ministry (Form 2, EIA/EMP report, Public Hearing etc) and as presented, deferred the project for want of following information:

1. Capital cost shall be revised considering all assets added progressively during the violation period.
2. Justification for having large inventory of chemicals which seems to be more than a monthly consumption.
3. EMP shall be prepared in such a way that it will be implementable and monitorable.
4. Details of reaction and mass balance shall be submitted.
5. Ionic balance, pH, SAR shall be revisited and revised.
6. Interpretation of water quality for the parameters studied.
7. Worst Case Scenario and risk assessment shall be studied using 3D modelling.
8. Land use plan before and after establishment of the industry should be submitted in tabular form

9. Details of green belt developed in the industry with photographs and justification for not having 33% of it.
10. STP capacity should be justified as per water requirement.
11. Conservation plan of the entire Schedule I species observed in the study area should be prepared with proper budget allocation and submitted to Competent Authority for approval.
12. Rework on the entire damage assessment. Damage assessment for air and water shall be revised as suggested including cost saved in implantation of WL conservation plan and recurring cost of the EMP on the expansion part.
13. Profit benefit accrued shall be added to CRAP (3%)
14. Details of sensors in the plant for even small VOCs emission/solvent leakage along with photographs. Emergency preparedness plan in the event of failure of sensors to detect the emission.
15. Details of green chemistry in regard to reduce requirement of natural resources and less carbon footprint.

Observation and recommendation of the EAC (violation) in 41st meeting (present meeting) held on 15.01.2021:

Above information were submitted to the Ministry through Parivesh Portal on 28.12.2020, including the study of worst case scenario and risk assessment using 3D modelling, details of sensors etc and accordingly proposal was considered in the 41st EAC (violation) held on 15.01.2021. Project Proponent made the detailed presentation on the additional information sought by the EAC. After detailed presentation, EAC noted PP has now submitted the compliance on the additional information. EAC deliberated on the justification given for having large inventory of chemicals, revised EMP, mass balance, risk assessment using modelling tools, Land use plan before and after establishment of the industry etc.

EAC further observed that PP has reworked on the damage assessment and submitted total cost of Rs 248.47 lakhs towards Remediation Plan, Natural & Community Resource Augmentation Plan (Rs 147.16 lakhs and 1% Contribution from Capital Cost against community welfare activity (Rs 101.31 lakhs).

After detailed deliberation, EAC suggested PP that damage cost of RS 147.16 lakhs shall be spent for activities proposed under Remediation Plan, Natural & Community Resource Augmentation Plan and Rs 101.31 lakhs being 1% of the capital cost shall be spent under EMP for community welfare. EAC advised PP to revise the same and submit the same to the Ministry. EAC also advised PP to submit the undertaking for completion of deficient plantation against total green belt. As advised by the EAC, PP submitted the compliance to the EAC through email on 18.01.2021.

EAC after detailed deliberation on the information submitted by the PP (EIA/EMP report, PH issues, Form 2, Additional information, Annexure etc), recommended the proposal for grant of Environmental Clearance subject to the compliance of the following Specific conditions in addition to all Standard conditions applicable for such projects:

- i. EAC recommended for an amount of Rs 147.16 lakhs towards Remediation plan and Natural and Community Resource Augmentation plan to be spent within a span of three years. The details are given on next page:

Remediation Plan

S.No	Component Remediation	Remediation Proposed	Description	Locations	Rate	Total Qty	Total Cost (Rs)	Year I	Year II
1	Air & Noise Environment	Avenue Plantation	Plantation of native plants at 90% survival rate ; with allocated cost of each sapling of not less than Rs.1000, including maintenance for 3 years	1.Plantation in the KIADB Area 2.Jigani village	1000	4,215	42,15,000	21,07,500	21,07,500
Grand Total (Rs.)							42,15,000	21,07,500	21,07,500

Natural Resource Augmentation plan with year wise budget

S. No	Activity	Description	Locations	Rate	Total Qty.	Total Cost (Rs.)	Year I	Year II	Year III
1a.	Ground Water regime recharging	Construction of RWH-24 Nos @ 1,00,000/per RWH (including raw material, labour, construction	1.Jigani Village 2. Konasandra 3.Harapanahalli 4.Giddenahalli 5. Vaddarahalli 6. Haragadde 7.Bukkasagara 8. Madapatna	1,00,000	40	40,00,000	20,00,000	10,00,000	10,00,000

		and maintenance for one year). 5 Nos in each location.							
1b.	Energy Conservation by adapting Green Energy technology	Providing 1 KW Solar Street Lighting (including panels, inverters, wiring, structure, connectors, junction boxes, etc.) in nearby villages @ Rs.50, 000 per unit. 5 Nos each location to be installed.	1.KIADB complex 2.Jigani Village 3.Konasandra 4.Haragadde	50,000	20	10,00,000	4,00,000	3,00,000	3,00,000
Sub-Total A (1a + 1b) in Rs.						50,00,000	24,00,000	13,00,000	13,00,000

Community Resource Augmentation plan with year wise budget

S. No	Activity	Description	Locations	Rate	Total Qty.	Total Cost (Rs.)	Year I	Year II	Year III

2a.	Infrastructure Development	Construction of following public facilities in 8 nearby villages & within KIADB complex, Jigani. 1. Water Treatment Plants 2. Public Toilets 3. Maintaining water bodies nearby villages 4. Repairing Sewer Lines	1. Jigani Village 2. Konasandra 3. Harapana halli 4. Giddenahalli 5. Vaddarahalli 6. Haragadda 7. Bukkasagara 8. Madapatna	4,06,375	8 Locations	32,51,000	16,20,000	8,15,500	8,15,500
2b.	Improving socio-economic & Health conditions during the pandemic (CoVID 19)	Providing materials related to Covid-19 prevention to the nearby villagers. (@ Rs.2,50,000/village). 1. Placement of 7 Nos in each village Viral disease air & surface transmission prevention equipment for active containment of the pathogens (Including Corona family of viruses) - Rs.25,000/unit. 2. Masks - Rs.50,000 (Distribution of 2000 masks@	1. Jigani Village 2. Konasandra 3. Harapana halli 4. Giddenahalli 5. Vaddarahalli 6. Haragadda 7. Bukkasagara 8. Madapatna 9. KIADB Office Complex	2,50,000	9 Locations	22,50,000	14,00,000	4,25,000	4,25,000

		Rs.25/mask) 3. Sanitisors- Rs.25, 000 (Distribution of 500 sanitizers @ Rs.50/sanitizer).							
Total						55,01,000	30,20,000	12,40,500	12,40,500

Summary:

Sl. No.	Description	Estimated cost (Rs. in Lakhs)
1	Remediation Plan	42.15
2	Natural Resources Augmentation Plan	50.00
3	Community Resources Augmentation Plan	55.01
Total		147.16

- ii. Total budgetary provision with respect to Remediation plan and Natural & Community Resource Augmentation plan is Rs 147.16 lakhs. Therefore, project proponent shall be required to submit a bank guarantee of an amount of Rs. 147.16 lakhs towards Remediation plan and Natural and Community Resource Augmentation plan with the SPCB prior to the grant of EC.
- iii. Remediation plan shall be completed in 3 years whereas bank guarantee shall be for 5 years. The bank guarantee will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.
- iv. Approval/permission of the CGWA/SGWA shall be obtained before drawing ground water for the project activities, if applicable. State Pollution Control Board (SPCB)

concerned shall not issue Consent to Operate (CTO) till the project proponent obtains such permission.

- v. Project Proponent shall spend an amount of Rs 101.31 lakhs on following activities towards community development activities under EMP which shall be monitorable by the Regional office, MoEFCC.

S. No	Remediation Proposed Description	Locations	Rate	Total Qty.	Total Cost (Rs)	Year I	Year II	Year III
1	Distribution of tabs for Govt. school children's with Wifi facility, electronic gadgets, creating library & park development construction/improve	Konasandra/ Manchenhalli/ Haragadde Jigani/madapatna /Vaddarpalya /Kallabalu/ Machalingapur/ Bommadanhalli	LS	LS	20,00,000	7,00,000	7,00,000	6,00,000
2	Providing adequate Furniture, Installation of water treatment Plant for safe drinking water supply at nearby School, Construction of toilets for girls & boys; Street light to villages, Lake development, Financial Support for Rain water harvesting in villages & Distribution of saplings.	Konasandra/ Manchenhalli/ Haragadde /Jigani/ Madapatna Naddarpalya /Kallabalu/ Machalingapur/ Bommadanhalli	LS	LS	66,31,000	22,31,000	22,00,000	22,00,000
3	Provide full-fledged Ambulance with vital facility, stretcher, breathing apparatus,	Jigani /Haragadde /Mahanthalingapura	15,00,000	1	15,00,000	15,00,000	--	-
Grand Total (Rs.)					1,01,31,000			

- vi. Preventive measures to be taken to control ignition sources in bulk storage area and fire protection system to be established above ground storage tanks. Proper earthing shall be provided in all the electrical equipment wherever solvent handling is done.

- vii. Proper precautions to be taken to prevent inadvertent mixing of chemicals. Standard operating procedures to be strictly followed during handling of chemicals.
- viii. Solvents shall be stored in a separate space specified with all safety measures. Project Proponent shall keep inventory of solvents and fuel not more than five days. Sensors for odours will be installed at sensitive locations.
- ix. Project Proponent to ensure proper disposal of Hazardous wastes.
- x. Project Proponent shall create green belt (peripheral plantation) as per guidelines of MoEF.

41.3.3. Discussion on any other item with permission of the Chair

UDAYSINH M JETHWA

C/o Deva Kara Bhutiya, "Gatral Bhavan", Satyam Park,
Rajivnagar, Porbandar 360 577

PCB ID. 31609

DATE: 26-07-2021

To,
Senior Environmental Engineer,
Gujarat Pollution Control Board,
Paryavaran Bhavan, Sector 10-A,
Gandhinagar-382043.

Kind Attn Shri M. V. Patel

Subject: Submission of EC consideration letter, bank Guarantee &
Approved RPNCRA Plan.

Dear Sir,

Please note that I Udaysinh M Jethwa have mining lease of area 12.14 Ha at Survey no.78/5p, village Ranavav, tal. Ranavav, dist. Porbandar submitting EC consideration letter, Original bank Guarantee No.64821BG0000035 dated 22/07/2021, Rs.79.62 lacs, SBI bank for five years & Approved Remediation plan and natural and community resource augmentation Plan. We have also submit an undertaking for expiry & Physical online revocation application copy of our Lime stone mine of Udaysinh M Jethwa

We request you to grant a single phase electric connection on urgent basis please check and process for revocation of our mine.

Thanking you,

Sincerely yours,
For Udaysinh M Jethwa,
POA Devabhai Karabhai Bhutiya

Attachments:

1. Original Bank guarantee of Rs.79.62 lacs
2. EC consideration letter.
3. Original Undertaking
4. Copy of approved RPNCRA plan

26/07/2021
Gujarat Pollution Control Board
Head Office
Sector No.-10-A,
Gandhinagar-382010.



REGIONAL OFFICE

GUJARAT POLLUTION CONTROL BOARD

1ST floor, Sandip Complex, Narsang Tekri, PORBANDAR 360577

નં.જીપીસીબી/પીબીઆર-૮૧૧/ID-૩૧૬૦૯/ ૩૦૨/૨૦ 11 NOV 2020

પ્રતિ,

સભ્યસચિવશ્રી,

બ્રાસ ધ્યાનાર્થે: શ્રી એમ.વી. પટેલ (યુનિટ હેડ, પોરબંદર)

ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ,

પર્યાવરણ ભવન, સેક્ટર-૧૦/એ,

ગાંધીનગર

વિષય: મે. ઉદયસિંહ એમ.જેઠવા, સર્વે નં.૭૮/૫, ગામ:રાણાવાવ, તા.રાણાવાવ, જી.પોરબંદરનું
ડોમેસ્ટિક સિંગલ ફેઝ વિજ જોડાણ ચાલુ કરવા બાબત.

સંદર્ભ: (૧) વડી કચેરીના પત્ર ક્રમાંક નં.જીપીસીબી/સીસીએ/પીબીઆર-૭૩૩/આઈડી-૩૧૬૦૯
તા.૦૭/૧૧/૨૦૨૦.

સાહેબશ્રી,

ઉપરોક્ત વિષય અને સંદર્ભ અન્વયે જણાવવાનું કે, મે. ઉદયસિંહ એમ.જેઠવા (આઈડી-૩૧૬૦૯)
સર્વે નં.૭૮/૫, ગામ:રાણાવાવ, તા.રાણાવાવ, જી.પોરબંદરની માઈન્સને તા.૧૮/૦૮/૨૦૨૦ના રોજ ક્લોઝર
ડાયરેક્શન પાઠવવામાં આવેલ. આ એકમનું ATR તા.૦૩/૦૯/૨૦૨૦ના રોજ જીઓલોજીસ્ટ ડીપાર્ટમેન્ટ દ્વારા
લોક કરવામાં આવેલ છે. આ એકમનું વિજ જોડાણ તા. ૨૯/૦૯/૨૦૨૦ના રોજ PGVCL દ્વારા કાપી નાખવામાં
આવેલ છે. એકમ દ્વારા તા.૧૯/૧૦/૨૦૨૦ના રોજ સિંગલ ફેઝ કનેક્શન ચાલુ રાખવાની અરજી કરેલ છે.

ઉપરોક્ત વિગતે

(૧) આ માઈન્સના ATR જીઓલોજીસ્ટ, પોરબંદર દ્વારા તા.૦૩/૦૯/૨૦૨૦ના રોજ લોક કરવામાં આવેલ છે.
તેથી તેઓ માઈનીંગ કરી શકે તેમ નથી.

(૨) આ માઈન્સનું HT power connection તા. ૨૯/૦૯/૨૦૨૦ના રોજ PGVCL દ્વારા કાપી નાખવામાં આવેલ
છે.

(૩) આ માઈન્સને સીલ કરવા માટે તા.૦૪/૧૧/૨૦૨૦ના રોજ કાર્યવાહી કરવામાં આવેલ અને તેનું રોજકામ
વડી કચેરીને મોકલેલ છે

આ માઈન્સમાં વસવાટ કરતા ૧૫ માણસો માટે ડોમેસ્ટિક સિંગલ ફેઝ વિજ જોડાણ માંગેલ છે. આ
માઈન્સનું સિંગલ ફેઝ વિજ જોડાણ ચાલુ રાખવામાં ફરકત સંરખું જણાતું નથી.

આ માઈન્સનું ડોમેસ્ટિક સિંગલ ફેઝ વિજ જોડાણ તેઓ તેમની માઈનીંગને લગતી પ્રવૃત્તિમાં વપરાશ નહિ
કરે તેવી બાહેધરી લઈને ચાલુ કરી શકાય તેવી અત્રેની કચેરીનો અભિપ્રાય છે.

આભાર સહ,

આપની વિશ્વાસુ,

(કે.ચેન્નિપરમાર)

પ્રાદેશિક અધિકારી



सत्यमेव जयते

INDIA NON JUDICIAL
Government of Gujarat
Certificate of Stamp Duty

Certificate No.

IN-GJ86693605027064T

Certificate Issued Date

22-Jul-2021 01:36 PM

Account Reference

IMPACC (SV)/GJ/13131704/PORBANDAR/GJ-RB

Unique Doc. Reference

SUBIN-GJGJ1313170408725264249280T

Purchased by

D.K.BHUTIYA

Description of Document

Article 5(h) Agreement (not otherwise provided for)

Description

BANK GUARANTEE

Consideration Price (Rs.)

79,62,000

(Seventy Nine Lakh Sixty Two Thousand only)

First Party

UDAYSINH M JETHWA POA DEVA KARA BHUTIYA

Second Party

STATE BANK OF INDIA S.M. ROAD BRANCH
 PORBANDAR

Stamp Duty Paid By

UDAYSINH M JETHWA POA DEVA KARA BHUTIYA

Stamp Duty Amount(Rs.)

300

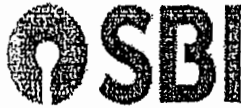
(Three Hundred only)



KC 0005879025

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at www.shcstamp.com or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.



STATE BANK OF INDIA
S M ROAD PORBANDAR
S M ROAD VADI PLOT
PORBANDAR
PORBANDAR

Tel No. :
Fax No. :
SWIFT No. :
PIN Code : 360575

22-07-2021

To,
THE MEMBER SECRETARY
GUJARAT POLLUTION CONTROL BOARD
PARYAVARAN BHAVAN SECTOR 10A
GANDHINAGAR GUJARAT

DEAR SIR(S),

Guarantee Number	:	6004821BG0000035
Date of Issue	:	22-07-2021
Guarantee Amount	:	INR 7,962,000.00
Date of Expiry	:	21-07-2026
Date of Claim	:	21-07-2027
Applicant Name	:	UDAYSINH MJETHWA POA DEVA K BHUTIYA
E Stamp Certificate No.	:	
E Stamp Issuance Date & Time	:	
State of Execution	:	
Stamp Duty Type/Article No.	:	
Bank Guarantee Amount	:	INR 7,962,000.00
Amount of Stamp duty Paid	:	0.00
Issuing Bank Branch	:	
Bank Guarantee Beneficiary	:	THE MEMBER SECRETARY

We confirm having Issued / Extended the captioned Bank Guarantee in your favour on behalf of our above named Constituent and the same signed by the officers of the Bank.

YOURS FAITHFULLY,

AUTHORISED SIGNATORY - 1

*AUTHORISED SIGNATORY - 2

(*2nd signatory required, if BG is for Rs. 50000/- and above)

YUGESH TAVERHALA
DY. MANAGER
13551 PF-0750001

13551 PF-0750001
13551 PF-0750001
13551 PF-0750001

Jul 22, 2021 2:54 PM

The beneficiaries are advised in their own interest to verify the genuineness of the Guarantee with the BG issuing Branch and also verify that Bank Guarantee for Rs.50000/- (Rupees Fifty Thousand Only) & above is signed by two authorized officials of the Bank.

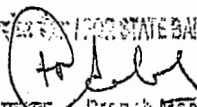
PLEASE CONTACT BRANCH FOR eTradeSBI FACILITY-INTERNET ACCESS TO TRADE FINANCE

BANK GUARANTEE AGREEMENT

To,
Member Secretary,
Gujarat Pollution Control Board,
Paryavaran Bhavan, Sector - 10 (A),
Gandhinagar, Gujarat - 382010

In consideration of chairman of Gujarat Pollution Control Board Gandhinagar (hereafter referred as the board) having agreed grant-limestone mine of SHRI UDAYSINH M. JETHWA POA DEVA KARABHAI BHUTIYA for their unit locates at survey No. 78/5 (GOVT. Waste land) and production capacity of 1,25,025 TPA (ROM) near village Ranavav, Taluka Ranavav, District Porbandar of the Gujarat state (hereinafter referred to as Company) revocation of closure order with a condition that the company will adhere to and compliance of revocation order No.23-165/128-IA,III(V) DATED 07/06/2019 the board and as required under the provisions of the air prevention and control of pollution Act - 1981 the company will maintain norms as specifies by the Board.

- (1) We, the State Bank of India S M Road Branch(hereafter referred to as the Bank) at the request of SHRI UDAYSINH M. JETHWA POA DEVA KARABHAI BHUTIYA do hereby undertake to pay to the Board of amount not exceeding Rs.79,62,000/- against any non-compliance of amount conditions/ direction of damage etc. caused to the environment by reason of any breach of provision of the said Acts, Notices, letters Instruments etc by the said company.
- (2) We the SHRI UDAYSINH M. JETHWA POA DEVA KARABHAI BHUTIYA do hereby undertake to pay the amount due and payable under this guarantee without any demur merely on a demand from the Board that the amount claimed is due for the reason of non-fulfillments of undertaking non-compliance of directions/notices/letter/instruction issued by the Board/violation of the provisions of any of the direction/instruction issued by the Board shall be conclusive as regards the amount due and payable by the bank under this guarantee shall be restricted to an amount not exceeding Rs.79,62,000/-
- (3) We undertake to pay to the Board any money on demand not withstanding any dispute or dispute raised by the said company/unit in any suit or proceeding pending before any court or Tribunal or board against the board relating thereto our liability under this present being absolute and Irrevocable.
- (4) The payment so made by us under this agreement shall be valid with discharge of our liability and company/unit shall have no claim against us in making such payment.
- (5) We the SHRI UDAYSINH M. JETHWA POA DEVA KARABHAI BHUTIYA further agree that the guarantee herein contained in full force and effect during the period that would be taken for the undertaking/notice/letter etc and that it shall continue to be enforceable till all the dues of Government/board under or by virtue of self-undertaking/notice/letter etc have been fully paid and have been obtained satisfied


 Branch Manager
 S. M. ROAD BR., PORBANDAR

or discharge or till Government/Board certified that the terms and conditions of the directions/ undertaking/letter/and provisions of relevant law have been fully and properly carried out and complied by the said company and accordingly discharge this guarantee unless the demand or a claim under this guarantee is made on the us in writing on or before 21/07/2026 We shall be discharge from all liability under this guarantee thereafter.

- (6) We the SHRI UDAY SINH M. JETHWA POA DEVA KARABHAI BHUTIYA Further agree with the Board that Board shall have the fullest liberty without our consent and without affecting in any manner our obligation hereunder to vary any of the term and condition of the said undertaking/notice/letter etc or to extend time of compliance by the said company from time to time or to postpone for any time or time to time any of the powers exercisable by the Board against the said company and to for bear or enforce and of the terms and conditions relating to the said undertaking/notice/letter etc and we shall not be relived from our liability by reason of any such variation or commission on the part of the board or any indulgence by the Board to the company/unit or by any such matter or thing whatsoever which under the law relating to sureties would but for this provisions have effect of no relieving us.
- (7) The guarantee will not be discharge due to the change in the constitution of the bank or the company constitution of the bank or the bank or the company unit.
- (8) We the SHRI.UDAY SINH M. JETHWA POA DEVA KARABHAI BHUTIYA undertakes not to revoke this guarantee during its currency except with the previous consent of the board in writing.
- (9) Now with standing anything contained here in above.
 - (a) Our liability under this guarantee shall not exceed Rs.79,62,000/-
 - (b) This bank guarantee shall be valid up to 21/07/2026
 - (c) We are liable to pay the guarantee amount or any part thereof under this bank guarantee only & only if you serve upon us a written claim or demand on or before 21/07/2026
 - (d) Thereafter All your rights under this guarantee shall be fortified and we shall be relieved and discharged from all the liabilities w.e.f. 22/07/2026 irrespective of whether or not original bond received by us or not.

Date :- 22/07/2021

Sign stamp of Bank

Sign stamp of Industry

Place :- Porbandar



[Handwritten signature]

[Handwritten signature]

XXIV
Annex-R-XXIV

F.No.23-165/2018-IA.III (V)

Government of India

Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)Indira Paryavaran Bhavan
Prthvi Wing, 2nd Floor, Aliganj
Jor Bagh Road
New Delhi-110 003
Date: 26 July, 2021

To

Shri Udaysinh M. Jethwa
Satral Bhawan, Satyam Park
Rajiv Nagar, Distt. Porbandar
Gujarat - 360 575

Subject: Limestone Mining Project with lease area of 12.14 ha at Survey No. 78/5 (Govt. Waste Land) and production capacity of 1, 25,025 TPA (ROM) TPA near Village Ranavav, Taluka Porbandar District Porbandar, Gujarat by Shri Udaysinh M. Jethwa - Environmental Clearance regarding.

Sir,

This has reference to proposal no. IA/GJ/MIN/64678/2017 for Environmental Clearance Limestone to the mining project with lease area of 12.14 ha at Survey No. 78/5 (Govt. Waste Land) and production capacity of 1, 25,025 TPA (ROM) TPA near Village Ranavav, Taluka Porbandar District Porbandar, Gujarat by Shri Udaysinh M. Jethwa, falls in Survey of India Topo sheet No. 41 G/14. The mining lease area falls between 21°41'37.66" N to 21°41'58.78" N latitudes and 69°45'31.97" E to 69°45'50.48" E longitudes.

2. As per EIA Notification dated 14th September, 2006 as amended from time to time, the project falls under Category "A", Project or Activity 1(a) as the general Condition is applicable due to presence of Barda Wild Life Sanctuary at a distance of 1.771 km in NNW direction from the project site.

3. The project proponent submitted that the mine lease was sanctioned in favor of UdaySinh M. Jethwa for mineral Limestone at near village - Ranavav, Taluka - Ranavav & District-Porbandar, vide order no. MCR-1572(J39)5706-GHH dated 23.09.1974 for a period of 20 years. Application for 1st lease renewal was submitted in Form-J of MCR, 1960 on dated 02/08/1994 for a period of 20 year i.e upto 09/02/2015. Application for 2nd lease renewal was submitted in Form-J of MCR, 1960 on dated 03/02/2014 for a period of 20 year i.e upto 09/02/2035. As per section 8 (A) (6) of the Mines & Minerals (Development and Regulation) amendment ordinance act, 2015, lease validity is extended for 50 year i.e. from 10/02/1975 -

17/02/2025. Mining Plan for the limestone mine (Survey No.78/5/P) for mine lease area 12.14 Ha. was approved by Controller of Mines, IBM, Gandhinagar vide letter no. 684 (4) (1)/MP7(86/17)/2017-GNR dated 24th January, 2018.

4. The project proponent obtained Terms of Reference vide letter no. 23-165/2018-IA.III (V) dated 07.06.2019. The proposal of EC was earlier considered by the EAC in its meeting held during September 21-22, 2020 wherein the Committee observed that Barda Wildlife Sanctuary (~1.771 km towards NNW direction from mine lease area) and ESZ is at the distance of ~0.224 km towards North-East direction from mine lease area. Method of mining for the limestone mine is open cast semi-mechanized (No drilling and blasting involved). No forest land is involved. The Committee deferred the project for want of information.

5. The project proponent submitted that method of mining will be opencast semi-mechanised. Total geological reserves are 10,27,625 MT, Mineable reserves are 7,18,625 MT, Extractable reserves are 1,25,025 TPA (ROM), range of ground water level for Pre-monsoon is 22 m bgl, Post-monsoon is 20 m bgl and total estimated water requirement is 5 KLD. No intersection of ground water table will be done by the mining activity as it will be carried out up to 6 m bgl till the end of life of mine and water table is 20-22 mbgl. Life of mine is 6 years as per the approved mining plan.

6. The project proponent submitted that the total quarry area is 12.14 ha. A void of 5.86 ha at depth of 6.00 m which is proposed to be converted into a water body. Green belt to be created is proposed to be in the area of 4.00 ha.

7. The project proponent submitted that the total capital cost is 25.00 Lac; Cost of Production is 202.75 per metric ton; CER cost is 2.80 Lac per annum and Cost for implementing EMP is 12.227 Lac per annum. Total manpower requirement during the mining activity is estimated to be about 18.

8. The project proponent submitted the authenticated production details since 1994 till 2018-2019 from Geology and Mining Department, Porbandar vide letter no.GP/account/prodis./2018/ 2651 dated 16/07/2018.

9. The project proponent submitted that Public Hearing was conducted on 7th Jan., 2020 and public hearing is at mine site (Survey.No. 78/5/P), near Village & Tehsil Ranavav, Porbandar (Gujarat). The designation of officer presided at the PH is District collector and District magistrate, Porbandar.

10. The proposal was considered in the 41st EAC meeting held on 15.01.2021. Project Proponent made the detailed presentation on the additional information. After detailed presentation by the PP, EAC observed that PP has submitted the certificate from Office of Deputy Conservator of Forests, Porbandar Forest Division, Porbandar issued vide letter no.C/JMN/T.7/28/2020-21 dated 26/05/2020 stating the distance of

Barda Wild Life Sanctuary and ESZ of Barda Wild Life Sanctuary. EAC noted that mine lease area is located outside the Barda Wild Life Sanctuary and its ESZ. Further, no forest land is involved in the mining lease area. EAC after detailed deliberation suggested corrections in the damage assessment.

11. After detailed deliberation on the information submitted by the PP (EIA/EMP report, PH Issues, Compliance report, Form 2, Additional Information, Annexures etc), recommended the proposal for grant of Environmental Clearance to the Limestone Mining Project with lease area of 12.14 Ha. at Survey No. 78/5 (Govt. Waste Land) and production capacity of 1,25,025 TPA (ROM) TPA. Near village Ranavav, Taluka Porbandar District Porbandar (Gujarat), subject to the compliance of following specific conditions in addition to all standard conditions applicable for such projects.

12. The Ministry has examined the proposal in accordance with the Environmental Impact Assessment, Notification, 2006 and further amendments thereto; and after accepting the recommendation of EAC in its meeting held on 21st December, 2020 hereby decided to accord the environmental clearance under the provisions thereof to the above mentioned proposal for mining of Limestone Mining Project with lease area of 12.14 ha at Survey No.78/5 (Govt. Waste Land) and production capacity of 1,25,025 TPA (ROM) TPA. Near village Ranavav, Taluka Porbandar District Porbandar, Gujarat with the following specific conditions and Standard conditions subject to compliance of the followings terms and conditions and environmental safeguards mentioned below:

A. SPECIFIC CONDITIONS

1. EAC recommended for an amount of Rs 79.62 lakhs towards Remediation plan and Natural and Community Resource Augmentation plan to be spent within a span of three years. The details of Remediation plan, Natural resource Augmentation plan and Community Resource Augmentation plan with budgetary provision are mention below:

Remediation Plan & Budgetary Provision

S.No	Environmental component	Activities Proposed	Budgetary provision			Total (in lakhs)
			1st Year	2nd Year	3rd Year	
1.	Air Environment a. Ambient Air b. Air Pollution	- Dust Suppression water and sprinkling. - Provision of Barricades	5.00	4.50	3.50	13.00

		Thick plantation along both sides of village roads in three villages namely Bordi, Amardad and Ranavav, Tehsil: Ranavav, District: Porbandar, Gujarat.	0.35	--	--	0.35
3	Water Environment	- Rain water harvesting structure in the exhausted pits for groundwater recharge - Rain water harvesting structure	6.15	4.10	--	10.25
4	Land Environment	Leachate proof storage facility for chemicals and solvents	0.25	0.25	--	0.50
5	Ecology	Plantation in 2 villages, both sides of nallah, additional plantation in mine lease area.	15	15	--	30.00
6	Solid and hazardous waste	- Provision coloured bins - Transportation of solid waste to disposal site	1.50	1.00	0.50	3.00
7	Socio-economic	First aid kit and health check up	0.50	0.25	0.25	1.00
8	Energy consumption	Installation of solar panels within lease area (10 kva)	1.00	--	--	1.00
		TOTAL	29.75	25.10	4.25	59.10

Natural Resource Augmentation Plan along with budgetary provision

S.N o.	Activities Proposed	Year wise Implementation and Budgetary provision in Rs.			Total cost (Rs.)
		1st year	2nd year	3rd year	
1	Provision of drinking water facilities through hand pumps per year in the nearby villages, Ranavav, Amardad, Bhod, Bordi @ Rs. 25,000 per hand pump to a depth of	1,00,000	1,00,000	50,000	2,50,000

	25 meter at 10 places (schools, mandir, within villages or after consultation of local authority.				
2	Providing solar street lights comprising of MS pole, solar panel, LED lamps, battery wiring etc. for 2 villages each year, 10 street lights per village with complete set up @ Rs. 200000	0	2,00,000	2,00,000	4,00,000
3	Construction of check dam on the nallah (40 ft x 1ft x 9.9 ft) @ Rs. 2000 per cubic feet cost.	2,64,000	2,64,000	2,64,000	7,92,000
	TOTAL	3,64,000	5,64,000	5,14,000	14,42,000

Community Resource Augmentation Plan along with budgetary provision

S.No.	Activities Proposed	Year wise Implementation and Budgetary provision in Rs.			Total cost (Rs.)
		1 st year	2 nd year	3 rd year	
1.	Development of sanitation facilities in Village: Ranavav, Amardad, Bhod, Tehsil: Ranavav, District: Porbander, (provision of two toilets in each year per village)	50,000	50,000	50,000	1,50,000
2	Distribution of medical equipment's as a capital cost in the nearby Govt. Hospital in village Ranavav, Tehsil: Ranavav, District: Porbandar.	1,50,000	--	--	1,50,000
3	Assistance in providing study materials, uniforms, books to the poor students (20 students)	1,00,000	60,000	40,000	2,00,000
4	Installation of Sanitary	1,00,000	5,000	5,000	1,10,000

napkin vending machine and sanitary		(Maintenance	(Maintenance	0

Summary

S. No.	Activity Proposed	Total (Rs. in lakhs)
1.	Cost of damage/Remediation plan	59.10
2.	Natural Resource Augmentation Plan	14.42
3.	Community Augmentation Plan	6.10
	Total	79.62

2. Total budgetary provision with respect to Remediation plan and Natural & Community Resource Augmentation plan is Rs 79.62 lakhs. Therefore, project proponent shall be required to submit a bank guarantee of an amount of Rs 79.62 lakhs towards Remediation plan and Natural and Community Resource Augmentation plan with the SPCB prior to the grant of EC.
3. Remediation plan shall be completed in 3 years whereas bank guarantee shall be for 5 years. The bank guarantee will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.
4. Approval/permission of the CGWA/SGWA shall be obtained before drawing ground water for the project activities, if applicable. State Pollution Control Board (SPCB) concerned shall not issue Consent to Operate (CTO) till the project proponent obtains such permission.
5. Wild life Conservation plan as approved by the Competent Authority shall be implemented.
6. The Environmental Clearance will not be operational till such time the Project Proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
7. State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
8. Effective dust suppression system shall be adopted at the transportation site and in the other parts of the mining lease to arrest the fugitive dust emission.
9. Project proponent shall take necessary other clearances/permissions under various Acts and Rules if any, from the respective authorities / department.
10. The mining lease holder shall, after ceasing mining operations, under take re-grassing the mining area and any other area which may have been disturbed

due to their mining activities and restore the land to condition which is fit for growth of fodder, flora and fauna etc.

