

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**(WESTERN ZONE) BENCH, PUNE**

**(By Video Conferencing)**

**ORIGINAL APPLICATION NO.68/2020(WZ)**

Rajiv Babasabeb Waman and others

**Applicants**

v/s

The Ministry of Environment, Forest &  
Climate Change and others

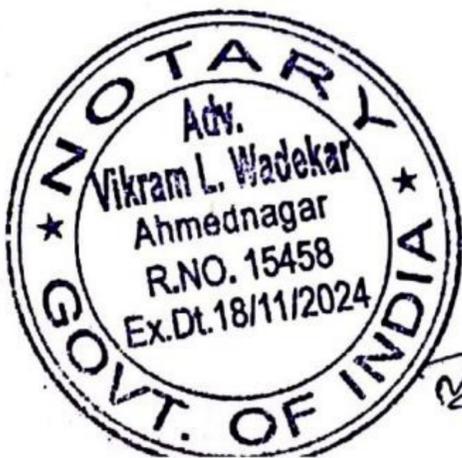
**Respondents**

**AFFIDAVIT**

**ON BEHALF OF RESPONDENT NO. 5, 7 & 8 IN CONSONANCE  
WITH THE DIRECTIONS GIVEN BY THIS HON'BLE TRIBUNAL**

**VIDE ORDER DATED 12/08/2021 & 23/09/2021**

Page 1 of 5



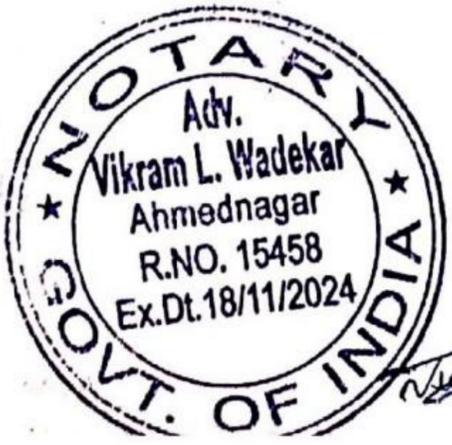
*[Handwritten signature]*



I, Rajendra B. Bhosale, age- 57yrs, occupation - Service at present working as Collector, Ahmednagar do hereby state on solemn affirmation that, I have gone through the orders passed by this Hon'ble Tribunal on 12/08/2021 & 23/09/2021. After going through the relevant office record I proceed to file present short affidavit. I crave leave to file detail affidavit as and when required by this Hon'ble Tribunal or occasion so arises.

2) I say and submit that, the Ministry of Environment Forest and Climate Change has issued notification dated 14/09/2006 and specified the requirements of prior Environment Clearance (EC) for certain projects or activities from the concerned regulatory authority.

3) I say and submit that, as per the provision of section 23 (C ) of Mines and Minerals (Development and Regulation) Act, 1957 (in short MMDR Act), the State Government is empowered to makes rules for illegal mining and transportation and storage of illegal minerals. All such mining qualifies under illegal shall be dealt with in the provision of MMDR Act by the concern authority. Accordingly, the State of Maharashtra has made Maharashtra Minor Minerals Extraction (Development and Regulation) Rules 2013. The State of Maharashtra has again issued communication dated



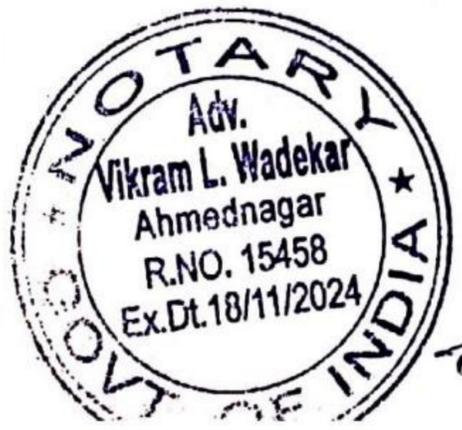
*[Handwritten signature]*

*[Handwritten initials]*



12/12/2013 and made it clear that, no prior Environment Clearance is required for grant of short term permission for excavation. Therefore, in view of the said communication dated 12/12/2013 so issued by the Revenue and Forest Department, State of Maharashtra, the present respondent has not demanded Environment Clearance from the M/s Gaytri Projects Ltd. for the excavation of short term period. **Here to marked and annexed at Exh. R. A is the copy of communication dated 12/12/2013 issued by Revenue and Forest Department.**

