

BEFORE THE NATIONAL GREEN TRIBINAL,
 WSETERN ZONE BENCH, AT PUNE
 ORINIAL APPLICATION NO.103 OF 2022

Prakash Mishrimal Porwal . Applicant

Versus

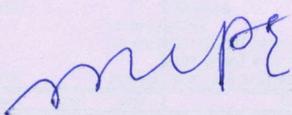
Ministry of Forest, Forest & Climate & others .. Respondents

Affidavit in reply on behalf of Respondent No.7/ Chief Conservator of Forest,
 Pune:-

I N D E X

Sr.No. Annexure	Particulars	Page Nos.
1)	Affidavit in reply	481- 484
2) R1	Copy of letter dated 28/02/2023 Issued by the RFO ,Pune to RDC,Pune	485-488
3) R2	Copy of POR dated 27/02/2023	489- 496
4) R3	Copy of Notification dated 28/03/2020 By MoEF	497-499

Pune
 Date: 21/04/2023


 Advocate for the Respondent No.7

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

AT PUNE

Original Application No. 103 of 2022

Prakash Mishrimal Porwal -

Applicant

V/s

Ministry of Environment, Forest -
And Climate Change

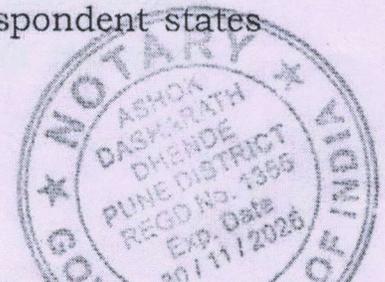
Respondent

Para wise Reply on behalf Respondent No. 7

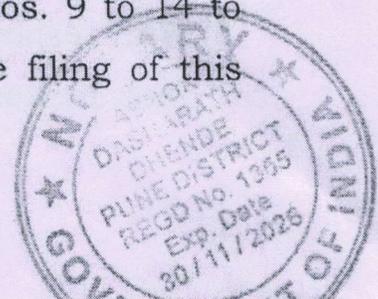
I, Shri. N. R. Pravin, age 45 years, working as Chief Conservator of Forest, Pune Forest Circle, Pune hereby solemnly affirms on behalf of Respondent No. 7 as under :-

I have gone through the copy of Application with annexure received by the office and on perusal I say as under

- 1) With respect to the contents of **Para 1 and 2** the Respondent states that, he has no comments to offer.
- 2) With respect to the contents of **Para 3** the Respondent states that, it is not true and correct to say that illegal mining has been done by the Respondent No 9 to 12 in collusion with the Respondent Officer Nos 3 and 7.
- 3) With respect to the contents of **Para 4** the Respondent states that, he has no comments to offer.



- 4) With respect to the contents of **Para 5** the Respondent states that, he has no comments to offer.
- 5) With respect to the contents of **Para 6** the Respondent states that, he has no comments to offer as the contents are regarding the Respondent Nos 9 to 14.
- 6) With respect to the contents of **Para 6 to 9** the Respondent states that, he has no comments to offer as the contents pertain to the Respondent Nos 9 to 14.
- 7) With respect to the contents of **Para 10 and 11** the Respondent states that, illegal mining has taken place in the proposed Reserved Forest bearing Sr. No 21 at Kolechafesar and Sr. No. 16 at Mouje Thakursai Tal - Maval Dist- Pune. He further states that illegal mining in Sr. No. 21 at Kolechafesar is 853.43 Brass and Sr. No. 16 at Mouje Thakursai is 185.38 Brass. The area of illegal mining was measured by ETS Machine. Hereto annexed as **Annexure R7-1** is a copy of the Letter Dt. 28/02/2023 issued by the Range Forest Officer, Wadgaon Maval to the Resident Deputy Collector, Pune. The Foresters of Mouje Kolechafesar area and Thakursai area lodged Preliminary Offence Report (POR) against unknown persons bearing POR No. E/06/2023 Dated 27/02/2023 and POR No. E/02/2023 Dated 27/02/2023. Hereto annexed as **Annexure R7-2** are copies of the PORs. Enquiry into the offences has been going on. The Respondent or any Forest Officers has never permitted the Respondent Nos. 9 to 14 to carry out mining in the forest area. Since the filing of this

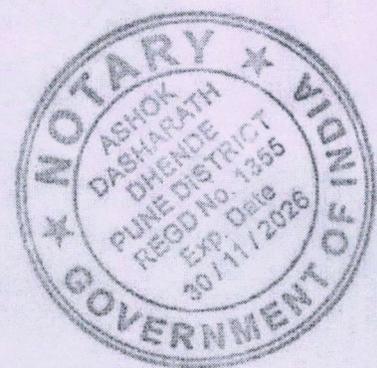


Application there has been no illegal mining taking place in the forest areas.