11. State Government/SPCB to take action against the Project Proponent under the provision of Section 19 of the E(P) Act.
12. Project Proponent shall take activities in three years on the issues raised in the PH and in the socioeconomic assessment towards community development activities (provision of R O for safe drinking water, infrastructure development in nearby schools, assistance to farmers in agriculture) under EMP which shall be monitorable by the Regional office, MoEFCC.

B. STANDARD CONDITIONS

1. Statutory compliance

1. This Environmental Clearance (EC) is subject to orders/ judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
2. The Project proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors before commencing the mining operations.
3. The State Government concerned shall ensure that mining operation shall not be commenced till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of Judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors.
4. This Environmental Clearance shall become operational only after receiving formal NBWL Clearance from MoEF&CC subsequent to the recommendations of the Standing Committee of National Board for Wildlife, if applicable to the Project.
5. This Environmental Clearance shall become operational only after receiving formal Forest Clearance (FC) under the provision of Forest Conservation Act, 1980, if applicable to the Project.
6. Project Proponent (PP) shall obtain Consent to Operate after grant of EC and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the concerned State Pollution Control Board/Committee.
7. The PP shall adhere to the provision of the Mines Act, 1952, Mines and Mineral (Development & Regulation), Act, 2015 and rules & regulations made there under. PP shall adhere to various circulars issued by Directorate General Mines Safety (DGMS) and Indian Bureau of Mines from time to time.
8. The Project Proponent shall obtain consents from all the concerned land owners, before start of mining operations, as per the provisions of MMDR Act,

1957 and rules made there under in respect of lands which are not owned by it.

9. The Project Proponent shall follow the mitigation measures provided in MoEFCC's Office Memorandum No. Z-11013/57/2014-IA.II (M), dated 29th October, 2014, titled "Impact of mining activities on Habitations-Issues related to the mining Projects wherein Habitations and villages are the part of mine lease areas or Habitations and villages are surrounded by the mine lease area".
10. The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and from CGWA for withdrawal of ground water for the project.
11. A copy of EC letter will be marked to concerned Panchayat / local NGO etc. if any, from whom suggestion / representation has been received while processing the proposal.
12. State Pollution Control Board/Committee shall be responsible for display of this EC letter at its Regional office, District Industries Centre and Collector's office/ Tehsildar's Office for 30 days.
13. The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board/Committee and web site of the Ministry of Environment, Forest and Climate Change (www.parivesh.nic.in). A copy of the advertisement may be forwarded to the concerned MoEFCC Regional Office for compliance and record.
14. The Project Proponent shall inform the MoEF&CC for any change in ownership of the mining lease. In case there is any change in ownership or mining lease is transferred than mining operation shall only be carried out after transfer of EC as per provisions of the para 11 of EIA Notification, 2006 as amended from time to time.

II. Air quality monitoring and preservation

The Project Proponent shall install a minimum of 3 (three) online Ambient Air Quality Monitoring Stations with 1 (one) in upwind and 2 (two) in downwind direction based on long term climatological data about wind direction such that an angle of 120° is made between the monitoring locations to monitor critical parameters, relevant for mining operations, of air pollution viz. PM₁₀, PM_{2.5}, NO₂, CO and SO₂ etc. as per the methodology mentioned in NAAQS Notification No. B-29016/20/90/PCI/I, dated 18.11.2009 covering the aspects of transportation and use of heavy machinery in the impact zone. The ambient air quality shall also be monitored at prominent places like office building, canteen etc. as per the site condition to ascertain the exposure characteristics at specific places. The above data shall be digitally displayed within 03 months in front of the main Gate of the mine site.

15. Effective safeguard measures for prevention of dust generation and

subsequent suppression (like regular water sprinkling, metalled road construction etc.) shall be carried out in areas prone to air pollution wherein high levels of PM10 and PM2.5 are evident such as haul road, loading and unloading point and transfer points. The Fugitive dust emissions from all sources shall be regularly controlled by installation of required equipments/ machineries and preventive maintenance. Use of suitable water-soluble chemical dust suppressing agents may be explored for better effectiveness of dust control system. It shall be ensured that air pollution level conform to the standards prescribed by the MoEFCC/ Central Pollution Control Board.

III. Water quality monitoring and preservation

17. In case, immediate mining scheme envisages intersection of ground water table, then Environmental Clearance shall become operational only after receiving formal clearance from CGWA. In case, mining operation involves intersection of ground water table at a later stage, then PP shall ensure that prior approval from CGWA and MoEFCC is in place before such mining operations. The permission for intersection of ground water table shall essentially be based on detailed hydro-geological study of the area.
18. Regular monitoring of the flow rate of the springs and perennial nallahs flowing in and around the mine lease shall be carried out and records maintain. The natural water bodies and or streams which are flowing in and around the village, should not be disturbed. The Water Table should be nurtured so as not to go down below the pre-mining period. In case of any water scarcity in the area, the Project Proponent has to provide water to the villagers for their use. A provision for regular monitoring of water table in open dug wall located in village should be incorporated to ascertain the impact of mining over ground water table. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.
19. Project Proponent shall regularly monitor and maintain records w.r.t. ground water level and quality in and around the mine lease by establishing a network of existing wells as well as new piezo-meter installations during the mining operation in consultation with Central Ground Water Authority/ State Ground Water Department. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.
20. The Project Proponent shall undertake regular monitoring of natural water course/ water resources/ springs and perennial nallahs existing/ flowing in and around the mine lease including upstream and downstream. Sufficient number of gullies shall be provided at appropriate places within the lease for management of water. The parameters to be monitored shall include their water quality vis-à-vis suitability for usage as per CPCB criteria and flow rate.

It shall be ensured that no obstruction and/ or alteration be made to water bodies during mining operations without justification and prior approval of MoEFCC. The monitoring of water courses/ bodies existing in lease area shall be carried out four times in a year viz. pre- monsoon (April May), monsoon (August), post-monsoon (November) and winter (January) and the record of monitored data may be sent regularly to Ministry of Environment, Forest and Climate Change and its Regional Office, Central Ground Water Authority and Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board. Clearly showing the trend analysis on six-monthly basis.

21. Quality of polluted water generated from mining operations which include Chemical Oxygen Demand (COD) in mines run-off; acid mine drainage and metal contamination in runoff shall be monitored along with Total Suspended Solids (TDS), Dissolved Oxygen (DO), pH and Total Suspended Solids (TSS). The monitored data shall be uploaded on the website of the company as well as displayed at the project site in public domain, on a display board, at a suitable location near the main gate of the Company. The circular No. J-20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forest and Climate Change may also be referred in this regard.
22. Project Proponent shall plan, develop and implement rainwater harvesting measures on long term basis to augment ground water resources in the area in consultation with Central Ground Water Board/ State Groundwater Department. A report on amount of water recharged needs to be submitted to Regional Office MoEFCC annually.
23. Industrial waste water (workshop and waste water from the mine) should be properly collected and treated so as to conform to the notified standards prescribed from time to time. The standards shall be prescribed through Consent to Operate (CTO) issued by concerned State Pollution Control Board (SPCB). The workshop effluent shall be treated after its initial passage through Oil and grease trap.
24. The water balance/water auditing shall be carried out and measure for reducing the consumption of water shall be taken up and reported to the Regional Office of the MoEF&CC and State Pollution Control Board/Committee.

IV. Noise and vibration monitoring and prevention

25. The peak particle velocity at 500m distance or within the nearest habitation, whichever is closer shall be monitored periodically as per applicable DGMS guidelines.
26. The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at

night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day /night hours.

27. The Project Proponent shall take measures for control of noise levels below 85 dBA in the work environment. The workers engaged in operations of HEMM, etc. should be provided with ear plugs /muffs. All personnel including laborers working in dusty areas shall be provided with protective respiratory devices along with adequate training, awareness and information on safety and health aspects. The PP shall be held responsible in case it has been found that workers/ personals/ laborers are working without personal protective equipment.

V. Mining plan

28. The Project Proponent shall adhere to approved mining plan, inter alia, including, total excavation (quantum of mineral, waste, over burden, inter burden and top soil etc.); mining technology; lease area; scope of working (method of mining, overburden & dump management, O.B& dump mining, mineral transportation mode, ultimate depth of mining, concurrent reclamation and reclamation at mine closure; land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life; etc.).
29. The Project Proponent shall get the Final Mine Closure Plan along with Financial Assurance approved from Indian Bureau of Mines/Department of Mining & Geology as required under the Provision of the MMDR Act, 1957 and Rules/ Guidelines made there under. A copy of approved final mine closure plan shall be submitted within 2 months of the approval of the same from the competent authority to the concerned Regional Office of the Ministry of Environment, Forest and Climate Change for record and verification.
30. The land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life shall be governed as per the approved Mining Plan. The excavation vis-à-vis backfilling in the mine lease area and corresponding afforestation to be raised in the reclaimed area shall be governed as per approved mining plan. PP shall ensure the monitoring and management of rehabilitated areas until the vegetation becomes self-sustaining. The compliance status shall be submitted half-yearly to the MoEFCC and its concerned Regional Office.

VI. Land reclamation

31. The Overburden (O.B.), waste and topsoil generated during the mining operations shall be stacked at earmarked OB dump site(s) only and it should not be kept active for a long period of time. The physical parameters of the OB / waste dumps / topsoil dump like height, width and angle of slope shall be governed as per the approved Mining Plan and the guidelines/circulars issued

by D.G.M.S. The topsoil shall be used for land reclamation and plantation.

32. The reject/waste generated during the mining operations shall be stacked at earmarked waste dump site(s) only. The physical parameters of the waste dumps like height, width and angle of slope shall be governed as per the approved Mining Plan as per the guidelines/circulars issued by DGMS w.r.t. safety in mining operations shall be strictly adhered to maintain the stability of waste dumps.
33. The reclamation of waste dump sites shall be done in scientific manner as per the Approved Mining Plan cum Progressive Mine Closure Plan.
34. The slope of dumps shall be vegetated in scientific manner with suitable native species to maintain the slope stability, prevent erosion and surface run off. The selection of local species regulates local climatic parameters and help in adaptation of plant species to the microclimate. The gullies formed on slopes should be adequately taken care of as it impacts the overall stability of dumps. The dump mass should be consolidated with the help of dozer/ compactors thereby ensuring proper filling/ leveling of dump mass. In critical areas, use of geo textiles/ geo-membranes / clay liners / Bentonite etc. shall be undertaken for stabilization of the dump.
35. The Project Proponent shall carry out slope stability study in case the dump height is more than 30 meters. The slope stability report shall be submitted to concerned regional office of MoEF&CC.
36. Catch drains, settling tanks and siltation ponds of appropriate size shall be constructed around the mine working, mineral yards and Top Soil/OB/Waste dumps to prevent run off of water and flow of sediments directly into the water bodies (Nallah/ River/ Pond etc.). The collected water should be utilized for watering the mine area, roads, green belt development, plantation etc. The drains/ sedimentation sumps etc. shall be de-silted regularly, particularly after monsoon season, and maintained properly.
37. Check dams of appropriate size, gradient and length shall be constructed around mine pit and OB dumps to prevent storm run-off and sediment flow into adjoining water bodies. A safety margin of 50% shall be kept for designing of sump structures over and above peak rainfall (based on 50 years data) and maximum discharge in the mine and its adjoining area which shall also help in providing adequate retention time period thereby allowing proper settling of sediments/ silt material. The sedimentation pits/ sumps shall be constructed at the corners of the garland drains.
38. The top soil, if any, shall temporarily be stored at earmarked site(s) within the mine lease only and should not be kept unutilized for long. The physical parameters of the top soil dumps like height, width and angle of slope shall be governed as per the approved Mining Plan and as per the guidelines framed by DGMS w.r.t. safety in mining operations shall be strictly adhered to maintain the stability of dumps. The topsoil shall be used for land reclamation and plantation purpose.

VII. Transportation

39. No Transportation of the minerals shall be allowed in case of roads passing through villages/ habitations. In such cases, PP shall construct a 'bypass' road for the purpose of transportation of the minerals leaving an adequate gap (say at least 200 meters) so that the adverse impact of sound and dust along with chances of accidents could be mitigated. All costs resulting from widening and strengthening of existing public road network shall be borne by the PP in consultation with nodal State Govt. Department. Transportation of minerals through road movement in case of existing village/ rural roads shall be allowed in consultation with nodal State Govt. Department only after required strengthening such that the carrying capacity of roads is increased to handle the traffic load. The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly. Vehicular emissions shall be kept under control and regularly monitored. Project should obtain Pollution Under Control (PUC) certificate for all the vehicles from authorized pollution testing centers. [If applicable in case of road transport].

40. The Main haulage road within the mine lease should be provided with a permanent water sprinkling arrangement for dust suppression. Other roads within the mine lease should be wetted regularly with tanker-mounted water sprinkling system. The other areas of dust generation like crushing zone, material transfer points, material yards etc. should invariably be provided with dust suppression arrangements. The air pollution control equipments like bag filters, vacuum suction hoods, dry fogging system etc. shall be installed at Crushers, belt-conveyors and other areas prone to air pollution. The belt conveyor should be fully covered to avoid generation of dust while transportation. PP shall take necessary measures to avoid generation of fugitive dust emissions.

VIII. Green Belt

41. The Project Proponent shall develop greenbelt in 7.5m wide safety zone all along the mine lease boundary as per the guidelines of CPCB. In order to arrest pollution emanating from mining operations within the lease. The whole Green belt shall be developed within first 5 years starting from windward side of the active mining area. The development of greenbelt shall be governed as per the EC granted by the Ministry irrespective of the stipulation made in approved mine plan.

42. The Project Proponent shall carryout plantation/ afforestation in backfilled and reclaimed area of mining lease, around water body, along the roadsides, in community areas etc. by planting the native species in consultation with the State Forest Department/ Agriculture Department/ Rural development department/ Tribal Welfare Department/ Gram Panchayat such that only those

species" be selected which are of use to the local people. The CPCB guidelines in this respect shall also be adhered. The density of the trees should be around 2500 saplings per Hectare. Adequate budgetary provision shall be made for protection and care of trees.

43. The Project Proponent shall make necessary alternative arrangements for livestock feed by developing grazing land with a view to compensate those areas which are coming within the mine lease. The development of such grazing land shall be done in consultation with the State Government. In this regard, Project Proponent should essentially implement the directions of the Hon'ble Supreme Court with regard to acquisition of grazing land. The sparse trees on such grazing ground, which provide mid-day shelter from the scorching sun, should be scrupulously guarded/ protected against felling and plantation of such trees should be promoted.
44. The Project Proponent shall undertake all precautionary measures for conservation and protection of endangered flora and fauna and Schedule-I species during mining operation. A Wildlife Conservation Plan shall be prepared for the same clearly delineating action to be taken for conservation of flora and fauna. The Plan shall be approved by Chief Wild Life Warden of the State Govt.
45. And implemented in consultation with the State Forest and Wildlife Department. A copy of Wildlife Conservation Plan and its implementation status (annual) shall be submitted to the Regional Office of the Ministry.

IX. Public hearing and human health issues

46. The Project Proponent shall appoint an Occupational Health Specialist for Regular as well as Periodical medical examination of the workers engaged in the mining activities, as per the DGMS guidelines. The records shall be maintained properly. PP shall also carryout Occupational health check-ups in respect of workers which are having ailments like BP, diabetes, habitual smoking, etc. The check-ups shall be undertaken once in six months and necessary remedial/ preventive measures be taken. A status report on the same may be sent to MoEF&CC Regional Office and DGMS on half-yearly basis.
47. The Project Proponent must demonstrate commitment to work towards 'Zero Harm' from their mining activities and carry out Health Risk Assessment (HRA) for identification workplace hazards and assess their potential risks to health and determine appropriate control measures to protect the health and wellbeing of workers and nearby community. The proponent shall maintain accurate and systematic records of the HRA. The HRA for neighborhood has to focus on Public Health Problems like Malaria, Tuberculosis, HIV, Anaemia, Diarrhoea in children under five, respiratory infections due to bio mass cooking. The proponent shall also create awareness and educate the nearby community and workers for Sanitation, Personal Hygiene, Hand washing, not

to defecate in open, Women Health and Hygiene (Providing Sanitary Napkins), hazard of tobacco and alcohol use. The Proponent shall carryout base line HRA for all the category of workers and thereafter every five years.

48. The Proponent shall carry out Occupational health surveillance which be a part of HRA and Include Biological Monitoring where practical and feasible, and the tests and investigations relevant to the exposure (e.g. for Dust a X-Ray chest; For Noise Audiometric; for Lead Exposure Blood Lead, For Welders Full Ophthalmologic Assessment; for Manganese Miners a complete Neurological Assessment by a Certified Neurologist, and Manganese (Mn) Estimation in Blood; For Inorganic Chromium Fortnightly skin inspection of hands and forearms by a responsible person. Except routine tests all tests would be carried out in a Lab accredited by NABH. Records of Health Surveillance must be kept for 30 years, including the results of and the records of Physical examination and tests. The record of exposure due to materials like Asbestos, Hard Rock Mining, Silica, Gold, Kaolin, Aluminium, Iron, Manganese, Chromium, Lead, Uranium need to be handed over to the Mining Department of the State in case the life of the mine is less than 30 years. It would be obligatory for the State Mines Departments to make arrangements for the safe and secure storage of the records including X-Ray. Only conventional X-Ray will be accepted for record purposes and not the digital one). X-Ray must meet ILO criteria (17 x14 inches and of good quality).
49. The Proponent shall maintained a record of performance indicators for workers which includes (a) there should not be a significant decline in their Body Mass Index and it should stay between 18.5 -24.9, (b) the Final Chest X-Ray compared with the base line X-Ray should not show any capacities, (c) At the end of their leaving job there should be no Diminution in their Lung Functions Forced Expiratory Volume in one second (FEV1), Forced Vital Capacity (FVC), and the ratio) unless they are smokers which has to be adjusted, and the effect of age, (d) their hearing should not be affected. As a proof an Audiogram (first and last need to be presented), (e) they should not have developed any Persistent Back Pain, Neck Pain, and the movement of their Hip, Knee and other joints should have normal range of movement, (f) they should not have suffered loss of any body part. The record of the same should be submitted to the Regional Office, MoEFCC annually along with details of the relief and compensation paid to workers having above indications.
50. The Project Proponent shall ensure that Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
51. Project Proponent shall make provision for the housing for workers/labors or shall construct labor camps within/outside (company owned land) with necessary basic infrastructure/ facilities like fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche for kids etc. The housing may be provided in the form of temporary structures which can be

removed after the completion of the project related infrastructure. The domestic waste water should be treated with STP in order to avoid contamination of underground water.

52. The activities proposed in Action plan prepared for addressing the issues raised during the Public Hearing shall be completed as per the budgetary provisions mentioned in the Action Plan and within the stipulated time frame. The Status Report on implementation of Action Plan shall be submitted to the concerned Regional Office of the Ministry along with District Administration.

X. Corporate Environment Responsibility (CER)

53. The activities and budget earmarked for Corporate Environmental Responsibility (CER) as per Ministry's O.M No 22-65/2017-IA. II (M) dated 01.05.2018 or as proposed by EAC should be kept in a separate bank account. The activities proposed for CER shall be implemented in a time bound manner and annual report of implementation of the same along with documentary proof viz. photographs, purchase documents, latitude & longitude of infrastructure developed & road constructed needs to be submitted to Regional Office MoEF&CC annually along with audited statement.

54. Project Proponent shall keep the funds earmarked for environmental protection measures in a separate account and refrain from diverting the same for other purposes. The Year wise expenditure of such funds should be reported to the MoEFCC and its concerned Regional Office.

XI. Miscellaneous

59. The Project Proponent shall prepare digital map (land use & land cover) of the entire lease area once in five years purpose of monitoring land use pattern and submit a report to concerned Regional Office of the MoEF&CC.
60. The Project Authorities should inform to the Regional Office regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
61. The Project Proponent shall submit six monthly compliance reports on the status of the implementation of the stipulated environmental safeguards to the MOEFCC & its concerned Regional Office, Central Pollution Control Board and State Pollution Control Board.
62. A separate 'Environmental Management Cell' with suitable qualified manpower should be set-up under the control of a Senior Executive. The Senior Executive shall directly report to Head of the Organization. Adequate number of qualified Environmental Scientists and Mining Engineers shall be appointed and submit a report to RO, MoEFCC.
63. The concerned Regional Office of the MoEFCC shall randomly monitor compliance of the stipulated conditions. The project authorities should extend

for cooperation to the MoEFCC officer(s) by furnishing the requisite data / information / monitoring reports.

64. In pursuant to Ministry's O.M No 22-34/2018-IA.III dated 16.01.2020 to comply with the direction made by Hon'ble Supreme court on 08.01.2020 in W.P (Civil) No 114/2014 in the matter Common cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.

13. The Ministry or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

14. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attracts action under the provisions of Environment (Protection) Act, 1986.

15. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court of State and any other Court of Law relating to the subject matter.

16. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

17. This Issues with the approval of Competent Authority.

Yours faithfully,

Pankaj Verma

(Pankaj Verma)

Scientist E

Copy to:

1. The Secretary, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi-110 001.
2. The Secretary, Department of Mines & Geology, Government of Gujarat, Secretariat, Gandhinagar.
3. The Secretary, Department of Environment, Government of Gujarat, Secretariat, Gandhinagar.
4. The Secretary, Department of Forests, Government of Gujarat, Secretariat,

Gandhinagar.

5. The Chief Wildlife Warden, Government of Gujarat, Dr. Jivaji Mehta Bhawan, Block no. 14, 1st Floor, Old Sachivalaya, Gandhinagar - 382010.
6. The Additional Principal Chief Conservator of Forests, Ministry of Environment, Forest and Climate Change, Regional Office (CZ), E-5 Arera Colony, Bhopal - 462016.
7. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
8. The Member Secretary, Central Ground Water Authority, 18/11, Jam Nagar House, Man Singh Road, New Delhi-110011.
9. The Chairman, Gujarat State Pollution Control Board, Gandhinagar, Gujarat.
10. The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur-440 001.
11. The District Collector, Porbandar District, Government of Gujarat.
12. Guard File.
13. MoEF&CC Website.

Pankaj Verma
(Pankaj Verma)
Scientist E

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

District: Gandhinagar.

Special Civil Application No. 15722 of 2022.



In the matter under Environmental
Laws;

AND

In the matter under Articles 14,
19(1)(g) and 226 of Constitution of
India;

AND

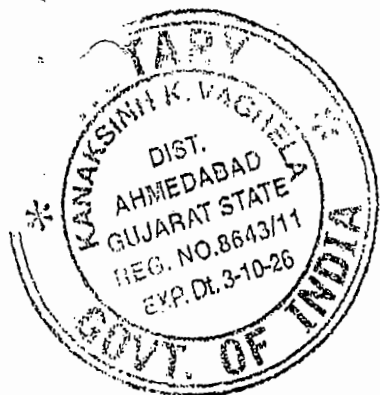
In the matter under the provisions
of Air (Prevention and Control of
Pollution) Act, 1981;

AND

In the matter of challenge to the
closure order dated 18.08.2020
passed by Gujarat Pollution
Control Board;

AND

In the matter of challenge to the
inaction of Gujarat Pollution
Control Board for not issuing the
"Consolidated Consent &
Authorisation (CCA)" to enable the
petitioner to commence its



operations of mining limestone
major mineral;

And

In the matter between;

M/s. Udaysinh Muhhobatsinh Limestone Mine

Through

Mr. Devabhai Karabhai Bhutiya

Male, aged 54 years

Having office at:

Gatral Bhavan, Satyam Park,

Rajiv Nagar, Porbandar.

....Petitioner

Versus

1. State of Gujarat

Industries and Mines Department

Through

Additional Chief Secretary

Having office at:

3rd floor, Block no. 5,

New Sachivalaya, Gandhinagar.

2. Gujarat Pollution Control Board

Notice to be served through

The Chairman

Having office at:

Parayavaran Bhavan,

Sector 10A, Gandhinagar.

3. Gujarat Pollution Control board

Notice to be served through

The Regional Officer

Having office at:

1st floor, Sandip Complex,

Narsang Tekri, Porbandar.

....Respondents

To,

Hon'ble the Chief Justice

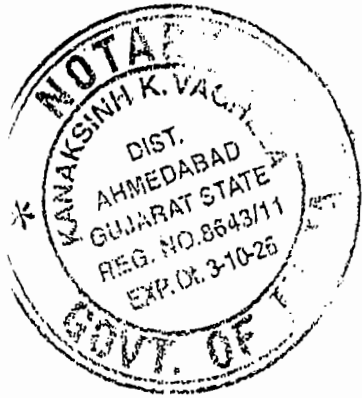
And Other Hon'ble Judges of

The High Court of Gujarat At

Ahmedabad.

Humble petition of the
petitioner above named:

MOST RESPECTFULLY SHEWETH:



1. By way of present petition filed under Article 226 of Constitution of India, the petitioner herein seeks issuance of writ of certiorari to quash the order dated 18.08.2020 issued by respondent no. 2 - Gujarat Pollution Control Board for closure of mining activity carried out by the petitioner for the breach of provisions of the Air (Prevention and Control of Pollution) Act, 1981. While passing the order on 18.08.2020 it had been held by respondent no. 2 as under:

" AND WHEREAS during the inspection of your mine lease on 09.07.2020 by the authorized officer of the Board, it has been noticed that you have started mining activity without CCA permission of the Board and not provided air pollution control measures. An appeal has been filed in Hon'ble NGT with O.A. No: 101/2019(WZ) regarding illegal mining of limestone.

AND WHEREAS you are operating your mine lease without obtaining CCA permission of the Gujarat Pollution Control Board under the provisions of the Water Act - 1974 & the Air Act - 1981"

In addition to the aforesaid, the petitioner also seeks issuance of a writ of mandamus for commanding the respondent no. 2 herein to issue "Consolidated Consent & Authorisation (CCA)" to enable the petitioner to commence its operations of mining limestone. The petitioner states that it had secured the "Consent to Establish (NOC) on 25.02.2019" and "Environmental Clearance Certificate on 26.07.2021". Pursuant to which an application had been submitted to respondent no. 2 to issue the "Consolidated Consent & Authorisation (CCA)". However, the respondent no. 2 had informed the petitioner that it would not issue the "Consolidated Consent & Authorisation (CCA)" nor revoke the Closure Order dated 18.08.2020 in view of the

pendency of Original Application no. 101/19 before the National Green Tribunal, Pune.



The petitioner is deprived of his fundamental right to carry on his mining business. This inaction on the part of respondent no. 2 has resulted into the petitioner incurring huge monetary expenses towards salary for the employees, repayment of loans, etc... with no inflow of money.

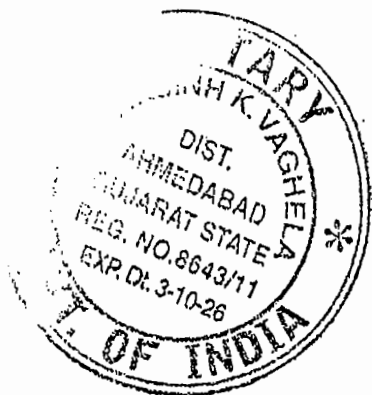
2. Facts resulting into filing of present petition are as under:
3. On 23.09.1974, vide order no. MCR-1572(J-39)5706-CHH., respondent no 1 had executed lease deed in favour of Mr. Udaysinh M. Jethwa for mining limestone from survey no. 78/5/p near village Ranavav, Porbandar. On 18.02.1975, a lease deed was executed to that effect. A copy of the lease deed executed on 18.02.1975 in favour of Mr. Udaysinh M. Jethwa is annexed hereto and marked as **Annexure-A**.
4. On 09.01.2008, the original lessee Mr. Udaysinh M. Jethwa submitted an application to respondent no. 1 for transferring the mine lease in favour of Mr. Devabhai Karabhai Bhutiya. A copy of application alongwith challan is annexed hereto and marked as **Annexure-B**.
5. On 27.01.2022, Mr. Udaysinh M. Jethwa had expired leaving behind a will which was executed on 17.05.2017. In the said will, the mine lease is bequeathed in favour of Mr. Devabhai

Karabhai Bhutiya. A copy of the will executed on 17.05.2017 is annexed hereto and marked as Annexure-C.



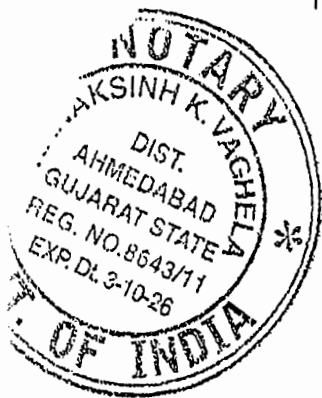
6. On 29.01.2022, Mr. Devabhai Karabhai Bhutiya filed Civil Miscellaneous Application no. 2/22 for seeking probate of the will executed on 17.05.2017 by Mr. Udaysinh M. Jethwa. The said matter is pending for consideration.
7. On 14.09.2006, the Ministry of Environment and Forests had published the Environment Impact Assessment notification. Vide the said notification certain restrictions and prohibitions on new projects or activities or on the expansion or modernization of existing projects or activities based on their potential environmental impacts came to be imposed. A copy of the Environment Impact Assessment notification issued on 14.09.2006 is annexed hereto and marked as Annexure-D.
8. On 28.01.2014, the petitioner submitted an application to the member Secretary in respondent no. 2 for issuance of environmental clearance for carrying out extraction of lime stone at Survey no. 78/5, At & Ta Ranavav, Porbandar. A copy of the application dated 28.01.2014 is annexed hereto and marked as Annexure-E.
9. On 14.09.2016, the aforesaid application of the petitioner was placed for consideration before the State Level Expert Appraisal Committee in respondent no. 2. After perusing of the proposal, the Committee was of the opinion that the project site was

situated within 5 kms of Barda wildlife sanctuary which falls within "A" category of Environment Impact Assessment Notification, 2006. In view thereof, the Committee was of the opinion that the application for environmental clearance would have to be submitted to Ministry of Environment, Forest and Climate Change, New Delhi.



On 06.10.2016, the State Level Expert Appraisal Committee in respondent no. 2 addressed a communication to the petitioner and informed him that Environment Impact Assessment Notification, 2006 would be applicable to his project and therefore he would have to submit his application for environmental clearance to Ministry of Environment, Forest and Climate Change, New Delhi under category "A" project. A copy of communication dated 06.10.2016 alongwith the minutes of meeting held on 14.09.2016 are annexed hereto and marked as Annexure-F colly.

10. In view of the aforesaid, on 13.05.2017 the petitioner submitted his proposal to Ministry of Environment, Forest and Climate Change, New Delhi under category "A" project for securing environment clearance for the project which was sought to be undertaken by him. The proposal came to be numbered as IA/GJ/MIN/64678/2017. The petitioner had proposed to carry out mining activity within 12.14 hectare in Survey no. 78/5/9 with an annual production of 1,25,025 MTPA. A copy of the project proposal submitted on 13.05.2017 is annexed hereto and marked as Annexure-G.



11. On 26.07.2017, the petitioner addressed a communication to the Ministry of Environment, Forest and Climate Change, New Delhi apprising them about the submission of application for Terms of Reference (TOR)-Form 1 and the Pre-feasibility report of limestone mining project. The petitioner requested them to issue the acceptance letter for acknowledging receipt of the same. A copy of communication dated 26.07.2017 is annexed hereto and marked as Annexure-H.
12. On 07.01.2019, the petitioner had submitted an application under section 25 of Water Act 1974 and section 21 of Air Act, 1981 for "Consent to Establish (NOC)". On **25.02.2019**, respondent no. 2 issued the "**Consent to Establish**" subject to terms and conditions. The said "Consent to Establish" is valid for a period of 7 years (i.e. upto 06.01.2026). A copy of "Consent to Establish" issued on 25.02.2019 is annexed hereto and marked as Annexure-I.
13. On 07.06.2019, Ministry of Environment, Forest and Climate Change, New Delhi issued the terms of reference for the proposed limestone mining production to be carried out by the petitioner. A copy of the terms of reference issued on 07.06.2019 is annexed hereto and marked as Annexure-J.
14. On 26.11.2019, respondent no. 3 addressed a communication to respondent no. 2 with a copy marked to the petitioner in reference to the public hearing scheduled on 07.01.2020 at 11 am. A copy of communication dated 26.11.2019 issued by

respondent no. 3 is annexed hereto and marked as Annexure-K.



15. On 27.11.2019, respondent no. 2 issued a public notice in the newspaper inviting objections from the public at large. It was also stated that the public hearing is scheduled on 07.01.2020 at 11 am. A copy of public notices issued on 27.11.2019 are annexed hereto and marked as Annexure-L colly.

16. On 27.11.2019, Original Application no. 101/19 came to be filed before the National Green Tribunal, Pune wherein the present petitioner was impleaded as respondent no. 27. It was the case of the petitioner therein that illegal mining was being carried out by mining lease holders who did not have the clearance of Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authority.

On 17.03.2020, National Green Tribunal, Pune issued notice making it returnable within three weeks. The matter was to be listed on 14.04.2020. No ad-interim relief was granted in favour of the petitioner. A copy of the memo of petition alongwith the order dated 17.03.2020, 11.09.2020 and 23.05.2022 passed in Original Application no. 101/19 are annexed hereto and marked as Annexure-M colly.

17. On 07.01.2020, public hearing was held. On the scheduled day of hearing, the competitor of the petitioner had raised an

objection (not pertaining to the environment). The said objection was resolved.

18. On 18.08.2020, respondent no. 2 issued closure order for restraining the petitioner from carrying out mining activity. While issuing the said order, it was recorded as under:

" AND WHEREAS during the inspection of your mine lease on 09.07.2020 by the authorized officer of the Board, it has been noticed that you have started mining activity without CCA permission of the Board and not provided air pollution control measures. An appeal has been filed in Hon'ble NGT with O.A. No: 101/2019(WZ) regarding illegal mining of limestone.