4) I say and submit that, in view of chapter IV Rule 58 of the Maharashtra Minor Minerals Extraction (Development and Regulation) Rules 2013, the provision has been made for grant of quarry for Minor Minerals and for that purpose District Level Committee in every district under the chairmanship of District Collector has been constituted to prepare the District Mining Plan and to ensure the short term quarry permits are being granted in accordance with the District Mining Plan. Further, under rule of 59 of the said rules the provision has been made for grant of short term permits for Minor Minerals. **Here to marked an annexed at Exh. R-B is the copy of provisions laid down under Rule 58 & 59 under chapter**



*[Handwritten signature]*

*[Handwritten signature]*

IV of Maharashtra Minor Minerals Extraction (Development and Regulation) Rules 2013 for the ready reference of this Hon'ble Tribunal.

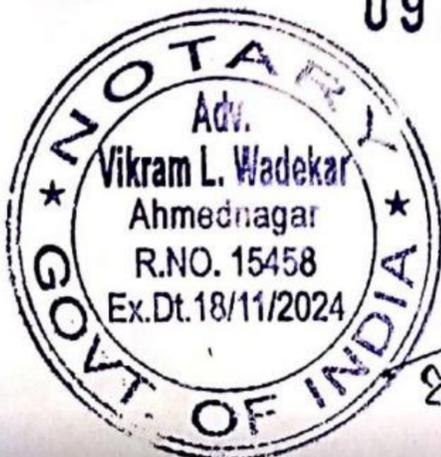
5) I say and submit that, the State level Environment Impact Assessment Authority (SEIAA) has granted Environment Clearance for Stone quarry in favour of M/s Gaytri Projects Ltd at Gat No. 313 & 314 situated at village Hasnabad Taluka Sangammer Dist. Ahmednagar on 24/05/2021. The M/s Gaytri Project Ltd. has applied before present respondent and requested to grant permission of stone quarry for the period of 5 years on lease basis. The said application is under consideration before present respondent and the same will be decided after taking into consideration the all relevant rules and enactments and the settled position of law. Here to marked and annexed at Exh. R-C. is copy of commutation dated 24/05/2021 granted Environment Clearance to the stone quarry in favour of Gaytri Project Ltd at Gat No. 313 & 314 at Village Hasnabad Tal. Sangammer Dist Ahmednagar. I say and submit that, present respondents are duly following the provisions of said rules published by State of Maharashtra.

Hence this affidavit.

Place - Ahmednagar

Date- /10/2021

09 NOV 2021



Respondent

( Dr. Rajendra B. Bhosale)



**VERIFICATION:**

*[Handwritten signature]*

I, Rajendra B. Bhosale, Age- 57 Years, Occupation - Government Service, at present working as the District Collector Ahmednagar, Dist. Ahmednagar do hereby solemnly affirm and state on oath that the contents of this affidavit from para Nos. 1 to 4, are true to my personal knowledge and are based on official record which I believe to be true and correct and that I have not suppressed any material facts from this Hon'ble Court.

09 NOV 2021

Hence verified at Ahmednagar, Dist-Ahmednagar on this day of October, 2021.

**BEFORE ME**

*[Handwritten signature]*  
**Vikram L. Wadekar**  
Advocate & Notary Public  
Govt. of India  
Ahmednagar

