

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
Appeal No. 319 of 2025/WZ**

IN THE MATTER OF:

Panditrao Mines & Minerals Pvt. Ltd.

...Appellant

Versus

MoEF&CC & Ors.

...Respondent(s)

N.D.O.H. – 24.12.2025

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THROUGH

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Date: 22.12.2025

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.

1 & 2 – MINISTRY OF ENVIRONMENT, FOREST AND

CLIMATE CHANGE

I, Dr. Purushottam Sakhare, S/o Shri Ramdas Sakhare, aged about 57 years, working as Scientist "E" at the Ministry of Environment, Forest & Climate Change (MoEF&CC), Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001, do hereby solemnly affirm and declare on oath as under: -

1. That, I am, the above named Deponent, authorized to swear the present Affidavit.
2. The contents thereof are true and no part of it is false and no material has been concealed therefrom.



3. That without prejudice to the above and as an alternative submission, the deponent craves liberty to raise further required contentions during the course of the proceedings if sought by this Hon'ble Tribunal.
4. It is most respectfully submitted that, the present petition has been filed against the order dated 10.03.2025 passed by the MoEF&CC whereby the Environmental Clearance dated 13.03.2007 granted to the appellant for mining of bauxite ore at Minche Budruk, Bhudargad Tahsil, District Kolhapur has been revoked. Petitioner has provided the following grounds in the petition: (i) The mining area falls outside the ESZ of Radhanagari wildlife sanctuary whereas there is no prohibition of carrying out mining activity outside the ESZ (ii) As on the date of grant of EC, there was no requirement of obtaining wildlife clearance for carrying out mining activity outside the limit of 1 km from the protected area (iii) The EC was granted after following due process including holding public hearing in the presence of Government officials including the forest officers whereas no objection whatsoever was raised regarding existence of wildlife sanctuary within its proximity (iv) The appellant acted in utmost bona fides whereas the mining activity has brought employment to several of the localities (v) The EC is revoked after a period of 10 years of its

issuance for non-compliance of a condition which did not exist on the relevant date.

5. It is most respectfully submitted that the Ministry of Environment, Forest & Climate Change has notified Environment Impact Assessment (EIA) Notification, 2006 under the provisions of the Environment (Protection) Act, 1986 which deals with the process to grant prior Environment Clearances (EC) for the new projects and activities listed in the Schedule of this notification, for expansion and modernization of the existing projects and for any change in product-mix in an existing manufacturing units.
6. It is most respectfully submitted that EIA involves assessing the potential environmental effects of a proposed project, encompassing interconnected socio- economic, cultural, and human-health impacts both positive and negative. Furthermore, it's crucial to note that the granting of EC to a project isn't a singular step; it follows a prescribed process outlined in the EIA Notification, 2006, which includes:
 - Stage (1)-Screening
 - Stage (2) Scoping i.e. prescribing Terms of Reference (TOR) or undertaking detailed Environment Impact assessment studies.



- Stage (3) Public Consultation to be conducted by the respective State Pollution Control Board/UT Pollution Control Committee.
 - Stage (4) - Appraisal - by Expert Appraisal Committee (EAC).
7. That, it is most humbly submitted that State Department of Mines and Geology is the Nodal Authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act (MMDR Act) and is entrusted with the enforcement and regulation of mining operations in a State including illegal mining. Further, the State Government is empowered under Section 23 C of the Mines and Minerals (Development and Regulation) Act 1957(MMDR Act) to make rules for prevention of illegal mining, transportation and storage of minerals.

**DETAILS REGARDING REVOCATION ORDER DATED
10.03.2025 PASSED BY THE MINISTRY:**

8. It is respectfully submitted that the M/s Panditrao Mines and Mineral Pvt. Ltd. has submitted its proposal on 28.09.2006 under EIA notification 1994. The EIA Notification, 2006 was issued by the Ministry on 14.09.2006. To accommodate the new proposals received in accordance with EIA notification 1994 and submitted after 14.09.2006 but within 30.06.2007, the Ministry issued a circular on 13.10.2006 titled "EIA Notification 14 September 2006- Interim



Operational Guidelines till 13 September 2007 in respect of applications made under Environment Impact Assessment Notification-1994. The instant proposal was appraised as per these guidelines. Copy of the circular dated 13.10.2006 is marked and annexed herein as “**Annexure R1/1**”.

9. It is submitted that the Project Proponent had submitted the proposal as per EIA notification 1994 for EC vide Form A wherein at serial number 3 (D), the Project Proponent mentioned that there were no National Park/Sanctuary/ Biosphere Reserve/ Monuments/ Heritage Sites/Reserve forests within 10 km from the mine sites. But the Radhangari Wildlife Sanctuary was notified on 16.09.1985 and it was located at a distance of 3.8 km from the mine site. At the time of submission of application for EC, the Project Proponent concealed and submitted false and misleading information, which was material for screening, scoping, appraisal and decision on the application.
10. It is humbly submitted that based on the submissions of the Project Proponent, the project was considered during 5th EAC Meeting held during January 19-20, 2007 wherein the EAC recommended the proposal. As per the recommendation of EAC, the Ministry granted the Environmental Clearance (EC) on 13.03.2007 under EIA



stipulated in EC letter. Copy of the circular dated 27.02.2007 is marked and annexed herein as “**Annexure R1/3**”.

13. It is submitted that the Ministry issued an OM dated 02.12.2009 enumerating the procedure for consideration of environmental clearance under EIA notification 2006 which involve forest land and/or wildlife habitat. A newspaper advertisement was also released by the Ministry on 01.01.2009 requesting all Project Proponents to obtain clearance from Standing Committee of National Board for Wildlife (NBWL) if their project site lies within 10 km from protected areas. The Project Proponents were requested to submit their application to NBWL within 31.01.2009 with a copy to Ministry.

14. It is submitted that in 2017, a site inspection was conducted for the mines which were in operation in the vicinity of Radhanagri Wildlife Sanctuary. As per the site inspection report the Project Proponent's mine site was located within 10 km of Radhanagri Wildlife Sanctuary and was being operated without obtaining wildlife clearance from the Standing Committee of the National Board for Wildlife.

15. It is submitted that the Answering Respondent (Ministry) then issued a show cause notice on 15.03.2018 to M/s Panditrao Mines & Minerals Pvt. Ltd under Section 5 of Environment (Protection) Act,



1986 for carrying out mining activity within 10 Km of Radhanagri Wildlife Sanctuary. That, the Ministry in its show cause notice asked the Project Proponent as to why their Environment Clearance should not be revoked as it was operating without obtaining wildlife clearance from the Standing Committee of National Board for Wildlife.

16. It is submitted that the Project Proponent replied to above show cause notice vide letter dated 28.03.2018, 30.10.2018 and 20.11.2018. Ministry examined the replies of the Project Proponent and it was found that the mining lease is located within 10 Km of Radhanagari Wildlife Sanctuary and mining was carried out without obtaining the wildlife clearance from Standing Committee of the National Board for Wildlife.

17. It is submitted that the Ministry issued a letter dated 08.01.2019 to keep the Environmental Clearance dated 13.03.2007 in abeyance with immediate effect and until further notice. Thereafter, the Project Proponent initiated the process for Wildlife clearance. While availing of clearance from Standing Committee of the National Board for Wildlife was in progress, the ESZ boundary of the Radhanagari Wildlife Sanctuary was notified on 15.10.2020. Copy of the letter dated 08.01.2019 is marked and annexed herein as “**Annexure R1/4**”.



18. It is submitted that in pursuance to the issuance of the final notification of Radhanagari Wildlife Sanctuary (WLS), Eco Sensitive Zones (ESZ), the Project Proponent requested Ministry on 12.11.2020 to withdraw the directions issued towards the abeyance of the Environmental Clearance. The matter was referred to ESZ Division in the Ministry. The ESZ Division upon examination of KML file of the project stated the following: -

"4. As per the record, the Final Eco-Sensitive Zone (ESZ) notification of Radhanagiri Wildlife Sanctuary, Maharashtra was published vide S.O. 3630(E) 15th October, 2020. The extent of ESZ varies from 200 metres to 6.01 kilometres from the boundary of Radhanagiri Wildlife Sanctuary and has total ESZ area of 250.66 Sq km. 5. Upon examination by superimposing the project location shared by IA-II with geo referenced map in Final ESZ Notification, it appears that the project location is 0 (zero) kilometers far from ESZ boundary of Radhanagiri Wildlife Sanctuary."

19. It is submitted that the Ministry vide its letter dated 11.10.2021 requested the proponent to furnish the certificate from State Chief Wildlife Warden, Maharashtra regarding location of mine site in question based on the final ESZ notification of Radhanagari Wildlife Sanctuary and certified copy of translated version of DCF (Deputy



Conservator of Forest) letter along with location of the project vis-a-vis the boundaries of draft Environmental Site Assessment (ESA) map duly certified by the competent authority, for further action by Ministry. Accordingly, e-mail dated 26.03.2022 with attachment was received from the proponent containing the following.

- *The location of project is outside the boundary of finally notified Eco-Sensitive Zone of Radhanagari Wildlife Sanctuary.*
- *Translated version of the letter issued by the Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur letter No. OW. NO. B/Survey/41/2020-21 dated 05/04/2021.*
- *Location map on scale 1:50,000 certified by Chief Conservator of Forest (Territorial), Kolhapur and Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur*
- *Village Minche Budruk, Taluka Bhudargad, District Kolhapur is not included in Western Ghat Eco-Sensitive Area as per draft notification dated 03/10/2018 issued by the Ministry of Environment, Forests and Climate Change.*

20. It is submitted that since the observation of ESZ Division and letter of PCCF & CWLW were different, therefore Ministry vide letter dated 04.04.2022 requested the officials of Regional Officer of MoEFCC at



Nagpur along with the officials of the State Forest Department to visit the site and furnish the joint report/ground truthing for further action by this Ministry.