AND WHEREAS you are operating your mine lease without obtaining CCA permission of the Gujarat Pollution Control Board under the provisions of the Water Act - 1974 & the Air Act - 1981"

A copy of the order dated 18.08.2020 issued by respondent no.

2 is annexed hereto and marked as Annexure-N.

Pg 262

19. On 03.09.2020, the petitioner addressed a communication to respondent no. 2 requesting permission for dispatching of the 99902.280 metric tonnes of limestone major mineral which was mined and subject to conditions as may be imposed. A copy of communication dated 03.09.2020 is annexed hereto and marked as Annexure-O.

20. On 16.09.2020, the petitioner addressed a communication to respondent no. 2 requesting them to allow the petitioner to have single phase connection in its premises so that its employees who are residing within the premises of the company are not put to any inconvenience. The petitioner also stated that it would

not operate the mine area. A copy of communication dated 16.09.2020 is annexed hereto and marked as Annexure-P.



21. On 12.10.2020, the Geological Officer, Mines and Minerals department at the District Collectorate, Porbandar issued a communication to the petitioner informing him that the ATR had been unlocked. While unlocking the ATR, the Geological Officer permitted the petitioner to lift the limestone major mineral that had been extracted by him subject to conditions. A copy of communication dated 12.10.2020 issued by Geological Officer, Mines and Minerals department at the District Collectorate, Porbandar is annexed hereto and marked as Annexure-Q.
22. On 12.12.2020, the petitioner addressed a communication to the respondent no. 2 for granting single phase connection so that the workmen residing in the premises can be provided basic facilities. A copy of communication dated 12.12.2020 is annexed hereto and marked as Annexure-R.
23. On 19.12.2020, the Ministry of Jal Shakti, Government of India issued certificate of exemption for ground water withdrawal. A copy of certificate issued by Ministry of Jal Shakti, Government of India on 19.12.2020 is annexed hereto and marked as Annexure-S.
24. On 15.01.2021, the Expert Appraisal Committee had met in reference to the proposals involving violation of Environment Impact Assessment notification, 2006. The proposal of the petitioner was listed for consideration. After considering the



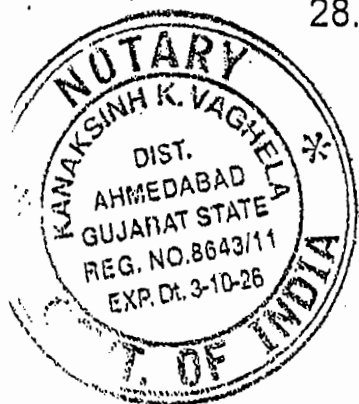
proposal, the Expert Appraisal Committee opined to grant environmental clearance certificate subject to the terms and conditions as stipulated therein and the petitioner submitting bank guarantee for an amount of Rs. 79.62 lakhs towards Remediation Plan and Natural and Community Resource Augmentation Plan. A copy of the minutes of the Expert Appraisal Committee meeting held on 15.01.2021 is annexed hereto and marked as Annexure-T.

25. On 03.05.2021, the petitioner submitted an application to respondent no. 2 to revoke the closure order issued on 18.08.2020 under section 31 of Air Act, 1981. A copy of application dated 03.05.2021 for revocation of closure order dated 18.08.2020 is annexed hereto and marked as Annexure-U. *Ps 306*

26. On 07.07.2021, Ministry of Environment, Forest and Climate Change, New Delhi addressed a communication to the petitioner informing him that that as per the minutes of meeting of the Expert Appraisal Committee held on 15.01.2021, he is required to submit a bank guarantee of Rs. 79.62 lakhs towards Remediation Plan and Natural and Community Resource Augmentation Plan to respondent no. 2 for issuance of Environmental Clearance. A copy of communication dated 07.07.2021 is annexed hereto and marked as Annexure-V.

27. On 15.07.2021, the petitioner submitted an application to respondent no. 2 for revocation of the closure order passed on

18.08.2020. A copy of application dated 15.07.2021 is annexed hereto and marked as **Annexure-W.**



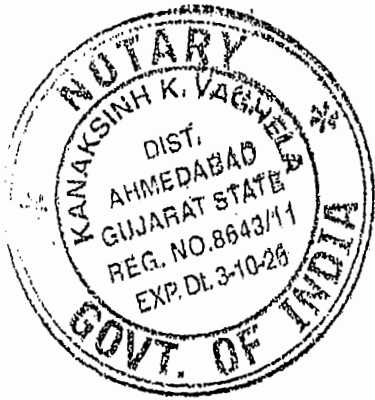
28. On 22.07.2021, State Bank of India issued the bank guarantee for an amount of Rs. 79.62 lakhs towards remediation plan and Natural and Community Resource Augmentation plan. A copy of the bank guarantee issued on 22.07.2021 is annexed hereto and marked as **Annexure-X.**

29. On 26.07.2021, the petitioner addressed a communication to respondent no. 2 and deposited the bank guarantee. The petitioner also requested the respondent no. 2 to revoke the closure order and issue the environmental clearance certificate. A copy of communication dated 26.07.2021 is annexed hereto and marked as **Annexure-Y.**

30. On 26.07.2021, Ministry of Environment, Forest and Climate Change, New Delhi addressed a communication to the petitioner granting **Environmental Clearance** in favour of the petitioner. A copy of Environmental Clearance issued on 26.07.2021 by Ministry of Environment, Forest and Climate Change, New Delhi is annexed hereto and marked as **Annexure-Z.**

31. On 27.07.2021, the petitioner submitted an application for issuance of "**Consolidated Consent & Authorisation (CCA)**" and deposited an amount of Rs. 1,50,000/-. A copy of application submitted on 27.07.2021 is annexed hereto and marked as **Annexure-AA.**

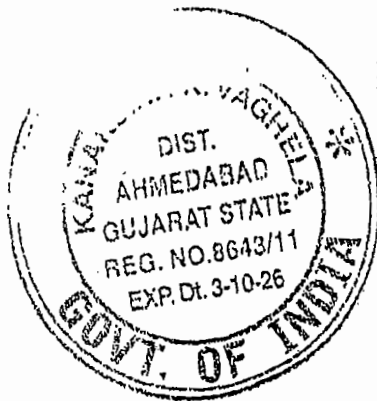
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32. On 28.07.2021, the petitioner once again addressed a communication to respondent no. 2 apprising them that he had secured the environmental clearance and therefore the order be passed for revoking the closure order passed on 18.08.2020. A copy of communication dated 28.07.2021 is annexed hereto and marked as **Annexure-BB**.
33. On 23.09.2021, respondent no. 2 addressed a communication to the petitioner requesting him to comply with conditions no. 2 to 12 of the Environmental Clearance certificate and report back. A copy of communication dated 23.09.2021 is annexed hereto and marked as **Annexure-CC**.
34. Pursuant to the aforesaid communication, the petitioner complied with conditions no. 2 to 12 of the Environmental Clearance certificate and uploaded the same on the online portal of respondent no. 2. A copy of compliance report is annexed hereto and marked as **Annexure-DD**.
35. On 26.11.2021, an application came to be submitted under the Right to Information Act, 2005 for seeking information. On 04.12.2021, the Public Information Officer in respondent no. 3 informed the petitioner that information cannot be disclosed as it would affect the decision making process. It was also stated that since the matter is pending before the Hon'ble National Green Tribunal and until the same is not decided, no information can be provided. A copy of communication dated 04.12.2021 is annexed hereto and marked as **Annexure-EE**.

39. Aggrieved by the inaction on the part of respondent no. 2 for refusing revoke the closure order dated 18.08.2020 and to issue

the "Consolidated Consent & Authorisation (CCA)", so as to enable the petitioner to commence its mining operations, the petitioner has preferred the present petition on the following amongst other grounds:



:: G R O U N D S ::

- (a) The petitioner submits that the inaction on the part of the respondent no. 2 for refusing to revoke the closure order dated 18.08.2020 as well as not issuing the "Consolidated Consent & Authorisation (CCA)" is arbitrary, illegal unjust and bad in law.
- (b) The petitioner submits that the inaction on part of respondent no. 2 for not revoking the closure order dated 18.08.2020 as well as for not issuing the "Consolidated Consent & Authorisation (CCA)" amounts to breach of Article 19(1)(g) of Constitution of India which permits an entity/person to practice any profession or occupation, trade or business. The respondent has deprived the petitioner from carrying out its profession, occupation, trade or business and which amounts to breach of fundamental right of the petitioner as guaranteed under Article 19(1)(g) of Constitution of India.
- (c) The petitioner submits that respondent no. 2 had issued the closure order on 18.08.2020 in view of breach of conditions of the Air (Prevention and Control of Pollution) Act, 1981 for not installing air pollution control measures as well as for not possessing the "Consolidated Consent & Authorisation

A handwritten signature in black ink, located at the bottom center of the page.



(CCA)". However, on perusal of the closure order, respondent no. 2 has not specified as to what air pollution control measures were not installed. Moreover, the petitioner had submitted an application on 27.07.2021 for issuance of the "Consolidated Consent & Authorisation (CCA)" after securing all the necessary approvals such as the Consent to Establish as well Environment Clearance certificate. Despite that respondent no. 2 did not issue the "Consolidated Consent & Authorisation (CCA)" in favour of the petitioner so as to enable it to commence its mining activity.

(d) The petitioner submits that the personnel from the office of respondent no. 2 had verbally informed the petitioner that they will not issue the "Consolidated Consent & Authorisation (CCA)" in view of pendency of Original Application no. 101/19 before the National Green Tribunal, Pune.

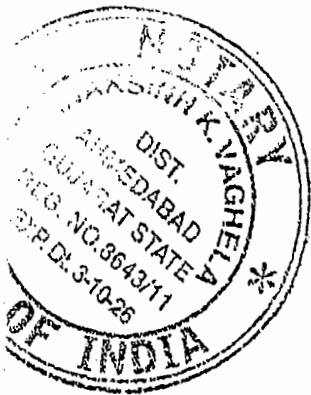
(e) The petitioner submits that there is no ad-interim relief or interim relief granted by the National Green Tribunal, Pune in Original Application no. 101/19. Pendency of the said application cannot be a deterrent to issue the "Consolidated Consent & Authorisation (CCA)" in favour of the petitioner.

(f) The petitioner submits that even during pendency of Original Application no. 101/19 before the National Green Tribunal, Pune, respondent no. 2 is empowered to issue a conditional "Consolidated Consent & Authorisation (CCA)" subject to terms and conditions as stipulated therein. However, in the

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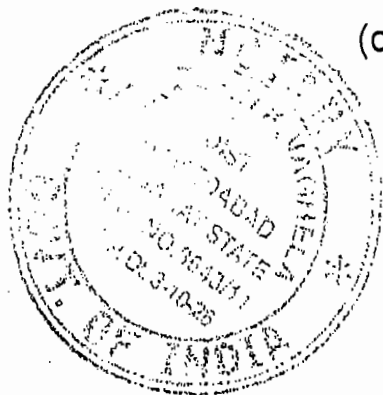
(i) The petitioner submits that the inaction on part of respondent no. 2 for not revoking the order dated 18.08.2020 and also

for not issuing the "Consolidated Consent & Authorisation (CCA)" needs to be deprecated by this Hon'ble Court.



40. The petitioner has no other equally efficacious and adequate alternative remedy at law, and, therefore, approach this Hon'ble Court under Article 226 of the Constitution of India.
41. The petitioner has not filed any other petition either in the Hon'ble Supreme Court of India or in this Hon'ble Court or in any other Court in respect of the subject matter of this petition.
42. The petitioner craves leave to amend the Memo of petition as and when necessary to do so.
43. In view of the aforesaid facts and circumstances, the petitioner prays as under:
 - (a) Your Lordships be pleased to issue a writ of mandamus or any other appropriate writ, order or direction commanding respondent no. 2 to issue the "Consolidate Consent & Authorisation (CCA)" to enable the petitioner to commence its mining operation of limestone major mineral as the petitioner has been issued the Consent to Establish as well as the Environmental Clearance Certificate;
 - (b) Your Lordships be pleased to issue a writ of certiorari or any other appropriate writ, order or direction for quashing the closure order issued on 18.08.2020 by respondent no. 2 and

thereby permit the petitioner to commence its mining operation of limestone major mineral



(c) Pending admission, final disposal and final hearing of present petition, Your Lordships be pleased to stay the operation, implementation and execution of the closure order dated 18.08.2020 issued by respondent no. 2 and thereby permit the petitioner to commence its mining operation of limestone major mineral;

(d) Pending admission, final disposal and final hearing of present petition, Your Lordships be pleased to issue appropriate directions or instructions to respondent no. 2 to issue the "Consolidate Consent & Authorisation (CCA)" to enable the petitioner to commence its mining operation of limestone major mineral as the petitioner has been issued the Consent to Establish as well as the Environmental Clearance Certificate;

(e) Your Lordships may be pleased to pass any other or/and further order, as deemed fit, in the interest of justice.

AND FOR THIS ACT OF KINDNESS AND JUSTICE THE PETITIONER SHALL AS IN DUTY BOUND FOR EVERY PRAY.

Place : Ahmedabad
Date : 07.07.2022

(Hemang M. Shah)
Advocate for the Petitioner

District: Gandhinagar.

M/s. Udaysinh Muhhobatsinh Limestone Mine.

....Petitioner

Versus

State of Gujarat & Ors.

....Respondents

I, Devabhai Karabhai Bhutiya, the petitioner herein, aged 54 years, do hereby solemnly affirm and state on oath that:

What is stated in para no. 1 to 42 are true to the best of my knowledge and what is stated in para no. ---- to ---- are true to the best of my information and belief and what is stated in para no. 39(a) to 39(i) of grounds are submissions of law. Para no. 43 contains prayers.

IDENTIFIED BY ME

Solemnly affirmed at Ahmedabad on this 07th day

ADVOCATE

of July, 2022.

Cleric

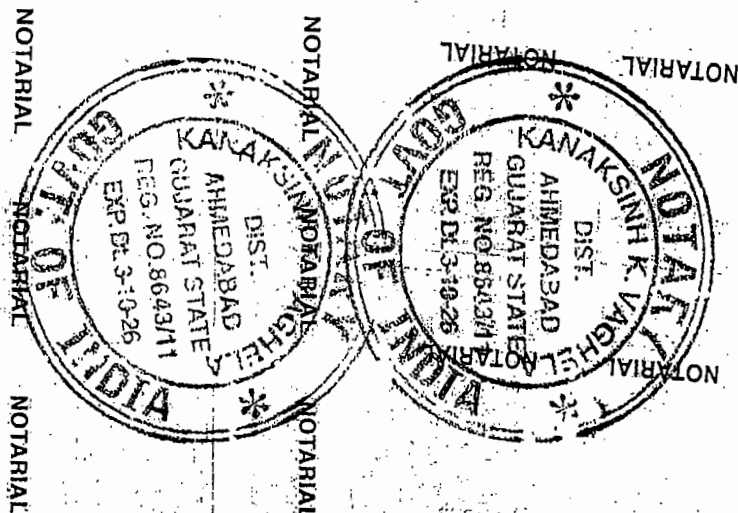
(DEPONENT)

SR. No. 12022

SOLENNLY AFFIRMED
BEFORE ME

KANAKSINH K. VAGHELA, NOTARY

DATE 02/05/2020



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

District: Gandhinagar.

Special Civil Application No. 15722 of 2022.

M/s. Udaysinh Muhhabatsinh Limestone

Mine.

....Petitioner

Versus

State of Gujarat & Ors.

....Respondents

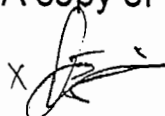
Additional Affidavit on behalf of the petitioner.

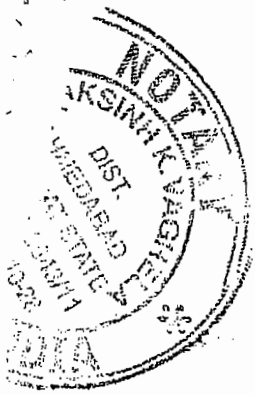
I, Devabhai Karabhai Bhutiya, the petitioner herein do hereby solemnly affirm and state as under:

1. I am filing the present additional affidavit for the purpose of clarifying para no. 36 of the memo of petition which reads as under:

"On 15.12.2021, respondent no. 2 had issued the Consolidated Consent & Authorisation (CCA)" and which was also uploaded on their online portal. The petitioner took a screen print out of the same. After some time, the Consolidated Consent & Authorisation (CCA)" was removed from the website by respondent no. 2. A copy of the screen print out of issuance of "Consolidated Consent & Authorisation (CCA)" is annexed hereto and marked as Annexure-FF."

2. I state that an error had been committed by me and due to which I had instructed my advocate to state that "Consolidated Consent & Authorisation (CCA)" was uploaded on the online web portal and then removed. However, the correct factual position is that the application for issuance of the Consolidated Consent & Authorisation (CCA) is pending for scrutiny at the Unit Head office of respondent no. 2. A copy of the online status

X 



of the application for issuance of Consolidated Consent & Authorisation (CCA) is annexed hereto and marked as Annexure-Z colly.

3. In view of the aforesaid, I tender an unconditional apology to this Hon'ble Court as well as to the respondents for the error committed by me in making an incorrect averment on oath.

:: AFFIDAVIT ::

I, Deva Karabhai Bhutiya, aged 55 years, the petitioner herein do hereby solemnly affirm and state on oath as under:

What is stated in para no. 1 to 3 are true to the best of my knowledge and what is stated in para no. --- to ---- are true to the best of my information and which I believe to be true.

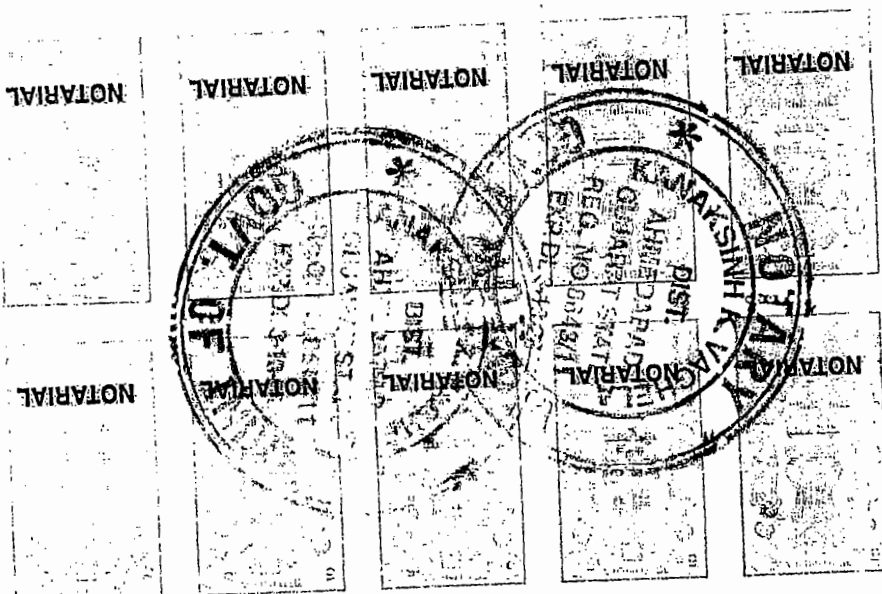
Solemnly affirmed at Ahmedabad on 09th day of November, 2022.

IDENTIFIED BY ME

ADVOCATE

Deponent

SR. No. 20925/2022
**SOLEMNLY AFFIRMED
 BEFORE ME**
11/11/2022
 KANAKSINH K. VAGHELA, NOTARY
 DATE : 09/11/2022



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15722 of 2022**

=====

M/S UDAYSINH MUHHOBATSINH LIMESTONE MINE**Versus****STATE OF GUJARAT, INDUSTRIES AND MINES DEPARTMENT**

=====

Appearance:**MR HEMANG M SHAH(5399) for the Petitioner(s) No. 1****for the Respondent(s) No. 2,3****ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the****Respondent(s) No. 1**

=====

CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 11/10/2022****ORAL ORDER**

Heard Mr.Shalin Mehta, learned Senior Advocate
with Mr.Hemang Shah, learned advocate for the
petitioner.

Issue **notice** returnable on 17.10.2022. Direct
service is permitted.

P. SUBRAHMANYAM

(NIRZAR S. DESAI,J)



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar-382 010

Phone : (079) 23226295

Fax : (079) 23232156

Website : www.gpcb.gov.in
આર.પી.એ.ડી

નં.જી.પી.સી.બી./સી.સી.એ.પી.બી.આર.-૦૩૩/આઈ.ડી.-૩૧૬૦૦/

તા-

પ્રતિ,

મે. ઉદયસિંહ એમ. જેઠવા(લાઈમ સ્ટોન માઈન)

સર્વે નં. ૭૮/પ(૧૨.૧૪ હે),

રાણ કેમ માઈન ની બાજુમાં,

રાણાવાવ, જી. પોરબંદર.

વિષય:- ઈન્દ્રીમ એન્વાયરમેન્ટ ડેમેજ કમ્પેનસેશન રૂ.૨૫,૦૦,૦૦૦/- (રૂપીયા પચીસ લાખ) RTGS/NEFT મારફત જમાં કરાવવા બાબત.

સંદર્ભ:- ૧) અત્રેની કચેરીનાં પત્રાંક નં. જી.પી.સી.બી./ પી.બી.આર.-સી.૨૦૫/આઈ.ડી.-૩૭૨૯૧/૫૬૫૯૬૯, તા. ૧૮/૦૮/૨૦૨૦ થી પાઠવવામાં આવેલ ઉદ્દોગ બંધ કરવાનો હુકમ.

૨) આપના એકમની તા.૦૩/૦૫/૨૦૨૧ ના રોજની અત્રે મળેલ રીવોકેશનની અરજી.

શ્રીમાન,

ઉપરોક્ત વિષય અને સંદર્ભ અન્વયે જણાવવાનું કે આપના એકમને ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ દ્વારા, હવા પ્રદૂષણ (નિવારણ અને નિયંત્રણ અધિનિયમ-૧૯૮૬ની કલમ ૩૧ (અ) હેઠળ આપના ઔદ્યોગિક એકમને તાત્કાલીક અસરથી બંધ કરવા માટે તા.૧૮.૦૮.૨૦૨૦ ના પત્રથી હુકમ કરવામાં આવેલ હતો. આપના દ્વારા ૦૩/૦૫/૨૦૨૧ ના રોજ રીવોકેશન બાબતે અરજી કરેલ. વધુમાં, લાઈમ સ્ટોન માઈન બાબતે નામદાર એનજીટી માં મેટર ઓર્ડર O.A. No.-101/2019, O.A. No. - 58/2018 અને O.A. No.-37/2020 ચાલી રહેલ છે.

જે ક્યાને લઈ, આપના દ્વારા રૂ.૨૫,૦૦,૦૦૦/- (રૂપીયા પચીસ લાખ) ની ઈન્દ્રીમ એન્વાયરમેન્ટ ડેમેજ કમ્પેનસેશન (EDC) રૂપે RTGS/NEFT થી નીચે મુજબની શરતો ને આધીન રહી નીચે દર્શાવેલ બેંક ખાતામાં જમા કરવી.

- નામદાર એનજીટી મેટર ઓર્ડર O.A. No.-101/2019, O.A. No. - 58/2018 અને O.A. No.-37/2020, ના નિર્દેશોનું સંપૂર્ણ પણે પાલન કરવાનું રહેશે તે મુજબની બાહેધરી રજુ કરવી.
- ભવિષ્યમાં નામદાર એનજીટી દ્વારા લાઈમ સ્ટોન માઈન ની મેટર O.A. No.-101/2019, O.A. No. - 58/2018 અને O.A. No.-37/2020 માં જે પણ નિર્ણય આવે, તેમજ તેમાં નક્કી થયેલ એન્વાયરમેન્ટ ડેમેજ કમ્પેનસેશન (EDC) ભરવા માટે આપ સહમત છો તેવું નોટશીટ અંડરટેકીંગ રજુ કરવું.
- આપના દ્વારા ઈ. સી.(પર્યાવરણીય મંજુરી) ની શરતોનું પાલન કરવું.
- બેંક ખાતાની વિગત આ મુજબ છે.

A	Name of Payee	Gujarat Pollution Control Board
B	Bank Account Number	10325062238
C	Type of Account	Current
D	Bank	State Bank Of India
F	Branch	Gandhinagar, Zonal Branch,
F	Branch Address	Sector-10/B, In Front Of New Sachivalaya, Gandhinagar 382010
G	IFSC Code	SBIN0001355

Clean Gujarat Green Gujarat

ISO - 9001 - 2008 & ISO - 14001 - 2004 Certified Organisation

નાણાં બોર્ડના બેંક ખાતામાં RTGS/NEFT મારફતે ભરી guh-rpcb-luna@gujarat.gov.in અને guh-rpcb-luna@gujarat.gov.in ઉપર મોકલી આપશો.

૧	ચેકમનું નામ	
૨	ચેકમે ભરેલ રકમ	
૩	નાણાં ભર્યાની તારીખ	
૪	ભરેલ નાણાંનો UTR નંબર	

ઉપરોક્ત માહિતી મળ્યા બાદ સંદર્ભ ફરિયાદોની કાર્યવાહી કરવામાં આવશે.

સદર પત્ર સક્ષમ અધિકારીશ્રીની મંજૂરીથી કરવામાં આવેલ છે.

ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડના

નામે અને વતી.


 (શ્રીમતી એમ.એસ.ભટ્ટ)
 યુનિટ હેડ

XVII
Annex-R-XXVII**UDAYSINH M JETHWA**Limestone MinesC/o Deva Kara Bhutiya "Gatral Bhavan", Satyampark, Rajivnagar,
Porbandar

GPCB ID: 31609

Date: 18-11-2022

To,

The Member Secretary,
Gujarat Pollution Control Board,
Gandhinagar.

Kind Att: The Unit Head (Porbandar)

Sub: Payment of EDC

Ref: letter no: GPCB/CCA-PBR-733. dated: 9-11-2022

Respected Madam,

In reference to the above subject we have herewith paid the 50% of the EDC. We have herewith attached the undertaking for the same and proof for the payment done is also been attached for your ready reference.

It is our humble request to kindly accept the same and do the needful.


Thanking You.

18/11/2022
Gujarat Pollution Control Board
Head Office
Sector No. 11-A,
Gandhinagar, Porbandar

PCB ID: 31609.

UDAYSINH M. JETHWA (LIME STONE MINE)

Name Of Unit	Udaysinh M Jethwa (Lime stone Mine) Id: 31609
Amount Paid by Unit	12,50,000 (Twelve lakh fifty Thousand)
Date of Payment	18-11-2022
UTR no of Payment Done	UTIBRS2022111800359116

18 NOV 2022

Serial No. 20732/2022
J. A. R. Bhanu

UNDERTAKING.

R. JAYRAM
 NOTARY
 GOVT. OF INDIA

I, Shri Devabhai Karabhai Bhutiya, owner of M/s Udaysinh M Jethwa (Lime stone Mines), located at Sr no.: 78/5 (12.14 hec), Besides Tata Chem Mine, Ranavav, Porbandar do hereby undertake as under:

I undertake to comply with the instructions and directions as may be given by National Green Tribunal in O.A. No: 101/2019; O.A. No: 58/2018 and O.A. No: 37/2020.

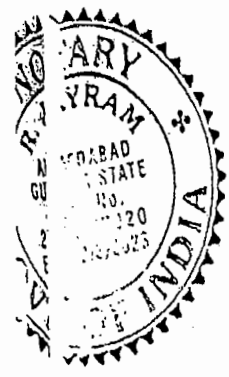
I undertake to pay any additional Environment Damage Compensation as may be directed vide order that may be passed by National Green Tribunal in O.A. No: 101/2019; O.A. No: 58/2018 and O.A. No: 37/2020 pertaining to Lime Stone Mines.

I assure you that I shall obey and comply with the points as mentioned in the Environmental Clearance order that had been issued.

I am currently paying EDC of Rs: 12,50,000 (50% of the total EDC) and the remaining amount of Rs 12,50,000 (i.e. remaining 50%) will be paid within 6 months (starting from the date on which the first 50% EDC is paid) with 12% normal interest rate.

I am giving this undertaking without prejudice to my rights and contentions to seek refund of EDC amount. This is so, more particularly, for the reason that I have already tendered a Bank Guarantee for a sum of Rs.79.62 Lacs, subject to certain terms and conditions. The utilization of the said amount is meant for mitigating the environment damage, if any, caused by mining activities. Furthermore, it appears that the whilst adjudicating compensatory amounts by the National Green Tribunal in aforesaid proceedings, prior bank guarantees by Lease Holders have not been taken into account. All said and done, I am not waiving any rights, contentions etc., by tendering this undertaking and that the undertaking is without prejudice to all of my rights and contentions.

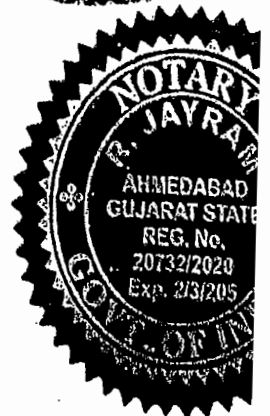
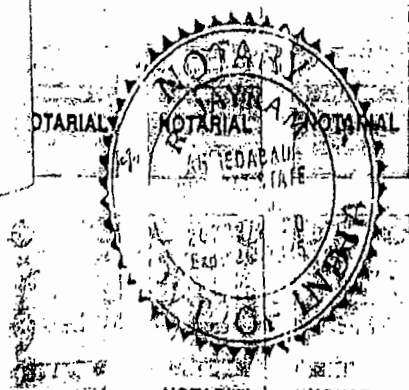
What is stated above is true as per my knowledge and abide to me.



DATE: 18/11/22
 PLACE: Ahmedabad



For, UDAYSINH M. JETHWA
 (Lime Stone Mines)



SIGNED BEFORE ME

J. A. R. Bhanu
 R. JAYRAM
 NOTARY



सत्यमेव जयते

INDIA NON JUDICIAL
Government of Gujarat
Certificate of Stamp Duty

Certificate No.	IN-GJ61763209743813U
Certificate Issued Date	18-Nov-2022 02:02 PM
Account Reference	IMPACC (AC)/ gj13326211/ GULBAI TEKRA/ GJ-AH
Unique Doc. Reference	SUBIN-GJGJ1332621152102978055075U
Purchased by	BHUTIYA DEVABHAI KARABHAI
Description of Document	Article 14 Bond
Description	FOR BOND
Consideration Price (Rs.)	0 (Zero)
First Party	BHUTIYA DEVABHAI KARABHAI
Second Party	Not Applicable
Stamp Duty Paid By	BHUTIYA DEVABHAI KARABHAI
Stamp Duty Amount(Rs.)	300 (Three Hundred only)



0012058482

Statutory Note:

1. The authenticity of this Stamp Certificate should be verified at 'www.shrestamp.com' or using a Stamp Mobile App of Stock Holding.
2. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
3. In case of any discrepancy please inform the Control and Authority.

Annex-R-XXVIII

GPCB ID: 31609

Date: 22-11-2022

To,

The Member Secretary,
Gujarat Pollution Control Board,
Gandhinagar.

Kind Att: The Unit Head (Porbandar)

Sub: Payment of EDC

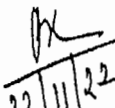
Ref: letter no: GPCB/CCA-PBR-733. dated: 9-11-2022

Respected Madam,

In reference to the above subject we have herewith paid the remaining EDC on Dated 22/11/2022. We have herewith attached proof for the payment done is also been attached for your ready reference(UTR No: UTIBR52022112200355061).

It is our humble request to kindly accept the same and do the needful.


Thanking You.


22/11/22
Gujarat Pollution Control Board
Head Office
Sector No.-10-A,
Gandhinagar-382010.

PCB ID: 31609.

UDAYSINH M. JETHWA (LIME STONE MINE)

Name Of Unit	Udaysinh M Jethwa (Lime stone Mine) id: 31609
Amount Paid by Unit	12,50,000 (Twelve lakh fifty Thousand)
Date of Payment	22/11/2022
UTR no of Payment Done	UTBR52022112200355061

Annex-R- XXIX

To,

Gujarat Pollution Control Board

Unit Head Porbandar,

Gandhinagar,

Sub:-Representation pursuant to your undated letter but signed on 09.11.2022

Sir/Madam,

Kindly note that vide your undated letter, the undersigned had been called upon to make payment of Rs.25 lakhs towards EDC subject to the instructions/directions that would be issued by the Hon'ble National Green Tribunal in O.A. No.101/2019; O.A. No.58/2018 and O.A. No. 37/2020 pertaining to Lime Stone Mines. A copy of communication as addressed by you is annexed hereto and marked as Annexure-A.

I had visited your office on 17.11.2022 and wherein I had been informed that the said amount can be paid in 2 installments in view of office order issued on 23.08.2021. A copy of the office order 23.08.2021 is annexed hereto and marked as Annexure-B.

Pursuant to which on 18.11.2022, I had approached your kind office to deposit an amount of Rs. 12.50 lakhs and which was accepted. A copy of the deposit and acknowledgment issued by GPCB is annexed hereto and marked as Annexure-C

After accepting the said amount and issuing a receipt, on 18.11.2022 I had received an email from your kind office that the entire payment is required to be made and not half payment and only then the revocation order will be passed and CCA would be issued. Sir/Madam, kindly note that the office order dated 23.08.2021 was issued only after the judgment rendered by the Hon'ble National Green Tribunal in OA's no. 593/17 and 375/12. In the present instance, the EDC amount is sought to be recovered from the undersigned even without any instructions/directions issued in O.A. No. 101/2019; O.A. No: 58/2018 and be O.A. No: 37/2020. Moreover, the undertaking is party to the proceedings of O.A. no. 101/19 which is pertaining to entities who do not have EC. In the present case, EC was issued in favor of the undersigned on 26.07.2021. Whereas, the undersigned is not a party to the proceedings of O.A. No: 58/2018 and OA. No 37/2020. Therefore, any directions/instructions rendered in them would not be applicable to the undersigned. Such directions/instructions would only apply to the entities which are party therein.