- 8) There was illegal mining in the forest areas bearing Sr. Nos. 21 at Mouje Kolechafesar and Sr. Nos. 16 at Mouje Thakursai and at present there is no such mining taking place in any forest areas. POR,s have been filed against unknown persons for illegal mining. Enquiries into the offences have been going on. At present there is no illegal mining in any forest area.
- 9) The Respondent has no comments with respect to the contents regarding limitation.
- 10) Necessary action has been taken in respect of illegal mining in the forest areas. Since prior to the filing of this Application there has been no illegal mining in the forest areas. In the circumstances, this Application may be dismissed as against the Respondent Nos.7 with costs.
- 11) Respondent Nos.7 has taken appropriate actions within his powers promptly and immediately on knowing the said illegal mining. Respondent Nos.7 would abide and comply if any directions issue by the Hon'ble Tribunal

Deponent

Pravin



VERIFICATION

I, Shri. N. R. Pravin, age 45, working as Chief Conservator of Forest, Pune Circle, Pune, hereby solemnly affirms on behalf of the State of Maharashtra through its Respondents do hereby solemnly declare that what is stated in aforesaid paragraphs is true and correct to my knowledge and I believe the same to be true and correct.

Solemnly declared at Pune

This 21st day of April 2023

Pravin

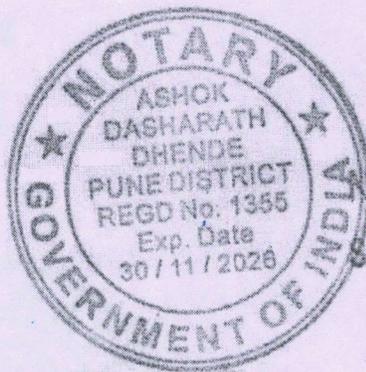
N. R. Pravin,
Chief Conservator of Forest,
Pune Circle, Pune

Settled by,

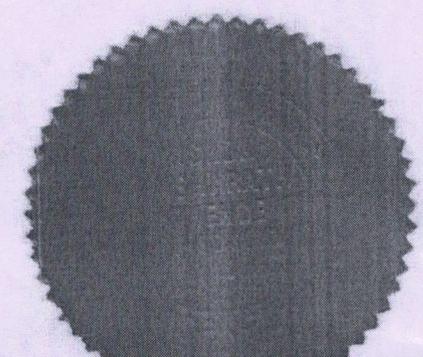
BEFORE ME

Ashok

ASHOK DASHARATH DHENDE
NOTARY, GOVT. OF INDIA
PUNE DISTRICT
REGD No. 1355



NOTED & REGISTERED AT
No. 190/2023, 21 APR 2023



Annexure R-1



वनपरिक्षेत्र अधिकारी वडगाव मावळ,
मु.पो.वडगाव मावळ ता.मावळजि.पुणे यांचे कार्यालय
वनकर्मचारी निवासस्थान, वडगाव मावळ, ता. मावळ, जि. पुणे ४१२ १०६
E-mail: rfovdgaon@gmail.com

जा.क.अ/कोर्टकेस/जमिन/ १२०२२-२३
१९९९

दिनांक २४/०२/२०२३

मा. निवासी उपजिल्हाधिकारी,
अतिरिक्त जिल्हादंडाधिकारी पुणे.

विषय- मा.हरित लवाद खंडपिठ पुणे यांचेकडील ORIGINIL APPLICATOIN No
१०३ OF २०२२ (WZ) I.A.No.१९५/२०२२(WZ)& Caveat No
१/२०२२(WZ) दि.२७.१.२०२३ रोजीच्या आदेशानुसार केलेल्या स्थळपाहणी नुसार
अंमलबजावणी करणेबाबत..