Noted & Registered.  
at Sr. No. 1062/2021  
Dated 9/11/2021

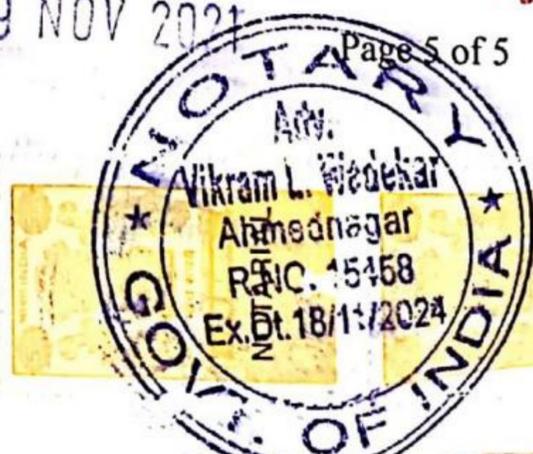
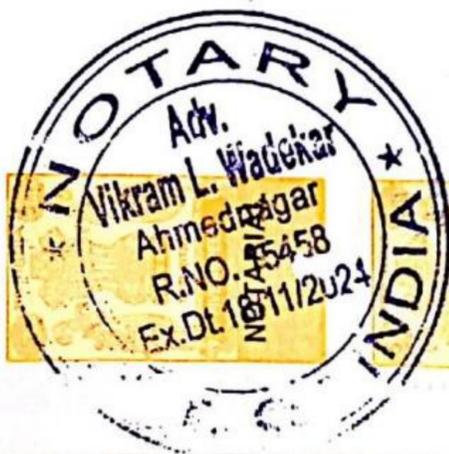
**Respondent**

*[Handwritten signature]*  
**(Dr. Rajendra B. Bhosale)**

**Identified to the deponent**

By

**BEFORE ME**  
Solemnly affirmed before me  
by *Dr. Rajendra B. Bhosale, Collector Ahmednagar*  
who is identified before me  
by *In Personal*  
) whom I personally know.



09 NOV 2021

NOTARIAL

Translated Copy

Exh. R.A.  
211

Government of Maharashtra

No.Min-10/0812/No.613/Kh  
Revenue & Forest Department,  
Hyderabad House,  
Camp Office, Nagpur  
Dt.12.12.2013

To,

All Divisional Commissioner  
All Collector

**Subject :** Regarding taking action accordingly Maharashtra Minor Mineral Excavation (Development and Regulation) Rules, 2013

**Reference:** Government Notification dt.18.07.2013 & 24.10.2013

As per The Government Notification dt.18.07.2013 under reference Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 have been published and they have been implemented in the State from 24.10.2013 as per the notification dated 24.10.2013. Considering the need for secondary minerals for setting up infrastructure in the state and the employment difficulties faced by the traditional traders, the authority has been given to the competent authorities to allow the extraction of secondary minerals to a certain extent for a specific period and in a specific area. However, some regional offices had asked whether permission from the state level environment committee was required for issuing such permits.

2. Chapter 4 of the "Maharashtra Minor Mineral Excavation (Development and Regulation) Rules, 2013" does not provide for obtaining environmental clearance from the State Level Committee for licensing. However, the matter was submitted to the Cabinet for consideration on 12.12.2013 for clarification in that regard. As per the decision taken by the Cabinet in this meeting, the following clarification is being given:

" As per Chapter 4 of Maharashtra Minor Mineral Mining (Development and Regulation) Rules, 2013" provision has been made to issue temporary minor mineral extraction permits by competent authorities. As such, there will be no need of environmental clearance for temporary permit of minor mineral excavation. "

3. The above explanation does not apply to sand mining. Chapter 5 of the said rule for sand / sand extraction as well as Govt. As per the provisions of 300 / B, dated 12.03.2013, it will be mandatory to obtain environmental clearance.

4. A committee has been set up at the district level under the chairmanship of the District Collector to monitor the said licenses. The committee comprise District Level Officer of Maharashtra Pollution Control Board, Deputy Forest Conservator, District level officer of Groundwater Survey and Development Agency and District Mining Officer. The submission committee will take necessary care that the provisions of the said rules are being strictly followed. However, as per the "Maharashtra Minor Minerals (Development and Regulation) Rules, 2013", the competent authority should immediately start the process of issuing minor mineral excavation permit for minor minerals excavation.

Sd /-  
(M.A.Gutte)  
Deputy Secretary

**Copy to :**

Chief Secretary, Environment Department, Mantralaya, Mumbai - 400 032.

Personal Secretary of Hon'ble Minister (Revenue), Mantralaya, Mumbai - 400 032.

Personal Secretary of Hon'ble State Minister (Revenue), Mantralaya, Mumbai - 400 032.

shall be handed over to the Forests Department or any other authority as may be nominated by the State Government.

(iv) Restore, to the extent possible, other flora destroyed by prospecting or mining operation.