22/11/22
Gujarat Pollution Control Board
Head Office
Sector No.-10-A,
Gandhinagar-382010

In addition to the aforesaid It would also be relevant to state that as and when any directions/instructions are issued by the Hon'ble National Green Tribunal in O.A. no. 101/19 in which the undersigned is a party, undertake to pay any such amount as may be directed by the Hon'ble National Green Tribunal. Until then no amount can be levied as EDC.

Additionally, I would also like to draw your kind attention to the fact that when the EC was issued on 26.07.2021, an amount of Rs. 59.10 lakhs had been charged towards Cost of Damage/Remediation plan, Rs. 14.42 lakhs was charged towards Natural Resource Augmentation Plan and Rs. 6.10 lakhs was charged towards Community Augmentation Plan. Thus a total of Rs. 79.62 lakhs was levied upon the undersigned. On 22.07.2021, Bank guarantee for an amount of Rs. 79.62 lakhs is already issued and deposited with your office. A copy of the Minutes of the 41st meeting of the Expert Appraisal Committee held on 15.01.2021, bank Guarantee issued on 22.07.2021 and copy of EC issued on 26.07.2021 are annexed hereto and marked as Annexure-D colly

Thus, the amount of Rs. 25 lakhs which has been paid by the undersigned should also be refunded. I once again reiterate that as and when any directions/instructions are issued by the Hon'ble National Green Tribunal in O.A. no. 101/19, I shall undertake to deposit the amount, if any. I therefore, request you to kindly issue the revocation order and the CCA forthwith.

However without prejudice to the foregoing, as I have been expressly intimated, on multiple occasions, that on meeting the demand of payment of 25 lakhs as indicated, I shall be issued CCA and revocation; I am inclined to pay the same. The reason being that the stoppage of work has serious financial consequences and hence, the compulsion to pay the amounts. My act in making the payment may not be construed to be waiver any of my rights and contentions, including initiation of such proceedings, in appropriate forum, for recovery of the entire amount of the aforesaid lakhs Rs. 25 lakhs, including interest / costs.

Yours truly,



Udaysinh M. Jethwa.

(Lime Stone Mines)

Annex - R-XXX



GPCB

GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar-382 010

Phone : (079) 23226295

Fax : (079) 23232156

Website : www.gpcb.gov.in

BY RPAD

REVOCATION OF CLOSURE ORDER ISSUED UNDER SECTION 31-A OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT-1981.

WHEREAS, You are having Mine lease of M/s. Udaysinh M. Jethawa (Limestone Mines) (PCB ID: 31609) for the Mining of Lime stone at Survey No.78/5(12.14 Hectare), Nr. Tata chem Mine, Ranavav, Tal:- Ranavav - District:- Porbandar.

AND WHEREAS, You have applied CCA for the mining activity.

AND WHEREAS, closure order was issued under Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981, with immediate effect vide letter no. GPCB/PBR-C-205/ID-37291/565969, dated 18/08/2020.

AND WHEREAS, In compliance to closure order you have submitted revocation application with undertaking on stamp paper of Rs.300 /- stating that you shall comply the environmental laws and submitted required documents.

AND WHEREAS, You have submitted Bank Guarantee of Rs. 79,62,000/- (Rupees Seventy nine Lakh Sixty Two Thousand rupees only), valid up to 21/07/2026 towards remediation plan and natural community resource augmentation plan as per EC condition.

AND WHEREAS, you have submitted the Interim Environmental Damage Compensation (EDC) of Rs. 25,00,000/- (Rupees Twenty Five Lakh only), vide dated:-18 & 22/11/2022

AND WHEREAS, during the inspection of your Industrial plant on 29/07/2021 under the Air Act - 1981 by the authorized officer of the Board, and observed that:

- 1) Unit has obtained Environmental Clearance from MOEF & CC.
- 2) Unit has applied for CCA fresh.

Under the circumstances, I, Smt. M. S. Bhatt, Gujarat Pollution Control Board is directed to revoke the closure order up to three month with following conditions:

1. Unit shall comply the direction/orders issued by Hon'ble NGT in the matter of OA No. 101/2019, O.A.58/2018 & O.A.37/2020.
2. Unit shall comply the notarized undertaking dated: 18/11/2022 that unit shall liable to pay EDC as decided by Hon'ble NGT in the matter of OA No. 101/2019 in future & it is agreeable with unit.
3. Unit shall comply with all the condition of EC (Environment Clearance)

For and on behalf of
Gujarat Pollution Control Board,

(Smt. M. S. Bhatt)
Unit Head

NO: GPCB/CCA-PBR-733/ID-31609/

Date: /11/2022.

Issued to:-

M/s. Udaysinh M. Jethawa (Limestone Mines) (PCB ID: 31609),

Survey No. 78/5(12.14 Hectare),

Nr. Tata chem Mine, Ranavav,

Tal:- Ranavav & District:- Porbandar.

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Outward
38/56
22/11/2022

COPY TO:-

1. To,
The Chairman,
PGVCL, Corporate Office,
Laxminagar, Nana Mava road,

Rajkot- With a request to Re-connect the power supply of electricity for three months to the mine lease of M/s. Udaysinh M. Jethawa (Limestone Mines) (PCB ID: 31609) mine at Survey No.78/5(12.14 Hectare), Nr. Tata chem Mine, Ranavav, Tal:- Ranavav & District:- Porbandar effective immediately from the date of issuing of this order and intimate to us accordingly.

2. To, Deputy Engineer, (O & M)
PGVCL, ,

Porbandar, ... With a request to Re-connect the power supply of electricity for three months to the mine lease of M/s. Udaysinh M. Jethawa (Limestone Mines) (PCB ID: 31609) mine at Survey No.78/5(12.14 Hectare), Nr. Tata chem Mine, Ranavav, Tal:- Ranavav & District:- Porbandar effective immediately from the date of issuing of this order and intimate to us accordingly.

For and on behalf of
Gujarat Pollution Control Board,


(Smt. M. S. Bhatt)
Unit Head

Outward No: 588956, 22/11/2022



GPCB

GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar-382 010

Phone : (079) 23226295

Fax : (079) 23232156

Website : www.gpcb.gov.in

In exercise of the power conferred under section-25 of the Water (Prevention and Control of Pollution) Act-1974, under section-21 of the Air (Prevention and Control of Pollution) Act-1981 and Authorization under rule 3(c) & 5(5) of the Hazardous Waste (Management and Handling and Trans boundary Movement) Rules '2008 framed under the E (P) Act-1986. This Board is empowered to grant CC&A.

And whereas Board has received consolidated consent application vide No 199599 dated 27/07/2021 for the consolidated consent and authorization (CC & A) of this Board under the provisions / rules of the aforesaid Acts. Consent & Authorization is hereby granted as under.

CONSENT AND AUTHORISATION:

(Under the provisions / rules of the aforesaid environmental acts)

To,
M/s Udaysinh M. Jethawa
S. No.78/5, (12.14 hect)
Nr. Tata Chem mine,
Ranavav-360570,
Ta: Ranavav, Dist: Porbandar.

1. Consent Order No.: AW-122843 date of issue: 23/11/2022.
2. The consent shall be valid up to 26/07/2026 for the discharge of emission due to operation of Industrial plant for manufacture of the following items / products:

Sr.No.	Product	Quantity
1	Mining of Lime Stone	1,25,025 TPA

Specific Condition:

1. Unit shall strictly follow all specific conditions as mentioned in Environment Clearance, dated 26/07/2021 (vide MoEF & CC letter no.: F.No.23-165/2018-IA.III(v) Dated, 26/07/2021).

3. CONDITIONS UNDER THE WATER ACT:

- 3.1 The water consumption and waste water generation shall be as under.

	Water Consumption	Waste water generation
Industrial	1.0 KL/Day	Nil
Domestic	0.200 KL/Day	0.200 KL/Day

- 3.2 There shall be no generation of industrial effluent from the manufacturing Process and other ancillary industrial operations.
- 3.3 Sewage shall be disposed of through septic tank / soak pit system.
- 3.4 Proper measures should be taken to check and avoid the soil erosion as well as uncontrolled flow of mine water into the nature streams.
- 3.5 Proper measures shall be taken for rain water harvesting.

4. CONDITIONS UNDER THE AIR ACT:

- 4.1 There shall be no use of fuel hence there shall be no flue gas emission.
- 4.2 There shall be no process emission from the manufacturing process as well as any other ancillary process.

Clean Gujarat Green Gujarat

ISO - 9001 - 2008 & ISO - 14001 - 2004 Certified Organisation.

- 4.3 The concentration of the following parameters in the ambient air within the premises Industry shall not exceed the limits specified here under.

Parameter	Permissible Limit	
	Annual	24 Hrs. Average
Particulate matter- ₁₀ [PM ₁₀]	60 Microgram /NM ³	100 Microgram /NM ³
Particulate matter- _{2.5} [PM _{2.5}]	40 Microgram /NM ³	60 Microgram /NM ³
SO ₂	50 Microgram /NM ³	80 Microgram /NM ³
NO ₂	40 Microgram /NM ³	80 Microgram /NM ³

- 4.4 The concentration of Suspended Particulate Matter in ambient air measured between 3 meters and 10 meters distance from any equipment of stone crushing unit shall not exceed 600 microgram/m³.

- 4.5 The applicant shall install & operate following measures to control emission of particulate matter shall not exceed the permissible limits.

- Water Spraying System at every source.
- Construction of wind breaking walls.
- Construction of Metal led Road within premises.
- Regular Cleaning & Wetting at Ground within Premises.
- Dust Suppression System.
- Green Belt of 10-meter width all along the periphery.
- Mining lease area is 12.14 Hector.

- 4.6 The consent to operate the industrial plant shall lapse at any time if the concentration in the ambient air is not within the tolerance limits specified in the condition no. 3.3 & 3.4

- 4.7 The consent granted shall lapse at any time if any parameters or any condition of this Consent orders are not complied with.

- 4.8 The Industry shall take adequate measures for control of noise levels from its own Sources within the premises so as to maintain ambient air quality standards in respect of Noise to less than 75dB (a) during day time and 70 dB (A) during night time. Daytime is reckoned in between 6 a.m. and 10 p.m. and nighttime is reckoned between 10 p.m. and 6 a.m.

5 Authorization for the Management & Handling of Hazardous Wastes Form-2 [See rule 6 (2)] Form for grant of authorization for occupier or operator handling hazardous waste.

- 5.1 Applicant shall strictly adhere with the notarized undertaking that unit is not covered under the provisions of Hazardous Waste (Management, Handling & Trans boundary Movement) Rule-2008 as amended from time to time.

6 General Conditions:

- The waste generator shall be totally responsible for i.e. collection, storage, encapsulation, incineration treatment, transportation and ultimate disposal) of the wastes generated.
- Records of waste generation, its management and annual return shall be submitted to Gujarat Pollution Control Board in Form - 4 by 31st January of every year.
- In case of any accident, details of the same shall be submitted in Form - 5 to Gujarat Pollution Control Board.
- As per "Public Liability Insurance Act - 91" company shall get Insurance Policy, if applicable.
- Empty drums and containers of toxic and hazards material shall be treated as per guideline published for "Management & Handling of discarded containers". Records of the same shall be maintained and forwarded to Gujarat Pollution Control Board regularly.
- In no case any kind of hazardous waste shall be imported without prior approval of appropriate authority.
- In case of transport of hazardous wastes to a facility for (i.e. treatment, storage and disposal) existing in a State other than the State where hazardous wastes are generated, the occupier shall obtain 'No Objection Certificate' from the State Pollution Control Board or Committee of the concerned State or Union territory Administration where the facility exists.
- Unit shall take all concrete measures to show tangible results in waste generation, reduction, avoidance, reuse and recycle. Action taken in this regards shall be submitted within three months and also along with Form-4.
- Industry shall have to display the relevant information with regard to hazardous waste as indicated in the Courts Order in W.P. No.657 of 1995-dated 14th October 2003.



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar-382 010

Phone : (079) 23226295

Fax : (079) 23232156

Website : www.gpcb.gov.in

6.10 Industry shall have to display on-line data outside the main factory gate with regard to quantity and nature of hazardous chemicals being handled in the plant, including waste water and air emissions and solid hazardous wastes generated within factory premise.

For And On Behalf Of
Gujarat Pollution Control Board

M.S. Bhatt
28/11/22
(Smt. M.S. Bhatt)
(Unit Head)

NO: GPCB/ CCA/PBR- 733/ ID 31609/ 688956

28/11/22

ISSUED TO:

M/s Udaysinh M. Jethawa

S. No.78/5,(12.14 hect)

Nr. Tata Chem mine,

Ranavav-360570,

Ta: Ranavav, Dist: Porbandar.

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

District: Gandhinagar.

Special Civil Application No. 15722 of 2022.

M/s. Udaysinh Muhabatsinh Limestone

Mine.

....Petitioner

Versus

State of Gujarat & Ors.

....Respondents

Additional Affidavit on behalf of the petitioner.

I, Devabhai Karabhai Bhutiya, the petitioner herein, do hereby solemnly affirm and state as under:



I am filing the present additional affidavit for the purpose of placing on record the developments that have taken place during the pendency of the present Special Civil Application.

2. On 09.11.2022, the respondent no. 2 had addressed a communication to the petitioner requesting it to pay an amount of Rs. 25 lakhs towards "*interim environment damage compensation*" subject to the directions that may be issued by National Green Tribunal in O.A. no. 101/19, 58/18 and 37/20. A copy of communication dated 09.11.2022 is annexed hereto and marked as Annexure-Z.
3. On 18.11.2022, the petitioner deposited an amount of Rs. 12,50,000/- towards "*interim environment damage compensation*". While depositing the said amount, the petitioner was also constrained/compelled to submit an undertaking. A

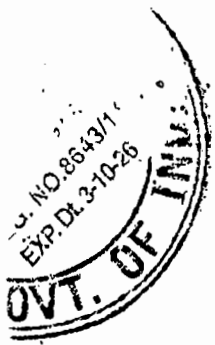
copy of communication dated 18.11.2022 alongwith the undertaking is annexed hereto and marked as Annexure-Z1.



4. On 22.11.2022, the petitioner deposited the remaining amount of Rs. 12,50,0000 towards "*interim environment damage compensation*". A copy of communication dated 22.11.2022 is annexed hereto and marked as Annexure-Z2.
5. While depositing the aforesaid amount, the petitioner had also submitted a representation to respondent no. 2. The petitioner informed the respondent no. 2 that at the time of issuance of Environmental Clearance, an amount of Rs. 79.62 lakhs had been deposited by way of bank guarantee. The petitioner also pointed out that the amount of Rs. 79.62 lakhs paid by it at the time of issuance of Environmental Clearance comprised of Rs. 59.10 lakhs towards Cost of damage/remediation plan; Rs. 14.42 lakhs towards Natural Augmentation Plan and Rs. 6.10 lakhs towards Community Augmentation Plan. The petitioner requested that the additional amount of Rs. 25 lakhs as demanded by respondent no. 2 should therefore be refunded. The petitioner also pointed out that as and when any directions/instructions are issued by National Green Tribunal in O.A. no. 101/19, he would comply with the same. A copy of the representation submitted on 22.11.2022 is annexed hereto and marked as Annexure-Z3.
6. Even after accepting the amount of Rs. 25 lakhs and not refunding the same, on 22.11.2022, respondent no. 2 issued an

A handwritten signature in black ink, consisting of a stylized 'B' followed by a horizontal line.

order for revoking the closure order. However, the said revocation was granted only for a period of three months. A copy of the revocation order issued on 22.11.2022 is annexed hereto and marked as Annexure-Z4.



7. On 28.11.2022, respondent no. 2 issued the Consolidated Consent and Authorization upto 26.07.2026 subject to the terms and conditions as stipulated therein. A copy of Consolidated Consent and Authorization issued on 28.11.2022 is annexed hereto and marked as Annexure-Z5.
8. The petitioner submits that there exists no reason for respondent no. 2 to issue revocation order for a limited period of three months after accepting the payment of Rs. 25 lakhs under the guise of "interim environment damage compensation".
9. The petitioner submits that Consolidated Consent and Authorization is granted upto 2026 while the revocation order is granted only for a period of three months. Thus both run contrary to each other. The revocation period has to be for an indefinite period until there is breach committed by the petitioner of any provision/direction/instruction.
10. In view of the aforesaid facts and circumstances, the petitioner submits that the reliefs as prayed for by the petitioner be



revocation order without time period and thereby refund the additional amount of Rs. 25 lakhs which has been collected under the guise of "interim environment damage compensation".

:: AFFIDAVIT ::

I, Deva Karabhai Bhutiya, aged 55 years, the petitioner herein do hereby solemnly affirm and state on oath as under:

What is stated in para no. 1 to 10 are true to the best of my knowledge and what is stated in para no. --- to --- are true to the best of my information and which I believe to be true.

Solemnly affirmed at Ahmedabad on 03rd day of December, 2022.

IDENTIFIED BY ME

Chand C-292
ADVOCATE
Clem-

[Signature]
Deponent

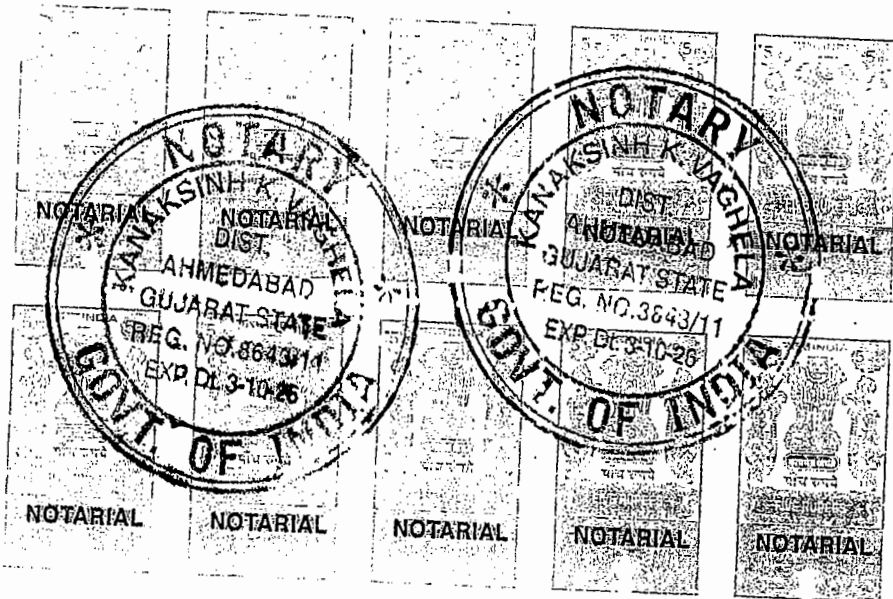
SR. No. 22683 / 2022

SOLEMNLY AFFIRMED
BEFORE ME

[Signature]

KANAKSINH K. VAGHELA, NOTARY

DATE : 03/12/2022



Annex-R- XXXIII

The surest way to legal research!

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2020 SCC OnLine NGT 162

In the National Green Tribunal¹

(BEFORE K. RAMAKRISHNAN, MEMBER (JUDICIAL) AND SAIBAL DASGUPTA, EXPERT MEMBER)

Tamil Nadu Small Mine Owners Federation Rep. by its General Secretary Mr. J. Mohan Kumar ... Applicant;

Versus

Secretary, Ministry of Environment Forest and Climate Change, Government of India and Others ... Respondents.

Original Application No. 136 of 2017 (SZ)

Decided on June 30, 2020, [Date of reserved for judgment : - 18-03-2020]

Advocates who appeared in this case:

Mr. Sanjay Upadhyay & Mr. Sai Sathya Jith, for the Applicant(s);

Mr. G.M. Syed Nurullah Sheriff, for R1 & R2;

Mr. M. Mani Gopi, for R3 & R4.

JUDGEMENT/ORDER

K. RAMAKRISHNAN, MEMBER (JUDICIAL):— The above case has been filed by the applicant who is a federation of small mine owners by name Tamil Nadu Small Mine Owner's Federation, represented by its General Secretary, seeking the following reliefs:

- "(a) to call for the records pertaining to the letter bearing No. Z-11013/24/2017-1A.II(M) dated 3.4.2017 issued by the 1st respondent herein and quash the same as being violative of the EIA Notification 2006 dated 15.1.2016 as amended from time to time.
- (b) Direct the 1st respondent to formulate an appropriate scheme containing uniform practice for grant of environmental clearance for both minor and major minerals.
- (c) declare that the existing mines in operation prior to the EIA Notification dated 7.10.2014 shall be required to obtain Environmental Clearance only at the time of renewal or expansion or increase in production capacity (or) alternative;
- (d) issue appropriate directions directing the respondents and such other authorities who may be involved in the process to expedite the process of grant of environmental clearance to the lessees of major minerals mining in a lease area of less than 5 HA by fixing a time limit thereof without reference to Notification S.O. 804(E) Ministry of Environment, Forests & Climate Change dated 14.3.2017."

2. It is alleged in the application that members of the applicant federation were involved in carrying out business of small mines, concerned with quarrying of major minerals like Limestone and Magnesite etc. Mining of major minerals and regulation thereof was governed by the provisions of Mines and Minerals (Development and Regulation) Act, 1957. The provisions of the said Act deal with general restrictions on prospective undertaking of mining operation, procedure for obtaining prospecting license or mining leases in respect of lands in which the minerals vest in the Government.

3. After passing of the Environment (Protection) Act, 1986 and framing of the Rules thereunder, the first respondent - MoEF & CC issued various notifications, regulating the mining of minerals. As per the Notifications issued from time to time since 1994, mining activity required obtaining Environmental Clearance for the projects as listed in

Schedule 1 to the Notification of the year 1994. However, the Notification of the year 1994 did not deal with mining projects of minor minerals. On the other hand, it dealt only with mining projects concerning major minerals with leases more than 5 Hectares.

4. By a subsequent notification viz., EIA Notification, 2006 dated 14.9.2006, the projects listed in the Schedule to the Notification require prior Environmental Clearance. They were classified into two categories viz., "A" category and "B" category. For "A" category projects, prior Environment Clearance had to be issued by MoEF & CC and for "B" category projects, Environment Clearance had to be issued by the State Environmental Impact Assessment Authority (SEIAA). "B" category projects were further divided into two categories viz., B-1 and B-2 category of which B-1 category projects require Environmental Impact Assessment Report, whereas, B-2 projects did not require the same.

5. As per the decision of the Hon'ble Supreme Court in *DEEPAK KUMAR v. STATE OF HARYANA*, ((2012) 4 SCC 629), even mining activities in respect of minor minerals below 5 Hectares have to obtain Environment Clearance which includes their renewal as well.

6. In order to implement the aforesaid direction of the Hon'ble Supreme Court, the MoEF & CC issued an Office Memorandum dated 18.5.2012, produced as Annexure - I, by which the mining projects of minor minerals were directed to obtain prior Environment Clearance. When a clarification was sought for by the Member Secretary, SEIAA, Karnataka, as to whether mining projects of major minerals of the size of the lease area less than 5 Hectares would be covered by the order of the Hon'ble Supreme Court in *DEEPAK KUMAR v. STATE OF HARYANA*, ((2012) 4 SCC 629), the MoEF & CC issued a Clarification dated 4.1.2013, produced as Annexure - II, wherein they had stated that there was no need to obtain prior Environment Clearance for mining projects of major minerals with lease area of less than 5 Hectares either from the State or Central Government and that the only requirement must be to obtain "consent to operate" from the State Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974. There was no further notification/office memorandum/circular issued by MoEF & CC or the Central/State Governments, making prior Environment clearance mandatory for mining projects of major minerals with lease area less than 5 Hectare. All the notifications issued from time to time only dealt with non-coal mining projects in respect of minor minerals only.

7. Later, MoEF & CC issued an amendment to the EIA Notification dated 7.10.2014 by which all new mining operations were required to obtain prior Environment Clearance for mining of major minerals as well including mining lease area of less than 5 Hectares at the stage of renewal of mining of lease or enhancing the production capacity, evidenced as Annexure - III. Environment Clearance in respect of minor minerals with less than 5 Hectares and implementation of the directions issued in *DEEPAK KUMAR v. STATE OF HARYANA*, ((2012) 4 SCC 629) along with challenge to Notification dated 9.9.2013 issued by the MoEF and certain other memorandums again were considered in *HIMMAT SINGH SHEKHASWAT v. STATE OF RAJASTAN* (O.A. No. 123 of 2014) by the National Green Tribunal, Principal Bench, New Delhi) and the Principal Bench by its order dated 13.1.2015 issued several directions including expeditious disposal of the applications for prior Environment Clearance made in respect of minor minerals of lease area with less than 5 Hectares. There was no issue relating to mining projects of major minerals regarding obtaining of prior Environment Clearance for the lease area less than 5 Hectares was raised or decided by the National Green Tribunal in that case.

8. Thereafter, M/s. Ahunik Cement, having a mining lease of major minerals with a

lease area of less than 5 Hectares, sought for a clarification from MoEF & CC regarding the requirement of prior Environment Clearance in cases where mining operations were being carried even prior to the amended Notification dated 7.10.2014. The MoEF & CC issued a clarification dated 8.1.2016, evidenced by Annexure - IV, stating that after 7.10.2014, all mining operations required prior Environment Clearance and for existing mines, Environment Clearance had to be obtained at the time of renewal of mining leases. It was further clarified that mines of major minerals with the lease area of less than 5 Hectares which were operating before 7.10.2014 may continue the mining operations with the consented capacity and should not enhance the production capacity without prior Environment Clearance. The industries were however, advised to submit their applications for Environment Clearance without waiting for renewal and the SEIAA was requested to consider the same on priority basis and till such time the same was granted, the existing mining operations were permitted to continue within the existing consented capacity.

9. Thereafter, the MoEF & CC issued an amended EIA Notification dated 15.1.2016, evidenced by Annexure - V, dealing with process of granting Environmental Clearance for mining minor minerals, including sand mining and constitution of a District Environment Impact Assessment Authority. It referred to the judgment in *DEEPAK KUMAR v. STATE OF HARYANA*, ((2012) 4 SCC 629) and the order of the National Green Tribunal, Principal Bench, New Delhi in *HIMMAT SINGH SHEKHAWAT's* case dated 13.1.2015 relating to mining of minor minerals. Appendix VII to XII of the amended Notification only dealt with minor minerals only and there was no mention of major minerals anywhere in the Notification.

10. In *JATINDER SINGH v. UNION OF INDIA* (O.A. No. 495 of 2015), Principal Bench of the National Green Tribunal, New Delhi was dealing with the lease of minor minerals and by judgment dated 19.2.2016, after considering the directions given by the Hon'ble Supreme Court to the Central Empowerment Committee and its report on matters connected therewith, observed in para 21 that MOEF & CC is likely to issue a notification shortly, placing both minor and major minerals at par in relation to requirement for obtaining Environment Clearance prior to carrying on mining activity, irrespective of the size of lease area. But in the concluding part of the judgment, Principal Bench of the National Green Tribunal held that it would be mandatory for all the applicants to seek Environment Clearance for carrying on mining activity of minor or major minerals, even if the lease area is less than 5 Hectares and that MoEF & CC/SEIAA would adopt uniform practice for issuing Environment Clearance in this regard. The Hon'ble Principal Bench of the National Green Tribunal observed that the judgment in *DEEPAK KUMAR's* case would apply to both minor and major minerals.

11. It is submitted by the applicant that lessees of major minerals having mining lease of less than 5 Hectares were never put on notice about this judgment by the authorities in the State of Tamil Nadu. The MoEF & CC did not issue any notification/circular/advisory of the judgment dated 19.2.2016 that it has become mandatory for the mining leases even of major minerals less than 5 Hectares to obtain an Environment Clearance. However, out of abundant caution, the mining lease holders of major minerals, having mining lease area of less than 5 Hectares, have submitted their application for the grant of Environment Clearance to SEIAA as early as in January, 2016 and SEIAA did not pass any orders on the same.

12. While so, the District Authorities orally informed during the month of January, 2017 to stop their mining operations forthwith, quoting the MoEF & CC Notification dated 15.1.2016. Though the lessees of major minerals of less than 5 Hectares informed the authorities that those notifications did not apply to major minerals and they were governing in respect of minor minerals and not dealing with the mining operation of major minerals of less than 5 hectares without obtaining Environment Clearance, they did not respond to the same. Even if mines were to function, they did

not issue any transport permit which effectively puts a curb on all mining activities relating to major minerals in the State of Tamil Nadu.

13. Thereafter, several representations were made to respondents 3 and 4 stating that MoEF & CC had not issued any amended notification or letters or circulars, indicating that the lessees of major minerals mining in a lease area of less than 5 Hectares ought to obtain Environment Clearance and they may be permitted to operate and one such representation dated 6.1.2017 was produced as Annexure - VI. Though the lessees of mining lease of major minerals of area of less than 5 Hectares were prepared to apply for Environment Clearance, but they wanted some time for that purpose if it is mandatory. Annexure-VII representation dated 18.1.2017 was also submitted for this purpose.

14. In the mean time, the Commissioner of Geology and Mining, Government of Tamil Nadu who is the third respondent in the application, directed the major minerals lease holders, having less than 5 Hectares of area, to obtain Environment Clearance on or before 11.1.2017, failing which the mining activities were to be stopped. On account of the oral directions given, the members of the applicant federation had stopped their activities, leaving lot of people out of employment. They also submitted representation dated 6.1.2017 produced as Annexure - VIII to MoEF & CC and Annexure IX representation dated 18.2.2017 to Chief Secretary, Government of Tamil Nadu stating that obtaining of prior Environment Clearance would apply only to new units and not to the existing leases who were already operating mining projects and in any event, they had also applied for Environment Clearance based on the order of the Hon'ble National Green Tribunal dated 19.2.2016 and therefore their mining activities should be permitted and transport permits will have to be issued. They also submitted Annexure - IX representation dated 18.2.2017 to the Principal Secretary, Industries Department as well as Commissioner of Geology and Mining, Government of Tamil Nadu.

15. Representatives of the applicant federation met the authorities of MOEF&CC at New Delhi on 3.3.2017 and requested for clarification regarding the requirement of Environment Clearance for major minerals. They orally clarified that mines operating prior to 7.10.2014 having lease area of less than 5 Hectares do not require Environment Clearance and they may continue mining operations as such and Environment Clearance will be required only at the time of renewal or expansion or new license. They also mentioned that they are prepared to issue necessary clarification, if the State Government made any official request for such clarification. Thereafter, they filed Annexure - XI representation dated 13.3.2017 to Principal Secretary, Industries Department for making such request for clarification. However, contrary to the oral clarification given by MoEF & CC, informed the Secretary, Industries Department by its clarificatory letter dated 3.4.2017 that as per Notification dated 15.1.2016, all mining leases (major mineral as well as minor mineral) operating in the country were required to obtain Environment Clearance after 15.1.2016. It is also mentioned in the letter that such mines (including less than 5 Hectares) which were in operation prior to 15.1.2016 were required to stop their mining activity and apply to MoEF & CC at Central Level, SEIAA at State Level and District Environment Impact Assessment Agency at District Level for seeking Environment Clearance. The clarification also stated that mining leases that continue to operate without obtaining Environment Clearance after 15.1.2016 shall be considered as violation cases and the same shall be dealt with in accordance with the violation policy under the EIA Notification, 2006. The MoEF & CC clarification dated 3.4.2017 was produced as Annexure - XII.

16. According to the applicant, clarification dated 3.4.2017 was against law and was issued arbitrarily, without considering the precedents on this aspect. The

applicant did not apply for environment Clearance, as they were under the impression that it was not mandatory but they were prepared to apply for Environment Clearance in accordance with law but should not be taken as violation case, as mentioned in the impugned clarification dated 3.4.2017 of the MoEF & CC. The SEIAA has rejected the application for Environment Clearance filed by some of members of the applicant federation stating that it was a case of violation on the basis of the letter dated 3.4.2017 of the MoEF & CC on the ground that the mining leases were continuing to operate after 15.1.2016 without Environment Clearance and shall be considered as violative cases and one such order dated 26.4.2017 was produced as Annexure - XIII. The MoEF & CC Notification dated 4.3.2017 is produced as Annexure - XIV.

17. It is also mentioned that rejection orders passed by SEIAA were referred to in the order of the National Green Tribunal dated, 18.4.2017 passed in M.A. No. 260 of 2017 in O.A. No. 123 of 2014 wherein the Tribunal has directed the State Government to ensure that no mining activity is permitted to carry on without obtaining prior Environment Clearance. According to the applicant, that order was also passed without application of mind, as the issue regarding mining of major minerals of lease area of less than 5 Hectares was not the subject matter in that case. So petitioner filed the above application seeking the above reliefs.

18. First respondent - MoEF & CC filed reply statement contending as follows:

"It is respectfully submitted that in the present case the applicant has inter alia alleged that the respondent Ministry has not framed any guidelines or issued any circular till date to prescribe the procedure for grant of environmental clearance to lessees of major minerals mining in a lease area of less than 5 ha.

That the Ministry had mandated the requirement of prior Environmental Clearance in respect of non coal mine leases of less than 5 hectare for all new projects and cases of lease renewal vide its notification S.O. 2601(E) dated 7.10.2014. That further, vide notification S.O. 141(E) dated 15.1.2016 the Ministry stipulated for all the mining leases (major mineral as well as minor mineral) operating in the country to obtain Environmental Clearance after 15.1.2016 as per the provisions contained in Environmental Impact Assessment Notification, 2006.