21. It is submitted that the Regional Office Nagpur provided its report vide letter dated 17.08.2022. The site inspection was carried out on 29.06.2022 and during the site inspection, the Committee observed the following: -

- a. *As per the Fourth Draft ESA notification (dated 03.10.2018) of Western Ghats, the village Minche Budruk, (in which the Panditrao mine block is located) does not fall under the proposed ESA of Western Ghats.*
- b. *Nearest ESA Village to Minche Budruk (where mine is located) as per 4th draft of ESA notification is 'Aini' village, whose boundary is at 0.00 m distance from GPS coordinates BP-14, BP-15 to BP-I of mining block.*
- c. *The committee also perused the village maps of Aini and Dhamanwadi. Upon perusal, it was observed that the survey numbers of Aini and Dhamanwadi villages adjacent to Minche Budruk village are different than survey numbers falling within the said Bauxite mining Block.*



- d. *As per the village plan of Minche Budruk village, all survey numbers as mentioned in the application of the said Bauxite mining Block, fall in Minche Budruk village.*
- e. *Based on the observation made as above, Village maps of Minch Budruk, Aini and Dhamnvadi villages and DGPS map, the Committee observed that the location of mining project is at 0.00 m distance from the draft western ghat ESA and entire mining bauxite block falls in Minchebudruk village, which is not included in the ESA of Western Ghats.*

22. It is submitted that the Regional Office Nagpur was again requested on 27.10.2022 to clearly state the following: - Shortest distance between the mine site and Radhanagari Wild Life Sanctuary, Shortest distance between the mine site and ESZ of Radhanagari Wild Life Sanctuary and Whether the mine site is falling in ESZ of Radhanagari WLS or not. The Regional Office Nagpur vide letter dated 05.12.2022 has stated the following:

- o *Shortest distance between the mine site and Radhanagari Wild Life Sanctuary is 3.8 km as per the authenticated map prepared and signed by Forest Surveyor, Kolhapur Forest Division, Kolhapur.*
- o *Shortest distance between the mine site and ESZ of Radhanagari Wild Life Sanctuary is 0.00 m. Also it is to be notified that boundary of the*



ESZ is boundary of the village Ainee in Radhanagari Taluka and Mining site is in adjoining village Minche Bk in Bhudargad Taluka in Kolhapur district.

- *Thus the village Minche Bk in Bhudargad Taluka in Kolhapur district does not fall in Radhanagari WLS ESZ as per the Radhanagari WLS ESZ map as notified and authenticated by Dy CF Kolhapur.*

23. It is submitted that after the detailed examination, it was noted that the Project Proponent while submitting its proposal, mentioned in Form A at serial number 3 (D) stated that there were no National Park/Sanctuary/ Biosphere Reserve/ Monuments/ Heritage Sites/Reserve forests within 10 km from the mine sites.

24. It is submitted that the Ministry on the above false and concealed information provided by the Project Proponent issued the Environmental clearance dated 13.03.2007. In view of this, the Ministry issued the Show Cause Notice to the Project Proponent on 06.03.2023 under Section 5 of Environment (Protection) Act, 1986 for concealment of information in Form A with reference to the Bauxite mining project of M/s Panditrao Mines and Minerals Private Limited with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village Minche Budruk, Taluka Budhargarh, District-Kolhapur, Maharashtra.



25. It is submitted that the Project Proponent, in its letter dated 21.03.2023 acknowledged that its consultant, M/s Bhagavathi Ana Labs Ltd (as mentioned in the PP's application form), had inadvertently failed to disclose the distance of the nearest National Park/Sanctuary from the mining site. The PP also requested an opportunity to explain the details in person so as to apprise the Ministry about the measures taken from their side. In view of this, the Project Proponent was given an opportunity to participate and explain the details in the 14th EAC (Non-Coal Mining) meeting held on 3-4 May, 2023. Project Proponent attended the above meeting. The EAC after detailed deliberation opined that the Ministry may revoke the environmental clearance issued to the Project Proponent. The EAC noted that the project was already kept in abeyance with effect from 02.11.2018 as the Project Proponent operated the mine without obtaining Clearance from the Standing Committee of National Board of Wildlife. The EAC further observed that the Project Proponent has accepted that in Form A, it was inadvertently missed to mention the distance of nearest National Park/Sanctuary from the mining site. The EAC observed that the Project Proponent has concealed the information in Form A as per EIA notification -1994. The EAC reiterated the provisions of Clause 8 (vi) of EIA Notification, 2006, that *"Deliberate concealment and/or submission of false or*



misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice".

26. It is submitted that the EAC opined that the Ministry may revoke the Environmental Clearance (EC) granted by the Ministry vide EC letter dated 13.03.2007 for concealment of information. The EAC also opined that the Project Proponent may submit the fresh proposal for Terms of Reference under Ministry's SOP dated 07.07.2021 and shall start the process de-novo after the revocation of EC by the Ministry.

27. It is submitted that the Project Proponent vide its letter dated 02.06.2023, requested Ministry to review the minutes of the 14th EAC as mentioned above. Accordingly, the Ministry again invited the project Proponent to participate in the 17th EAC Meeting held during 11-12th July 2023 and 18th EAC meeting held during 31st July -1st Aug 2023 and both the times Project Proponent did not attend the meeting citing health problems. The Project Proponent instead of



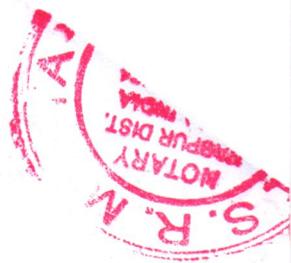
attending EAC meeting wrote a letter dated 27.07.2023 to advise EAC to clarify that the abeyance order is infructuous.

28. It is submitted that the PP was again provided an opportunity during 20th EAC held during 21-22 September 2023. However, project proponent did not attend the meeting citing health concerns. Project Proponent, thereafter wrote a letter dated 27.10.2023 stating that the abeyance is infructuous. That the project proponent filed the WP 13964 of 2024 before the Hon'ble High Court of Bombay titled as Panditrao Mines and Minerals Pvt. Ltd. Vs. Union of India & anr.

29. It is submitted that by way of the Writ Petition No. 13964 of 2024 in the Hon'ble High Court of Bombay, the project proponent challenged the order dated 08.01.2019 issued by the Ministry thereby suspending/ keeping in abeyance the EC granted to Project Proponent and further challenged the impugned Show Cause Notice dated 06.03.2023 issued again by the Ministry for concealment of facts.

30. It is submitted that the Hon'ble High Court of Bombay vide its order dated 05.02.2025 passed following direction for the compliance –

"...In the aforesaid circumstances, at this stage of the proceedings, we pass the following order:



- *Let the authority issuing the show cause notices grant a personal hearing to the petitioner on the show cause notices. The date of personal hearing to be fixed, be informed to the petitioner within five days from today.*
- *The orders to be passed on the show cause notices be placed on record of this Court on the adjourned date of hearing.*
- *All contentions of the parties on adjudication of the show cause notices are expressly kept open. “Copy of the order dated 05.02.2025 is marked and annexed herein as “**Annexure R1/5**”.*

31. It is submitted that in compliance with the aforementioned order, the Answering Respondents scheduled a personal hearing for the petitioner on 18.02.2025. The information regarding the same was communicated to the Project Proponent vide email dated 10.02.2025. The Project Proponent also confirmed their presence vide response dated 10.02.2025. Copy of the notice dated 10.02.2025 is annexed and marked herewith as “**Annexure R1/6**”.

32. That the personal hearing was duly conducted by the Answering Respondents on 18.02.2025 held under the Chairmanship of Additional Secretary, Impact Assessment Division, MoEF&CC at Paryavaran Bhawan, New Delhi. That after the detailed deliberation, the Answering Respondent recommended the revocation of the



Environmental Clearance Letter No. J-11015/350/2006-IA-II (M) dated 13.03.2007, issued to the Minche Budruk Bauxite mines by M/s Panditrao Mines and Minerals Private Limited at village Budruk, Taluka Budhargarh, District Kolhapur, in Maharashtra. This recommendation was forwarded to the Competent Authority in the Ministry for further necessary action as per the applicable laws and regulations. Copy of the Proceedings of the Personal Hearing is annexed and marked herewith as “**Annexure R1/7**”.

33. That subsequently, the matter was listed for hearing on 26.02.2025, during which this Hon’ble Court observed:

“In paragraph 2 of our order dated 05.02.2025, we specifically noted that for substantial period, adjudication of the show cause notices was delayed. It was, therefore, imperative that the notices be decided at the earliest. Given this observation, the authority was duty bound to pass the requisite orders without undue delay....”

34. That, based on the recommendations made during the personal hearing, the Answering Respondent, vide letter dated 10.03.2025, revoked the Environmental Clearance (EC) letter No. J-11015/350/2006-IA-II (M) dated 13.03.2007, granted to Minche Budruk Bauxite mine by M/s Panditrao Mines and Minerals Private Limited at Village Minche Budruk Taluka Budhargarh, District



Kolhapur in Maharashtra. The EC revocation order was submitted to Hon'ble Court in compliance of order dated 26.02.2025 as stated in para 34 above. Copy of the EC revocation order letter dated 10.03.2025 is annexed and marked herewith as “**Annexure R1/8**”.