#### CHAPTER IV

##### Grant of Quarry Permits for Minor Minerals

58. *District Committee*:- There shall be a committee in every district under the Chairmanship of District Collector to prepare the District Mining Plan and ensure that the short term quarry permits are granted in accordance with the District Mining Plan. The District Level Committee shall consist of the following:-

- |   |                      |              |
|---|----------------------|--------------|
| (i) District Collector  | ...Chairman;         |              |
| (ii) District level Officer of the<br>Maharashtra Pollution Control Board | ...Member;           |              |
| (iii) Deputy Conservator of Forest  | ...Member;           |              |
| (iv) District level Officer of the Ground<br>and Development Agency       | ...Member;           | Water Survey |
| (v) District Mining Officer   | ...Member-secretary. |              |

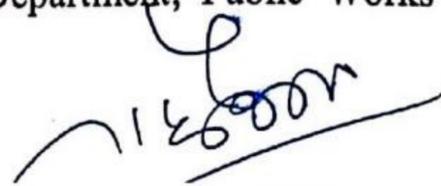
59. *Grant of short term permits for minor minerals*.- (1) Notwithstanding anything contained in the foregoing rules, the Competent Officer, on an application made to him may grant a quarry permit to any person to extract or remove from any specified land within the limits of his jurisdiction any minor mineral not exceeding in quantity as mentioned under any one permit on payment of advance royalties calculated at the rate specified by the Government, from time to time, and on such rents and fees assessable for such extraction:

Provided that, no permits shall be granted in case of any specified minor mineral without prior approval of the Director.

(2) The Competent Officer shall grant permit for specific time and specific volume.

(3) The Competent Officer may refuse to grant such permit for reasons to be recorded in writing.

60. *Grant of Quarry permits by Revenue officers over lands in charge of Water Resources Department, Public Works Department*.- In case of lands in charge of Departments other than Revenue Department that is, Water Resources Department, Public Works Department, quarry



**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY**

No. SIA/MH/MIN/190898/2021  
Environment & Climate  
Change Department  
Room No. 217, 2<sup>nd</sup> Floor,  
Mantralaya, Mumbai- 400032.  
Date: 24.05.2021.

To  
M/s.Gayatri Project Ltd.,  
Gat No. 313, 314, Village Hasanabad,  
Taluka Sangamner, District Ahmednagar

Subject : Environment Clearance for Proposed stone quarry by M/s.Gayatri Project Ltd. At Gat No. 313, 314, Village Hasanabad, Taluka Sangamner, District Ahmednagar

Reference : Application no. SIA/MH/MIN/190898/2021

This has reference to your communication on the above mentioned subject. The proposal was considered by the SEAC-1 in its 196<sup>th</sup> meeting under screening category 1 (a) B2 as per EIA Notification, 2006 and recommend to SEIAA. Proposal then considered in 220<sup>th</sup> meeting of State Level Environment Impact Assessment Authority (SEIAA).

2. Brief Information of the project submitted by you is as below:-

Sr. No.	Name of product	Proposed capacity MT/year
1.	Mining of Stone	364179
Mining Area-3.63 Ha		

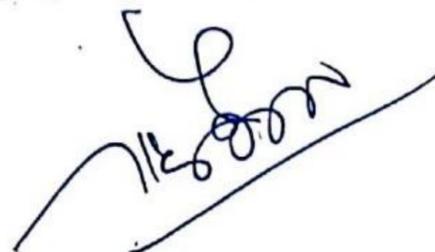
3. The proposal has been considered by SEIAA in its 220<sup>th</sup> meeting and decided to accord Environment Clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implantation of following terms and conditions-

**Specific Conditions:****SEAC Conditions-**

1. PP to get proposed mine area and 7.5 meter wide safety zone demarcated in presence of DMO before taking any effective steps on site.
2. PP to develop green belt by planting 900 nos. of indigenous trees in 7.5 meter wide safety zone on the periphery of the proposed area and 600 nos. of indigenous trees along