That it is humbly submitted that the above mentioned notifications made it clear that no mining lease shall operate without prior EC and all such mines (including less than 5 Hectares) which were in operation before 15.1.2016 are required to stop their mining activity and apply to MoEF & CC at Central Level/State Environment Impact Assessment Agency at State Level/District Environment Impact Assessment Agency at District level for seeking EC.

That the mine leases which continued to operate without obtaining EC after 15.1.2016 are considered as violation cases and are required to be dealt in accordance with the violation policy under Environmental Impact Assessment Notification, 2006 as amended. The S.O. 804(E) dated 14.3.2017 is notified by the Ministry of Environment, Forest and Climate Change to deal with such violation cases.

The Hon'ble High Court of Madras vide judgment dated 13.10.2017 in W.P. No. 11189 of 2017, PUDUCHERRY ENVIRONMENT PROTECTION ASSOCIATION v. UNION OF INDIA has upheld the violation Notification No. S.O. 804(E) dated 14.3.2017 and further held that "the notification does not compromise with the need to preserve environmental purity, but only allows those industries and/or projects which might otherwise have been given prior environmental clearance to operate on the conditions imposed by the authorities concerned, including their liability under the principle "polluter pays".

That the respondent Ministry has issued Sustainable Sand Mining Management Guidelines, 2016 to ensure inter alia that sand and gravel mining is done in

environmentally sustainable and socially responsible manner, ensure conservation of the river equilibrium and its natural environment by protection and restoration of the ecological system, to ensure that rivers are protected from bank and bed erosion beyond its stable profile. The above mentioned guidelines were issued with one of the objectives being that each lease holder should be given the opportunity to self regulate to the extent that it can demonstrate compliance with legislation and regulations. That where self regulation fails to deliver compliance with legislation and regulations increased formal enforcement and monitoring should be implemented with punitive measures applied in line with the legal frame work.

That it is submitted that the notifications brought out by the Ministry to cover all the mining leases under the ambit of EIA Notification, 2006 are in line with the directions passed by Hon'ble Supreme Court/Hon'ble High Court/Hon'ble National Green Tribunal from time to time."

19. Second respondent filed counter statement contending as follows:

"It is respectfully submitted that the EIA Notification, 2006 mandates prior Environmental Clearance for new projects or activities including expansion or modernization of existing projects listed in its Schedule. The Category "A" projects shall obtain EC from the Central Government and Category "B" projects from the concerned State Level Environment Impact Assessment Authority/Union Territory Environment Impact Assessment Authority. For the proposed mining project, the proponent shall submit application seeking Environmental Clearance for the proposed quarry along with Form - 1, precise area communication from the District Collector, Mining plan approved by the Department of Geology and Mining, Mining lease deed, prefeasibility report and other essential documents. The proposal will be placed before the State Expert Appraisal Committee for screening, scoping and appraisal. Based on the recommendations of SEAC, the proposal is placed before the State Environment Impact Assessment Authority for the consideration of issue of Environmental Clearance. After detailed discussion and based of the document furnished, Environmental Clearance is issued by the Authority.

It is respectfully submitted that the Hon'ble Supreme Court, vide its order dated 27.2.2012 in I.A. No. 12-13 of 2011 in SLP(C) No. 19628-19629 of 2009 in the case of Deepak Kumar v. State of Haryana has inter alia ordered that leases of minor minerals including their renewal for an area less than 5 ha be granted by the State/Union Territory only after getting environment clearance from the Ministry of Environment & Forests. In order to ensure compliance of the aforesaid order of the Hon'ble Supreme Court, MoEF issued an O.M. No. L-11011/47/2011-IA.II(M) dated 18.5.2012 stating inter alia that all mining projects of minor minerals including their renewal, irrespective of the size of the lease would henceforth require prior EC and that the projects of minor minerals with lease area less than 5 ha would be treated as Category "B" as defined in EIA Notification, 2006 and will be considered by the respective State Environment Impact Assessment Authorities notified by MoEF.

It is respectfully submitted that Hon'ble National Green Tribunal Principal Bench, New Delhi order dated 4.5.2016 on the Original Application No. 34 of 2016 filed by Naresh Zargar v. State of Madhya Pradesh has given certain directions inter alia that "all the mine owners which of them have not submitted the application as on 31st March, 2016 to SEIAA, DEIAA and DEAC shall be shut down forthwith and will not be permitted to carry on any mining activity in any manner whatsoever". Further, the above Hon'ble NGT order was communicated to the respective Deputy Director/Assistant Director, Department of Geology and mining vide SEIAA letter Dt.26.9.2016 to reexamine the proposals seeking Environmental Clearance for the existing quarries considering the above Hon'ble NGT order with an intimation to the

proponent.

It is respectfully submitted that the Ministry of Environment, Forest and Climate Change vide Notification dated 14.3.2017 has stated that the cases of violations will be dealt strictly as per the procedure specified in the following manner:

"In case the project or activities require prior environmental clearance under EIA Notification 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization and change in product mix without prior EC, these projects shall be treated as cases of violations and in such cases even Category B projects which re granted environmental clearance by the SEIAA constituted under sub section (3) section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central Level."

Further the projects are activities were are in violation as on date of this notification only will be eligible to apply for Environmental Clearance under this notification and the project proponent can apply for Environmental Clearance under this notification only within six month from the case of the notification.

It is respectfully submitted that MoEF & CC vide its letter Z-11013/24/20176/- IA.II(M) dt.3.4.2017 has clarified stating that no mining lease shall operate without Environmental Clearance and shall all mines (including less than 5 Hectare) which were in operation before 15.1.2016 are required to stop their mining activity and apply to MoEF & CC/SEIAA/DEIAA for seeking EC. The proponent with mining lease continues to operate without obtaining EC after 15.1.2016 shall be considered as violation cases and the same shall be dealt in accordance with the violation policy under EIA Notification, 2006 as amended.

It is respectfully submitted that The Hon'ble NGT (PB) in its order dt.18.4.2017 in M.A. No. 260 of I2017 in OI.A. No. 123 of I014 filed by Himmat Singh Shekhawat against State of Rajasthan & others has directed that "the State Government again to expedite the compliance to the law as expeditiously as possible and to ensure that no mining activity is permitted to be carried on without obtaining prior Environmental Clearance."

It's respectfully submitted that the existing quarry under operation without obtaining Environmental Clearance and continues to operate without obtaining EC after 15.1.2016, it shall be considered as per the violation case as per MoEF & CC letter Z-11013/24/20176/IA.II(M) dt.3.4.2017. All the existing quarries applied for Environmental Clearances were communicated stating that their application seeking Environmental clearance could not be processed at SEIAA-TN and requested the applicant to submit the proposal seeking EC to MoEF & CC the guidelines. Further, it was also informed that their application seeking EC is closed and recorded.

It is respectfully submitted that the Hon'ble High Court of Madras in the W.P. No. 11180 of 2017 in its order dated 13.10.2017 stated that the submission of the learned Additional Solicitor General that a public hearing can be read into paragraph 5 of the impugned Ministry of Environment, Forest and Climate Change Notification 14.3.2017 and this shall certainly and clearly be a one time measure."

20. Respondents 3 and 4 filed their counter as follows:

"It is submitted that the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter called as the Act of 1957) provides inter alia for general restrictions on undertaking prospecting and mining operations, the procedure for obtaining prospecting licences or mining leases in respect of the land in which the minerals vests in the Government, and the rule making power for regulating the

grant of prospecting licences and mining leases in respect of minor minerals.

'It is submitted that with the passage of time and development of law, the Union of India, Ministry of Environment Forest and Climate Change issued various Notifications and Circulars to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects in respect of mining of major and minor minerals.

It is submitted that the Environment (Protection) act, 1986 and Environment (Protection) Rules, 1986 were enacted and came into force on 19th November, 1986. The object of this act of 1986 is not provide for the protection and improvement of environment and for matters connected therewith. Under provisions of the Act and Rules of 1986, Ministry of Environment Forest and Climate Change issued various other Notifications regulating the mining of major and minor minerals, specifically stating the procedures that were required to be complied by persons intending to carry on such mining activity and for which the authorities to regulate the same.

It is submitted that prior to the year 1994, there was no specific regime to get Environmental Clearance for mining activities. The Notification issued by Ministry of Environment Forest and Climate Change on 27th January, 1994 in exercise of the powers vested in it under sub rule 3 of Rule 5 of the Rules of 1986 and sub section (1) and Clause (V) of sub section (2) of Section 3 of the Act of 1986 prescribed the requirement and procedure for seeking Environment Clearance for the major minerals mining projects with lease area of more than 5 hectares. In exercise of its statutory powers afore indicated the Central Government on 14th September, 2006 issued a Notification i.e., Environmental Clearance Regulation, 2006. In terms of this Notification, the projects as stated in the Schedule to this notification required prior Environmental Clearance as per the procedure. The projects have been categorised into two kinds i.e., category "A" and category "B" under Clause 2 of the Notification. Projects under Category "A" were required to take prior Environment Clearance by Ministry of Environment Forest and Climate Change. For category "B" projects, Environmental clearance has to be given by State Environment Impact Assessment Authority subsequently in respect of "B-2" category of project i.e., Minor minerals by district Environment Impact Assessment authority with effect from 15.1.2016.

It is submitted that from this Entry in the Schedule to the Notification of 2006, the projects in respect of non coal mine leases, where the area is more than 50 hectares would require prior Environmental Clearance from Ministry of Environment Forest and Climate Change, while the projects of less than 50 hectares and more than 5 hectares of mining area would require prior Environmental Clearance from State Environment Impact Assessment Authority. The procedure for taking prior Environmental Clearance under both these categories is more or less the same except that the agency which gives the clearance is different. Clause 7 of the Notification of 2006 specifies the stages through which such projects for grant of Environmental Clearance are required to be passed and processed. They include screening, scoping, public consultation and appraisal upon which the Expert Appraisal Committee would make a recommendation to the MoEF/SEIAA as the case may be which would then grant or refuse the Environmental Clearance to the project in question. Under the head "screening" this clause 7 also provides for a further bifurcation of projects falling under Category "B" into "B-1" and "B-2". The relevant part of Clause 7 dealing with this aspect reads as under:

"Stage (1) - Screening

In case of category "B" projects or activities this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State Level Expert Appraisal Committee for determining whether or

not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment for its appraisal prior to the grant of environmental clearance depending upon the nature and location specificity of the project. The projects requiring an environmental Impact Assessment report shall be termed Category "B-1" and 30 remaining projects shall be termed Category "B-2" and will not require an Environment Impact Assessment report. For categorization of projects into B-1 or 2 except item 8(b) the Ministry of Environment and Forests shall issue appropriate guidelines from time to time."

It is submitted that in terms of the above, at the stage of screening, the State Level Expert Appraisal committee has to determine whether or not the project requires further environmental studies for preparation of an Environmental Impact Assessment report for its appraisal, prior to the grant of Environment Clearance, depending upon the nature and location specificity of the project. The Category "B-1" projects requires Environmental Impact Assessment report for Environment Clearance for the projects comes under Category "B-2" does not require environmental Impact Assessment report for Environmental Clearance. The Hon'ble Supreme Court in I.A. Nos. 12-13 of 2011 in S.L.P.(C). No. 19628-19629 of 2009, Deepak Kumar v. State of Haryana, has directed all the State and Union Territories that leases of minor mineral including the renewal for an area of less than five hectares be granted only after getting Environmental Clearance from the Ministry of Environment and Forest and Climate Change.

It is submitted that accordingly vide Office Memorandum dated 8.12.2012 issued by the MoEF, it was decided by MoEF that all the mining projects for minor minerals, including their renewal, irrespective of the size of the lease would henceforth require prior Environmental Clearance. Wherever the area was less than five hectares be granted they would be treated as category "B" projects in terms of Notification of 2006 and should be processed accordingly.

It is respectfully submitted that the National Green Tribunal Principal Bench, New Delhi in its order dated 19.2.2016 in O.A. No. 495 of 2015 in the case of Jatinder Singh issued the following directions among others which reads as follows:—

a. "It shall be mandatory for all the applicants to seek EC for carrying on of mining activity of minor or major minerals even if the lease area is less than 5 ha. In other words, MoEF, SEIAA and all other authorities would adopt uniform practice for issuance of EC in regard to the mining area of less than 5 ha notwithstanding the fact that environment impact of mining of minor minerals is no way less than that of the mining of major minerals. The judgment of the Supreme Court in the Deepak Kumar v. State of Haryana (2012) 4 SCC 629 is applicable to both minor and major minerals."

It is respectfully submitted that further the National Green Tribunal, Principal Bench, New Delhi in its order dated 4.5.2016 in O.A. No. 34 of 2016 in the case of Naresh Zargar issued the following directions among others which reads as follows:

- i. "We hereby quash and direct the State of Madhya Pradesh and all other concerned States including Rajasthan not to issue such circulars and any other circular in variation and/or in derogation of the orders of the Tribunal.*
- ii. All the district level authorities DEIAA and DEAC are directed to dispose of all the applications pending with them by 31st May, 2016 positively. We will not grant any extension of time for this purpose hereafter.*
- iii. All the mines owners which of them have not submitted the applications as on 31st March, 2016 to SEIAA, DEIAA and DEAC shall be shut down forthwith and will not be permitted to carry on any mining activity in any*

manner whatsoever.

- iv. The applications which are deficient and where the applicants have not submitted all requisite documents such applicants are hereby granted last opportunity of 1 week to submit the documents. In the event they fail to submit such document and make applications complete and errorless in all respects then after the stated period of 1 week they shall also be liable to be shut down without any further notice. If they comply with this direction, they would also be entitled to the advantage upto 31st May, 2016.*
- v. All the State Authorities are directed to upload on their respective websites, details of the applications pending before them as on 31st March, 2016. They will also separately classify the applications which are deficient in any respect whatsoever. With the above directions this application is hereby disposed."*

It is respectfully submitted that in order to comply with the directions of the Hon'ble Supreme Court of India and the National Green Tribunal Principal Bench, New Delhi, the Commissioner of Geology and Mining vide letter No. 6731/LC/2015 dt.11.1.2017 issued directions to all the District Collectors and the District Officers of the Department of Geology and Mining to ensure the compliance of the directions of the Supreme court of India and National Green Tribunal in letter and spirit accordingly the issuance of transport permit were stopped for mining and quarrying leases which are not having Environment clearances. However, in the interest of the public, in the interest of existing mining industries, in the interest of the State Revenue and in the interest of employment, the State of Tamil Nadu filed a Miscellaneous Application No. 260 of 2017 in O.A. No. 123 of 2014 in the matter of Himmat Singh Shekawhat before the National Green Tribunal, Principal Bench, New Delhi.

It is respectfully submitted that the National Green Tribunal Principal Bench, New Delhi in its order dt.18.4.2017 in M.A. No. 260 of 2017 and O.A. No. 123 of 2014 in the matter of Himmat Singh Shekhawat v. State of Tamil Nadu issued the following directions among others as follows:

"Following the dictum of the Hon'ble Supreme Court of India laid down in the case of Deepak Kumar v. State of Haryana (2012) 4 SCC 629, the Tribunal had passed a detailed judgment in the case of Himmat Singh Shekhawat v. State of Rajasthan decided on 13th January, 2015 vide this judgment, the Tribunal had issued large number of directions in paragraph 83 of the judgment. The Tribunal had quashed the Notification issued by the Union of India dated 9th September, 2013 enunciating that the prescribed procedure was contrary to law and therefore, liable to be quashed. Along with this, even the Office Memorandums issued on 24th June, 2013 and 24th December, 2013 were held to be invalid and inoperative being beyond the power of delegated legislation. It was specifically directed that in light of the judgment of the Hon'ble Supreme Court of India and the order of the Tribunal, mine holders would be required to obtain EC irrespective of the fact that whether the area involved is more than or less than 5 ha. Certain other directions were also issued permitting the existing mine operators to go on till the specified time and subject to the conditions stated in the judgment.

The State Governments, SEIAA and other agencies involved in the process of granting EC were provided with a time bound programme under the said judgment. In terms of Clause 9 of the said judgment the applications were required to be dealt with and appropriate orders passed thereupon as early as possible and not later than six months from the date of pronouncement of the judgment. After pronouncement of the said judgment, which as per the submissions made at the

bar has already attained finality certain applications had been filed for extension of time for compliance of these conditions. Vide order dated 24th July, 2015 the extension of time was granted keeping in view the peculiar facts and circumstances stated before the Tribunal, particularly that there were large number of applications to be dealt with by the agencies and they require further time. After the grant to the extension in terms of these orders, applications were again moved seeking further extension of time for compliance of the directions contained in the judgment. These applications were dismissed by order of the Tribunal dated 4th May, 2016 & 26th May, 2016. The Tribunal had passed reasoned orders while declining further extension of time as the stakeholders had failed to take requisite steps in accordance with the judgment and the law in force.

The judgment of the Tribunal was pronounced on 13th January, 2015 and now more than a period of two years has already been passed but the State of Tamil Nadu still has to take primary steps in accordance with the judgment of the Tribunal and the mandate of the Hon'ble Supreme Court of India laid down in Deepak Kumar's case. Inaction on the part of the State and its instrumentalities cannot be taken as ground for extending the period for compliance. This in fact tantamount to taking benefit of one's own wrong. There is nothing stated in the application as to what steps the State Government and its authorities and instrumentalities have taken in the provided period of to years. No explained circumstances have been stated in the application which would justify the ground of extension of time to the State as opposed to the application filed by other States and mine holder, which were rejected by the Tribunal vide its orders dated 4th May, 2016 & 26th May, 2016. Vide these orders a clear deadline of 31st December, 2015 was provided and we see no reason to grant any further relaxation thereto. We may also notice that the grounds of unemployment or loss of revenue to the State were within the notice of the State as back as on 13th January, 2015. Nothing prevented the State and its agencies from taking all requisite steps within the time provided in the judgment and in any case by December, 2015. Sufficient time has been granted for compliance and such non compliance remains entirely unexplained, much less justified by proper grounds and reasoning. Economic reasons cannot entirely frustrate the environmental protection. The principle of sustainable development requires a balanced approach. We cannot therefore permit that mining activities should continue to cause irretrievable damage to the environment and ecology just for economic reasons. Grant of prior EC to carry on mining activity is not only the requirement of the judgment of the Hon'ble Supreme court of India and this Tribunal but even Rule 42 referred. The State Government's rules also mandate that the prior EC should be taken before commencement of such activity. The contentions raised on behalf of the State Government are devoid of any merit and they only exhibit inaction and apathy on the part of the State to comply with the judgment and the law that it has itself enacted for the protection of environment and ecology.

We direct the State Government again to expedite the compliance to the law as expeditiously as possible and to ensure that no mining activity is permitted to be carried on without obtaining prior EC. Nothing prevents the State from considering such applications with priority."

It is respectfully submitted that Ministry of Environment Forest and climate Change issued a notification vide S.O. 804(E) dt.143.2017 to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked. As such units are more polluting if they are not brought under the environment compliance regime but the process for such violators has to be stringent and punitive under the above notification it is made clear that all the cases of violation irrespective of category

will be appraised as category "A" projects by respective sector Expert Appraisal Committee at Central Level. So violation cases can only be appraised at the level of Ministry.

In these circumstances, it is respectfully submitted that the Puducherry Environment Protection Association rep. by its Honorary President R. Kothandaraman filed a Public Interest Petition W.P. No. 11189 of 2017 before the Hon'ble Division Bench of the High Court of Madras with a prayer to declare the impugned notification dated 14.3.2017 issued by the respondent Ministry of Environment Forest and Climate Change in S.O. 804(E) as arbitrary, illegal and violative of Articles 14, 21 of the Constitution of India and the Environment (Protection) Act, 1986 and to stay the impugned notification dt.14.3.2017 issued by the respondent Ministry of Environment Forest and Climate Change pending disposal of the writ petition."

21. Applicant filed common rejoinder to the reply affidavits filed by respondents, reiterating their earlier contentions that the existing mining leases of major minerals, having an extent of less than 5 Hectares, do not require any Environment Clearance and they need to apply at the time of their renewal. Further, none of the decisions relied on by the official respondents deal with the mining activity of major minerals, having an extent of less than 5 Hectares and those decisions were relating to mining of minor minerals where directions have been given to the effect that Environment Clearance is required irrespective of the area of operation. Further, they also contended that the authorities have wrongly construed the decisions of the Apex Court as well as the National Green Tribunal in this regard. Further, even as per Notification dated 15.1.2016 which makes the Environment Clearance mandatory for mining activity, irrespective of the lease area and irrespective of whether it is minor or major also did not mention anything about the existing mining leases of major minerals of less than 5 Hectares. However, the minors of major minerals having less than 5 Hectares area also filed applications for getting Environment Clearance on the basis of the direction given by the MoEF & CC and also on the basis of the directions given by the Apex Court as well as National Green Tribunal, directing that no mining activities shall be permitted without getting prior Environment Clearance within the time granted by the Tribunal and as such they cannot be treated as violators. Even in one of the cases, the MoEF & CC had undertaken that they would issue notification or clarification in this aspect but no such notification had come but instead they issued a circular dated 3.4.2017, treating all applications which were filed after 15.1.2016, as violation cases and directed the respective SEIAA to consider the same as per the notification issued by the MoEF & CC in respect of dealing with violation cases and not having Environment Clearance. So that is illegal.

22. Heard Mr. Sanjay Upadhayay, learned counsel appearing for the applicant, Mr. G.M. Syed Nurullah Sheriff, learned counsel appearing for respondents 1 and 2 and Mr. Mani Gopi, learned counsel appearing for respondents 3 and 4.

23. Learned counsel appearing for applicant submitted that till EIA Notification 1994, there was no regulation of mining leases, whether minor or major. They were regulated by the Mines and Minerals (Development and Regulation) Act, 1957. As per the provisions of that Act, procedures have been provided for obtaining mining license and mining leases in respect of the land in which the minerals vests in the Government and only after passing of Environment Protection Act, 1986 and the Rules framed thereunder, the first respondent MoEF & CC issued various Notifications, regulating the mining of minerals. For the first time, the mining activities were brought under the regulation and obtaining Environment Clearance as per EIA Notification, 1994 and they did not deal with mining projects of minor minerals but they only deal with mining projects of major minerals with lease area of more than 5 Hectares which may obtain prior Environment Clearance for the commencement of

new projects or for expansion or involving any modernisation, affecting pollution loads etc as provided under the notification. So there was no provision for obtaining Environment Clearance for mining leases of major minerals, having extent of less than 5 Hectares. Even the decision of the Apex court in *DEEPAK KUMAR's case* and subsequent decisions of the National Green Tribunal did not deal with mining lease of major minerals having area of less than 5 Hectare. Those decisions only considered the necessity of obtaining Environment Clearance in respect of minor minerals irrespective of the area of operation, considering its impact on environment and over exploitation of natural resources. Till 2016, when EIA Notification dated 15.1.2016 was issued, there was no necessity for obtaining any Environment Clearance for mining activities of major minerals of less than 5 Hectares. Only in 2016 Notification, it was made mandatory for all mining leases of non coal products, less than 5 Hectares had to obtain Environment Clearance. But there was no mention about the existing mining leases of major minerals less than 5 Hectares in that notification as well and representations were made by the mining lease holders of such category to the Government to issue necessary clarification and in all the clarifications issued, they had only mentioned that only those leases which were come into existence after the notification dated 7.10.2014 alone require prior Environment Clearance and not in respect of the existing leases of major minerals of lease area less than 5 ha. They had undertaken before the Tribunal that they would be issuing a further clarification on this aspect, regulating the mining lease, both minor and major in an uniform method applicable to the entire country. But such clarification had not been issued so far. But to their surprise, the MoEF & CC issued a clarification dated 3.4.2017 stating that all those who did not apply for Environment Clearance after 15.1.2016 after coming into force of EIA Notification, 2016 will have to be treated as violation cases, without considering the fact that there was no clarification issued by the MoEF & CC in respect of mining leases of major minerals, having an extent of less than 5 Hectares, though requests and representations had been made by the lease holders time and again. So according to the learned counsel appearing for the applicant, the Circular dated 3.4.2017 is illegal and the applications filed by the members of applicant federation have to be treated as regular applications and not violation application and direction to that extent has to be issued.

24. On the other hand, Mr. G.M. Syed Nurullah Sheriff, learned counsel submitted that the EIA Notification, 2006 did not specify or distinguish mining lease as minor or major and as such the notification covered all mining lease of non-coal products upto 50 Hectares which includes the lease area of less than 5 Hectares as well. Further, as per the directions of the Hon'ble Supreme Court, the mining activities in the country had been stopped, as there was a direction by the Apex Court that mining activities, irrespective of minor or major and irrespective of area of operation, should not be allowed to continue without obtaining Environment Clearance. It was reiterated by the orders of the National Green Tribunal also in several cases. So under these circumstances, in order to provide a clarity on this aspect, MoEF & CC issued a Circular dated 3.4.2017, directing SEIAA to consider the application filed by the lease holders irrespective of the area after 15.1.2016 as violation cases. Though several opportunities had been given, none of the members of the applicant federation had filed any such application. So there was no illegality committed by the MoEF & CC in issuing the Circular and the SEIAA complying with the direction and treating the pending applications filed after 15.1.2016 as violation cases, directing the members of the applicant federation to make their applications as violation cases to the Central Government as per the directions of MoEF & CC. as such cases have to be dealt with by them.

25. Counsel appearing for Respondents 3 and 4 also supported the submissions made by counsel appearing for MoEF & CC.

26. The points arise for consideration are:

- (i) Whether the mining lease of major minerals having extent of less than 5 Hectares require Environment Clearance after EIA Notification, 2016 dated 15.1.2016?.
- (ii) Whether the Circular dated 3.4.2017 issued by MoEF & CC is liable to be set aside for any of the reasons stated by the applicants in their application?.
- (iii) Whether the applications filed by the members of the applicant federation after 15.1.2016 have to be treated as violation cases or any cut off date has to be fixed by the Tribunal for enabling the parties to file their application in view of the circumstances mentioned by them in this application?.
- (iv) Reliefs to which parties are entitled to.

27. Points 1 to 3 : - The grievance of the applicant was that there was no clarification issued by the MoEF & CC in respect of obtaining Environment Clearance for the existing mining leases of major minerals, having an extent of less than 5 Hectares, though as per 2016 Notification, all mining areas, both minor and major, irrespective of extent of lease, was regulated and further, to their surprise, according to the applicant, the MoEF & CC, by their Circular dated 3.4.2017, directed SEIAA to treat all the applications which were pending with them, filed after 15.1.2016, after coming into force of EIA Notification, 2016, will have to be treated as violation cases and the same will have to be forwarded to the Ministry, as per the guidelines issued by MoEF & CC in dealing with violation cases. So they are aggrieved by this order.

28. It is an admitted fact that till 1994, the mining leases, both minor and major, were governed by the provisions of Mines and Minerals (Development and Regulation) Act, 1957. So there was no provision for obtaining Environment Clearance for mining leases under the provisions of the above said Act. They were governed by the procedure of obtaining mining license and mining leases from the respective Departments for the purpose of undertaking mining project. It is an admitted fact that for the first time, the mining activities were brought under the regime of obtaining Environment Clearance on the basis of the various notifications issued by the MoEF & CC in this regard, invoking power under Section 3 of the Environment (Protection) Act, 1986. First of such Notification was issued as EIA Notification, 1994, dated 27.1.1994, whereby mining activities were brought under the regime of obtaining Environment Clearance vide Item No. 20 of Schedule I attached to that Notification, which reads as follows:

"Mining projects (with leases more than 5 hectares)

29. There also there was no difference between "major" and "minor" minerals. But Environment Clearance was made mandatory only for mining projects which were having area more than 5 Hectares. So mining projects, having less than 5 Hectares area, were not governed by this Notification. But they were governed by the Mines Minerals (Regulation and Development) Act, 1957. Subsequently, an Explanatory Note dated 4.5.1994 was issued to this Notification wherein it was mentioned that the project proponents were required to seek Environment Clearance for proposed expansion/modernization activity, if the resultant pollution load is to exceed the existing levels. Under Clause 8 of the Explanatory Note, certain exemptions had been granted to the projects already initiated which reads as follows:

"For projects listed in Schedule - I to the notification in respect of which the required land has been acquired and all relevant clearances of the State Government including NOC from the respective State Pollution Control Board have been obtained before 27th January, 1994 a project proponent will not be required to seek environmental clearance from the Impact Assessment Authority. However, those units who have not as yet commenced production will inform the Impact Assessment Authority."

30. So from this it is clear that Environment Clearance was required only for new units and for the existing units, Environment Clearance was required only at the time of modernization or expansion and when the pollution load was increased.

31. As per Circular No. J-20012/11/98IA II(M) dated 12.2.2002, the MoEF & CC had issued certain clarification to the EIA Notification dated 27.1.1994 where they stated as follows:

"Attention is invited to the EIA Notification of 27th January, 1994 and subsequent amendments thereof wherein thirty categories of projects which include mining of major minerals with lease area more than 5 ha are required to obtain environmental clearance from this Ministry and also to Press Note No. J-11016/12/94-IA.II(M) of 31.8.1994 and Circular No. J-11011/20/97-IA.II (I) dated 17.5.1999 clarifying applicability of the Notification to renewal cases for mining and expansion of existing projects.

In respect of mining proposals, the following issues have been brought to the attention of this Ministry:

Whether applications for site/environmental clearance are required to be forwarded by the State Governments to MoEF.

Whether public hearing is required for obtaining site clearance and whether an Environmental Impact Assessment report is required to be submitted to the concerned SPCB/PCC for arranging such public hearing.

Whether four seasons baseline data is a pre-requisite for preparation of EIA report.

Whether environmental clearance is required at the time of renewal of mining lease or for operating mines when (i) there is no increase in the lease area and production (ii) there is increase in production without change in the lease area (iii) there is increase in lease area without change in production and (iv) there is upgradation in mining technology.

In this context, the requisite clarifications are

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d. Environmental Clearance is not required at the time of renewal of mining lease if there is no increase in the originally sanctioned lease area and/or production. The proponent should, however, seek prior environmental clearance from the Central Government for expanding production and/or mining lease are irrespective of the quantum of increase in size of ML area/production or investment involved. The above provisions will apply to existing operating mines even when no renewal of mining lease is involved."

32. As per this Circular, it has been clarified that EIA Notification, 1994 will apply to mining activities of major minerals with lease area having more than 5 Hectares and under Clause (d), Environmental Clearance is not required at the time of renewal of mining lease if there is no increase in the originally sanctioned lease area and/or production. The proponent should, however, seek prior environmental clearance from the Central Government for expanding production and/or mining lease are irrespective of the quantum of increase in size of ML area/production or investment involved. The above provisions will apply to existing operating mines even when no renewal of mining lease is involved. So it is made clear by this clarification that when there is expansion, increase in the production level, then Environment Clearance must be obtained even before renewal of mining lease.

33. The question regarding Environment Clearance in respect of mining lease was considered by the Apex Court in *M.C. MEHTA v. UNION OF INDIA*, ((2004) 12 SCC 118. The Apex Court had considered the applicability of EIA Notification dated 27.1.1994 wherein it has been observed that the said Notification applies to mining

projects (major minerals) with leases of more than 5 hectares and ultimately came to the conclusion in para 77 that they are unable to accept the contention that the notification dated 27th January, 1994 would not apply to leases which come up for consideration for renewal after issue of the notification. The notification mandates that the mining operation shall not be undertaken in any part of India unless environmental clearance by the Central Government has been accorded. The clearance under the notification is valid for a period of five years and held in that case that no mining operation can commence without obtaining environment impact assessment in terms of the notification and ultimately the court has held as follows:

The order dated 6th May, 2002 as clarified hereinbefore cannot be vacated or varied before consideration of the report of the Monitoring Committee constituted by this judgment.

The notification of environment assessment clearance dated 27th January, 1994 is applicable also when renewal of mining lease is considered after issue of the notification.

On the facts of the case, the mining activity on areas covered under Section 4 and/or of Punjab Land Preservation Acts, 1900 cannot be undertaken without approval under the Forest (Conservation) Act, 1980.

No mining activity can be carried out on area over which plantation has been undertaken under Aravalli project by utilization of foreign funds.

The mining activity can be permitted only on the basis of sustainable development and on compliance of stringent conditions.

The Aravalli hill range has to be protected at any cost. In case despite stringent condition, there is an adverse irreversible effect on the ecology in the Aravalli hill range area, at a later date, the total stoppage of mining activity in the area may have to be considered. For similar reasons such step may have to be considered in respect of mining in Faridabad District as well.

MOEF is directed to prepare a short term and long term action plan for the restoration of environment quality of Aravalli hills in Gurgaon district having regard to what is stated in final report of CMPDI within four months.

Violation of any of the conditions would entail the risk of cancellation of mining lease. The mining activity shall continue only on strict compliance of the stipulated conditions.

34. That was a case where the question of applicability of 1994 Notification was considered in respect of existing mining leases and contention of minors that it will not be applicable for renewal, was rejected.