35. In view of the foregoing, it is humbly submitted that the Answering Respondent had granted Environmental Clearance (EC) to the project in question on 13.03.2007. The allegation of the Project Proponent that the EC has been revoked after a period of ten years for non-compliance of a condition which did not exist on the relevant date is wholly misconceived and untenable. As outlined in previous paragraphs, the Project Proponent concealed information regarding the location of Radhanagri Wildlife Sanctuary while applying for EC. PP obtained EC dated 13.03.2007 based on false and misleading information and operated the mine without obtaining wildlife clearance from standing committee of NBWL. The initial show cause to the project was issued on 15.03.2018, thereafter EC was kept in abeyance. Another show cause notice was issued on 06.03.2023 and several opportunities were provided to the Project Proponent. The principle of natural justice - Audi Alteram Partem (the right to be heard) — was followed throughout the process. The Ministry granted the Project Proponent opportunity for personal hearing. In view of the



above, it is respectfully submitted that this Answering Respondent has followed the due process as envisaged under the EIA Notification, 2006, and has afforded adequate opportunity to the Project Proponent to present their case in accordance with the principles of natural justice, before revocation of EC.

36. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.



DEPONENT

(डॉ. पी. आर. साखरे)
(Dr. P. R. Sakhere)
वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, नागपुर - 440001
Regional Office, Nagpur-440001



VERIFICATION

Verified at Nagpur, on the 22nd day of December, 2025 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

[Handwritten Signature]
Sakhare

DEPONENT

(Dr. P. R. Sakhare)
इलाहाबादी 'ई' / Scientist 'B'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
केन्द्रीय कार्यालय, नागपुर- 440001
Regional Office, Nagpur-440001

NOTARIAL REG
ENTRY NO. 3425
DATE 22/12/2025

SWORN BEFORE ME ON THIS 22nd
DAY OF Dec 25 AT NAGPUR BY
SHRI / SMT. J. K. Dr. Purushottam Sakhare
R/O NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT.
ADVOCATE, NAGPUR.



[Handwritten Signature]
Mrs. S. R. MATTA
ADVOCATE & NOTARY
11-B, Clarke Town, Nagpur



No J-11013/41/2006-IA.II (I)
Government of India
Ministry of Environment and Forests
(IA Division)

Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi 110003

13th October 2006

CIRCULAR

Subject: EIA Notification 14 September 2006 – Interim Operational Guidelines till 13 September 2007 in respect of applications made under EIA 1994.

Pursuant to the new Environment Impact Assessment Notification of 14 September 2006 (“EIA 2006”) replacing the EIA Notification of 27 January 1994 and its various amendments (“EIA 1994”), and in terms of the provisions of Section (*Para*) 12 of EIA 2006, the following Interim Operational Guidelines are issued for the period up to 13 September 2007, with the approval of the Competent Authority:

1.0 Applications involving violation of EIA 1994:

1.1 Applications which were pending consideration for EIA Appraisal as on 14 September 2006: All such applications, provided the activity is included in Schedule of EIA Notification 2006, are to be considered as per the provisions of EIA 1994, and will continue to attract action under the relevant provisions of the Environment (Protection) Act (EPA) 1986. For those applications which are not covered under EIA 2006 only action under the relevant provisions of the EP Act , 1986 for violation of EIA 1994, will be pursued .

1.2 New applications (*under EIA 1994*) for EIA Appraisal received on or after 14 September 2006 and up to 30th June, 2007: All such complete applications with Public Hearing proceedings where it was necessary under EIA ,1994 and provided the activity is included in Schedule of EIA Notification 2006, will continue to attract action under the relevant provisions of the Environment

Protection Act 1986. Otherwise, they would undergo EIA Appraisal by Central Government as per the procedure of EIA (1994),

2.0 Applications NOT involving violation of EIA 1994: No NOC will be required from the SPCB/State Government/UT Administration in such cases for consideration for EIA Appraisal. The following are further specific instructions:

2.1 Applications for EIA Appraisal were pending with MOEF as on 14 September 2006:

2.1.1 Activity requires EIA Appraisal as per Schedule of EIA 2006: There are several sub cases:

(i) **EIA has already been prepared, and PH conducted as per EIA 1994:** The EIA would be evaluated by the Expert Appraisal Committee (EAC), without insistence on the submission of FORM I/IA required under EIA 2006. In case the EIA document is considered complete and accurate, the EC would consider the same, together with the PH proceedings, even if PH is not required under EIA 2006, and furnish its recommendations. In case the EIA document is considered incomplete and/or inaccurate, the EAC would specify ALL the additional Terms of Reference (TORs) to be undertaken by the project sponsor. In case PH is required under EIA 2006, the proceedings of the PH conducted as per EIA 1994 would be considered along with the EIA by the EAC, which would provide its recommendations.

(ii) **EIA has already been prepared, but PH NOT conducted:** The EIA would be evaluated by the Expert Appraisal Committee (EAC), without insistence on the submission of a FORM I/IA required under EIA 2006. In case the EIA document is considered complete and accurate, and PH if required under EIA 2006, the same would be conducted as per the provisions of EIA 2006. In case the EIA document is considered incomplete and/or inaccurate, the EAC would specify ALL the additional Terms of Reference (TORs) to be undertaken by the project sponsor. If required under EIA 2006, the PH would be conducted as per the provisions of EIA 2006. When a complete and accurate EIA document is available, together with the PH proceedings, if required under EIA 2006, the EAC would consider the same and furnish its recommendations.

(iii) **Neither has EIA been prepared nor PH conducted:** In such cases, the project proponent would be advised to follow the procedure of EIA 2006 in its entirety.

2.1.2 Activity does NOT require EIA Appraisal as per EIA 2006: In all such cases, the applicant shall be informed that the activity does not require EIA Appraisal as per EIA 2006, and the application may be returned to him.

2.2 New applications for EIA Appraisal received on or after 14 September 2006 and up to 30th June, 2007: No NOC from SPCB/State Government/UT Administration is necessary in such cases. Such cases may be considered as follows:

2.2.1 Activity requires EIA Appraisal by the MoEF as per Schedule of EIA 2006: The EIA Appraisal applications will be dealt with as follows:

(i) **EIA document has been submitted:** The EAC would not request the submission of the FORM I/IA as per EIA 2006, and evaluate the EIA for completeness and accuracy. In the event that it is found to be incomplete and/or inaccurate, the EAC would specify ALL the additional TORs to be accomplished by the proponent. Upon receipt of the revised EIA, the same would be considered further. In case (or as and when) the EIA as submitted is found to be in order, the same would be considered further by the EAC. In addition if the activity requires PH as per EIA 2006:

(a) In case PH has been conducted as per the procedure of EIA 1994, it would be considered along the EIA by the EAC, which would provide its recommendations

(b) In case PH has not been conducted at all, it would be conducted as per the procedure of EIA 2006.

2.2.2 Activity requires EIA Appraisal/Clearance by the SEIAA /SEAC as per Schedule of EIA 2006, but SEIAA/SEAC has not yet been notified: The EIA Appraisal applications will be processed/evaluated by MoEF as per the procedure above, till such time as the concerned SEIAA/SEAC is notified. Upon such notification, the papers will be promptly transferred to the SEIAA for further consideration as above.

3.0 Applications in respect of category of Thermal Power projects pending with the State Government under EIA 1994 (delegated powers): The above applications will fall in two categories:

3.1.1 EIA has already been prepared, and PH conducted as per EIA 1994:

All such pending applications should be transferred to concerned SEIAA. In the absence of a duly notified SEIAA the applications should be forwarded to MoEF

3.1.2 EIA has already been prepared, but PH NOT conducted:

The SPCB concerned should be directed to conduct and complete PH as in EIA 2006. Thereafter action should be taken as in 3.1.1 above.

4.0 Applications pending with SPCB's for PH:

In all such cases SPCB's will conduct PH as per procedure prescribed in EIA 2006 and the proceedings should be forwarded to the MOEF /SEIAA.

5.0 No application made as per EIA 1994 will be accepted after 1st July, 2007 for appraisal and clearance under EIA 2006

(G.V. Subrahmanyam)
Director

To:

**All officers of IA Division/SPCBs/State Governments/UT Administrations
MoEF website**

Copy to:

- 1. PPS to Secretary E&F**
- 2. PPS to AS (CC)**
- 3. PS to JS (CC-II)**

J-11015/350/ 2006- IA, II(M)
Government of India
Ministry of Environment & Forests

Tel no. 24363973

E mail: plahujaral@yahoo.com
Paryavaran Bhavan, C.G.O. Complex,
Lodi Road, New Delhi-110003.

Dated the March 13, 2007

To

Shri S.A. Panditrao
The Managing Director
M/s Panditrao Mines and Minerals Pvt Limited
Atharva, Shinde Angan, Plot no.4&5
Behind ITI, Pachagaon Road
Kolhapur 416 007
Maharashtra

Sub: Minche Budruk Bauxite mine by M/s Panditrao Mines & Minerals Pvt. Ltd at village Minche- Budruk, Taluka Budhargarh in district Kolhapur in Maharashtra- reg environmental clearance.

Sir,

The undersigned is directed to refer to your letter no. nil dated 28.9.2006 and subsequent communication dated 22.1.2007 on the above mentioned subject.

2. The Ministry of Environment and Forests has examined the application. It has been noted that proposal is for environmental clearance of bauxite mine. This is a new mine and total mining lease area of the project is 90.0 ha which is a private land. Targetted production capacity of the mine is 0.80 million TPA. Mine is located at an altitude of 926 m-976m MSL. No forestland is involved. Out of 98.0 ha of mining lease area, 39.30 ha is for mining, 4.60 ha for top soil storage, 1.0 ha for mineral storage, 0.20 ha for infrastructure, 0.50 ha for road, 1.65 ha for railway, 0.70 ha for mineral separation plant and 50.05 ha for others. The life of the mine is 5 years and lease period is for 30 years.