- संदर्भ - १) जिल्हाधिकारी कार्यालय पुणे (खनिकर्म शाखा) यांचे कार्यालयीन पत्र क्र. खनिकर्म
/ कावि/३७३/२०२३ दिनांक ३०/०१/२०२३
२) जिल्हाधिकारी कार्यालय पुणे (खनिकर्म शाखा) यांचे कार्यालयीन पत्र क्र. खनिकर्म/
कावि/४४६/२०२३ दिनांक ०३/०२/२०२३
३) मा. निवासी उप जिल्हाधिकारी तथा अतिरिक्त जिल्हा दंडाधिकारी पुणे-१
यांचेकडील पत्र क्र खनिकर्म/एसआर/अ.शा./०७/२०२२ दिनांक १३.०२.२०२३
रोजीचे पत्र.
४) आपलेकडील पत्र क्र खनिकर्म/एसआर/अ.शा./०८/२०२२ दिनांक २८.०२.२०२३
रोजीचे पत्र या कार्यालयात पोस्टाने दिनांक २०.०२.२०२२ रोजी प्राप्त..
५) आपलेकडील पत्र क्र खनिकर्म/एसआर/अ.शा./१३९/२०२३ दिनांक २४.०३.२०२३
रोजीचे पत्र.
६) वनपाल देवले यांचेकडील पत्र क्र. अ/ २१४/२०२३ दिनांक २६/०३/२०२३ रोजीचा
अहवाल.

उपरोक्त संदर्भिय विषयान्वये अहवाल सादरकरणेत येतो की, मा. राष्ट्रीय हरीत न्यायाधिकरण,
पश्चिम क्षेत्रखंडपीठ पुणे यांचेकडील ORIGINIL APPLICATOIN No १०३ OF २०२२ (WZ)
नुसार प्रकरण दाखल असल्याने मा.राष्ट्रीय हरीत न्यायाधिकरण, खंडपीठ पुणे यांच्या न्यायालया
मध्ये झालेल्या सुनावणीच्या अनुषंगाने वेळोवेळी पारित केलेल्या आदेशाच्या अनुषंगाने या
कार्यालयाच्या अखत्यारित असणा.या वनविभागाच्या क्षेत्रामध्ये झालेल्या उत्खननाबाबत वरील संदर्भ
क्रमांक १ व २ नुसार आपणामार्फत मार्गदर्शन व सविस्तर सूचना/ निर्देश देण्यात आलेले आहे.

या संदर्भात मा.राष्ट्रीय हरीत न्यायाधिकरण, पश्चिम क्षेत्रखंडपीठ पुणे यांचेकडील
प्रकरणी दिनांक १६/१/२०२३ रोजी देण्यात आलेल्या अंतरिम आदेशाच्या अनुषंगाने
मा.न्यायालयाने गठीत कमीटी स्थापन करण्यात आलेली आहे. स्थापन करण्यात आलेल्या

Land no 1

Proven

कमीतीच्या अनुषंगाने त्यांचेकडील प्रति निधीमार्फत दिनांक १/२/२०२२ रोजी स्थळ निरीक्षण करण्यात आले त्यामध्ये यांचे समवेत संयुक्तस्थळ निरीक्षण केलेल्यानुसार वनविभागाच्या क्षेत्रामध्ये प्राथमिक दृष्ट्या उत्खनन झालेले दिसून आले आहे.

त्यानुसार या कार्यालयातील अभिलेखानुसार मौजे ठाकुरसाई सर्वे नं १६ व कोळचाफेसर सर्वे नं २१ मधीलक्षेत्र राखीव वन म्हणून घोषित झालेले आहे. दिनांक १/०२/२०२२ रोजीच्या स्थळ निरीक्षण करते वेळी उत्खनन केलेलेक्षेत्र हे वनविभागाच्या अखत्यारित येते किंवा कसे याबाबत संप्रम निर्माण झाल्यामुळे तसेच सदर क्षेत्राचे सर्वेक्षण शिमांकन न झाल्याने वनविभागामार्फत मौजे ठाकुरसाई सर्वे नं १६ व कोळचाफेसर सर्वे नं २१ या क्षेत्राचा दिनांक १६/०२/२०२३ रोजी सर्वेक्षण करण्यात आले त्यामध्ये उत्खनन झालेले क्षेत्र हे वनविभागाच्या हददीला लागून नमुद सर्वे नंबर मध्ये झाल्याचे निदर्शनास आले आहे. तसेच आपलेकडील ईटीएस मोजणीद्वारे करण्यात आलेल्या सर्वेक्षणा नुसार मौजे कोळेचाफेसर ता.मावळ जि. पुणे सर्वे नं.२१ या क्षेत्रामध्ये ८५३.४३ इतके ब्रास व ठाकुरसाई ता.मावळ जि. पुणे सर्वे नं १६ मध्ये १८५.३८ इतके ब्रास उत्खनन सर्वेक्षणा दरम्यान निदर्शनास आलेले आहे. व सध्यास्थितीत सदर क्षेत्रावर उत्खननाचे काम बंद आहे.