- the approach road in the first year of operation. PP to select saplings which are at least 1 yr old and 3-4 ft in height. Select trees which require less water. PP to make appropriate arrangements for protection of road side plantation.
3. PP to appoint qualified fore man as a Mine Manager approved by Director General of Mines to ensure safety of the staff/labors appointed at mine site.
  4. PP to carry out activities as per approved CER in the first year of quarry operation.
  5. The District Mining Officer shall ensure proper approach road to the proposed quarry area before granting final mining lease.
  6. PP to maintain adequate capacity approach roads to the proposed mine area so as to ensure safe plying of the heavy vehicles engaged on mine site for transport of mined material and to avoid any unforeseen accident.
  7. PP to ensure that adequate measures like maintenance of roads, sprinkling of water and plantation is carried out to reduce the particulate matter pollution.
  8. PP to ensure that parking shall not be made on Public roads. Parking shall be on pre decided place only.
  9. The transportation shall be carried out through the covered trucks only and the vehicles carrying the mineral shall not be overloaded.
  10. PP to ensure no stream is diverted due to proposed quarrying activity
  11. PP to provide fencing all along the boundary for preventing entry of unauthorised persons and stray animals to the quarry site.
  12. PP to provide movable toilets/ bio toilets to the workers working in the area and the sewage generated shall be properly collected and treated so as to conform to the standards prescribed by MoEF&CC and CPCB.
  13. PP to provide First Aid facility at the proposed mining site.
  14. PP to ensure protective measures are provided to reduce noise exposure and dust emission due to drilling and/or blasting activity.
  15. PP to ensure that no mining shall be done below the depth as approved in the mining plan.
  16. PP to ensure that, the quarrying is restricted above the level of aquifer to avoid the ground water contamination/degradation of water quality of aquifer.
  17. PP to ensure that mining/ loading activity shall be restricted to day hours' time only. No mining activity shall be carried out after sunset and before sun rise.
  18. PP to construct stone bunding all along the boundary to ensure that loose mined material does not find it's way to nearby areas during rains.
  19. PP to provide adequate channels and garland drain to guide the rain water.
  20. PP to ensure that, the overburden be stored on site and shall be used for refilling of mine pit.
  21. PP to adhere to the provisions stipulated Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013, guidelines issued by MoEF&CC and any other legal requirements as applicable to the proposed activity.



22. PP to keep record of expenditure incurred on implementation of approved environmental management plan and submit expenditure statement along with six monthly compliance report.
23. District Mining Officer should strictly monitor the compliance of the conditions stipulated in the Environment Clearance letter.
24. 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 their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
25. PP to implement mine closure plan as approved by the competent Authority. PP to provide dry wall of around one meter along with barbed wire fencing to the mining lease area to ensure safety of animals and humans.

#### SEIAA Conditions-

1. PP to ensure additional air quality monitoring station around the periphery of nearest human settlements.
2. PP to ensure that, as submitted in detail in SEIAA meeting, all mitigation and monitoring measures to be followed especially around the vicinity of nearest Village/ human settlements.
3. Blasting, crushing and transportation of crushed material should be carried out under covered conditions to avoid any kind of dust pollution.
4. PP shall employ dust suppression measures by use of water sprinklers, foggers etc.
5. No hill cutting should be allowed during the quarrying.
6. PP shall undertake to plant 900 number of trees along lease boundary in the 7.5 m safety belt & 600 number of trees along the road & a total number of 1500 trees. Dust absorbing trees shall be planted. PP to ensure that trees should be of 12-24 months old having 6-8 ft height of indigenous species to ensure shade, greenery and air pollution mitigation measures.
7. PP to submit images of the tree plantation as above with latitude -longitude (lat-long) to the DMO/District collector every quarter, capturing number of trees, growth & survival of trees.
8. PP to ensure 100% survival of trees, in case of any non-survival compensatory plantation should be taken up.
9. DMO to ensure SEAC & SEIAA conditions strictly complied with.
10. District Collector to personally ensure by devising suitable Standard Operating Procedure (SOP) for -
  - a. Quantity of excavation does not exceed approved quantity as certified by Deputy Director, Directorate of Geology & Mining Department, Government of Maharashtra.
  - b. Strict observance of terms and conditions imposed by Explosive Department.
  - c. Strict observance of conditions 6 and 7 above.