3. No ecologically sensitive area is located within 10km of core zone and buffer zone of the mine. Water requirement of 78 m³/d will be met from the ground water and mine pit. Method of mining is opencast and mechanized involving drilling and blasting. Ultimate depth of mine will be 960m above MSL. The water table in the core zone is 100m bgl from top level of 976m amsl, 10-12mbgl from general ground level of 650m above msl. Ultimate working depth will be 14m bgl. Mining will not intersect the ground water table. About 32,255 m³/m of solid waste will be generated which will be dumped within mine lease and subsequently backfilled into the pits. About 70% of OB will be backfilled. Remaining 30% of OB on the waste dump will be stabilized by afforestation. It is noted that public hearing of the project was held on 14.2.2006. IBM has approved the Modified Mining plan (including progressive mine closure plan) on 25.9.2006. Cost of the project is Rs.50.0 lakhs only.

-2-

4. The project has been considered as per Sub-para 2.2 of the Interim Operational Guidelines dated 13th October, 2006 issued by the Ministry of Environment and Forests under Para 12 of the EIA Notification, 2006.

5. Based on the information submitted by you, the Ministry of Environment and hereby accords environmental clearance for the above project under the provisions of the EIA Notification dated 14th September, 2006 subject to implementation of the following conditions/safeguards:

A. Specific conditions

- (i) Top soil shall be stacked properly with proper slope with adequate safeguards and shall be backfilled for reclamation and rehabilitation of mined out area.
- (ii) Over burden shall be stacked at earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of 10 m and over all slope of the dump shall not exceed 28°. The mine pit area shall be reclaimed by concurrent backfilling by the OB. The existing OB dump shall be utilized for backfilling of mine pit. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Ministry of Environment & Forests on six monthly basis.
- (iii) Plantation shall be taken up for soil stabilization along the slopes of the dump. Sedimentation pits shall be constructed at the corners of the garland drains. The surface run off shall be desilted through a sense of check dams and drains before final disposal.
- (iv) No OB or loose sediments shall be kept in the working benches/pits particularly during rainy season. Mineral shall be stacked at earmarked site(s) only.
- (v) Catch drains and check dams shall be constructed to arrest silt and sediments flowing from the mining operations. The drains shall be regularly drilled and maintained properly.

Garland drain (size, gradient and length) shall be constructed for both mine pit and for waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide adequate retention period to allow proper settling

B26

- of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and desilted at regular intervals.
- (vi) Controlled blasting shall be practiced and only during daytime. The mitigative measures for control of ground vibrations to arrest fly rocks and boulders shall be implemented.
 - (vii) Water sprinkling arrangements shall be made to control the mitigative dust generation from the haul roads.
 - (viii) Plantation shall be raised in an area of 25.55 ha including a green belt of adequate width by planting the native species around the ML area, roads, OB dump sites etc. In consultation with the local DFO / Agriculture Department. The density of the trees shall be around 2500 plants per ha.
 - (ix) The project authority shall implement suitable conservation measures to augment ground water resources in the area in consultation with the Regional Director, Central Ground Water Board.
 - (x) Regular monitoring of ground water level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year - pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected may be sent regularly to MOEF, Central Ground Water Authority and Regional Director Central Ground Water Board.
 - (xi) Prior permission from the competent authority shall be obtained for drawal of ground water, if any.
 - (xii) Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The vehicles shall be covered with a tarpaulin and shall not be overloaded.
 - (xiii) A Final Mine Closure Plan, along with details of Corpus Fund, shall be submitted to the Ministry of Environment & Forests 5 years in advance of final mine closure for approval.

B. General conditions

- i. No change in mining technology and scope of working shall be made without prior approval of the Ministry of Environment & Forests.

-4-

- ii. No change in the calendar plan including excavation; quantum of mineral bauxite ore and waste shall be made.
- iii. Conservation measures for protection of flora and fauna in the core & buffer zone shall be drawn up in consultation with the local forest and wildlife department.
- iv. Four ambient air quality-monitoring stations shall be established in the core zone as well as in the buffer zone for RPM, SPM, SO₂, NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board.
- v. Data on ambient air quality (RPM, SPM, SO₂, NO_x) should be regularly submitted to the Ministry including its Regional office located at Bhopal and the State Pollution Control Board / Central Pollution Control Board once in six months.
- vi. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points shall be provided and properly maintained.
- vii. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of MEMM, etc. shall be provided with ear plugs / muffs.
- viii. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap shall be installed before discharge of workshop effluents.
- ix. Personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety and health aspects.
- x. Occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- xi. A separate environmental management cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.

-5-

- xii. The project authorities shall inform to the Regional Office located at Bhopal regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- xiii. The funds earmarked for environmental protection measures shall be kept in separate account and should not be diverted for other purpose. Year wise expenditure shall be reported to the Ministry and its Regional Office located at Bhopal.
- xiv. The project authorities shall inform to the Regional Office located at Bhopal regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- xv. The Regional Office of this Ministry located at Bhopal shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
- xvi. A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
- xvii. State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's Office for 30 days.
- xviii. The project authorities should advertise at least in two local newspapers widely circulated; one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment and Forests at <http://envfor.nic.in> and a copy of the same shall be forwarded to the Regional Office of this Ministry located Bhopal.
6. The Ministry or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
7. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

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8. 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.

Yours faithfully,

(Dr. P.L. Ahujara)
Director

Copy to:

1. Secretary, Ministry of Mines, Government of India Shastri Bhawan, New Delhi.
2. Secretary, Department of Environment, Government of Maharashtra, Mumbai.
3. Secretary, Department of Mines and Geology, Government of Maharashtra, Mumbai.
4. Secretary, Department of Forests, Government of Maharashtra, Mumbai.
5. Chief Wildlife Warden, Government of Maharashtra, Mumbai.
6. The Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office, Link Road No.3, E - 5, Arera Colony, Bhopal - 462 016.
7. The Chairman, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar New Delhi - 110 032.
8. The Chairman Maharashtra Pollution Control Board, Kalpataru Point, 3rd & 4th Floor, Sion Matunga Scheme, Road No.8, Opp. Cine Planet Cinema, Near Sion Circle, Sion(East), Mumbai- 400 022.
9. Member Secretary, Central Ground Water Authority, A2, W3 Curzon Road Barracks, K.G. Marg, New Delhi-110001.
10. Contoller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur-440 001.
11. District Collector, Kolhapur district, Maharashtra.
12. EI Division, Ministry of Environment & Forests, EI Division, New Delhi.
13. Monitoring File.
14. Guard File.
15. Record File.

(Dr. P.L. Ahujara)
Director



No. L-11011/7/2004-IA II(I) (Part)
Ministry of Environment & Forests
IA. Division

Tele no. 24364087
Paryavaran Bhavan, C.G.O. Complex,
Lodi Road, New Delhi-110003.

Dated the February 27, 2007

CIRCULAR

Subject: Consideration of development projects located within 10km of National Park and sanctuaries seeking environmental clearance under the EIA Notification dated 14th September, 2006- regarding.

The Ministry is receiving a number of applications seeking environmental clearance under the EIA Notification, 2006 for various developmental activities located within 10 km radius of National Park and Wildlife Sanctuaries. In this context, reference is invited to the Hon'ble Supreme Court Order dated 04.12.2006 in the matter of Goa Foundation Vs. Union of India in Writ Petition No.(C) No.460 of 2004. The Hon'ble Supreme Court had inter alia directed as under:

"The MOEF would also refer to the Standing Committee of the National Board for Wildlife under Section 5(b) and 5(c)(ii) of the Wildlife(Protection) Act, the cases where environmental clearance has already been granted where activities are within 10 km zone".

Pursuant to the above Directions, it has been decided that all the developmental projects; as are falling within 10 km radius of the Wildlife Sanctuary and / or National Parks and which have been recommended for environmental clearance by the respective Expert Appraisal Committee; shall be accorded environmental clearance by the respective project proponents obtaining clearance under the Wildlife (Protection) Act, 1972; a condition to this effect being stipulated explicitly in the clearance letter.

(J.M. Mauskar)

Joint Secretary to the Govt of India

To,
All Officers of IA Division

Copy to:

- (i) PS to MEF
- (ii) SPPS to Secretary(E&F)
- (iii) PPS to Spl. Secretary
- (iv) PPS to DGF & SS

F.No. J-11015/350/2006-IA. II(M)

Government of India
Ministry of Environment, Forest and Climate Change
IA-II (Non Coal Mining)

Vayu Wing, 3rd Floor,
Indira Paryavaran Bhavan, Aliganj,
Jor Bagh Road, New Delhi-110 003

Dated: 08th January, 2019

Sub.: Direction to the Unit under section 5 of the Environment (Protection) Act, 1986 – for keeping in abeyance the Environmental Clearance -regarding

Whereas, Environmental Clearance was granted vide letter No J-11015/350/2006-IA. II(M) dated 13.03.2007 for Minche Budruk Bauxite Mines Project of M/s Panditrao Mines & Minerals Pvt. Ltd located at village Minche, Taluka: Bhudhargad, Dist: Kolhapur, Maharashtra.

Whereas, as per direction of the Hon'ble Supreme Court a team constituted by the Ministry of Environment Forest & Climate Change (MoEF&CC) visited the mining site of M/s Punthembekar Minerals limited during 10-1 October, 2017 and submitted it report to the Ministry. The matter was thereafter examined in the Ministry at it has found that Minche Budruk Bauxite Mines Project of M/s Panditrao Mines & Minerals Pvt. Ltd is located within 10 KM from connecting corridor of Chandoli National Park and Radhanagri Wildlife Sanctuary.