35. On the basis of the above judgment, MoEF & CC had issued a further Circular No. J-20012/11/98-IA.II(M) dated 28.10.2004 regarding the applicability of EIA Notification 1994 in respect of mining lease of major minerals of more than 5 hectares as follows:

"The EIA Notification, 1994 as amended from time to time shall include:

- (i) Mining projects of major mineral with more than 5 ha lease area, which have started production or increased their production and/or lease area on or after 27.1.1994.*
- (ii) In addition, all mining projects of major mineral of more than 5 ha lease area which have so far not obtained an environmental clearance under the EIA Notification, 1994 shall do so at the time of renewal of their lease in the context of the SC judgment dated 18.3.2004 in W.P.4677/1985 - M.C. Mehta v. UOI."*

36. Thereafter, the EIA Notification, 1994 was replaced by EIA Notification 2006 dated 14.9.2006. Mining project was included as Item No. 1(a) in the Schedule to the

Notification which reads as follows:

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
1	2	3	4	5
1(a)	(i) Mining of minerals (ii) Slurry pipelines (coal lignite and through national parks/sanctuaries/coral reefs, ecologically sensitive areas	>100 ha. Of mining lease area in respect of non coal mine lease. >150 ha of mining lease area in respect of coal mine lease Asbestos mining irrespective of mining area All projects	<100 ha of mining lease area in respect of non coal mine lease. < 150 ha of mining lease area in respect of coal mine lease	General conditions shall apply except: (i) for project or activity of mining of minor minerals of Category "B-2" (upto 25 ha of mining lease area); (ii) for project or activity of mining of minor minerals of Category "B-1" in case of cluster of mining lease area; and (iii) River bed mining project on account of inter state boundary

37. As per this Notification, the mining activities have been classified as Category "A" and Category "B" and under Category "A" mining leases in respect of non coal mining lease having more than 100 ha, in respect of coal mine lease above 150 ha area, all such mining, irrespective of mining area were brought under Category "A". Mining lease in respect of non coal mining area having extent equal to and less than 100 ha and in respect of coal mine lease having extent equal to and less than 150 ha were brought under Category "B". Further, certain exceptions were provided under column (5) where it was mentioned that general conditions shall apply except (i) for project or activity of mining of minor mineral of Category "B-2" (upto 25 ha of mining lease area); (ii) for project or activity of mining of minor minerals of Category "B-1" in case of cluster of mining lease area; and (iii) river bed mining projects on account of inter state boundary. Certain procedures were provided for obtaining Environment Clearance for mining of minor minerals including clusters.

38. Here also nothing was mentioned about the mining of major minerals having extent of less than 5 hectares. But a reading of clause would go to show that mining

lease area in respect of non coal mine having an extent of equal to and less than 100 ha were brought under the regime of Environment Clearance.

39. Thereafter, the MoEF & CC by their Circular No. J-15012/35/2007-IA.II(M)-Part dated 2.7.2007 issued a clarification regarding applicability of EIA Notification, 2006 for mining leases of less than 5 hectares of major minerals and mining leases of minor minerals which have been operating before 14.9.2006 which reads as follows:

CIRCULAR

Sub : Clarification regarding applicability of EIA Notification, 2006 on mining leases of 5 hectare (major minerals) and mining leases of minor minerals which have been operating before 14.9.2006 - reg.

Federation of Mining Associations of Rajasthan and others have raised concerns regarding applicability of EIA Notification dated 14th September, 2006 to mining leases of 5 ha for major minerals and mining leases of minor minerals which have been in operation before the said Notification coming into force. The matter has been examined in the ministry.

It is clarified that all such mining projects which did not require environmental clearance under the EIA Notification, 1994 would continue to operate without obtaining environmental clearance till the mining lease falls due for renewal, if there is no increase in lease area and/or there is no enhancement of production. In the event of any increase in lease area and/or production, such projects would need to obtain prior environmental clearance. Further, all such projects which have been operating without any environmental clearance would obtain environmental clearance at the time of their lease renewal even if there is no increase either in terms of lease area or production. It is clarified as per this notification that all mining projects which are in operation prior to the coming into force of EIA Notification, 2006 dated 14.9.2006 having a lease area of 5 hectares for major minerals and mining lease of minor minerals for which no Environment Clearance was required as per EIA Notification, 1994 which continue to operate without obtaining Environment Clearance till the mining lease falls due for renewal if there is no increase in lease area and/or there is no enhancement of production. In the event of any increase in lease area and/or production, such projects would need to obtain prior environmental clearance. Further, all such projects which have been operating without any environmental clearance should obtain environmental clearance at the time of their lease renewal even if there is no increase either in terms of lease area or production. So it was clarified by this circular that the existing lease areas of major minerals having less than 5 hectares which were in operation prior to 14.9.2006 for which no environment Clearance was contemplated as per EIA Notification, 1994 were permitted to continue and they need to obtain Environment Clearance only at the time of renewal even if there was no increase in the area or enhancement of production.

40. Thereafter, EIA Notification, 2009 was published on 1.11.2009 amending EIA Notification, 2006 where item 1(a) of Schedule I was replaced as follows:

(1)	(2)	(3)	(4)	(5)
1(a)	(i) mining of mineral (ii) Slurry pipelines (coal lignite and other ores) passing through national parks/sanctuaries/coral reefs, ecologically sensitive areas	>50 ha of mining lease area in respect of non coal mine lease >150 ha of mining lease area in	<50 ha >5 ha of mining leases area in respect of non coal mine lease. <150 ha > 5 ha of mining lease area in	General condition shall apply Note : Mineral prospecting is exempted

		respect of local mine lease Asbestos mining irrespective of mining area. All projects	respect of coal mine lease	

41. As per this amendment, mining area of non coal mine, having mining lease area equal to or more than 50 hectares were brought under Category "A" and mining leases of non coal mining lease having extent of less than 50 hectares but more than or equal to 5 hectares was brought under Category "B" irrespective of whether it is minor or major minerals. So here also mining leases major minerals of less than 5 hectares was not brought under the regime of obtaining Environment Clearance.

42. Thereafter, EIA Notification, 2006 amended by 2009 Notification was further amended by EIA Notification, 2011 dated 4.4.2011 where against Item 1(a) in column (5) of Schedule I of EIA Notification, 2006, as amended by EIA Notification, 2009 the following was added:

"Prior environmental clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal."

43. There it was made clear that prior Environment Clearance is required at the stage of renewal of mining lease for which application should be made one year prior to the date of renewal. There also mining lease major minerals having less than 5 hectares does not require Environment Clearance. But a time limit was provided as to when application for Environment Clearance is to be made in case of renewal of lease.

44. The scope of obtaining Environment Clearance in respect of mining/quarrying of minor minerals, boulders, gravel and sand having mining lease of less than 5 hectares has been considered by the Apex Court in the decision reported in *DEEPAK KUMAR v. STATE OF HARYANA*, (2012) 4 SCC 629). The Hon'ble Supreme Court has considered all the notifications issued and also considered the recommendation made by MoEF & CC on the basis of study conducted by the Expert Appraisal Committee appointed by them and held that the mining area having less than 5 hectares of minor minerals was brought under the regime of obtaining Environment Clearance. It was held in the decision that irrespective of the lease area Environment Clearance has to be obtained. A direction was issued as follows:

"We, in the meanwhile, order that leases of minor minerals including their renewal for an area of less than five hectares be granted by the States/Union Territories only after getting environmental clearance from MoEF."

45. So it was made clear by this decision that irrespective of lease area for the purpose of operation of mining of minor minerals Environment Clearance has to be obtained and no renewal can be granted without getting Environment Clearance.

46. Thereafter, an Official Memorandum No. L-11011/47/2011-IA.II(M) dated 18.5.2012 was issued by the MoEF & CC on the basis of the orders passed by the Hon'ble Supreme Court dated 27.2.2012 in *DEEPAK KUMAR v. STATE OF HARYANA*, (2012) 4 SCC 629). There also it was clarified that all mining projects of minor minerals including renewal irrespective of the size of the lease would henceforth require prior environment clearance. Mining projects with lease area upto less than 50 ha including projects of minor mineral with lease are less than 5 ha would be treated as category "B" as defined in the EIA Notification, 2006 and will be considered by the respective SEIAAs notified by MoEF and following the procedure prescribed under EIA Notification, 2006. Here also nothing was mentioned about the obtaining of

Environment Clearance in respects of mining lease of major minerals having less than 5 hectares area. In this notification, a mention was made regarding the order of the Hon'ble Supreme Court dated 16.4.2012 where the Supreme Court has observed as follows:

"All the same, liberty is granted to the applicants before us to approach the Ministry of Environment and Forests for permission to carry on mining below five hectares and in the event of which Ministry will dispose of all the applications within ten days from the date of receipt of the applications in accordance with law."

47. In the Office Memorandum, the MoEF & CC directed the respective SEIAAs to deal with the application of the applicants referred to above and pass appropriate orders in compliance with the direction of the Hon'ble Supreme Court within the time prescribed by the Hon'ble Apex Court.

48. Thereafter, MoEF & CC has issued another Office Memorandum No. J-11013/182/2012-IA.II(M) dated 4.1.2013 which reads as follows:

OFFICE MEMORANDUM

Subject : Clarification with regard to applicability of provisions of EIA Notification, 2006 for mining of major minerals in areas less than 5 hectare - regarding.

Reference is invited to your letter no. SEIAA 1 Misc.2013 dated 2.1.2013 addressed to this Ministry seeking the clarification with regard to applicability of provisions of EIA Notification, 2006 for mining of major minerals in areas less than 5 hectare.

Reference is also invited to the order of Hon'ble Supreme Court dated 27.2.2012 in I.A. no. 12-13 of 2011 in SLP (C) no. 19628-19629 f 2009 in the matter of Deepak Kumar v. State of Haryana, directing inter alia as under:

"We in the meanwhile, order that leases of minor mineral including their renewal for an area of less than 5 ha be granted by the States/UTs only after getting environmental clearance from the MoEF".

It is clarified that the mining projects of major minerals of the size of the lease areas less than 5 ha. will not be under the purview of the above referred order of the Hon'ble Supreme Court dated 27.2.2012 and the O.M. No. L-11011/47/2011-IA-II (M) dated 18.5.2012 issued by the MoEF. Hence, there is no need of prior environmental clearance for the mining projects of major minerals of lease area less than 5 ha as per EIA Notification, 2006 either from the State Government or the Central Government. However, such mining operations shall need to obtain the consent to operate from the State Pollution Control Board under the provisions of Air Act, 1980 and Water Act, 1974."

49. There also they have clarified that mining projects of major minerals of the size of lease area less than 5 Hectares will not be under the purview of the above referred order of the Hon'ble Supreme Court dated 27.2.2012 and O.M. No. L-11011/47/2011-IA-II(M) dated 18.5.2012. So they have categorically stated in this Office Memorandum that there is no need for prior Environment Clearance for the mining projects of major minerals of lease area less than 5 hectares as per EIA Notification, 2006 and subsequent amended Notification and Official Memorandum either from the State Government or the Central Government. However, it was clarified further that such mining operations shall need to obtain the consent to operate from the State Pollution Control Board under the provisions of Air (Prevention and Control of Pollution) Act, 1980 and Water (Prevention and Control of Pollution) Act, 1974 respectively. So it is also clear from this that none of the earlier notifications which cover the mining projects of major minerals, having mining lease extent of less than 5 hectares.

50. Thereafter, MoEF & CC has issued an amended notification, amending EIA Notification, 2006 dated 9.9.2013, amending the schedule where the mining of

minerals as Item 1(a) which reads as follows:

(1)	(2)	(3)	(4)	(5)
1(a)	(i) Mining of minerals (ii) Slurry pipelines (cost lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	>50 ha of mining lease area in respect of non coal mine lease >150 ha of mining lease area in respect of coal mine lease. Asbestos mining irrespective of mining are.	<50 ha of mining lease area in respect of minor minerals mine lease; and <50 ha >5 ha of mining lease area in respect of other non coal mine lease <150 ha >5 ha of mining lease area in respect of coal mine lease	General Conditions shall apply except for project or activity of less than 5 ha of mining lease area for minor minerals; Provided that the above exception shall not apply for project or activity if the sum total of the mining lease area of the said project or activity and that of existing operating mines and mining projects which were accorded environment clearance and are located within 500 metres fro the periphery of such project or activity equals or exceeds 5 ha. Note: Prior environmental clearance is required at the stage of renewal of mine lease for which an application shall be made up to two years prior to the date due for

				renewal. Further, a period of two years with effect from the 4 th April, 2011 is provided for obtaining environmental clearance for all those mine leases which were operating as on the 4 th April, 2011 with requisite valid environmental clearance and which have fallen due for renewal on or after 4 th November, 2011 : Provided that no fresh environmental clearance shall be required for a mining project or activity at the time of renewal of mining lease which has already obtained environmental clearance under this notification. (ii) Mineral prospecting is exempted.

51. There it was specifically mentioned that under Category "B" less than 50 hectares of mining lease area in respect of minor minerals mine lease and less than and equal to 50 hectares and more than and equal to 5 hectares mining lease area in respect of other non coal mine lease. It is also made clear under column (5) of the schedule that prior Environment Clearance is required at the stage of renewal of mining lease for which an application shall be made upto two years prior to the date due for renewal. Further, a period of two years with effect from the 4th April, 2011 is provided for obtaining environmental clearance for all those mine leases which were

operating as on the 4th April, 2011 with requisite valid environmental clearance and which have fallen due for renewal on or after 4th November, 2011. Here also it was made clear that Environment Clearance is required only at the time of renewal that too in respect of minor minerals. There was nothing mentioned about the mining lease of major minerals of less than 5 hectares area.

52. Thereafter, the EIA Notification, 2006 was further amended as per Notification dated 7.10.2014. There also the schedule to the Notification was amended in respect of mining of minerals as Item 1(a) which reads as follows:

(1)	(2)	(3)	(4)	(5)
1(a)	(i) mining of minerals (ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	>50 ha of mining lease area in respect of non coal mine lease. >150 ha of mining lease area in respect of coal mine lease. Asbestos mining irrespective of mining area All projects	<50 ha of mining lease area in respect of non coal mine lease. <150 ha of mining lease area in respect of coal mine lease	General conditions shall apply except for project or activity of less than 5 ha of mining lease area; Provided that the above exception shall not apply for project or activity if the sum total of the mining lease area of the said project or activity and that of existing operating mines and mining projects which were accorded environment clearance and are located within 500 metres from the periphery of such project or activity equals or exceeds 5 ha. Note: (i) Prior environmental clearance is required at the stage of renewal of mine lease for which an

				<i>application shall be made up to two years prior to the date due for renewal. Provided that no fresh environmental clearance shall be required for a mining project or activity at the time of renewal of mining lease which has already obtained environmental clearance under this notification. (ii) Mineral prospecting is exempted</i>

53. There mining lease less than 50 hectares in respect of non coal mine were brought under Category "B" and general conditions are exempted in respect of projects or activity of less than 5 hectares of mining lease area. Here also it was mentioned by way of note that prior Environment Clearance is required at the stage of renewal of mining lease for which an application shall be made up to two years prior to the date due for renewal. In column (3) there was no distinction in respect of nature of mineral as to whether minor or major. But that represents non coal mine lease and coal mine lease. But in column (5) it was mentioned that general condition shall apply except for project or activity of less than 5 ha of mining lease area. Environment Clearance was also necessitated only at the time of renewal.

54. Thereafter, EIA Notification 2006 was further amended by Notification dated 15.1.2016 where they have given the reason for the present amendment and also prescribed the procedure for considering the Environment Clearance, depending upon the category in which they fall. The schedule 1(a) was amended as follows:

(1)	(2)	(3)	(4)	(5)
1(a)	(i) mining of minerals (ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs,	>50 ha of mining lease area in respect of non coal mine lease >150 ha of mining lease area in respect of coal mine lease Asbestos mining	<50 ha of mining lease area in respect of non coal mine lease. < ha of mining lease area in respect of local mine lease	General conditions shall apply except; (i) for project or activity of mining of minor minerals of category 'B-2' (upto 25 ha of mining lease area); (ii) River

	<i>ecologically sensitive areas.</i>	<i>irrespective of mining area All projects</i>	<i>bed mining projects on account of inter state boundary. Note: (1) Mineral prospecting is exempted (2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI. (3) The mining lease which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</i>

55. The Tamil Nadu Government, Industries (MMC.1) Department had issued a Government Order G.O.(Ms) No. 105 dated 14.7.2016, extending the time for producing Environment Clearance from 450 days, by ten months and amended Rule 41 and 42 of Tamil Nadu Minor Mineral Concession Rules, 1959 accordingly.

56. Thereafter MoEF & CC had issued a further Notification dated 14.3.2017, after considering several decisions of various High Courts and the Apex Court and also

National Green Tribunal and issued guidelines as to how violations have to be considered and provided procedure for the same and granted six months time for filing application for Environment Clearance from the date of notification.

57. The Ministry had issued further clarification regarding obtaining Environment Clearance on the basis of the request made by the Principal Secretary, Industries Department, Chennai vide Letter No. Z-11013/24/2017-IA.II(M) dated 3.4.2017 which is under challenge as follows:

Sub : Requirement of Environmental Clearance for major minerals below 5 hectares - re.

Ref : Your letter no. Nil dt.13.3.2017

Sir,

Kindly refer to above seeking clarification on requirement of Environmental Clearance for major minerals below 5 hectare.

In this regard, I am directed to refer to the notification S.O. 14(E) dated 15.1.2016 and inform that all the mining leases (major mineral as well as minor mineral) operating in the country are required to obtain Environmental Clearance (EC) after 15.1.2016 as per the provisions contained in Environmental Impact Assessment Notification, 2006 as amended. Further, no mining lease shall operate without prior EC and all such mines (including less than 5 hectares) which were in operation before 15.1.2016 are required to stop their mining activity and apply to MoEF & CC at Central Level/State Environment Impact Assessment Agency at State Level/District Environment Impact Assessment Agency at District level for seeking Environment Certificate. The mine leases which continue to operate without obtaining Environment certificate after 15.1.2016 shall be considered as violation cases and the same shall be dealt in accordance with the violation policy under Environmental Impact Assessment Notification, 2006 as amended."

58. As per this letter, it was clarified that any mining activity, either major or minor, including less than 5 hectares will be treated as violation cases, if Environment Clearance was not obtained after 15.1.2016 as per amended notification.

59. The Hon'ble Supreme Court in *COMMON CAUSE v. UNION OF INDIA* (W.P.(C). No. 114 of 2014 and *PRAFULLA SAMANTRA v. UNION OF INDIA* (W.P.(C) No. 194 of 2014 by common order dated 2.8.2017 considered the scope of obtaining Environment Clearance and made the following conclusion and clarification:

"Conclusions on the issues of mining without an EC or FC or both

To avoid any misunderstanding, confusion or ambiguity, we make the following very clear:

A mining project that has commenced prior to 27th January, 1994 and has obtained a No Objection Certificate from the SPCB prior to that date is permitted to continue its mining operations without obtaining an EC from the Impact Assessment Agency. However, this is subject to any expansion (including an increase in the lease area) or modernization activity after 27th January, 1994 which would result in an increase in the pollution load. In that event, a prior EC is required. However, if the pollution load is not expected to increase despite the proposed expansion (including an increase in the lease area) or modernization activity, a certificate to this effect is absolutely necessary from the SPCB, which would be reviewed by the Impact Assessment Agency.

The renewal of a mining lease after 27th January, 1994 will require an EC even if there is no expansion or modernization activity or any increase in the pollution load.

For considering the pollution load the base year would be 1993 - 94 which is to say that if the annual production after 27th January, 1994 exceeds the annual production of 1993 - 94, it would be treated as an expansion requiring an EC.

There is no doubt that a new mining project after 27th January, 1994 would require a prior EC.

Any iron ore or manganese ore extracted contrary to EIA 1994 or EIA 2006 would constitute illegal or unlawful mining (as understood and interpreted by us) and compensation at 100% of the price of the mineral should be recovered from 2000-2001 onwards in terms of Section 21(5) of the MMDR Act, if the extracted mineral has been disposed of. In addition, any rent, royalty or tax for the period that such mining activity was carried out outside the mining lease are should be recovered.

With effect from 14th September, 2006 all mining projects having a lease area of 5 hectares or more are required to have an EC. The extraction of any mineral in such a case without an EC would amount to illegal or unlawful mining attracting the provisions of Section 21(5) of the MMDR Act.

For a mining lease of iron ore or manganese ore of less than 5 hectares area, the provisions of EIA 1994 will continue to apply subject to EIA 2006.

Any mining activity carried on or after 7th January, 1998 without an EC amounts to illegal or unlawful mining in terms of the provisions of Section 21(5) of MMDR Act attracting 100% recovery of the price of the extracted mineral that is disposed of.

In the event of any overlap, that is, illegal or unlawful mining without an EC or without an EC or without both would attract only 100% ad not 200% compensation. In other words, only one set of compensation would be payable by the mining lease holder.

No mining lease holder will be entitled to the benefit of any payments made towards NPV or additional NPV or penal compensatory afforestation."

60. MoEF & CC also issued another Notification dated 8.3.2018 delegating certain powers for granting Environment Clearance in respect of Category "B" project to SEIAA.

61. MoEF & CC issued another Office Memorandum No. Z-11013/22/2017-IA.II(M) dated 15.3.2018 as follows:

"OFFICIAL MEMORANDUM

Sub : Implementation of Notification S.O. 1030 (E) dated 8th March, 2018 - reg.

The Environment Impact Assessment Notification, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior environmental clearance to the projects/activities listed in the schedule to the said Notification. These projects/activities have been categorized under Category "A" or "B" and require appraisal and approval by the respective regulatory authorities at the Central/State level.

The Ministry has issued a Notification number S.O. 804(E) dated 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one time opportunity to submit the request in this regard within 6 months.

In order to streamline and expedite consideration of proposals, it has now been decided that the projects/activities covered under category "B" shall be considered by the SEAC/SEIAAs in the respective States/UTs. The Ministry has issued another Notification number S.O. 1030 (E) dated 8th March, 2018, amending the Notification dated 14th March, 2017 to that extent.

In order to operationalize the Notification number S.O. 1030(E) dated 8th March, 2018, following directions are being issued for compliance with immediate effect.

The proposals received upto 13th September, 2017 on the Ministry's portal, shall

be considered by the EAC or the SEAC/SEIAA in the respective States/UTs, as the case may be, in order of their submission.

All the proposals of category "B" projects/activities pertaining to different sectors, received within six months only i.e. upto 13th September, 2017 on the Ministry's portal but yet not considered by the EAC in the Ministry, shall be transferred online to the SEAC/SEIAAs in the respective States/UTs.

The proposals submitted directly for consideration of EC (in place of ToR) shall also be considered on the same lines in order of their submission on the Ministry's portal.

All the projects of category "B" pertaining to different sectors, although considered by the EAC in the Ministry and accorded ToR shall be appraised for grant of EC by the SEA/SEIAAs in the respective States/UTs.

All projects/activities of all sectors shall be required to adhere to the directions of Hon'ble Madras High Court vide order dated 13th October, 2017 while upholding the Ministry's Notification dated 14th March, 2017."

62. MoEF & CC issued another Office Memorandum No. Z-11013/22/2017-IA(M) dated 16.3.2018 directing the concerned authority to comply with the order of the Madras High Court as follows:

"Office Memorandum

Sub : Compliance of the order dated 14th March, 2018 of Hon'ble High Court of Judicature at Madras in WMP. Nos. 3361 and 3362 of 2018 and WMP. No. 3721 of 2018 in WP. No. 11189 of 2017 - reg.

The Ministry has issued a Notification number S.O. 804(E) dated 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one time opportunity to submit the request in this regard within 6 months.

Pursuant to the Ministry's Notification number S.O. 1030(E) dated 8th March, 2018 regarding consideration of proposals by the Expert Appraisal Committee or the SEAC/SEIAA depending upon the categorization of projects/activities (A or B) listed in the schedule to the Environment Impact Assessment Notification, 2006, the Ministry has issued Office Memorandum on 15th March, 2018 to operationalize the same.

Hon'ble High Court of Judicature at Madras vide order dated 14th March, 2018 in WMP Nos. 3361 and 3362 of 2018 and WMP. No. 3721 of 2018 in WP. No. 11189 of 2017 has directed as under:

In this view of the matter, considering that sub-clause (i)(d) of Stage III of paragraph 7(1) of parent notification as contained in item 1 No. 8(a) of the Schedule being housing projects, we deem it necessary to clarify that projects and project proponents falling under category alone shall be governed by the 'public consultation' clause in the parent notification.

With regard to the prayer of MOEF for extension of time for submission of proposals by project proponents, we are of the view that it will serve the ends of justice if time is extended by 30 days from the date of delivery of this order in open court.

In view of the above orders of Hon'ble High Court, following directions are being issued for compliance with immediate effect:—

- i. The project proponent who have not submitted the proposals within six months window i.e. upto 13th September, 2017 in pursuance of this Ministry's*

Notification S.O. 804(E) dated 14th March, 2017 are required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.

- ii. The project proponent who have submitted the proposals on the Ministry's portal after 13th September, 2017 are also required to submit the proposals afresh within 30 days to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.*
- iii. The projects/activities pertaining to all sectors shall be considered as per the directions of Hon'ble High Court of Judicature at Madras vide order dated 14th March, 2018 in WMP Nos. 3361 and 3362 of 2018 and WMP. No. 3721 of 2018 in WP. No. 11189 of 2017.*

The directions issued vide this Ministry's OM dt.15th March, 2018 shall continue to apply."

63. MoEF & CC issued another Office Memorandum No. 22-8/2018-IA. III dated 20.4.2018 regarding the procedure for disposal of Environment Clearance application in respect of certain categories.

64. MoEF & CC issued another Office Memorandum No. 3-50/2017-IA. III(Pt) dated 30.5.2018 regarding consideration of violation cases on the basis of the notification dated 14.3.2017 and subsequent amendment as follows:

"Office Memorandum

Sub : Consideration of mining proposals involving violation of the EIA Notification, 2006 under the provisions of S.O. 804(E) dated 14.3.2017 and subsequent amendments for ToR/EC - reg.

In order to regularize the projects involving violation of EIA Notification, 2006 the Ministry of Environment, Forest and Climate Change has issued a Notification number S.O. 804(E) dated 14th March, 2017 and S.O. 1030(E) dated 8th March, 2018 under the Environment (Protection) Act, 1986 to appraise the projects that have not taken prior environment clearance in terms of provisions of Environment Impact Notification, 2006 amended from time to time. Such cases have been termed as case of violation of said notification.

Meanwhile, Hon'ble Supreme Court vide judgment dated 2nd August, 2017 Writ Petition (Civil) No. 114 of 12014 in the matter of Common Cause v. Union of India has passed a detailed order interpreting Section 21(5) of the MMDR Act and directing payment of 100% penalty for illegal mining operations with reference to the relevant statutes which inter alia include the Environment (Protection) Act, 1986 the Water (Prevention and Control of Pollution) Act, 1974 the Air (Prevention and Control of Pollution) Act, 1981, the Forest (Conservation) Act, 1980 and the Mines and Minerals (Development & Regulation) Act, 1957.

In pursuance of the Ministry's Notification referred to in para 1 above, the proposals involving violations of the EIA NOTIFICATION, 2006 are to be appraised for grant of ToR/EC at the Central level or by the respective SEAC/SEIAA in different States/UTs levels depending upon the categorization of the project.

In pursuance of the above notifications, the ministry had invited proposals for regularization of violation during a specified time window Now, the Ministry has received a number of proposals for grant of Terms of Reference Environment Clearance to mining projects engaged in mining of major and minor minerals for regularization of the same.

In the above context, in order to additionally comply with the directions given by the Hon'ble Supreme Court as referred to in para 2 above, it has been decided to include the following additional conditions in ToRs/ECs to be issued for mining projects under the provisions of S.O. 804(E) dated 14.3.2017 and subsequent

amendments:—

The project proponent shall give an undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause v. Union of India before grant of ToR/EC. The understanding inter alia include commitment of the PP not to repeat any such violation in future.

In case of violation of above undertaking, the ToR/Environmental Clearance shall be liable to be terminated forthwith.

The Environmental Clearance will not be operational till such time the Project Proponent complies with all the statutory requirement and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition k(Civil) No. 114 of 2014 in the matter of Common Cause v. Union of India.

The State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied if any for illegal mining paid by the project proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause v. Union of India The direction issued vide this Ministry's OM dt.15th March 2018 and 16th March 2018 shall continue to apply."

65. MoEF & CC by Notification dated 14.8.2018 schedule in respect of mining, amended as follows:

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
1	2	3	4	5
1(a)	(i) Mining of minerals (ii) Slurry pipelines (coal lignite and through national parks/sanc tuaries/coral reefs, ecologically sensitive areas	>100 ha. Of mining lease area in respect of non coal mine lease. >150 ha of mining lease area in respect of coal mine lease Asbestos mining irrespective of mining area All projects	<100 ha of mining lease area in respect of non coal mine lease. < 150 ha of mining lease area in respect of coal mine lease	General conditions shall apply except : (i) for project or activity of mining of minor minerals of Category "B-2" (upto 25 ha of mining lease area): (ii) for project or activity of mining of minor minerals of Category "B-1" in case of cluster of mining lease area; and (iii) River bed mining project on account of inter state boundary

				Note: (1) Mineral prospecting is exempted (2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI

66. By this, all mining activities either major or minor, having extent equal to or less than 100 hectares was classified as Category "B" and time for filing Environment Clearance was taken away. So that makes mandatory for all mining operations, to file their application for Environment Clearance immediately.

67. MoEF & CC issued another Office Memorandum No. 22-10/2019-IA. III, dated 9.9.2019 regarding consideration of Category "B" violation proposal at State level as per Notification dated 14.3.2017 which reads as follows:

"Office Memorandum

Subject : Consideration of Category B violation proposals at the State levels per the provisions of Notification. O.804(E) dt.14.3.2017 through lateral entry - reg.

The Ministry of Environment Forest and Climate Change issued a Notification vide S.O. 804(E) dt.14.3.2017 under the Environment (Protection) Act, 1986 to appraise the projects which have started the work onsite without taking prior environmental clearance in terms of the provisions of the Environment Impact Assessment Notification, 2006. Time period of six months (14.3.2017 to 13.9.2017) was given vide aforesaid notification to the proponents to submit proposals.

Soon after the publication of aforesaid notification a PIL challenging the validity of the notification dt.14.3.2017 was filed in Hon'ble High Court of Madras. Hon'ble High Court of Madras vide order dt.7 June 2017 prohibited from taking any further action pursuant to the Notification dt.14.3.2017 and therefore appraisal process for violation cases could not be taken up further. Hon'ble High Court of Madras vide order dt.13.10.2017 vacated the order while upholding validity of the notification dt. 14.3.2017.

Pursuant to the notification dt. 14 March 2017 Ministry received a number of proposals relating to all sectors covered under category A and category B. As per the said notification all the proposals of violation, irrespective of its categories were required to be appraised at Central level by the Expert Appraisal Committee.

Further, Ministry vide Notification S.O. 1030(E) dt.8.3.2018 amended the Notification S.O. 804(E) dt. 14.3.2017 and delegated the power to the States for appraisal of category B proposals which are under violation of EIA Notification.

Subsequently, the Ministry issued an OM dt. 15.3.2018 for the implementation of Notification S.O. 1030(E) dt. 8.3.2018. All the category proposals were transferred to the concerned State Level Environment Impact Assessment Authority.

The Hon'ble High Court of Madras vide order dt. 14.3.20-18 was of the view that it will serve the ends of justice if time is extended by 30 days from the date of delivery of the order, thereby extending the time till 13th April, 2018 providing time

for violators to apply as per the provisions of Notification S.O. 804(E). Therefore, again a one month window was given from the date of order of Hon'ble Hih Court (14.3.2018 - 13.4.208) to submit proposals under violation of EIA Notification. The Ministry has issued OM dt. 16.3.2018 for the compliance of the order dt. 14.3.2018 of Hon'ble High Court of Madras.

Proposals involving violation of EIA Notification, which had applied during the window (14.3.2017 to 13.9.2017 & 14.3.2018 to 13.4.2018) under violation category are being considered by the violation committee. However, in addition to such proposals, there were many category A proposals submitted in the respective sectoral committees for regular appraisal during or prior to violation window period. Sectoral committee while deliberating on the proposals identified these as violation of EIA Notification. These proposals were subsequently forwarded to the violation committee after approval by the Competent Authority and such proposals are termed as 'lateral entry proposals'.

It is possible that there may be certain category B proposals which were submitted at SEIAA during or prior to the violation window period but not under violation category and later during the appraisal by State Level Expert Appraisal Committee identified as violation proposals.

Now a decision has been taken in the Ministry that such proposals as mentioned in para (8) above may be considered in terms of provisions of Ministry's Notification dt. 14.3.2017 & 8.3.2018 by the SEIAA. It is clarified that only those proposals may be taken up for consideration under this provision which had been submitted to SEAC during the window or prior to it as detailed above."

68. The Principal Bench of the National Green Tribunal, New Delhi in *NARESH ZARGAR v. STATE OF MADHYA PRADESH* (O.A. No. 34 of 2016 dated 4.5.2016) along with connected cases, after considering the scope of the application and also scope of the judgment of the Hon'ble Supreme Court in *DEEPAK KUMAR's* case and also the decision of the National Green Tribunal in *HIMMAT SINGH SHEKHAWAT v. STATE OF RAJASTHAN* (O.A. No. 123 of 2014 dated 13.1.2015) observed that the existing mining lease holders should have complied with the requirement of obtaining Environment Clearance from the competent authority in accordance with law and three months time was given for filing application for obtaining Environment Clearance and the same was directed to be disposed of within a period of six months from 13.1.2015. Since the same could not be complied with, certain applications have been filed for extension of time and also for reviewing the order in O.A. No. 123 of 2014 etc and the Tribunal by order dated 13.1.2015 held that no mining activity, including existing units, would be permitted to go on, without taking Environment Clearance and disposed of all the applications as follows:

"We hereby quash and direct the State of Madhya Pradesh ad all other concerned States including Rajasthan not to issue such circulars and any other circular in variation and/or in derogation of the orders of the Tribunal.

All the district level authorities DEIAA and DEAC are directed to dispose of all the applications pending with them by 31st May, 2016 positively. We will not grant any extension of time for this purpose hereafter.

All the mines owners which of them have not submitted the applications as on 31st March, 2016 to SEIAA, DEIAA ad DEAC shall be shut down forthwith and will not be permitted to carry on any mining activity in any manner whatsoever

The applications which are deficient and where the applications have not submitted all requisite documents, such applicants are hereby granted last opportunity of 1 week to submit the documents. In the event they fail to submit such document and make applications complete and errorless in all respects then after the stated period of 1 week they shall also be liable to be shut down without

any further notice. If they comply with this direction, they would so be entitled to the advantage upto 31st May, 2016.