त्वामुळे मौजे कोळेचाफेसर ता.मावळ येथील फॉ.सं.न. २१ व मौजे ठाकुरसाई ता.मावळ येथील सं.न. १६ च्या क्षेत्रात झालेल्या उत्खनाबाबत या कार्यालयामार्फत वनपरिमंडळ देवले मधील नियतक्षेत्र चावसर व नियतक्षेत्र देवले मधील संबधीत वनरक्षक यांनी प्र.रि.नं ई/६/२०२३ दिनांक२७/०२/२०२३ व प्र.रि.नं ई/२/२०२३ दिनांक २७/०२/२०२३अन्वये गुन्हा नोंद करण्यात आलेला आहे. सदरगुन्हे प्रकरणी आरोपी मिलुन न आल्याने अज्ञात इसमाच्या नावाने गुन्हा नोंदकरण्यात आलेला असून सदर गुन्हे प्रकरणी पुढील तपास चालु आहे. सदरचा अहवाल आपणाकडे पुढील योग्य त्या माहितीसाठी व कार्यवाहीकामी सविनय सादर.

सहपत्र वरील प्रमाणे.

[Signature]
वनपरिक्षेत्र अधिकारी
वडगांवमावळ

प्रत-१. मा उपवनसंरक्षक पुणे वनविभाग पुणे यांना माहितीसाठी सविनय सादर.
२. मा.सहा. वनसंरक्षक ववसं (प्रा) पुणे यांना माहितीसाठी सविनय सादर.

[Signature]

**OFFICE OF ZONAL FOREST OFFICER
VADGAON MAVAL**

At Post Vadgaon Maval, Taluka Maval, District
Pune,
Forest Officers Quarters, Vadgaon Maval, Taluka
Maval, District Pune-412 106.
E-mail: rfovadgaon@gmail.com

O.No. A/C/L/1991/2022-23 Date: 28.02.2023

To,
Hon'ble Resident Deputy Collector,
Additional District Magistrate Pune.

Sub.: To follow as per site inspection under
order passed on 27.01.2023 by Hon'ble
Green Tribunal Bench Pune on Original
Application no. 103 of 2022 (WZ) I.A. No.
195/2022 (WZ) & Caveat No. 1/2022
(WZ).

- Ref.: 1. Letter no. K/K/373/2023, dt. 30.01.2023
of Collector Office Pune (Mining
Department).
2. Letter no. K/K/446/2023, dt. 03.02.2023
of Collector Office Pune (Mining
Department).
3. Letter no. K/S/A/07/2022 dt.
12.02.2023 of Hon'ble Resident Deputy

D. Govin



Collector and Additional District
Magistrate, Pune-1.

4. Your letter no. K/S/A/08/2022 dt.
28.02.2023 received by our office by post
on 20.02.2022.
5. Your letter no. K/S/A/939/2022 dt.
24.03.2023.
6. Letter no. A/214/2023 dt. 26.03.2023 of
Forest Officer Devle.

With reference to above reporting that, you
have instructed, ordered in detail regarding
guidance under reference no. 1 and 2 above
regarding digging carried at land of forest
department in our office jurisdiction under order
passed from time to time regarding hearing
concluded by Hon'ble National Green Tribunal
Bench Pune Court, since Hon'ble National Green
Tribunal, West Zone, Bench Pune filed Original
Application No. 103 of 2022 (WZ).

Hon'ble Court appointed committee under
interim order passed on 16.01.2023 under case

P. Lavan



with Hon'ble National Green Tribunal, West Zone, Bench Pune regarding same. It is considered with committee appointed. Forest Department Zone is observed digged primarily as inspected jointly with him there.

Accordingly Survey No. 16 Village Thakursai and Survey no. 21 Kolchafesar are declared forest reserved under our office records. Forest Department carried survey on 16.02.2023 of Survey No. 16 Village Thakursai and Survey no. 21 Kolchafesar, since survey boundary of the said land is not marked and since doubt is arised whether land digged is there under forest department zone during site inspection dated 09.02.2022. Land digged there is observed at survey number mentioned near boundary of forest department. And observed Survey no. 21, Village Kolechafesar, Taluka Maval, District Pune is digged at 853.43 brass and Survey no. 16,

P. Govin



Thakursai, Taluka Maval, District Pune digged 185.38 brass during ETC Survey carried by you and presently said land digging is stopped.