Whereas, the Hon'ble Supreme Court in its order dated 04.08.2006 in IA 1000 W.P. (c) 202 of 1995 (T.N Godavaram vs. Union of India) prohibited the mining activity around protected and as an interim measure directed that 1 Km safety zone shall be maintained subject to the order that may be made in this I.A. regarding Jamua Ramgarh Sanctuary.

Whereas, as per Ministry vide OM No. J-11013/41/2006-IA (I) dated 02/12/2009, all the development projects/activities for which the environment clearance had been granted prior to 02/12/2009 and were located within 10 KM radius of National Park/Wildlife Sanctuary were required to obtain wildlife clearance from National Board for Wildlife. In this regard, a public notice was also inserted in newspapers by the Impact Assessment Division of the Ministry in January 2009 asking the Project Proponents to seek wildlife clearance from Standing Committee of National Board for Wildlife by 31st January 2009. But it has observed Minche Budruk Bauxite Mines Project of M/s Panditrao Mines & Minerals Pvt. Ltd is operating without obtaining wildlife clearance from the Standing Committee of National Board for Wildlife.

Whereas, in exercise of powers vested under Section 5 of Environment (Protection) Act, 1986 Project Proponent was directed vide LR No No. Z-11013/3/2018-IA-II (M) dated 15.03.2018 to show cause as why Environmental Clearance granted No J-11015/350/2006-IA.II(M) dated 13.03.2007 for Minche Budruk Bauxite Mines Project of M/s Panditrao Mines & Minerals Pvt. Ltd should not be revoked for carrying out mining activity within 10KM of connecting corridor of Chandoli National Park and Radhanagri Wildlife Sanctuary.

Whereas, Hon'ble Supreme Court order dated 02.11.2018 in W.P 202/1995 in the matter of T.N. Goadvarman Thirumulpad vs Uoi & Ors. in I.A 3949 wherein inter-alia Apex Court has mentioned that "The Chief Secretary has assured us that he will look into the matter and see whether any illegal mining has been going on, that is to say, mining without any environmental clearance or without any forest clearance or clearance from the Standing Committee of the National Board for Wildlife. If that is so, necessary steps be taken by the State of Maharashtra to recover the amounts due to illegal mining (if any) under Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957."

Whereas, the reply submitted by Project Proponent vide letter no 28.03.2018,30.10.2018 and 20.11.2018 was examined in the Ministry and it has found the mining lease is falling within 10 KM of Radhanagri Wildlife Sanctuary and mining has been carried out without obtaining the Clearance from Standing Committee of the National Board of Wildlife.

Now, therefore, in exercise of powers vested under Section 5 of Environment (Protection) Act, 1986, the Environmental Clearance granted vide letter No J-11015/350/2006-IA. II(M) dated 13.03.2007 for Minche Budruk Bauxite Mines Project of M/s Panditrao Mines & Minerals Pvt. Ltd located at village Minche, Taluka: Bhudhargad , Dist: Kolhapur , Maharashtra is **kept in abeyance with immediate effect and until further orders.**

Lastly, it may be noted that violation of the direction under Section 5 of Environment (Protection) Act, 1986 shall attract penal action under section 15 of the Environment (Protection) Act, 1986.

This issues with the approval of the Competent Authority.

(Dr. R.B. Lal)

Scientist – 'E'

Email: rb.lal@nic.in

Phone/Fax: 011-24695362

To,

M/s Panditrao Mines & Minerals Pvt. Ltd.

Anant Building- C, Vasant Viswas Park, B1 -Nale Colony, Devkar Paland Corner, Karveer Kolhapur, Maharashtra-416212

Copy to:

- 1) **The Chief Secretary**, Government of Maharashtra, 6th Floor Main Building, Mantralaya, Dr. Madan Cama Road, Fort, Mumbai-400032
- 2) **The Chairman**, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. Cine Planet, Sion Circle, Mumbai-400 022.
- 3) **The Controller General**, Indian Bureau of Mines
2nd Floor, Indira Bhawan, Civil Lines, Nagpur- 440 001
Phone : + 91 712 2560041, Fax : + 91 712 2565073

email : cg@ibm.gov.in

4) **The Director**, Directorate of Geology & Mining,
Government of Maharashtra, "Khanij Bhawan", Plot No 27, Shivaji Nagar, Cement Road, Nagpur-440010

5) **The District Collector** (Kolhapur),
District Collector Office, Kolhapur
New Shahupuri, Kolhapur, Maharashtra 416003

6) **The Additional Principal Chief Conservator of Forests (C)**,
Ministry of Environment, Forest and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building Civil Lines, Nagpur-440001
Tel.No.0712-2531318, Fax: 0712-2531318
Email: apccfcentral-ngp-mef@gov.in

7) **Mr. Krishana Anant Pandit Rao**,
Owner, **M/s Panditrao Mines & Minerals Pvt. Ltd.**
Anant Building- C, R.S No- 747, A -Ward Nale Colony, Devkar Paland Corner, B-1, Vasant Viswas Park , Karveer Kolhapur, Maharashtra-416212

8) MoEFCC Website

9) Guard File

(Dr. R.B. Lal)

Scientist - 'E'

Email: rb.lal@nic.in

Phone/Fax: 011-24695362

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.13964 OF 2024**

Panditrao Mines and Minerals Private Limited ...Petitioner

Versus

The Government of India

Ministry of Environment, Forest and

Climate Change, Impact Assessment Division

And Anr.

...Respondents

Dr. Virendra Tuljapurkar, Sr. Advocate, a/w Mr. Abhijit Desai i/b Prashant S. Bhavake for the Petitioner.

Mr. Parag A. Vyas for Respondent No.1-UoI.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 5 FEBRUARY 2025

P.C.:

1. We have heard the learned counsel for the parties on the present proceedings. We find that the show cause notice was issued to the petitioner 15 March 2018 and thereafter the second show cause notice was issued to the petitioner on 6 March 2023 by the Ministry of Environment, Forest and Climate Change IA-II (Non Coal Mining), Government of India under Section 5 of the Environment (Protection) Act, 1986. The show cause notices are duly replied. However, the same are not being decided. Even the reply to the show cause was filed by the petitioner on

21 March 2023, which almost two years back. It is the petitioner's case that in these circumstances, a serious prejudice is being caused to the petitioner. It is submitted that there is also a likelihood that the mining licence granted to the petitioner would lapse, as the petitioner is not in a position to undertake any mining activities in view of the impugned action as initiated by respondent no.1.

2. Considering such contentions and that for a substantial time adjudication of the show cause notices is not being taken up, in our opinion, it would be appropriate that the show cause notices are decided at the earliest.

3. For effective adjudication of the show cause notices, we also permit the petitioner to submit an additional reply to the show cause notices so that all contentions as raised by the petitioner in the present proceedings are also subject matter of consideration in taking an appropriate decision on the show cause notices.

4. In the aforesaid circumstances, at this stage of the proceedings, we pass the following order:

- (i) Let the authority issuing the show cause notices grant a personal hearing to the petitioner on the show cause notices. The date of personal hearing to be fixed, be informed to the petitioner within five days from today.

(ii) The orders to be passed on the show cause notices be placed on record of this Court on the adjourned date of hearing.

(iii) All contentions of the parties on adjudication of the show cause notices are expressly kept open.

5. Mr. Vyas, learned counsel for the respondent shall forward this order of the Court, to the Authority which has issued the show cause notices.

6. Ordered accordingly.

7. List the proceedings on **26 February 2025 (H.O.B.)** under the caption 'For Directions'.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

F. No. J-11015/350/2006-IA-II(M)
 Government of India
 Ministry of Environment, Forest and Climate Change
 Non Coal Mining Sector
 (Impact Assessment Division)

Indira Paryavaran Bhawan
 2nd Floor, Vayu Wing,
 Jor Bagh Road, Ali Ganj
 New Delhi-110003.
 Dated: 10th February , 2025

PERSONAL HEARING NOTICE

Subject: Personal Hearing in compliance to the order issued by the Hon'ble High Court of Bombay dated 05.02.2025, in the matter of M/s Panditrao Mines and Minerals Pvt. Ltd. vs Union of India n anr. Writ Petition No. 13964 of 2024 –reg

This is in reference to the order dated 05.02.2025 issued by the Hon'ble High Court of Bombay in the matter of M/s Panditrao Mines and Minerals Pvt. Ltd. vs Union of India n anr. Writ Petition No. 13964 of 2024.

2. Vide aforesaid order the Hon'ble High Court issued the following directions-

"4. In the aforesaid circumstances, at this stage of the proceedings, we pass the following order:

(i) Let the authority issuing the show cause notices grant a personal hearing to the petitioner on the show cause notices. The date of personal hearing to be fixed, be informed to the petitioner within five days from today.

(ii) The orders to be passed on the show cause notices be placed on record of this Court on the adjourned date of hearing.

(iii) All contentions of the parties on adjudication of the show cause notices are expressly kept open."

3. In accordance with the order of the Hon'ble High Court, it is hereby informed that a personal hearing with regard to the Show Cause Notice issued by the Ministry, has been scheduled under the chairmanship of Additional Secretary, Impact Assessment Division of the Ministry on 18th February 2025 at 12 PM. Personal hearing will be in hybrid mode (i.e. online mode or in person). The venue of the personal hearing, if attended in person, will be Indira Paryavaran Bhavan, Jor Bagh, New Delhi-110 003. VC link for online meeting, if required, will be shared accordingly.