All the State Authorities are directed to upload on their respective websites, details of the applications pending before them as on 31st March, 2016. They will also separately classify the applications which are deficient in any respect whatsoever

With the above directions this application is hereby disposed."

69. So it is clear from this that those mine owners who have not submitted their application as on 31.3.2016 were directed not to carry on their mining activity in any manner whatsoever and directed the authorities to dispose of the applications in accordance with law. In *HIMMAT SINGH SHEKHAWAT v. STATE OF RAJASTHAN* (O.A. No. 123 of 2014 dated 4.5.2016) in respect of extension application with respect to State of Rajasthan, directed that no mining activities should be permitted to be carried on without obtaining prior Environment Clearance.

70. In *JATINDER SINGH v. UNION OF INDIA* (O.A. No. 495 of 2015 dated 19.2.2016) the Principal Bench of the National Green Tribunal, while considering the EIA Notification dated 4.4.2011, considered all the existing notifications as on date issued by the MoEF & CC and disposed of the case as follows:

"Notification of 2006 is primarily of a mandatory character and is enforceable in terms of its provisions. Every applicant and authority is obliged to comply with the said Notification. This aspect need not detain us any further as it is a settled position of law as far as the Tribunal is concerned. After deliberating on the law in relation thereto, the Tribunal had clearly held that the Notification of 2006 does not leave any scope for default or non-compliance or discretionary enforcement. [Reference can be made to the judgment of the Tribunal in the cases of S.P. Muthuraman v. Union of India, 2015 ALL (I) NGT REPORTER (2) (DELHI) 170, Lokendra Kumar v. State of U.P. 2015 ALL (I) NGT REPORTER (1) (DELHI) 194 and Krishan Lal Gera v. State of Haryana 2015 ALL (I) NGT REPORTER (2) (DELHI) 286].

Despite the fact that the Notification of 2006 is mandatory still it lacks implementation and enforcement mechanism. It requires better and more specific time schedule in light of the principle of Sustainable Development and the need for expeditious disposal of such applications. We have already noticed that the role of the State Government is neither defined nor postulated in the Notification of 2006 but remains a matter that falls in the grey area. The need for States participation is indicated in the object of the Act of 1986 and the federal structure of the Indian Constitution.

Till all these deficiencies are removed and suggestions of the CEC are implemented in their true spirit and substance, it would be inevitable for the Tribunal to issue interim directions, particularly, in light of the judgments of the Supreme Court as referred in the above cases and the recommendations of the CEC to fill the gaps temporarily till a proper Notification is issued by MoEF providing due mechanism in this regard. It is a settled canon of law that the Courts and the Tribunals could issue interim directions keeping in view the gaps in the provisions of an Act including imposition of a prohibition where the facts and circumstances of a case so demand. Reference can be made to the judgment of the Tribunal in the case of Court on its own Motion v. State of Himachal Pradesh, 2014 ALL (I) NGT REPORTER (1) (DELHI) 66.

In light of the above discussion we dispose of this application with the following directions:

It shall be mandatory for all the applicants to seek EC for carrying on of mining activity of minor or major minerals, even if the lease area is less than 5 ha. In other words, MoEF, SEIAA and all other authorities would adopt uniform practice for

issuance of EC in regard to the mining area of less than 5 ha notwithstanding the fact that environmental impact of mining of minor minerals is no way less than that of the mining of major minerals. The judgment of the Supreme Court in the Deepak Kumar v. State of Haryana (2012) 4 SCC 629 is applicable to both minor and major minerals.

Every effort should be made by all concerned authorities not to encourage grant of EC for mining activity where the area is less than 5 ha. However, for providing clarity, we further observe that where for reasons of necessity for geographical, ecological and other reasons, if it is necessary to grant EC, for carrying on of mining activity of minor and major minerals in an area less than 5 ha, a special report in that behalf shall be invited from the concerned State authority and EC would be granted for specific reasons to be recorded in that behalf and then the Application would be considered for grant/refusal of EC.

MoEF in consultation with the State Government shall constitute a District Committee which would submit its report to MoEF prior to preparation of ToR, in regard to the contents of the application, the physical location of mining site, environmental concerns and the scope of ToR. This report shall be taken into consideration by MoEF and/or SEIAA before issuing ToR at the time of consideration of the EIA report.

*The State Government should submit its mining plan in consonance with the **provisions of Act of 1957, Mineral Concession Rules, 1960** and the same should be approved by MoEF and other concerned ministries in accordance with law.*

Every applicant shall be granted permission for mining only after the mining plan submitted by the applicant to the Central Government has been approved in accordance with Rule 22 and in consultation with the Director General of Police, Secretary In-charge of mining and the Chief Scientist and Scientist-in-Charge of Central Institute of Mining and Fuel Research, Regional Centre, Roorkee, an expert body in the field of mining which shall issue guidelines within the six weeks of the pronouncement of the judgment, providing proper mechanism for supervision and ensuring the implementation of judgment and taking appropriate action in accordance with law post issuance of order granting consent to operate and EC.

MoEF shall also re-examine in consultation with expert bodies to ensure reduction of time taken in issuance of EC, particularly, in light of the judgment afore referred. All the mining authorities and MoEF/SEIAA would give due consideration to the applicants applying for mining lease or grant of EC, who have been found guilty of illegal, unauthorised and unscientific mining, violating the terms and conditions of the orders by which consent to operate and/or EC has been granted. Normally, it should be taken as a disability for renewal and/or granting of mining lease or such consent orders. Wherever the government or the authority takes a decision to the contrary, it will be an obligation to record specific reasons in that behalf.

The application is disposed of with no orders as to costs."

71. It is clear from the above that the Principal Bench of the National Green Tribunal, after considering all the aspects, came to the conclusion that till the directions are issued by the MoEF & CC in respect of regulating the mining of minerals, both minor and major, irrespective of its extent regarding obtaining Environmental Clearance, thought it necessary to issue interim directions. Till that date, no mining activities, either minor or major, without getting Environmental Clearance, should not be permitted to operate, irrespective of its area of operation. So it cannot be said that the Tribunal had wrongly applied the dictum laid down in *DEEPAK KUMAR's* case for major minerals as well, cannot be accepted.

72. The Hon'ble High Court of Madras had considered the scope of the violation

notification dated 14.3.2017 of the MoEF & CC, referred to above in *PUDUCHERRY ENVIRONMENT PROTECTION ASSOCIATION v. THE UNION OF INDIA* (W.P. No. 11189 of 2017 dated 13.10.2017) and disposed of the case, recording the submission of the Additional Solicitor General that this is intended as one time measure and not to ratify future violation cases.

73. Even if the National Green Tribunal had wrongly decided any case, applying the principles laid down in *DEEPAK KUMAR's case*, may be applicable to major minerals as well, unless it is set aside or reviewed, the same has to be followed by this Tribunal, as there was a declaration issued by the National Green Tribunal in respect of regulation of mining activities both minor and major.

74. So under these circumstances, the submission made by the learned counsel appearing for the applicant that the observation made by the Principal Bench of the National Green Tribunal, making applicable the dictum laid down in *DEEPAK KUMAR's case* to major minerals as well is not correct, and cannot be accepted.

75. Further, it is clear from the observations made above that even in 2014, when 2006 Notification was amended, the distinction between major and minor minerals was taken away and any mining lease of non coal product, having less than 5 hectares, has been brought under the regime of Environment Clearance. Further, as per 2016 Notification, the time limit for filing application provided for the purpose of renewal, has been taken away perhaps, for the reason that by amending the Mines and Minerals (Development and Regulation) Act, 1957, the period of lease has been extended upto 50 years from 20 years. That may be reason why the MoEF & CC has thought that existing mines also has to obtain Environment Clearance after 15.1.2016 and they need not wait for renewal. Further, the National Green Tribunal in the decision stated supra, has categorically stated that no mining activity should be carried out in India without obtaining Environment Clearance that includes the existing mining leases as well, irrespective of its character viz., minor or major and it is further held that those minors who have not filed application prior to 31.3.2016 were completely debarred from operating mining operations. So under these circumstances, the cut off date for filing the application has to be limited upto 31.3.2016 and those minors who have filed application thereafter, will be treated as violators and their applications will have to be treated as violation applications and disposed of in accordance with law. Further, the notification dated 14.3.2017, providing one time measure for violation cases has been upheld by the Madras High Court also in the decision in *PUDUCHERRY ENVIRONMENT PROTECTION ASSOCIATION* case cited supra. Further it was admitted in the application itself that when the cement company wanted some clarification in this regard, MOEFF&CC vide their letter dated 8-1-2016 informed them to apply for environment clearance without waiting for renewal.

76. So, under these circumstances, we find no reason to set aside the Office Memorandum dated 3.4.2017 in toto. However, we can clarify that those persons who have already filed application for Environment Clearance as on 31.3.2016 cannot be treated as violator, as the Principal Bench of the National Green Tribunal had permitted them to comply with application and consider those applications in accordance with law. Only those persons who have filed application thereafter will have to be treated as violator. Merely because the mining activities of the members of the applicant federation have come to a standstill, is not a ground to dilute the procedure for obtaining Environment Clearance, even in respect of mining activities of major minerals of less than 5 hectares.

77. So under these circumstances, the application can be disposed of, giving the following directions:

- (i) The applications which are pending as on 31.3.2016 for Environment Clearance

have to be treated as normal applications and not violation applications and the authorities are directed to dispose of those applications in accordance with law.

- (ii) The persons who have not filed applications on or before 31.3.2016 and filed thereafter, can be treated as violation applications and the MoEF & CC/SEIAA is directed to dispose of those applications as violation cases in accordance with law.
- (iii) It is also made clear that all mining leases, either major or minor, even less than 5 hectares area, has to apply and get Environment Clearance as per the amended EIA Notification dated 15.1.2016. This will apply to the existing mining leases as well. The points are answered accordingly.

Point No. 4;—

The application is disposed of as follows:

- (i) The applicant is not entitled to get a declaration to quash Circular dated 3.4.2017 as prayed for but can be clarified as detailed as per direction No.(ii) onwards.
- (ii) The applications which are pending as on 31.3.2016 for Environment Clearance have to be treated as normal applications and not violation applications and the authorities are directed to dispose of those applications in accordance with law.
- (iii) The persons who have not filed applications on or before 31.3.2016 and filed thereafter can be treated as violation applications and the MoEF & CC/SEIAA is directed to dispose of those applications as violation cases in accordance with law.
- (iv) It is also made clear that all mining leases, either major or minor, even less than 5 hectares area, has to apply and get Environment Clearance as per the amended EIA Notification dated 15.1.2016. This will apply to the existing mining leases as well. Without obtaining necessary Environment Clearance irrespective of area, no mining, both minor/major, shall be permitted to operate.

78. Considering the circumstances, there is no order as to costs.

79. The application is disposed of accordingly.

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† Southern Zone, Chennai

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2022 SCC OnLine SC 362

In the Supreme Court of India

(BEFORE INDIRA BANERJEE AND J.K. MAHESHWARI, JJ.)

Pahwa Plastics Pvt. Ltd. and Another ... Appellants;

Versus

Dastak NGO and Others ... Respondents.

Civil Appeal No. 4795 of 2021

Decided on March 25, 2022

The Judgment of the Court was delivered by

INDIRA BANERJEE, J.:— This appeal under Section 22 of the National Green Tribunal Act, 2010, is against an order dated 3rd June 2021 passed by the Principal Bench of the National Green Tribunal (NGT) in O.A No. 287/2020 at New Delhi, *inter alia*, holding that establishments such as the manufacturing units of the Appellants, which did not have prior Environmental Clearance (EC) could not be allowed to operate.

2. The question of law involved in this appeal is, whether an establishment employing about 8000 workers, which has been set up pursuant to Consent to Establish (CTE) and Consent to Operate (CTO) from the concerned statutory authority and has applied for ex post facto EC can be closed down pending issuance of EC, even though it may not cause pollution and/or may be found to comply with the required pollution norms.

3. With increasing industrialization and the establishment of factories which emitted smoke and other pollutants, there was worldwide concern for protection of environment. In June 1972, the United Nations Conference on the Human Environment was held in Stockholm, where decisions were taken to take appropriate steps for preservation of the natural resources of the earth, which, among other things, included preservation of the quality of air and water by controlling pollution.

4. In 1974, Parliament enacted the Water (Prevention and Control of Pollution) Act, 1974, with a view to prevent and control water pollution and to maintain and restore wholesomeness of water.

5. In furtherance of the decisions taken at Stockholm, Parliament enacted the Air (Prevention and Control of Pollution) Act, 1981, hereinafter referred to as "the Air Pollution Act", to provide for prevention, control and abatement of air pollution.

6. The Air Pollution Act provides for the constitution of a Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCB) to deal with the problem of air pollution. Section 16 of the Air Pollution Act enables the Central Pollution Control Board to take steps to improve the quality of air and to prevent, control or abate air pollution in the country. Section 17 of the Air Pollution Act enables the State Pollution Control Boards to plan comprehensive programmes for the prevention, control or abatement of air pollution, *inter alia*, by laying down standards for emission of air pollutants.

7. Section 18 of the Air Pollution Act enables the Central Government to give directions by which the CPCB is to be bound. Similarly, every SPCB is to be bound by directions in writing as might be given by the CPCB or the State Government.

8. Where a notification is issued under the Air Pollution Act, placing an area within the control area of air pollution, permission is necessary to set up and operate any factory or plant thereat. No person operating any factory or plant in any air pollution control area is to discharge or cause or permit to be discharged the emission of any air pollutants, in excess of the standards laid down by the SPCB under Clause (q) of sub-

Section (1) of Section 17.

9. The Environment (Protection) Act, 1986, hereinafter referred to as "the EP Act" was also enacted pursuant to the decisions taken at the United Nations Conference on the Human Environment, held in Stockholm in June, 1972. As per the Statement of Objects and Reasons for enactment of the EP Act, the said Act has been prompted by concern over the environment, that has grown all over the world since the 60s.

10. Sub-section (1) of Section 3 of the EP Act empowers the Central Government to take all such measures as it might deem necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and reducing environmental pollution.

11. Sub-section (2) of Section 3 of the EP Act enables the Central Government to take, inter alia, the following measures:

"(i) co-ordination of actions by the State Governments, officers and other authorities—

(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions

of this Act.”

12. Sub-section (3) of Section 3 of the EP Act provides as follows:

“3. Power of Central Government to take measures to protect and improve environment.—

...
(3) *The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.”*

13. Subject to the provisions of the EP Act, the Central Government has power under sub-Section (1) of Section 3, to take all such measures, as it deems necessary or expedient, for the purpose of protecting and improving the quality of environment and preventing, controlling or reducing environmental pollution.

14. Section 5 of the EP Act provides that notwithstanding anything contained in any other law, but subject to the provisions of the EP Act, the Central Government may, in exercise of its powers and performance of its functions under the EP Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

15. In exercise of powers conferred by Sections 6 and 25 of the EP Act, the Central Government has made the Environment (Protection) Rules, 1986, hereinafter referred to as “the EP Rules”.

16. The Central Government issued an Environmental Impact Assessment Notification dated 27th January 1994 in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the EP Act read with clause (d) of sub-rule (3) of Rule 5 of the EP Rules, directing that on and from the date of publication of the said notification in the Official Gazette, expansion or modernization of any activity or a new project listed in Schedule I to the said notification shall not be undertaken in any part of India, unless it has been accorded EC by the Central Government in accordance with the procedures specified in the said notification.

17. In exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the EP Act read with clause (d) of sub-rule (3) of Rule 5 of the EP Rules and in supersession of notification number S.O. 60 (E) dated 27th January 1994, except in respect of things done or omitted to be done before such supersession, the Central Government issued a notification dated 14th September 2006, being Notification S.O. 1533 (E) requiring prior environmental clearance from the Central Government or as the case may be, by the State-Level Environment Assessment Authority, duly constituted by the Central Government under sub-section (3) of Section 3 of the EP Act.

18. In terms of the said notification dated 14th September 2006, the process of environmental clearance for new projects was to comprise of a maximum of four stages, all of which might not apply to particular cases. The stages were (1) Screening, (2) Scoping, (3) Public Consultation and (4) Appraisal.

19. In the meanwhile, by a notification being S.O. 327 (E) dated 10th April 2001, published in the Gazette of India on 12th April 2001, the Central Government has

delegated the powers vested in it under the EP Act, to the Chairpersons of the respective State Pollution Control Boards/Committees to issue directions to any industry or any local or other authority to prevent violation of the Rules.

20. The Appellants carry on business, *inter alia*, of manufacture and sale of basic organic chemicals, namely, Formaldehyde. The Appellant No. 1, M/s. Pahwa Plastics Private Limited has two manufacturing units, one at village Kharawar in Rohtak, hereinafter referred to as the "Rohtak Unit" and the other at village Jathlana, Jagadhri in Yamuna Nagar in Haryana, hereinafter referred to as the "Yamuna Nagar Unit". The Appellant No. 2 has a manufacturing unit at village Ghespur in Yamuna Nagar, Haryana which is hereinafter referred to as the "Yamuna Nagar Unit". The manufacturing units established, run and operated by the respective Appellants fall in the category of Micro, Small and Medium Enterprise (MSME) as defined under the Micro, Small and Medium Enterprises Development Act, 2006, hereinafter referred to as "the MSME Act".

21. On or about 31st March 2014, the Appellant No. 1, M/s. Pahwa Plastics Ltd. applied for Consent to Establish (CTE) its Yamuna Nagar unit for manufacture of Formaldehyde.

22. By a communication No. HSPCB/Consent/ : 2846616YAMCTE 3087415 dated 2nd June 2016, the Haryana State Pollution Control Board (HSPCB) granted Consent to Establish (CTE) to the Appellant No. 1 M/s. Pahwa Plastics Private Limited in respect of its Yamuna Nagar Unit. The CTE was to remain valid for 60 months from the date of its issue, to be extended for another year at the discretion of the Board or till the time the unit started its trial production, whichever was earlier.

23. Some of the terms and conditions on which CTE was granted are set out hereinbelow:

"3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable.

4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.

5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 as amended to-date-even before starting trial production.

6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in all respect before commissioning of the operation and during its actual working strictly.

8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.

12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.

13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution Control Board and Haryana State Pollution Control

Board.

17. In case of change of name from previous Consent to Establish granted, fresh Consent to Establish fee shall be levied.

18. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resources.

19. That the unit will take all other clearances from concerned agencies, whenever required.

20. That the unit will not change its process without the prior permission of the Board.

21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area.

22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.

23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above Consent to Establish within 30 days failing which Consent to Establish will be revoked."

24. By another communication No. HSPCB/Consent/ : 2846618YAMCTO3098246 dated 26th March 2018, HSPCB granted consent to the Appellant No. 1 to operate its Yamuna Nagar Unit from 8th February 2018 to 31st March 2022.

25. By an order No. HSPCB/YMN/2242, dated 31st March 2010, the Appellant No. 2, M/s. Apcolite Polymer Private Limited was granted CTE to establish its Yamuna Nagar Unit for manufacture of Formaldehyde with the manufacturing capacity of 80 tonnes per day.

26. By another communication Nos. HSPCB/Consent/ : HSPCB/YMN/DLC/2011/4027 & HSPCB/YMN/DLC/2011/4029 dated 16th January 2012, HSPCB granted the Appellant No. 2, M/s. Apcolite Polymers Private Limited, Consent to Operate (CTO) its Yamuna Nagar Unit. The CTO has been extended from 1st April 2016 till 31st March 2026, by a letter dated 13th March 2016. The CTO is valid till March 2026.

27. By a communication No. HSPCB/Consent/ : 2846616YAMCT OHWM2630357 dated 13th March 2016, HSPCB granted consent for emission of AIR to Appellant No. 2, M/s. Apcolite Polymers Private Limited in respect of its Yamuna Nagar Unit on, inter alia, the terms and conditions specified in the said letter, some of which are extracted hereinbelow:—

"10. The air pollution control equipment of such specification which shall keep the emissions within the emission standard as approved by the State Board from time to time shall be installed and operated in the premises where the industry is carrying on/proposed to carry on its business.

11. The existing air pollution control equipment if required shall be alerted or replaced in accordance with the direction on the Board.

12. All solid wastes arising in the factory premises shall be properly graded and disposed of by:—

(i) In case of Land fill material, care should be taken to ensure that the material does not give rise to leachate which may percolate in ground water of carried away with storm run off.

(ii) Composting in case of bio degradable materials.

(iii) *If the method of incineration is used for the disposal of solid waste the consent application should be processed separately and it should be taken up which consent is granted.*

13. *The industry shall submit an undertaking to the effect that the above conditions shall be complied with by them.*

14. *The applicant shall submit its undertaking to the effect that the above conditions shall be complied with by them.*

15. *The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent.*

18. *There should not be any fugitive emission from the premises.*

19. *The liquid effluent arising out of the operation of the air pollution control equipment shall also be treated in a manner and to the standards stipulated in the consent granted under Water (Prevention & Control of Pollution) Act, 1974 by this Board.*

21. *If the industry fails to adhere to any of the condition of this consent order the consent so granted shall automatically lapse.*

33. *The industry shall submit Environment Audit report once in a year.*

38. *In case of by passing the emissions, the consent shall be deemed revoked."*

28. It is the case of the Appellants that at the time when CTE was granted to the Appellants, it was thought that EC was not required for units which manufactured Formaldehyde. Even HSPCB itself was not sure of whether EC was required for such units.

29. Mr. Gupta argued that the Appellants were *bona fide* under the impression that the Appellants were not required to obtain prior EC for setting up this establishment to manufacture Formaldehyde. On the basis of CTE granted by HSPCB, the Appellants set up their units taking huge loans from banks for which repayments have to be paid in installments.

30. In exercise of power under Section 3(1) and Section 3(2)(v) of the EP Act read with Rule 5(3)(d) of the EP Rules, the Central Government issued a notification being S.O. 804(E) dated 14th March 2017 which provides for grant of *ex post facto* EC for project proponents who had commenced, continued or completed a project without obtaining EC under the EP Act/EP Rules or the Environmental Impact Notification issued thereunder. Paragraphs 3, 4 and 5 of the said notification, read as hereunder:

"(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at

sub-para(4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment."

31. The Notification of 2017 is a valid statutory notification issued by the Central Government in exercise of power under Sections 3(1) and 3(2)(v) of the EP Act read with Rule 5(3)(d) of the EP Rules in the same manner as the EIA Notification dated 27th January 1994 and the Notification dated 14th September 2006.

32. Section 21 of the General Clauses Act, 1897 provides that where any Central Act or Regulations confer a power to issue notifications, orders, rules or bye-laws, that power includes the power, exercisable in like manner, and subject to like sanction and conditions, if any, to add to, amend, vary or rescind any notification, order, rule or bye-law so issued. The authority, which had the power to issue Notifications dated 27th January 1994 and 14th September 2006 undoubtedly had, and still has the power to rescind or modify or amend those notifications in like manner. As held by this Court in *Shree Sidhali Steels Ltd. v. State of Uttar Pradesh*¹, power under Section 21 to amend, vary or rescind notifications, orders, rules or bye-laws can be exercised from time to time having regard to the exigency.

33. Puducherry Environment Protection Association filed a Writ Petition being W.P. No. 11189 of 2017 in the High Court of Madras assailing the said notification dated 14th March 2017. By a judgment and order dated 13th October 2017, a Division Bench of the High Court refused to interfere with the said notification, holding that the impugned notification did not compromise with the need to preserve environmental purity.

34. The Ministry of Environment, Forest and Climate Change (MoEF&CC) issued a draft notification dated 23rd March 2020 which was duly published in the Gazette of India Extraordinary Part II. The Notification was proposed to be issued in exercise of powers conferred by subsection (1) and clause (v) of sub-section (2) of Section 3 of the EP Act for dealing with cases of violation of the notification with regard to EC. It was proposed that cases of violation would be appraised by the Appraisal Committee with a view to assess whether the project had been constructed or operated at a site which was permissible under prevailing laws and could be run sustainably on compliance of environmental norms with adequate environmental safeguards. Closure was to be recommended if the findings of the Appraisal Committee were in the negative. If the Appraisal Committee found that such unit had been running sustainably upon compliance of environmental norms with adequate environment safeguards, the unit would be prescribed appropriate Terms of Reference (TOR) after which the procedure for grant of EC would follow.

35. On 10th November 2020, the Department of Environment and Climate Change of the Government of Haryana issued an order which is extracted hereinbelow for convenience:

"Whereas the process of manufacturing of Formaldehyde is covered under the provisions of 5(f) of Schedule of Environment Impact Assessment Notification (EIA),

2006 of Government of India, and requires the prior Environmental Clearance (EC) from the competent authority State Environment Impact Assessment Authority (SEIAA)/Ministry of Environment, Forest and Climate Change, Government of India, before establishment and operation of such units, besides other mandatory clearance, as applicable;

Whereas, it has come to the notice of Government that around 15 such units have been permitted to establish/operate in the State of Haryana, without obtaining the necessary Prior Environmental Clearances, but with the Consent of the Haryana State Pollution Control Bureau (HSPCB), which misinterpreted the category of such units and on realising the requirement of EC in these cases, has revoked its consents issued earlier to these units recently;

Whereas, some of these units approached the Government explaining their hardship due to such sudden revocation of their consents and have sought time for obtaining the necessary EC from the competent authority as the process is likely to take a minimum of 6 months to one year period, and to allow them to operate with all pollution control measures, following the pollution control norms applicable, and,

Whereas, the Government has carefully considered their request and the competent authority has decided that these units shall be allowed to continue their operations for a period of six months, without prejudice to any legal action taken against the violations committed by them, by the competent authorities, with the conditions that they will immediately apply for Environmental Clearance from the competent authority and provide the proof of such application within 60 days from the issuance of this communication to Environment and Climate Change Department and to Haryana State Pollution Control Board.

Therefore, it is ordered accordingly."

36. Referring to the Counter Affidavit filed by HSPCB before the NGT, Mr. Gupta pointed out that, since HSPCB itself was under the misconception that prior EC was not necessary for units such as the Yamunanagar units of the Appellants Nos. 1 and 2 respectively. HSPCB took a policy decision to allow the units which did not have prior EC to operate for six months, on condition that they would apply for EC within sixty days.

37. The Appellants duly applied for EC in respect of their manufacturing units. After scrutinizing their applications and after finding the units suitable for grant of EC in terms of the prevailing guidelines, the Expert Appraisal Committee constituted by the MoEF&CC conducted a public hearing to finalize the cases of the Appellants for issuance of Terms of Reference (TOR).

38. By an Office Memorandum, being F. No. 22-21/2020-1A III, dated 7th July 2021, the MoEF&CC issued Standard Operating Procedure (SOP) for identification and handling of violation cases under EIA Notification 2006.

39. The said Office Memorandum, inter alia, reads:

"The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. v. Synochem Organics Pvt. Ltd. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar v. Central Ground Water Authority, vide order dated 03.06.2021 held that "(...) for past

violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process”.

4. Further, the Hon'ble National Green Tribunal in O.A. No. 34/2020 WZ in the matter of Tanaji B. Gambhire v. Chief Secretary, Government of Maharashtra, vide order dated 24.05.2021 has directed that“.... **a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**”.

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations/decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.”

40. The SOP formulated by the said Office Memorandum dated 7th July 2021 refers to and gives effect to various judicial pronouncements including the judgment of this Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati*².

41. In terms of the SOP, the proposal for grant of EC in cases of violation are to be considered on merits, with prospective effect, applying principles of proportionality and the principle that the polluter pays and is liable for costs of remedial measures.

42. By an order dated 9th July 2021, the MoEF&CC confirmed the minutes of an earlier meeting of the Expert Appraisal Committee and recommended issuance of terms of reference to the Appellant No. 1, M/s. Pahwa Plastics Private Limited for expansion of its Formaldehyde Manufacturing unit from 60 TPD to 150 TPD.

43. In the meanwhile, on or about 26th November 2020, the Respondent No. 1, a Non-Governmental Organisation (NGO) hereinafter referred to as “Dastak” filed an application being O.A. No./287/2020 before the NGT praying that the order dated 10th November 2020 passed by the State of Haryana be quashed and units which were operating without EC be closed. The NGT disposed of the said application of Dastak by the impugned order dated 3rd June 2021.

44. A Public Interest Litigation being W.P. (MD) No. 11757 of 2021 (*Fatima v. Union of India*) was filed before the Madurai Bench of the Madras High Court challenging the said Memorandum dated 7th July 2021. By an interim order dated 15th July 2021 a Division Bench of the Madras High Court admitted the Writ Petition and stayed the said memorandum.

45. The Madurai Bench of the Madras High Court observed and held:—

“This writ petition has been filed as a public interest litigation challenging the validity of the office memorandum dated 07.07.2021, issued by the respondent.

2. We have heard Mr. A. Yogeshwaran, learned counsel appearing for the writ petitioner and Mr. L. Victoria Gowri, learned Assistant Solicitor General of India, accepts notice for the respondent.

3. The impugned office memorandum is challenged as being wholly without jurisdiction, contrary to the Environment Impact Assessment Notification, 2006, ultra vires the powers of the respondent under the Environment (Protection) Act, 1986 and violative of the various principles enunciated by the Hon'ble Supreme

Court, while interpreting Article 21 and Article 48-A of the Constitution of India.

4. Further, it is submitted that the impugned notification is in gross violation of the undertaking given before the Hon'ble Full Bench of this Court in W.P. No. 11189 of 2017, wherein, the Court took note of the submissions made on behalf of the Government of India, that the notification impugned therein is only a one-time measure. Further, it is submitted that the respondent failed to see that concept of ex-post facto approval is alien to environment jurisprudence and it is anathema to the Environment Impact Assessment Notification, 2006.

5. Further, it is submitted that the impugned notification is in gross violation of the judgment of the Hon'ble Supreme Court in the case of Alembic Pharmaceuticals Ltd. v. Rohit Prajapati, 2020 SCC OnLine SC 347 and the orders passed by the National Green Tribunal, Principal Bench, New Delhi, in the case of S.P. Muthuraman v. Union of India, 2015 SCC OnLine NGT 169.

6. Identical grounds were considered by us in a challenge to an office memorandum dated 19.02.2021, which provided a procedure for granting post facto clearance under Coastal Regulation Zone (CRZ) Notification 2011, on the ground that despite no such provisions in the notification and being contrary to the earlier judgments and undertaking. The said writ petition in W.P(MD). No. 8866 of 2021 was admitted and by order dated 30.04.2021, the said office memorandum dated 19.02.2021 has been stayed.

7. The core issue in this writ petition is whether the Government of India could have issued the office memorandum and brought about the Standard Operating Procedure for dealing with violators, who failed to comply with the mandatory condition of obtaining prior environment clearance under the Environment Impact Assessment Notification 2006, read with the provisions of Environment (Protection) Act, 1986. This issue was considered by the Hon'ble Supreme Court in Alembic Pharmaceuticals Ltd. (cited supra), and it was held that such office memorandum in the nature of circular is without jurisdiction. The operative portion of the judgment reads as follows:

"...What is sought to be achieved by the administrative circular dated 14 May 2002 is contrary to the statutory notification dated 27 January 1994. The circular dated 14 May 2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative circular dated 14 May 2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on the NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law."

8. Despite the above decision, once again the Government of India, Ministry of Environment, Forest and Climate Change have chosen to adopt the route of issuing the office memorandum and virtually setting at naught the provisions of the Environment Impact Assessment Notification and the Environment (Protection) Act.

9. Before the Hon'ble First Bench, a public interest litigation was filed by the Puducherry Environment Protection Association, challenging the notification dated 14.03.2017, on identical grounds and the Hon'ble First Bench by judgment dated 13.10.2017, recorded the submissions of the learned Assistant Solicitor General of India that the said notification was a one-time measure and accordingly, disposed

of the writ petition.

10. Once again, the Ministry of Environment, Forest and Climate Change have issued the impugned office memorandum. Thus, from what we have noted above, we are of the clear view that the petitioner has made out a *prima facie* case for entertaining the writ petition. Accordingly, the writ petition is **admitted** and there shall be an order of interim stay."

46. It is true that in the case of *Puducherry Environment Protection Association v. Union of India*³, the Division Bench of Madras High Court took note of and recorded the submission made on behalf of the Union of India that the relaxation was a one time relaxation. In view of such submission, this Court held that a one time relaxation was permissible.

47. It is, however, well settled that words and phrases and/or sentences in a judgment cannot be read in the manner of a statute, and that too out of context. The observation of the Division Bench that a one time relaxation was permissible, is not to be construed as a finding that relaxation cannot be made more than once. If power to amend or modify or relax a notification and/or order exists, the notification and/or order may be amended and/or modified as many times, as may be necessary. A statement made by counsel in Court would not prevent the authority concerned from making amendments and/or modifications provided such amendments and/or modifications were as per the procedure prescribed by law.

48. The Division Bench of Madras High Court fell in error in staying the said office memorandum, by relying on observations made by this Court in *Alembic Pharmaceuticals Ltd.* (supra), in the context of a circular which was contrary to the statutory Environment Impact Notification of 1994. The attention of the High Court was perhaps not drawn to the fact that the notification of 7th July 2021 was in pursuance of the statutory notification of 2017 which was valid. The judgment of this Court in *Alembic Pharmaceuticals Ltd.* (supra), was clearly distinguishable and could have no application to the office memorandum dated 7th July 2021 which was issued pursuant to the notification dated 14th March 2017.

49. The Appellants have already applied for EC. The Expert Appraisal Committee of the MoEF&CC has, after scrutinizing the application of the Appellants and finding them eligible for grant of EC, recommended their cases for grant of Terms of Reference (ToR). ToR was granted to the Appellants and a public hearing had also been conducted. Only last procedural step of issuance of EC is left.