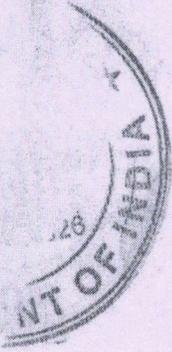
Hence concerned forest officer of Chavsar and Devle forest zone of Forest Office Devle of our office complained under P.R. no. A/6/2023 dated 27.02.2023 and P.R. no. E/2/2023 dated 27.02.2023 regarding digged land of Survey no. 16, Village Thakursai, Taluka Maval and Forest Survey No. 21 of Village Kolechafeshwar, Taluka Maval. Case is filled against unknown person since accused not found under said case and it is under further investigation. This report is submitted with you for further kind proper information and action.

Encl.: Annexure as above.

Sd/-

Forest Zonal Officer,
Wadgaon Maval.

D. L. Wadgaonkar



Copy to :- 1. Hon'ble Deputy Forest Officer, Pune
Forest Division, Pune, for kind information.
2. Hon'ble Assistant Forest Officer VVS (P.) Pune,
for kind information.

Praven



शासन निर्णय क्रमांक टिआरएस-१२/२०२०/प्र.क्र. २०३/फ.६, दिनांक २५-०९-२०२० चे सातपत्र

वन अपराध पहिले प्रतिवृत्त

(महाराष्ट्र वन संहिता खंड दोन, परिच्छेद ६.१२)



१. क्रमांक/वर्ष E-2/2022-23

२. दिनांक 20/02/2023

३. नियत क्षेत्र देवले

४. परिमंडळ देवले

५. वन परिक्षेत्र वउगांव गावठ

६. वन विभाग पुणे

७. अपराधाचा तपशील : (लेखनास जागा अपुरी असल्यास मागील पृष्ठावर लिहावे, अधिक लेखन असेल तर स्वतंत्र A-4 आकाराचा कागद वापरावा व तो सर्व प्रती सोबत लावावा) गा. व. यापालाच्या निर्देशानुसार उद्यान करणा-
-त आलेल्या वृक्षगिरी गावेत गौजे ठाकुरराई सर्व्हे नं. १६ चे उद्यानगिरी क्षेत्र
दिनांक ०९/०९/२०२३ रोजी वनविभाग आले गौजे ठाकुरराई सर्व्हे नं. १६ मध्ये उद्यान
१६ मध्ये उद्यान जमिने क्षेत्र हे वनविभागाच्या हद्दीमध्ये येत असल्या
८. जप्त मुद्देमालाचा तपशील : मुळे दिनांक १६/०२/२०२३ रोजी वनविभागाच्या हद्दीमध्ये येत असल्या
उद्यान आले. वनविभागाच्या क्षेत्रात उद्यान जमिने दिवस आले वकन
उद्यान आले वनविभागाच्या हद्दीमध्ये येत असल्या. उद्यान जमिने क्षेत्र ०.०२ हे/आर.
आगेपीचा बुटल तपाम चालू आहे.

९. आरोपीचे तपशील : (आढळून आल्यास- नाव, वय, पत्ता, नमूद करावेत. अज्ञात असल्यास तशी नोंद करावी)

अज्ञात रसम

१०. अपराधाचे ठिकाण : (शक्य असेल तिथे GPS नुसार अक्षांश व रेखांश लिहावेत)

गौजे ठाकुरराई सर्व्हे नं. १६ GPS reading - N-18°39'18"
E-73°29'54"

११. अधिनियम व कलमे : (अपराध प्रकरणी प्रथम दर्शनी लागू होणारी कलमे व अधिनियम लिहावे)

शासनात्मक वन अधिनियम १९२७ चे कलम २६(१) अ. उ. ग. अन्वये

१२. इतर नोंद : (आवश्यक असल्यास)

१३. गुन्हा नोंदविल्याचे ठिकाण :

गौजे ठाकुरराई सर्व्हे नं. १६

१४. गुन्हा नोंदविणा-या अधिका-याची स्वाक्षरी, नाव व पदनाम :