**General Conditions:**

- I. The validity period of the EC will be for 7 years as per MoEF&CC Notification dated 29<sup>th</sup> April, 2015 but limited to period of lease.
- II. No hill cutting should be allowed during the quarrying. No aquifers should be disturbed either by blasting or by quarrying.
- III. Blasting crushing & transportation of crushed material should be carried out under covered conditions to avoid any kind of dust pollution.
- IV. PP shall employ dust suppression measures by use of water sprinklers, foggers etc.
- V. The PP shall undertake 2 rows of tree plantation along the lease boundary. Dust absorbing trees shall be planted.
- VI. Quarrying allowed only in the recharge zone of hills, not in run off or storage zone. For this purpose, GSDA should be involved to carry out intensive geophysical survey to identify such recharge zone where quarrying can be allowed.
- VII. The mining plan shall be approved first before initiating any mining operations.
- VIII. Discharge of sewage from quarry sites should be strictly controlled.
- IX. The quarries to maintain benches of 60 slope in the cut, 6 m depth in cut and 6 m for the bench. 10. No dumping of material shall be allowed in the water resources of Nallas.
- X. No quarrying should be allowed in the run-off zone of hilly areas.
- XI. After mining extraction is completed, the existing pits on site must be filled up and the closure must be supervised and certified by the District Mining Officer.
- XII. No quarry shall be allowed within safe distance from any habitation or human activity.
- XIII. District Collector will take bank guarantee of Rs. 2,00,000/- OR upto 2% of the annual royalty, whichever is higher, for the given lease from the lease holder to ensure the compliance of the conditions stipulated. In case of violation of stipulated conditions by project proponent bank guarantee so obtained shall be forfeited and legal action under the law should be initiated against such project proponent.
- XIV. It shall be ensured that there is no fauna dependent on the areas close to mining for its nesting.
- XV. To prevent dust / particulate matter pollution, the lease holder shall take up tree plantation in an area 10 m from the boundary of the leased area and also on either side of the road leading to the quarry from the already surfaced road.
- XVI. District Collector to ensure that the provisions stipulated in Maharashtra Minor Minerals Extraction (development and Regulation) Rules shall be strictly adhered to.
- XVII. The configuration of benches should be: 60 degrees slope in the cut, 6 mt depth for cut and 6 mt width for the bench. PP shall ensure that no quarrying is carried out in forest or zudpi jungle. No water sources shall be affected due to quarrying activity. All labor engaged in quarrying will be provided with protective gears like mask; helmets, boots etc.
- XVIII. District Collector to ensure that distance between one lease area and another lease area or clusters of lease area is more than 500 m.



- XIX. Project Proponent to ensure that vehicles transporting stone should not be overloaded beyond stated capacity. also to ensure that there is no violation of the Hon'ble NGT, Hon'ble Supreme Court order given in related matters.
- XX. PP to prepare Mine closure plan and get it approved by the competent authority, PP will be held responsible personally for non-compliance of the conditions stipulated in the Environmental clearance and shall be liable for legal action under Environment (Protection) Act of 1986.
- XXI. Transport of stone should be by vehicles which are properly covered with Tarpaulin and it should not be overloaded.
- XXII. The lease holder shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity, the hydro-geological regime of the surrounding area is not affected. The depth of quarrying should be above the levels of aquifers to avoid the contamination/ degradation of water quality of aquifers. Regular monitoring of ground water level and quality shall be carried out around the mine lease area during the mining operation. If at any stage, it is observed that the groundwater table is getting depleted due to the mining activity; necessary corrective measures shall be carried out. District Collector/mining officer shall ensure this.
- XXIII. Effective safeguards, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Water sprinkling shall also be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard. The status of implementation of measures taken shall be reported to Environment Department.
- XXIV. This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.
5. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environment clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.
6. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.
7. Validity of Environment Clearance: The environmental clearance accorded shall be valid as



per EIA Notification, 2006, amended time to time.

8. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.

9. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.

10. Any appeal against this Environment clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1<sup>st</sup> Floor, D-Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

  
Manisha Patankar Mhaiskar  
(Member Secretary, SEIAA)

Copy to:

1. Chairman, SEIAA (Maharashtra), Mumbai.
2. Secretary, MoEF & CC, IA- Division MOEF & CC
3. Member Secretary, Maharashtra Pollution Control Board, Mumbai.
4. Regional Office MoEF & CC, Nagpur
5. District Collector, Ahmednagar.
6. Regional Officer, Maharashtra Pollution Control Board, Nashik.