4. Accordingly, Project Proponent of Minche Budruk Bauxite Mine by M/s Panditrao Mines & Minerals Pvt. Ltd at village Minche Budruk, Taluka Budhargarh, Dt: Kolhapur,

OK
 Secret
 10/2/2025

Maharashtra, is requested to attend the personal hearing on the above-mentioned date and time. It is also requested to share a line of confirmation along with the details of the participants to attend the meeting vide email/letter at the earliest.

5. This issues with the approval of Competent Authority.


10.02.2025

(Rajeev Ranjan)
Scientist 'E'

E-mail: ranjan.rajeev@nic.in

To,

1. In-charge Mines/Project Proponent
M/s Panditrao Mines & Minerals Pvt. Ltd,
R.S No.747, A-Ward, B-1, Vasant Vishwas
Park, Kolhapur-716007, Maharashtra
2. Shri Parag A. Vyas,
Senior Government Counsel, Union of India,
Hon'ble High Court of Bombay
Shop No. 12 & 13, Ground Floor, Diamond Mansion,
Dr. Viegas Street, Corner of Kalbadevi Road,
Mumbai 400002.

(राजीव रंजान)
(RAJEEV RANJAN)
वैज्ञानिक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

PROCEEDINGS OF THE PERSONAL HEARING

PERSONAL HEARING in compliance of the order issued by the Hon'ble High Court of Bombay dated 05.02.2025, in the matter of M/s Panditrao Mines and Minerals Pvt. Ltd. vs Union of India and Anr. Writ Petition No. 13964 of 2024

Personal hearing for the project Minche Budruk Bauxite Mine by M/s Panditrao Mines & Minerals Pvt. Ltd located at village Minche Budruk, Taluka Budhargarh, Dt: Kolhapur, Maharashtra, was held on 18.02.2025 under the Chairmanship of Shri Amandeep Garg, Additional Secretary, Impact Assessment Division, MOEF&CC at Paryavaran Bhawan. The list of the participants is at **Annexure I**.

2. The Additional Secretary extended a warm welcome to the participants and directed Shri Rajeev Ranjan, Member Secretary, Impact Assessment Division- Non Coal Mining Sector, MoEF&CC, to provide a brief background on the matter. Shri Rajeev Ranjan then outlined the facts of the case as detailed below:
 - i. The present case is regarding the show cause notices issued by the Ministry on 15.03.2018 and 06.03.2023 to the Project Proponent, M/s Panditrao Mines and Mineral Pvt. Ltd., for its Bauxite mining project with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, and Maharashtra. Detailed background of the matter is attached as **Annexure II**
 - ii. The Show cause notice dated 06.03.2023 was issued by the Ministry under Section 5 of the Environment (Protection), Act, 1986 for deliberate concealment and/or submission of false or misleading information in Form A with regard to the Bauxite mining of Project M/s Panditrao mines and Mineral Private Limited, located at Village- Minche Budruk Taluka- Budargarh, District-Kolhapur Maharashtra.
 - iii. As per the Environment Impact Assessment Notification-1994, the Project Proponent was required to submit its proposal through an application using Form A. In the submitted proposal, under serial number 3(d) of the Form A, the Project Proponent stated that no National Park, Sanctuary, Biosphere Reserve,

- Monument, Heritage Site, or Reserved Forest existed within a 10 km radius of the mine site.
- iv. Based on the information provided by the Project Proponent, the Ministry granted Environmental Clearance on 13.03.2007 under EIA Notification 2006, in accordance with circular dated 13.10.2006 called *EIA Notification 14 September 2006- Interim Operational Guidelines till 13 September 2007 in respect of applications made under EIA 1994*. In the Environmental Clearance, it was categorically mentioned that no ecologically sensitive area is located within 10 Km of core zone and buffer zone of the mine. Thus, Project Proponent obtained Environmental Clearance on the basis of false and misleading information.
 - v. In compliance with the Hon'ble Supreme Court's order dated 04.12.2006 in WP (C) 460 of 2004, the Ministry issued a circular on 27.02.2007. It stated that projects located within a 10 km radius of Wildlife Sanctuaries and/or National Parks, which have been recommended for Environmental Clearance by the respective Expert Appraisal Committee, shall be accorded clearance only after the Project Proponent obtains approval under the Wildlife (Protection) Act, 1972. The Ministry also issued an advertisement regarding this on 01.01.2009. Additionally on 02.12.2009, Ministry issued another Office Memorandum outlining the procedure for granting environmental clearance under EIA 2006 for projects involving forestland and/or wildlife habitats.
 - vi. In 2017, a site inspection was conducted for the mines, which were in operation in the vicinity of Radhanagri Wildlife Sanctuary. As per the site inspection report the Project Proponent's mine site was located within 10 km of Radhanagri Wildlife Sanctuary and was being operated without obtaining wildlife clearance from the Standing Committee of the National Board for Wildlife (NBWL).
 - vii. The Ministry then issued a show cause notice on 15.03.2018 to M/s Panditrao Mines & Minerals Pvt. Ltd under Section 5 of Environment (Protection) Act, 1986 for carrying out mining activity within 10 Km of Radhanagri Wildlife Sanctuary. Ministry in its show cause notice asked the Project Proponent as to why their Environment Clearance should not be revoked as it was operating without obtaining wildlife clearance from the Standing Committee of National Board for Wildlife.

- viii. The Project Proponent replied to above show cause notice vide letter dated 28.03.2018, 30.10.2018 and 20.11.2018. Ministry examined the replies of the Project Proponent and it was found that the mining lease is located within 10 Km of Radhanagari Wildlife Sanctuary and mining was carried out without obtaining the wildlife clearance from Standing Committee of the National Board for Wildlife.
- ix. The Ministry issued a letter dated 08.01.2019 to keep the Environmental Clearance dated 13.03.2007 in abeyance with immediate effect and until further notice.
- x. Thereafter, the Project Proponent initiated the process for NBWL clearance. While application for clearance under NBWL was in progress, the ESZ boundary of the Radhanagari Wildlife Sanctuary was notified on 15th October, 2020. Based on above notification, the Project Proponent requested Ministry on 12.11.2020 to remove the abeyance.
- xi. The matter was re-examined in the Ministry, and it was found that the Project Proponent had concealed the information regarding the presence of Radhanagari Wildlife Sanctuary and made a wrongful submission that no wildlife sanctuary existed within the 10 Km range. This information was not available to Expert Appraisal Committee/Ministry during appraisal of this project. Hence, Project Proponent wrongfully obtained the Environmental Clearance. This concealment, submission of false and misleading information, which was material to screening, scoping, appraisal and decision of the environmental clearance proposal, constitutes a serious and grave violation of the EIA Notification, 2006.
- xii. Accordingly, a show cause notice dated **06.03.2023** was issued by the Ministry to the Project Proponent under Section 5 of Environment (Protection) Act, 1986 for concealment and submission of false and misleading information in Form A. Vide aforesaid notice Project Proponent was also given an opportunity to state whether a hearing is required in this matter, before a final order is passed by the Ministry.
- xiii. Project Proponent replied to the aforesaid show cause notice vide letter dated 21.03.2023 and requested for an opportunity to explain the details in person.

- xiv. Accordingly, Project Proponent was provided with an opportunity to appear in person in the 14th EAC (Non-Coal Mining) meeting held on 3-4 May 2023. Project Proponent attended the aforesaid EAC meeting.
- xv. After detailed deliberation, the EAC opined that the Ministry may revoke the Environmental Clearance granted vide Environmental Clearance letter dated 13.03.2007 for concealment of information.
- xvi. By way of the present Writ Petition the project proponent challenged the order dated 08.01.2019 issued by the Ministry thereby suspending/ keeping in abeyance the EC further orders granted to Project Proponent and further challenged the impugned show cause notice dated 06.03.2023 issued again by the Ministry for concealment of facts.
- xvii. The Hon'ble High Court of Bombay vide its order dated 05.02.2025 directed the Ministry to grant a personal hearing to the petitioner (Project Proponent) on the show cause notices issued on 15.03.2018 and 06.03.2023.
- xviii. In pursuance to the above, the present personal hearing was held on 18.02.2025 at MoEF&CC, New Delhi which was attended by project proponent, his representatives and officials of MoEFCC.

3. **Submissions made by Project Proponent-**

- i. The project proponent presented written submission, which included a detailed analysis of their arguments and justifications along with pertinent case laws.
- ii. Project Proponent, argued that the alleged concealment of facts was not deliberate. He emphasized that there was no hidden purpose for concealment of information, which is material to screening or scoping or appraisal or decision on the Environmental clearance application.
- iii. He contended that to be legally significant, it must be intentional and involve the suppression of material facts. He contended that in this case, the omission was an inadvertent mistake, and the Project Proponent acted in good faith while submitting the application.
- iv. Additionally, the Senior Counsel submitted that at the time of the proposal's submission, the Project Proponent's village, Minche Budruk, was not within the Eco-Sensitive Zone.

4. Deliberations held during the Hearing-

- i. After hearing the submissions of the learned Senior Counsel, the Additional Secretary stressed that concealment and wrongful submission of facts is a matter of serious concern and must be scrutinized with rigor and strictness, as it constitutes a violation of the EIA Notification, 2006.
- ii. Member Secretary Shri Rajeev Ranjan clarified that the Radhangari Wildlife Sanctuary was notified on 16.09.1985 and is located at a distance of 3.8 km from the mine lease boundary. Owing to the concealment and wrongful submission by project Proponent, the above stated fact regarding Radhanagri Wildlife Sanctuary was not reflected in the Environmental Clearance letter dated 13.03.2007. Thus, the environmental clearance was obtained on the basis of concealed, false and misleading information.
- iii. Prior to the issuance of Radhanagri Wildlife Sanctuary ESZ notification dated 15.03.2020, Ministry's circular dated 27.02.2007 was applicable in the instant project.
- iv. The Additional Secretary further emphasized that allowing any relaxation in the present case, despite concealment and wrongful submission of facts, could create a wrong precedent and can have bad consequences as other projects/consultants will not take the EIA notification with utmost seriousness.