मीमाती. मोहिनी गायकवाड शिरगाव, वनरक्षक चाकरदार (डाते) देवले

(रथळ प्रत / वनपाल प्रत / वनक्षेत्रपाल प्रत / उपवनसंरक्षक प्रत - त्यात (✓) खूप करावी)

[क्र. मा. ५]

330133

FIRST INFORMATION OF FOREST CASE
(Maharashtra Forest Code, Part 2, Para 6.2)

1. Number/Year:- E-6/2022-23
2. Date: 27.2.2023.
3. Concerned Zone : Chavesar,
4. Division : Devle
5. Forest Zone: Vadgaon, Maval,
6. Forest Division: Pune.
7. Information of case : (to write on backside page if insufficient place is there to write, to use A-4 paper separately, if more writing is there and to enclose it with all copies).

Site inspection carried on 09.01.2023 of Survey no. 21, Village Kolechafesar with committee appointed under Hon'ble Court order. Total 2 guntha land of Survey no. 21, Village Kolechafesar is observed digged. Forest department carried survey on 16.02.2023 since

P. L. ...

land digged at Survey no. 21, Village Kolechafesar is under forest department. Forest case is filled against unknown accused, since observed digging carried at forest department land. Land digged is admeasured 0.02 H.R. Further investigation with accused is pending.

8. Detail of goods seized :-

9. Details of accused (mention name, age, address, if found. To record if being unknown) :-
Unknown person.

10. Place of offense (mention latitude and longitude as per GPS where is possible) :

Kolechafesar Survey no. 21, GPS Reading N-18° 40'39' - 73°27'42".

11. Act and section (mention act and section applicable prima facie under offense case) :-

Forest case filed under Section 26(a)(d)(g) of Indian Forest Act 1927.

P. Chavan

12. Other record (if required) :

13. Case filed at :

Survey no. 21, Kolechafesar.

14. Signature, name and designation of officer

file case : Sd/-

Smt. Mohini Narayan Shirsat, Forest Officer,
Chavsar.

(Office copy/ Forest Officer Copy/ Forest Zonal
Officer copy/ Deputy Forest Officer Copy (Tick)
what is applicable).

Mohini

Annexure of Government Resolution No. TRS-
12/2020/C.N.203/F6, Dated 25.01.2020.

330178

FIRST INFORMATION OF FOREST CASE

(Maharashtra Forest Code, Part 2, Para 6.2)

1. Number/Year:- E-2/2022-23
2. Date: 27.02.2023.
3. Concerned Zone : Devle
4. Division: Devle
5. Forest Zone: Vadgaon, Maval,
6. Forest Division: Pune.
7. Information of case : (to write on backside page if insufficient place is there to write, to use A-4 paper separately, if more writing is there and to enclose it with all copies).

Carried site inspection on 09.01.2023 of Survey no. 16, Villager Thakursai with committee appointed under Hon'ble Court order. Village Thakursai, Survey no. 16, Total 3 guntha land is

Pravara



observed digged. Village Thakursai, Survey no. 16 digged land is there in forest department zone, hence forest department carried survey on 16.02.2023. Forest department land is observed digged, hence forest case filed against unknown accused. A digged land is 0.02 H.R. Further ingestion of accuse is started.

8. Detail of goods seized :-

9. Details of accused (mention name, age, address, if found. To record if being unknown) :-
Unknown person.

10. Place of offense (mention latitude and longitude as per GPS where is possible) :

Survey no. 16, Village Thakursai, GPS Reading N-18°39'18" - E-73°29'54".

11. Act and section (mention act and section applicable prima facie under offense case) :-

Forest case filed under Section 26(a)(d)(g) of
Indian Forest Act 1927.

12. Other record (if required) :

13. Case filed at :

Survey no. 16, Village Thakursai.

14. Signature, name and designation of officer
file case : Sd/-

Smt. Mohini Narayan Shirsat, Forest Officer,
Chavsar, (Add.) Devle.

(Office copy/ Forest Officer Copy/ Forest Zonal
Officer copy/ Deputy Forest Officer Copy (Tick
mark) what is applicable).