50. It is claimed that the units of the Appellants are totally non-polluting units having "Zero Trade discharge". They have been in operation for many years. In the reply affidavit filed by the State before the NGT, it was mentioned that the units were operating in good faith with valid CTOs granted by the HSPCB. It was stated that the units were not causing pollution hazards. The only thing against the units was the procedural lapse of not obtaining EC.

51. By a communication No. F. No. IA-J-110011/185/2020-IA-II(I) dated 20th July 2021 issued to the Appellant No. 1, the MoEF&CC rejected the proposal for terms of reference on the purported ground that the activity of the Appellant No. 1 was covered under category "A" of item 5(f) "Synthetic Organic Chemicals" of the Schedule to the EIA Notification, 2006. A similar communication was issued in respect of M/s. Apcolite Polymers Pvt. Ltd. Significantly, by an order dated 9th July 2021, the MoEF&CC had confirmed the minutes of an earlier meeting of the Expert Appraisal Committee and recommended issuance of ToR to the Appellant No. 1, as observed above. The proposal for Terms of Reference has obviously been rejected at the final stage after the public hearing, by reason of the impugned order dated 3rd June 2021 passed by the NGT on the application of Dastak, which is under appeal.

52. This appeal was listed for admission on 30th September 2021, along with an

application for interim relief being I.A. No. 110064 of 2021 praying for orders permitting the Appellants to operate their units during the pendency of the appeal. The appeal was heard at length at the admission stage and reserved for judgment along with the interim application by an order dated 30th September 2021.

53. After receiving the communication dated 20th July 2021 rejecting the proposal for Terms of Reference, the Appellants requested HSPCB to forward to the Appellants the proceedings of public hearing in respect of the manufacturing units of the Appellants. By a communication No. HSPCB/YR/2021/2830 dated 15th February 2022, HSPCB forwarded proceedings of the public hearing in respect of the Yamuna Nagar unit of the Appellant No. 1. By another Communication No. HSPCB/YR/29021/2829 dated 15th February 2022 the HSPCB forwarded to the Appellant No. 2 the proceedings of the public hearing held on 3rd February 2022 in connection with the Yamuna Nagar Unit of the Appellant No. 2.

54. The manufacturing units of the Appellants appoint about 8,000 employees and have a huge annual turnover. An establishment contributing to the economy of the country and providing livelihood ought not to be closed down only on the ground of the technical irregularity of not obtaining prior Environmental Clearance irrespective of whether or not the unit actually causes pollution.

55. In *Electrosteel Steels Limited v. Union of India*⁴, this Court held:—

"82. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down for the technical irregularity of shifting its site without prior environmental clearance, without opportunity to the establishment to regularize its operation by obtaining the requisite clearances and permissions, even though the establishment may not otherwise be violating pollution laws, or the pollution, if any, can conveniently and effectively be checked. The answer has to be in the negative.

83. The Central Government is well within the scope of its powers under Section 3 of the 1986 Act to issue directions to control and/or prevent pollution including directions for prior Environmental Clearance before a project is commenced. Such prior Environmental Clearance is necessarily granted upon examining the impact of the project on the environment. Ex-Post facto Environmental Clearance should not ordinarily be granted, and certainly not for the asking. At the same time ex post facto clearances and/or approvals and/or removal of technical irregularities in terms of Notifications under the 1986 Act cannot be declined with pedantic rigidity, oblivious of the consequences of stopping the operation of a running steel plant.

84. The 1986 Act does not prohibit ex post facto Environmental Clearance. Some relaxations and even grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is in over view not impermissible. The Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms.

88. The Notification being SO 804(E) dated 14th March, 2017 was not an issue in Alembic Pharmaceuticals (supra). This Court was examining the propriety and/or legality of a 2002 circular which was inconsistent with the EIA Notification dated 27th January, 1994, which was statutory. Ex post facto environmental clearance should not however be granted routinely, but in exceptional circumstances taking

into account all relevant environmental factors. Where the adverse consequences of ex post facto approval outweigh the consequences of regularization of operation of an industry by grant of ex post facto approval and the industry or establishment concerned otherwise conforms to the requisite pollution norms, ex post facto approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. **Ex post facto approval should not be withheld only as a penal measure.** The deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it.

96. The appeals are allowed. The impugned order is set aside. The **Respondent No. 1 shall take a decision on the application of the Appellant for revised EC in accordance with law, within three months from date. Pending such decision, the operation of the steel plant shall not be interfered with on the ground of want of EC, FC, CTE or CTO.**"

56. As held by this Court in *Electrosteel Steels Limited* (supra) ex post facto Environmental Clearance should not ordinarily be granted, and certainly not for the asking. At the same time ex post facto clearances and/or approvals and/or removal of technical irregularities in terms of a Notification under the EP Act cannot be declined with pedantic rigidity, oblivious of the consequences of stopping the operation of mines, running factories and plants.

57. The 1986 Act does not prohibit ex post facto Environmental Clearance. Grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is in our view not impermissible. The Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms.

58. As held by a three Judge Bench of this Court in *Lafarge Umiam Mining Private Limited v. Union of India*:—

"119. The time has come for us to apply the constitutional "doctrine of proportionality" to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilization of the environment and its natural resources has to be in a way that is consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring exceptions, decisions relating to utilisation of natural resources have to be tested on the anvil of the well-recognized principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the decision strictly in accordance with the legislative policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decision-maker taken into account the said principle and, on the basis of relevant considerations, arrived at a balanced decision? Thus, the Court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint. Once this is ensured, then the doctrine of "margin of appreciation" in favour of the decision-maker would come into play."

59. In *Alembic Pharmaceuticals Ltd.* (supra), this Court observed:—

"27. The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA notification

dated 27 January 1994. It is, as the judgment in *Common Cause* holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development."

60. Even though this Court deprecated ex post facto clearances, in *Alembic Pharmaceuticals Ltd.* (supra), this Court did not direct closure of the units concerned but explored measures to control the damage caused by the industrial units. This Court held:—

"However, since the expansion has been undertaken and the industry has been functioning, we do not deem it appropriate to order closure of the entire plant as directed by the High Court."

61. The Notification being SO. 804(E) dated 14th March 2017 was not in issue in *Alembic Pharmaceuticals Ltd.* (supra). In *Alembic Pharmaceuticals Ltd.* (supra) this Court was examining the propriety and/or legality of a 2002 circular which was inconsistent with the EIA Notification dated 27th January 1994, which was statutory. The EIA Notification dated 27th January 1994 has, as stated above, been superseded by the Notification dated 14th September 2006.

62. There can be no doubt that the need to comply with the requirement to obtain EC is non-negotiable. A unit can be set up or allowed to expand subject to compliance of the requisite environmental norms. EC is granted on condition of the suitability of the site to set up the unit, from the environmental angle, and also existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations and to ensure sustainable development, it is imperative that pollution laws be strictly enforced. Under no circumstances can industries, which pollute, be allowed to operate unchecked and degrade the environment.

63. *Ex post facto* environmental clearance should not be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of denial of *ex post facto* approval outweigh the consequences of regularization of operations by grant of *ex post facto* approval, and the establishment concerned otherwise conforms to the requisite pollution norms, *ex post facto* approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. The deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it.

64. The question in this case is, whether a unit contributing to the economy of the country and providing livelihood to hundreds of people, which has been set up pursuant to requisite approvals from the concerned statutory authorities, and has

applied for *ex post facto* EC, should be closed down for the technical irregularity of want of prior environmental clearance, pending the issuance of EC, even though it may not cause pollution and/or may be found to comply with the required norms. The answer to the aforesaid question has to be in the negative, more so when the HSPCB was itself under the misconception that no environment clearance was required for the units in question. HSPCB has in its counter affidavit before the NGT clearly stated that a decision was taken to regularize units such as the Apcolite Yamuna Nagar and Pahwa Yamuna Nagar Units, since requisite approvals had been granted to those units, by the concerned authorities on the misconception that no EC was required.

65. It is reiterated that the 1986 Act does not prohibit *ex post facto* EC. Some relaxations and even grant of *ex post facto* EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with environment norms, is not impermissible. As observed by this Court in *Electrosteel Steels Limited* (supra), this Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the units and dependent on the units in their survival.

66. *Ex post facto* EC should not ordinarily be granted, and certainly not for the asking. At the same time *ex post facto* clearances and/or approvals cannot be declined with pedantic rigidity, regardless of the consequences of stopping the operations. This Court is of the view that the NGT erred in law in directing that the units cannot be allowed to function till compliance of the statutory mandate.

67. Accordingly, the appeal is allowed. The impugned order is set aside in so far as the same is applicable to the units of the Appellants established and operated pursuant to CTE and CTO from the HSPCB in respect of which applications for *ex post facto* EC have been filed. The Respondent shall take a decision on the applications of the Appellants for EC in accordance with law within one month from date. Pending decision, the operation of the Pahwa Yamuna Nagar Unit and the Apcolite Yamuna Nagar Unit, in respect of which consents have been granted and even public hearing held in connection with grant of EC, shall not be interfered with.

68. The Appellants will be allowed to operate the units. Electricity, if disconnected, shall be restored subject to payment of charges, if any. If the application for EC is rejected on the ground of any contravention on the part of the Appellants, it will be open to the Respondents to disconnect the supply of electricity.

69. The Union of India had proceeded with the application for EC and even public hearing had been held. Counsel appearing on behalf of the Union of India contended that the Appellant had not submitted its final application for EC, after public hearing. It is not clear what more was required of the Appellants. Be that as it may, the Union of India shall, within three working days from the date of receipt of a copy of this judgment and order, inform the Appellants in writing of whether anything further is required to be done by the Appellants, and if so what is required to be done. The Appellants shall, within a week thereafter do the needful. The final decision on the application of the Appellants for EC shall be taken within three weeks thereafter.

70. The application being I.A. No. 110064/2021 and other pending applications, if any, in this appeal are disposed of accordingly.

¹ (2011) 3 SCC 193

² 2020 SCC OnLine SC 347

³ 2017 SCC OnLine Mad 7056

⁴ 2021 SCC OnLine SC 1247

⁵ (2011) 7 SCC 338

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2022 SCC OnLine SC 1278

In the Supreme Court of India

(BEFORE INDIRA BANERJEE AND J.K. MAHESHWARI, JJ.)

D. Swamy ... Appellant;

Versus

Karnataka State Pollution Control Board and Others ...
Respondents.

Civil Appeal No. 3132 of 2018

Decided on September 22, 2022

The Judgment of the Court was delivered by

INDIRA BANERJEE, J.:— This appeal, under Section 22 of the National Green Tribunal Act 2010, is against a final order dated 10th May 2017 passed by the National Green Tribunal, Southern Zone, Chennai, dismissing the Application No. 169 of 2016 (SZ) filed by the Appellant under Section 18(1) read with Section 14 of the National Green Tribunal Act 2010, whereby the Appellant had prayed for a direction for closure of the Common Bio-Medical Waste Treatment Facility run by the Respondent No. 3, on the ground of alleged non-compliance of the provisions of the Environmental Impact Assessment Notification 2006, hereinafter referred to as "the 2006 EIA Notification" as amended on 17th April 2015.

2. In the meanwhile, by a notification being S.O. 327 (E) dated 10th April 2001, published in the Gazette of India on 12th April 2001, the Central Government has delegated the powers vested in it under the Environment (Protection) Act, 1986 (EP Act) to the Chairpersons of the respective State Pollution Control Boards/Committees to issue directions to any industry or any local or other authority to prevent violation of the Rules.

3. On or about 25th February 2012, the Respondent No. 3 applied to the Respondent No. 1, Karnataka State Pollution Control Board (hereinafter referred to as "KSPCB") for consent to establish a Common Bio-Medical Waste Treatment Facility over the land bearing Survey No. 82 and 38/2 at Gujjegowdanapura village, Jayapura Hobli, Mysore Taluk and District.

4. By a letter dated 24th November 2012, the Respondent No. 1 KSPCB accorded consent to the Respondent No. 3 to establish the Common Bio-Medical Waste Treatment Facility under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for collection, reception, transportation, treatment and disposal of Bio-Medical Waste. The said consent was valid for a period of five years.

5. It appears that M/s Shree Consultant who had been operating a Common Bio-Medical Waste Treatment Facility at Survey No. 25 at Mysore and had been collecting Bio-Medical Waste from four districts could not collect Bio-Medical Waste from the district of Hassan because of the Common Bio-Medical Waste Treatment Facility established by the Respondent No. 3.

6. M/s Shree Consultant filed appeals bearing Nos. 48 and 49 of 2012 before the Karnataka State Environment Appellate Authority, Bangalore challenging the consent granted to the Respondent No. 3 to establish the Common Bio-Medical Waste Treatment Facility. The Karnataka State Environment Appellate Authority, Bangalore granted an interim stay of the order granting consent to the Respondent No. 3 to establish the Common Bio-Medical Waste Treatment Facility. Ultimately however, the appeal was dismissed by a common judgment and order dated 20th April 2013.

7. M/s Shree Consultant filed Appeal Nos. 46-47 of 2013 before the National Green Tribunal, Southern Zone, Chennai against the common judgment and order dated 20th April 2013 passed by the Karnataka State Environment Appellate Authority, Bangalore in Appeal Nos. 48-49 of 2012.

8. By a judgment and order dated 28th November 2013, the Principal Bench of the National Green Tribunal at New Delhi held that Bio-Medical Waste Treatment Plants were required to obtain an Environmental Clearance (EC) from the Ministry of Environment and Forests, Government of India, hereinafter referred to as "MoEF&CC", in terms of Entry 7(d) of the Notification dated 14th September 2006. The National Green Tribunal had also directed the parties who had been running Common Bio-Medical Waste Treatment Facilities to apply to the MoEF&CC for EC.

9. On 26th February 2014, the Central Pollution Control Board issued guidelines for Common Bio-Medical Waste Treatment Facilities. On 14th July 2014, the National Green Tribunal, Southern Zone, Chennai passed a judgment and order dismissing Appeal Nos. 46-47 of 2013 filed by M/s Shree Consultant and held that the Respondent No. 1 had rightly given consent to the Respondent No. 3 for establishing its Common Bio-Medical Waste Treatment Facility.

10. On 4th March 2015, the Respondent No. 3 applied for grant of consent to operate the Common Bio-Medical Waste Facility under the provisions of the relevant Water Pollution and Air Pollution Acts.

11. On 17th April 2015, MoEF&CC amended the Notification dated 14th September 2006, in view of the Judgment dated 28th November 2013 passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal No. 63 of 2012. By the amendment Entry 7(da) was inserted after Entry 7(d) in the Schedule. Entry 7(da) provided that Common Bio-Medical Waste Treatment Facilities would be required to obtain EC from the Ministry of Environment and Forest.

12. It appears that on 13th July 2015, the villagers of the Gujjegowdanapura, Manadalli, Harohalli, Chunchunarayahundi, Kallahalli, Arinakere, Mahadevpura at Jayapura Hobli, Mysore made a representation to the Respondent No. 1 seeking an order banning the establishment of Common Bio-Medical Waste Treatment Facility by the Respondent No. 3.

13. Thereafter, the Respondent No. 1 issued notices to the Common Bio-Medical Waste Treatment Facility of the Respondent No. 3, calling upon it to submit a report of compliance of pollution norms.

14. On 1st December 2015, the State Level Environment Impact Assessment Authority, Karnataka (SEIAA) issued directions to the Respondent No. 1 under Section 5 of the Environment (Protection) Act, 1986 to issue consent for operation of the Common Bio-Medical Waste Treatment Facility and other projects attracting the 2006 EIA Notification and the amendments thereto.

15. By its letter dated 28th December 2015, the Respondent No. 1 instructed all the concerned officers of the KSPCB that application for consent to establish or operate projects attracting the 2006 EIA Notification and amendments thereto were to be received by the KSPCB only if EC was attached to the application.

16. On 19th January 2016, the Respondent No. 3 resubmitted its application for consent to operate the Common Bio-Medical Waste Treatment Facility, which had earlier been returned by the Respondent No. 1. On 11th February 2016, the Respondent No. 1 granted the Respondent No. 3 consent to operate its Common Bio-Medical Waste Treatment Facility at Gujjegowdanapura village, Jayapura Hobli in Mysore district. The said consent was valid for the period from 1st July 2015 to 30th June 2016.

17. The Appellant filed Appeal No. 3 of 2016 before the Karnataka State Environment Appellate Authority under Section 28 of the Water (Prevention and

Control of Pollution) Act, 1974 challenging the consent to the Respondent No. 3 to operate the Common Bio-Medical Waste Treatment Facility. Very soon thereafter the MoEF&CC revised the Bio-Medical Waste (Management and Handling) Rules 1998 under Section 6, 8 and 25 of the EP Act.

18. The Appeal No. 3 of 2016 filed by the Appellant before the Karnataka State Environment Appellate Authority, against the consent order dated 11th February 2016 passed by the Respondent No. 1 came to be withdrawn by the Appellant because the said appeal had become infructuous in view of the expiration of the period of consent to operate granted to the Respondent No. 3 on 30th June 2016.

19. By an order dated 17th August 2016, the National Green Tribunal, Southern Zone, Chennai directed that the application for renewal of consent to operate, pending before the Respondent No. 1 might be processed in accordance with law subject to the final order passed by the Tribunal.

20. Pursuant to the aforesaid order dated 17th August 2016, the Respondent No. 1 renewed the consent order to operate the Common Bio-Medical Waste Treatment Facility in favour of the Respondent No. 3 which was valid for the period from 17th August 2016 to 30th June 2021.

21. In exercise of power under Section 3(1) and Section 3(2)(v) of the EP Act read with Rule 5(3)(d) of the EP Rules, the Central Government issued a Notification being S.O. 804(E) dated 14th March 2017 which provides for grant of ex post facto EC for project proponents who had commenced, continued or completed a project without obtaining EC under the EP Act/EP Rules or the Environmental Impact Notification issued thereunder. Paragraphs 3, 4 and 5 of the said notification, read as hereunder:

"(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under subsection (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para(4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment."

22. The Notification of 2017 is a valid statutory notification issued by the Central Government in exercise of power under Sections 3(1) and 3(2)(v) of the EP Act read

with Rule 5(3)(d) of the EP Rules in the same manner as the EIA Notification dated 27th January 1994 and the Notification dated 14th September 2006.

23. Section 21 of the General Clauses Act, 1897 provides that where any Central Act or Regulations confer a power to issue notifications, orders, rules or bye-laws, that power includes the power, exercisable in the like manner, and subject to like sanction and conditions, if any, to add to, amend, vary or rescind any notification, order, rule or bye-law so issued. The authority, which had the power to issue Notifications dated 27th January 1994 and 14th September 2006 undoubtedly had, and still has the power to rescind or modify or amend those notifications in like manner. As held by this Court in *Shree Sidhali Steels Ltd. v. State of Uttar Pradesh*¹, power under Section 21 of the General Clauses Act to amend, vary or rescind notifications, orders, rules or bye-laws can be exercised from time to time having regard to the exigency.

24. Puducherry Environment Protection Association filed a Writ Petition being W.P. No. 11189 of 2017 in the High Court of Madras assailing the said notification dated 14th March 2017. By a judgment and order dated 13th October 2017, a Division Bench of the High Court refused to interfere with the said notification, holding that the impugned notification did not compromise with the need to preserve environmental purity.

25. The MoEF&CC issued a draft Notification dated 23rd March 2020 which was duly published in the Gazette of India Extraordinary Part II. The Notification was proposed to be issued in exercise of powers conferred by subsection (1) and clause (v) of subsection (2) of Section 3 of the EP Act for dealing with cases of violation of the notification with regard to EC. It was proposed that cases of violation would be appraised by the Appraisal Committee with a view to assess whether the project had been constructed or operated at a site which was permissible under prevailing laws and could be run sustainably on compliance of environmental norms with adequate environmental safeguards. Closure was to be recommended if the findings of the Appraisal Committee were in the negative. If the Appraisal Committee found that such unit had been running sustainably upon compliance of environmental norms with adequate environment safeguards, the unit would be prescribed appropriate Terms of Reference (TOR) after which the procedure for grant of EC would follow.

26. The appeal has been opposed by the KSPCB. On behalf of the KSPCB, it is submitted that the appeal is liable to be dismissed on the ground of delay of 62 days in filing the appeal. Reasons for the delay, it is submitted, does not make out sufficient cause for the inordinate delay. It is next contended that there is no substantial question of law of general importance involved in this appeal. The appeal is liable to be dismissed on that ground. It is also contended that the appeal suffers from suppression of facts. On behalf of KSPCB, it is contended that the 2015 amendment dated 17th April 2015 to the EIA Notification is prospective in the light of the law laid down in *Narmada Bachao Andolan v. Union of India*². The Respondent No. 3 had applied to the KSPCB for consent to operate before the EIA Notification dated 17th April 2015, for no prior ECI was required for projects which came to existence after 14th September 2006 but before 17th April 2015.

27. On 21st December 2016, the Central Pollution Control Board, MoEF&CC, Government of India issued revised guidelines for Common Bio-Medical Wastes Treatment and Disposal Facility.

28. By final judgment and order dated 10th May 2017, which is impugned in this appeal, the National Green Tribunal has dismissed the appeal filed by the Appellant, with the observation that the Respondent No. 3 could not be directed to be closed down for want of EC.

29. By an Office Memorandum, being F. No. 22-21/2020-1A III, dated 7th July 2021, the MoEF&CC issued Standard Operating Procedure (SoP) for identification and

handling of violation cases under 2006 EIA Notification.

30. The said Office Memorandum, inter alia, reads:

"The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. v. Synochem Organics Pvt. Ltd. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar v. Central Ground Water Authority, vide order dated 03.06.2021 held that "(...) for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process".

4. Further, the Hon'ble National Green Tribunal in O.A. No. 34/2020 WZ in the matter of Tanaji B. Gambhire v. Chief Secretary, Government of Maharashtra, vide order dated 24.05.2021 has directed that ".... a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations/decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined."

31. The SoP formulated by the said Office Memorandum dated 7th July 2021 refers to and gives effect to various judicial pronouncements including the judgment of this Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati*³.

32. In terms of the SoP, the proposal for grant of EC in cases of violation are to be considered on merits, with prospective effect, applying principles of proportionality and the principle that the polluter pays and is liable for costs of remedial measures.

33. A Public Interest Litigation being W.P. (MD) No. 11757 of 2021 (*Fatima v. Union of India*) was filed before the Madurai Bench of the Madras High Court challenging the said Memorandum dated 7th July 2021. By an interim order dated 15th July 2021 a Division Bench of the Madras High Court admitted the Writ Petition and stayed the said memorandum.

34. The Madurai Bench of the Madras High Court observed and held:—

"This writ petition has been filed as a public interest litigation challenging the validity of the office memorandum dated 07.07.2021, issued by the respondent.

2. We have heard Mr. A. Yogeshwaran, learned counsel appearing for the writ petitioner and Mr. L. Victoria Gowri, learned Assistant Solicitor General of India, accepts notice for the respondent.

3. The impugned office memorandum is challenged as being wholly without jurisdiction, contrary to the Environment Impact Assessment Notification, 2006, ultra vires the powers of the respondent under the Environment (Protection) Act, 1986 and violative of the various principles enunciated by the Hon'ble Supreme Court, while interpreting Article 21 and Article 48-A of the Constitution of India.

4. Further, it is submitted that the impugned notification is in gross violation of the undertaking given before the Hon'ble Full Bench of this Court in W.P. No. 11189 of 2017, wherein, the Court took note of the submissions made on behalf of the Government of India, that the notification impugned therein is only a one-time measure. Further, it is submitted that the respondent failed to see that concept of ex-post facto approval is alien to environment jurisprudence and it is anathema to the Environment Impact Assessment Notification, 2006.

5. Further, it is submitted that the impugned notification is in gross violation of the judgment of the Hon'ble Supreme Court in the case of Alembic Pharmaceuticals Ltd. v. Rohit Prajapati, 2020 SCC OnLine SC 347 and the orders passed by the National Green Tribunal, Principal Bench, New Delhi, in the case of S.P. Muthuraman v. Union of India, 2015 SCC OnLine NGT 169.

6. Identical grounds were considered by us in a challenge to an office memorandum dated 19.02.2021, which provided a procedure for granting post facto clearance under Coastal Regulation Zone (CRZ) Notification 2011, on the ground that despite no such provisions in the notification and being contrary to the earlier judgments and undertaking. The said writ petition in W.P(MD). No. 8866 of 2021 was admitted and by order dated 30.04.2021, the said office memorandum dated 19.02.2021 has been stayed.

7. The core issue in this writ petition is whether the Government of India could have issued the office memorandum and brought about the Standard Operating Procedure for dealing with violators, who failed to comply with the mandatory condition of obtaining prior environment clearance under the Environment Impact Assessment Notification 2006, read with the provisions of Environment (Protection) Act, 1986. This issue was considered by the Hon'ble Supreme Court in Alembic Pharmaceuticals Ltd. (supra), and it was held that such office memorandum in the nature of circular is without jurisdiction. The operative portion of the judgment reads as follows:

"...What is sought to be achieved by the administrative circular dated 14 May 2002 is contrary to the statutory notification dated 27 January 1994. The circular dated 14 May 2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative circular dated 14 May 2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on the NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law."

8. Despite the above decision, once again the Government of India, Ministry of Environment, Forest and Climate Change have chosen to adopt the route of issuing the office memorandum and virtually setting at naught the provisions of the Environment Impact Assessment Notification and the Environment (Protection) Act.

9. Before the Hon'ble First Bench, a public interest litigation was filed by the

Puducherry Environment Protection Association, challenging the notification dated 14.03.2017, on identical grounds and the Hon'ble First Bench by judgment dated 13.10.2017, recorded the submissions of the learned Assistant Solicitor General of India that the said notification was a one-time measure and accordingly, disposed of the writ petition.

10. Once again, the Ministry of Environment, Forest and Climate Change have issued the impugned office memorandum. Thus, from what we have noted above, we are of the clear view that the petitioner has made out a *prima facie* case for entertaining the writ petition. Accordingly, the writ petition is **admitted** and there shall be an order of interim stay."

35. It is true that in the case of *Puducherry Environment Protection Association v. Union of India*⁴, the Division Bench of Madras High Court took note of and recorded the submission made on behalf of the Union of India that the relaxation was a one time relaxation. In view of such submission, this Court held that a one time relaxation was permissible.

36. It is, however, well settled that words and phrases and/or sentences in a judgment cannot be read in the manner of a statute, and that too out of context. The observation of the Division Bench that a one time relaxation was permissible, is not to be construed as a finding that relaxation cannot be made more than once. If power to amend or modify or relax a notification and/or order exists, the notification and/or order may be amended and/or modified as many times, as may be necessary. A statement made by counsel in Court would not prevent the authority concerned from making amendments and/or modifications provided such amendments and/or modifications were as per the procedure prescribed by law.

37. The Division Bench of Madras High Court fell in error in staying the said office memorandum, by relying on observations made by this Court in *Alembic Pharmaceuticals Ltd.* (supra), in the context of a circular which was contrary to the statutory Environment Impact Notification of 1994. The attention of the High Court was perhaps not drawn to the fact that the notification of 7th July 2021 was in pursuance of the statutory notification of 2017 which was valid. The judgment of this Court in *Alembic Pharmaceuticals Ltd.* (supra), was clearly distinguishable and could have no application to the office memorandum dated 7th July 2021 which was issued pursuant to the notification dated 14th March 2017.

38. In *Electrosteel Steels Limited v. Union of India*⁵, this Court held:—

"82. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down for the technical irregularity of shifting its site without prior environmental clearance, without opportunity to the establishment to regularize its operation by obtaining the requisite clearances and permissions, even though the establishment may not otherwise be violating pollution laws, or the pollution, if any, can conveniently and effectively be checked. The answer has to be in the negative.

83. The Central Government is well within the scope of its powers under Section 3 of the 1986 Act to issue directions to control and/or prevent pollution including directions for prior Environmental Clearance before a project is commenced. Such prior Environmental Clearance is necessarily granted upon examining the impact of the project on the environment. ExPost facto Environmental Clearance should not ordinarily be granted, and certainly not for the asking. **At the same time ex post facto clearances and/or approvals and/or removal of technical irregularities in terms of Notifications under the 1986 Act cannot be declined with pedantic rigidity, oblivious of the consequences of stopping the operation**

of a running steel plant.

84. The 1986 Act does not prohibit ex post facto Environmental Clearance. Some relaxations and even grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is in our view not impermissible. The Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms.

88. The Notification being SO 804(E) dated 14th March, 2017 was not an issue in Alembic Pharmaceuticals (supra). This Court was examining the propriety and/or legality of a 2002 circular which was inconsistent with the EIA Notification dated 27th January, 1994, which was statutory. Ex post facto environmental clearance should not however be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of ex post facto approval outweigh the consequences of regularization of operation of an industry by grant of ex post facto approval and the industry or establishment concerned otherwise conforms to the requisite pollution norms, ex post facto approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. Ex post facto approval should not be withheld only as a penal measure. The deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it.

96. The appeals are allowed. The impugned order is set aside. The Respondent No. 1 shall take a decision on the application of the Appellant for revised EC in accordance with law, within three months from date. Pending such decision, the operation of the steel plant shall not be interfered with on the ground of want of EC, FC, CTE or CTO."

39. The proposition of law enunciated/re-enunciated by this Court in *Electrosteel Steels Limited* (supra) was reiterated in *Pahwa Plastics Pvt. Ltd. v. Dastak NGO*²

40. As held by this Court in *Electrosteel Steels Limited* (supra) ex post facto EC should not ordinarily be granted, and certainly not for the asking. At the same time ex post facto clearances and/or approvals and/or removal of technical irregularities in terms of a Notification under the EP Act cannot be declined with pedantic rigidity, oblivious of the consequences of stopping the operation of mines, running factories and plants.

41. The EP Act does not prohibit ex post facto Environmental Clearance. Grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is in our view not impermissible. The Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms.

42. In *Lafarge Umiam Mining Private Limited v. Union of India*², a three-Judge Bench of this Court held:—

"119. The time has come for us to apply the constitutional "doctrine of proportionality" to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilization of the environment and its natural resources has to be in a way that is

consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring exceptions, decisions relating to utilisation of natural resources have to be tested on the anvil of the well-recognized principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the decision strictly in accordance with the legislative policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decisionmaker taken into account the said principle and, on the basis of relevant considerations, arrived at a balanced decision? Thus, the Court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint. Once this is ensured, then the doctrine of "margin of appreciation" in favour of the decision-maker would come into play."

43. In *Alembic Pharmaceuticals Ltd.* (supra), this Court observed:—

"27. The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA notification dated 27 January 1994. It is, as the judgment in Common Cause holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development."

44. Even though this Court deprecated ex post facto clearances, in *Alembic Pharmaceuticals Ltd.* (supra), this Court did not direct closure of the units concerned but explored measures to control the damage caused by the industrial units. This Court held:—

"However, since the expansion has been undertaken and the industry has been functioning, we do not deem it appropriate to order closure of the entire plant as directed by the High Court."

45. The Notification being SO. 804(E) dated 14th March 2017 was not in issue in *Alembic Pharmaceuticals Ltd.* (supra). In *Alembic Pharmaceuticals Ltd.* (supra) this Court was examining the propriety and/or legality of a 2002 circular which was inconsistent with the EIA Notification dated 27th January 1994, which was statutory. The EIA Notification dated 27th January 1994 has, as stated above, been superseded by the Notification dated 14th September 2006.

46. There can be no doubt that the need to comply with the requirement to obtain EC is non-negotiable. A unit can be set up or allowed to expand subject to compliance of the requisite environmental norms. EC is granted on condition of the suitability of the site to set up the unit, from the environmental angle, and also existence of

necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations and to ensure sustainable development, it is imperative that pollution laws be strictly enforced. Under no circumstances can industries, which pollute, be allowed to operate unchecked and degrade the environment.

47. *Ex post facto* environmental clearance should ordinarily not be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of denial of *ex post facto* approval outweigh the consequences of regularization of operations by grant of *ex post facto* approval, and the establishment concerned otherwise conforms to the requisite pollution norms, *ex post facto* approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. In a given case, the deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it.

48. It is reiterated that the EP Act does not prohibit *ex post facto* EC. Some relaxations and even grant of *ex post facto* EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with environment norms, is not impermissible. As observed by this Court in *Electrosteel Steels Limited* (supra), this Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the units and dependent on the units for their survival.

49. *Ex post facto* EC should not ordinarily be granted, and certainly not for the asking. At the same time *ex post facto* clearances and/or approvals cannot be declined with pedantic rigidity, regardless of the consequences of stopping the operations.

50. In our considered view, the NGT rightly found that when the Bio-Medical Waste Treatment facility of the Appellant was being operated with the requisite consent to operate, it could not be closed on the ground of want of prior Environmental Clearance. The issues raised/involved in this appeal are squarely covered by the judgment of this Court in *Electrosteel Steels Limited* (supra) and *Pahwa Plastics Pvt. Ltd.* (supra). This Court cannot lose sight of the fact that the operation of a Bio-Medical Waste Treatment Facility is in the interest of prevention of environmental pollution. The closure of the facility only on the ground of want of prior Environmental Clearance would be against public interest. There are no grounds to interfere with the judgment and order of the NGT in appeal as rightly argued by KSPCB and the Respondent No. 3. The appeal is barred by delay. In any case, the appeal does not raise any substantial question of law. The appeal is therefore dismissed.

¹ (2011) 3 SCC 193

² (2000) 10 SCC 664

³ 2020 SCC OnLine SC 347

⁴ 2017 SCC OnLine Mad 7056

⁵ 2021 SCC OnLine SC 1247

⁶ 2022 SCC OnLine SC 362

⁷ (2011) 7 SCC 338

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