5. On the basis of detailed deliberations, following points were concluded:

- i. The Project Proponent provided false information by stating that no National Park, Sanctuary, Biosphere Reserve, Monument, Heritage Site, or Reserved Forest existed within a 10 km radius of the mine site.
- ii. The information that was withheld by the Project Proponent was significant and material to screening, scoping, appraisal and decision of the application for the grant of the Environmental Clearance.
- iii. Additionally, the Office Memorandums dated 27.02.2007 and 02.12.2009 were to be applied retrospectively. The stipulation regarding the National Board for Wildlife (NBWL) clearance was compulsory for all holders of Environmental Clearances whose projects were located within a 10 km radius of any Wildlife Sanctuary.
- iv. The Project Proponent, in its letter dated 21.03.2023 acknowledged that their consultant had inadvertently missed to mention the distance of the nearest

National Park/Sanctuary from the mining site. The PP also requested an opportunity to explain the details in person so as to apprise the Ministry about the measures taken from their side.

- v. The Ministry, at each stage, provided the Project Proponent an opportunity to be heard and present their case. The principle of natural justice—*Audi Alteram Partem* (the right to be heard)—was followed throughout the process. The Ministry granted the Project Proponent opportunity for personal hearings before the EAC during its 14th Meeting (held on May 3-4, 2023), the 17th EAC Meeting (held on July 11-12, 2023), the 18th EAC Meeting (held on July 31-August 1, 2023), and the 20th EAC Meeting (held on September 21-22, 2023). Project Proponent attended the 14th EAC meeting. However, he did not attend the other EAC meetings.
- vi. In view of the above, the Environmental Clearance dated 13.03.2007 issued for Bauxite mining project of M/s Panditrao Mines and Minerals Private Limited with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, Maharashtra is liable to be cancelled/revoked.
- vii. The above recommendation for cancellation/revocation of environmental clearance letter No J-11015/350/2006-IA-II(M) dated 13.03.2007 issued to Minche Budruk Bauxite mine by M/s Panditrao mines & minerals Pvt. Ltd. at village- Minche Budruk, Taluka Budhargarh in District Kolhapur in Maharashtra may be submitted to the Competent Authority in the Ministry for appropriate order as per the extant acts, rules and regulations.
- viii. Any action in pursuance to the above recommendation by any State/Central Authority may be dealt as per the extant acts, rules and regulations.

T. C


List of participants

PERSONAL HEARING regarding compliance of the order issued by the Hon'ble High Court of Bombay dated 05.02.2025, in the matter of M/s Panditrao Mines and Minerals Pvt. Ltd. vs Union of India n anr. Writ Petition No. 13964 of 2024

Sr No.	Name	Designation
MOEFCC		
i.	Shri. Amandeep Garg	Additional Secretary
ii.	Shri Rajeev Ranjan	Scientist E, IA- Non-Coal Mining
iii.	Shri Krishnendu Mondal	Scientist-D, IA- Non-Coal Mining
iv.	Ms. Shivani Sinha	Legal Associate
v.	Shri Sahil Ahmed	Legal Associate
Representatives from M/s Panditrao Mines and Minerals Pvt. Ltd.		
i.	Shri Pinaki Mishra	Senior Counsel, Supreme Court of India
ii.	Mr. Shrikrishna Panditrao	Project Proponent
iii.	Mr. Ankit Roy	Advocate on record
iv.	Mr. Satish Kunkekar	Advocate on record
v.	. Mr. Shantanu Puranik	EC Consultant
vi.	Mr. Maruti Bauskar	
vii.	Mr. Abhijit Chavan	

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ANNEXURE-II

- i. The instant matter is regarding the show cause notices dated 15.03.2018 and 06.03.2023 issued by the Ministry to the Project Proponent M/s Panditrao Mines and Mineral Pvt Ltd for Bauxite mining project of M/s Panditrao Mines and Minerals Private Limited with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, Maharashtra.
- ii. The said proposal was submitted by the Project Proponent on 28.09.2006 under EIA notification 1994. The EIA Notification, 2006 was issued by the Ministry on 14.09.2006. To accommodate the new proposals received in accordance with EIA notification 1994 and submitted after 14.09.2006 but within 30.06.2007, the Ministry issued a circular on 13.10.2006 called "EIA Notification 14 September 2006- Interim Operational Guidelines till 13 September 2007 in respect of applications made under Environment Impact Assessment Notification-1994. The instant proposal was appraised as per these guidelines.
- iii. The Project Proponent submitted the proposal as per EIA notification 1994 for EC vide Form A wherein at serial number 3 (D), the Project Proponent mentioned that there were no National Park/Sanctuary/ Biosphere Reserve/ Monuments/ Heritage Sites/Reserve forests within 10 km from the mine sites. But, the Radhangari Wildlife Sanctuary was notified on 16.09.1985 and it was located at a distance of 3.8 km from the mine site. At the time of submission of application for EC, the Project Proponent concealed and submitted false and misleading information, which was material for screening, scoping, appraisal and decision on the application.
- iv. Based on the submissions of the Project Proponent, the project was considered during 5th EAC Meeting held during January 19-20, 2007 wherein the EAC recommended the proposal. As per the recommendation of EAC, the Ministry granted the EC on 13.03.2007 under EIA notification -2006.
- v. In the meanwhile, prior to issue of EC, Hon'ble Supreme Court in its order dated 04.08.2006 in IA No.1000 of WP (C) 202 of 1995 (T N Godavaraman vs Union of India) prohibited the mining activity around protected area and as an interim measure directed that 1 km safety zone shall be maintained subject to the order that may be made in this IA regarding Jamua Ramgarh Sanctuary. Further on 04.12.2006, the Hon'ble

Supreme Court in WP (C) 460 of 2004, inter-alia, directed as under: - *“The MoEF would also refer to the Standing Committee of NBWL for Wildlife under Section 5 (b) and 5 (c)(ii) of the Wildlife (Protection) Act, the cases where environment clearance has already been granted where activities are within 10 km zone”*.

- vi. Pursuant to the direction of Hon'ble Supreme Court, the Ministry issued a circular dated 27.02.2007 wherein it was mentioned that activities falling within 10 km radius of Wildlife Sanctuary and/or National Parks and which have been recommended for Environmental Clearance by respective EAC shall be accorded EC subject to their Project Proponent obtaining clearance under the Wildlife (Protection) Act 1972, a condition to this effect being stipulated in EC letter.
- vii. The Ministry issued an OM dated 02.12.2009 enumerating the procedure for consideration of environmental clearance under EIA notification 2006 which involve forest land and or wildlife habitat. A newspaper advertisement was also released by the Ministry on 01.01.2009 requesting all Project Proponents to obtain clearance from NBWL if their project site lies within 10 km from protected areas. The Project Proponents were requested to submit their application to NBWL within 31.01.2009 with a copy to Ministry.
- viii. In 2017, a site inspection was conducted for the mines which were in operation in the vicinity of Radhanagri Wildlife Sanctuary. The aforesaid committee submitted its report in the Ministry wherein after examination it was found out the M/s Panditrao Mines and Minerals Pvt Ltd was located within 10 km from connecting corridor of Chandoli National Park and Radhanagari Wildlife sanctuary.
- ix. The Ministry then issued a show cause notice on 15.03.2018 to M/s Panditrao Mines & Minerals Pvt. Ltd under Section 5 of Environment (Protection) Act, 1986 for carrying out mining activity within 10 Km of Radhanagri Wildlife Sanctuary. Ministry in its show cause notice asked the Project Proponent as to why their Environment Clearance should not be revoked as it was operating without obtaining wildlife clearance from the Standing Committee of National Board for Wildlife.
- x. The Project Proponent replied to above show cause notice vide letter dated 28.03.2018, 30.10.2018 and 20.11.2018. Ministry examined the replies of the Project Proponent and it was found that the mining lease is located within 10 Km of Radhanagari Wildlife Sanctuary and mining was carried out without obtaining the wildlife clearance from Standing Committee of the National Board for Wildlife.

- xi. The Ministry issued a letter dated 08.01.2019 to keep the Environmental Clearance dated 13.03.2007 in abeyance with immediate effect and until further notice.
- xii. Thereafter, the Project Proponent initiated the process for NBWL clearance. While availing of clearance under NBWL was in progress, the ESZ boundary of the Radhanagari WLS was notified on 15th October, 2020.
- xiii. In pursuance to the issuance of the final notification of Radhanagari WLS, ESZ, the Project Proponent requested Ministry on 12.11.2020 to withdraw the directions issued towards the abeyance of the Environmental Clearance.
- xiv. The matter was referred to ESZ Division in the Ministry. The ESZ Division upon examination of KML file stated the following: -

"4. As per the record, the Final Eco-sensitive Zone (ESZ) notification of Radhanagiri Wildlife Sanctuary, Maharashtra was published vide S.O. 3630(E) 15th October, 2020. The extent of ESZ varies from 200 metres to 6.01 kilometres from the boundary of Radhanagiri Wildlife Sanctuary and has total ESZ area of 250.66 Sq km.

5. Upon examination by superimposing the project location shared by IA-II with georeferenced map in Final ESZ Notification, it appears that the project location is 0 (zero) kilometers far from ESZ boundary of Radhanagiri Wildlife Sanctuary."