Mohini



MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 28th March, 2020

S.O. 1224(E).—WHEREAS, *vide* the Mineral Laws (Amendment) Act, 2020 (2 of 2020), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as MMDR Act) has been amended with effect from the 10th day of January, 2020 and, *inter alia*, new section 8B relating to the provisions for transfer of statutory clearances has been inserted;

AND WHEREAS, sub-section (2) of section 8B of the MMDR Act provides that notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years;

AND WHEREAS, sub-section (3) of section 8B of the MMDR Act provides that notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease;

AND WHEREAS, in pursuance of the aforesaid amendment to the MMDR Act, the Central Government deems it necessary to align the relevant provisions of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 (hereinafter referred to as the EIA Notification, 2006);

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in the receipt of representations for waiver of requirement of prior environmental clearance for borrowing of ordinary earth for roads; and manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules, in public interest, and in supersession of the notification number S.O. 4307(E), dated the 29th November, 2019, hereby makes the following further amendments in the EIA Notification, 2006, namely:-

In the said notification,-

(i) in paragraph 11, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

“(3) The successful bidder of the mining leases, expiring under the provisions of sub-sections (5) and (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and selected through auction as per the procedure provided under that Act and the rules made thereunder, shall be deemed to have acquired valid prior environmental clearance vested with the previous lessee for a period of two years, from the date of commencement of new lease and it shall be lawful for the new lessee to continue mining operations as per the same terms and conditions of environmental clearance granted to the previous lessee on the said lease area for a period of two years from the date of commencement of new lease or till the new lessee obtains a fresh environmental clearance with the terms and conditions mentioned therein, whichever is earlier:

Provided that the successful bidder shall apply and obtain prior environmental clearance from the regulatory authority within a period of two years from the date of grant of new lease.”;

(ii) in the Schedule, against the item 1(a), in the column (5), after clause (2) of the Note, the following clause shall be inserted, namely:-

“(3) The evacuation or removal and transportation of already mined out material lying within the mining leases expiring under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), by the previous lessee, after the expiry of the said lease, shall not form the part of the mining capacity so permitted to the successful bidder, selected through auction as per the procedure provided under that Act and the rules made thereunder.”;

(iii) for Appendix-IX, the following Appendix shall be substituted, namely:-

“APPENDIX-IX

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require Prior Environmental Clearance, namely:-

1. Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
10. Digging of wells for irrigation or drinking water purpose.
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
13. Activities declared by the State Government under legislations or rules as non-mining activity.”

[F. No. Z-11013/47/2018-IA.II (M)]

GEETA MENON, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended vide the following numbers:-

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July, 2013;
9. S.O. 2555 (E), dated the 21st August, 2013;
10. S.O. 2559 (E), dated the 22nd August, 2013;
11. S.O. 2731 (E), dated the 9th September, 2013;
12. S.O. 562 (E), dated the 26th February, 2014;
13. S.O. 637 (E), dated the 28th February, 2014;

14. S.O. 1599 (E), dated the 25th June, 2014;
15. S.O. 2601 (E), dated the 7th October, 2014;
16. S.O. 2600 (E), dated the 9th October, 2014;
17. S.O. 3252 (E), dated the 22nd December, 2014;
18. S.O. 382 (E), dated the 3rd February, 2015;
19. S.O. 811 (E), dated the 23rd March, 2015;
20. S.O. 996 (E), dated the 10th April, 2015;
21. S.O. 1142 (E), dated the 17th April, 2015;
22. S.O. 1141 (E), dated the 29th April, 2015;
23. S.O. 1834 (E), dated the 6th July, 2015;
24. S.O. 2571 (E), dated the 31st August, 2015;
25. S.O. 2572 (E), dated the 14th September, 2015;
26. S.O. 141 (E), dated the 15th January, 2016;
27. S.O. 648 (E), dated the 3rd March, 2016;
28. S.O. 2269(E), dated the 1st July, 2016;
29. S.O. 2944(E), dated the 14th September, 2016;
30. S.O. 3518 (E), dated 23rd November 2016;
31. S.O. 3999 (E), dated the 9th December, 2016;
32. S.O. 4241(E), dated the 30th December, 2016;
33. S.O. 3611(E), dated the 25th July, 2018;
34. S.O. 3977 (E), dated the 14th August, 2018;
35. S.O. 5733 (E), dated the 14th November, 2018;
36. S.O. 5736 (E), dated the 15th November, 2018;
37. S.O. 5845(E), dated the 26th November, 2018;
38. S.O. 345(E), dated the 17th January, 2019;
39. S.O. 1960(E), dated the 13th June, 2019;
40. S.O. 236(E), dated the 16th January, 2020;
41. S.O. 751(E), dated the 17th February, 2020; and
42. S.O. 1223(E), dated the 27th March, 2020.