- xv. The Ministry vide its letter dated 11.10.2021 requested the proponent to furnish the certificate from State Chief Wildlife Warden, Maharashtra regarding location of mine site in question based on the final ESZ notification of Radhanagari Wildlife Sanctuary and certified copy of translated version of DCF letter along with location of the project vis-a vis the boundaries of draft Environmental Site Assessment (ESA) map duly certified by the competent authority, for further action by Ministry.
- xvi. Accordingly, e-mail dated 26.03.2022 with attachment was received from the proponent containing the following.

- *The location of project is outside the boundary of finally notified Eco-Sensitive Zone of Radhanagari Wildlife Sanctuary.*
- *Translated version of the letter issued by the Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur letter No.OW.NO.B/Survey/41/2020-21 dated 05/04/2021.*

- *Location map on scale 1:50,000 certified by Chief Conservator of Forest (Territorial), Kolhapur and Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur*
- *Village MincheBudruk, Taluka Bhudargad, District Kolhapur is not included in Western Ghat Eco-Sensitive Area as per draft notification dated 03/10/2018 issued by the Ministry of Environment, Forests and Climate Change.*

xvii. Since the observation of ESZ Division and letter of PCCF & CWLW were different, the Ministry vide letter dated 04.04.2022 requested the officials of IRO Nagpur along with the officials of the State Forest Department to visit the site and furnish the joint report/ground truthing for further action by this Ministry.

xviii. The IRO Nagpur provided its report vide letter dated 17.08.2022. The site inspection was carried out on 29.06.2022 and during the site inspection, the Committee observed the following: -

a. As per the Fourth Draft ESA notification (dated 03.10.2018) of Western Ghats, the village MincheBudruk, (in which the Panditrao mine block is located) does not fall under the proposed ESA of Western Ghats.

b. Nearest ESA Village to MincheBudruk (where mine is located) as per 4th draft of ESA notification is 'Aini' village, whose boundary is at 0.00 m distance from GPS coordinates BP-14, BP-15 to BP-I of mining block.

c. The committee also perused the village maps of Aini and Dhamanwadi. Upon perusal, it was observed that the survey numbers of Aini and Dhamanwadi villages adjacent to MincheBudruk village are different than survey numbers falling within the said Bauxite mining Block.

d. As per the village plan of MincheBudruk village, all survey numbers as mentioned in the application of the said Bauxite mining Block, fall in MincheBudruk village.

e. Based on the observation made as above, Village maps of Minch Budruk, Aini and Dhamnvadi villages and DGPS map, the Committee observed that the location of mining project is at 0.00 m distance from the draft western ghat ESA and entire mining bauxite block falls in Minchebudruk village, which is not included in the ESA of Western Ghats.

xix. The IRO Nagpur was again requested on 27.10.2022 to clearly state the following: - Shortest distance between the mine site and Radhanagari Wild Life Sanctuary, Shortest

distance between the mine site and ESZ of Radhanagari Wild Life Sanctuary and Whether the mine site is falling in ESZ of Radhanagari WLS or not. The IRO Nagpur vide letter dated 05.12.2022 has stated the following: -

- *Shortest distance between the mine site and Radhanagari Wild Life Sanctuary is 3.8 km as per the authenticated map prepared and signed by Forest Surveyor, Kolhapur Forest Division, Kolhapur.*
- *Shortest distance between the mine site and ESZ of Radhanagari Wild Life Sanctuary is 0.00 m. Also it is to be notified that boundary of the ESZ is boundary of the village Ainee in Radhanagari Taluka and Mining site is in adjoining village Minche Bk in Bhudargad Taluka in Kolhapur district.*
- *Thus the village Minche Bk in Bhudargad Taluka in Kolhapur district does not fall in Radhanagari WLS ESZ as per the Radhanagari WLS ESZ map as notified and authenticated by Dy CF Kolhapur.*

- xx. It may be mentioned that after detailed examination, it was noted that the Project Proponent while submitting its proposal, mentioned in Form A at serial number 3 (D) that there were no National Park/Sanctuary/ Biosphere Reserve/ Monuments/ Heritage Sites/Reserve forests within 10 km from the mine sites.
- xxi. The Ministry on the above false and concealed information provided by the Project Proponent issued the Environmental clearance dated 13.03.2007.
- xxii. In view of the above, the Ministry issued the Show Cause Notice to the Project Proponent on **06.03.2023** under Section 5 of Environment (Protection) Act, 1986 for concealment of information in Form A with reference to the Bauxite mining project of M/s Panditrao Mines and Minerals Private Limited with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, Maharashtra.
- xxiii. The Project Proponent, in its letter dated 21.03.2023 acknowledged that its consultant, M/s Bhagavathi Ana Labs Ltd (as mentioned in the PP's application form), had inadvertently failed to disclose the distance of the nearest National Park/Sanctuary from the mining site. The PP also requested an opportunity to explain the details in person so as to apprise the Ministry about the measures taken from their side.

- xxiv. In view of the above, the Project Proponent was given an opportunity to participate and explain the details in the 14th EAC (Non-Coal Mining) meeting held on 3-4 May, 2023. Project Proponent attended the above meeting.
- xxv. The EAC after detailed deliberation opined that the Ministry may revoke the environmental clearance issued to the Project Proponent. The EAC noted that the project was already kept in abeyance w.e.f 02.11.2018 as the Project Proponent operated the mine without obtaining Clearance from the Standing Committee of National Board of Wildlife. The EAC further observed that the Project Proponent has accepted that in Form A, it was inadvertently missed to mention the distance of nearest National Park/Sanctuary from the mining site. The EAC observed that the Project Proponent has concealed the information in Form A as per EIA notification -1994. The EAC reiterated the provisions of *Clause 8 (vi) of EIA Notification, 2006, that "Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice"*.
- xxvi. Thus, the EAC opined that the Ministry may revoke the Environmental Clearance (EC) granted by the Ministry vide EC letter dated 13.03.2007 for concealment of information. The EAC also opined that the Project Proponent may submit the fresh proposal for Terms of Reference under Ministry's SOP dated 07.07.2021 and shall start the process de-novo after the revocation of EC by the Ministry.
- xxvii. The Project Proponent vide its letter dated 02.06.2023, requested Ministry to review the minutes of the 14th EAC as mentioned above.
- xxviii. Accordingly, the Ministry again invited the project Proponent to participate in the 17th EAC Meeting held during 11-12th July 2023 and 18th EAC meeting held during 31st July -1st Aug 2023 and both the times Project Proponent did not attend the meeting citing health problems.
- xxix. The Project Proponent instead of attending EAC meeting wrote a letter dated 27.07.2023 to advise EAC to clarify that the abeyance order is infructuous.
- xxx. The PP was again provided an opportunity during 20th EAC held during 21-22 September 2023. However, project proponent did not attend the meeting citing health

concerns. Project Proponent thereafter wrote a letter dated 27.10.2023 stating that the abeyance is infructuous.

- xxxi. That the project proponent filed the *WP 13964 of 2024 before the Hon'ble High Court of Bombay titled as Panditrao Mines and Minerals Pvt. Ltd. vs Union of India n anr.*
- xxxii. By way of the present Writ Petition the project proponent challenged the order dated 8-1-2019 issued by the Ministry thereby suspending/ keeping in abeyance the EC further orders granted to Project Proponent and further challenges the impugned show Cause notice dated 6-3-2023 issued again by the Ministry for concealment of facts.
- xxxiii. The Hon'ble High Court of Bombay vide its order dated 05.02.2025 passed following direction for the compliance -

"...In the aforesaid circumstances, at this stage of the proceedings, we pass the following order:

(i) Let the authority issuing the show cause notices grant a personal hearing to the petitioner on the show cause notices. The date of personal hearing to be fixed, be informed to the petitioner within five days from today

(ii) The orders to be passed on the show cause notices be placed on record of this Court on the adjourned date of hearing.

(iii) All contentions of the parties on adjudication of the show cause notices are expressly kept open."

- xxxiv. In pursuance to the above, the present personal hearing is held on 18.02.2025.

T. C
[Signature]

J-11015/350/2006-IA-II(M)

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division
Non-Coal Mining

Indira Paryavaran Bhawan
JorBagh, Aliganj
New Delhi-110003
Dated: 10.03.2025

To,

Shri S.A. Panditrao,
The Managing Director,
M/s Panditrao Mines and Minerals Private Limited,
Atharva, ShindeAngan, Plot no. 4&5,
Behind ITI, Pachagaon Road,
Kolhapur-416 007, Maharashtra

Subject: Revocation of Environment Clearance under section 5 of the Environment (Protection) Act, 1986 for Minche Budruk Bauxite mine by M/s Panditrao Mines and Minerals Private Limited at village Minche Budruk, Taluka Budhargarh, District Kolhapur, in Maharashtra, for concealment and submission of false, misleading information-reg.

Sir,

WHEREAS, the Project Proponent, in its Environment Clearance (EC) application dated 28.09.2006 under the Environment Impact Assessment Notification, 1994, submitted Form A, wherein at serial number 3(d), it stated that there were no National Parks, Sanctuaries, Biosphere Reserves, Monuments, Heritage Sites, or Reserved Forests within 10 km of the mine site. The Ministry granted Environmental Clearance (EC) to the project on 13.03.2007 under Environment Impact Assessment (EIA) Notification, 2006 in accordance with Ministry's circular dated 13.10.2006.

2. **WHEREAS**, the Radhanagri Wildlife Sanctuary was notified on 16.09.1985 and is located at a distance of 3.8 km from the mine site. The Project Proponent, M/s Panditrao Mines and Minerals Private Limited, concealed this information while submitting the EC application form.



o/c
Bhawan
11-3-2025

3. **WHEREAS**, the Ministry issued a Show Cause Notice to the Project Proponent vide letter No. J-11015/350/2006-IA-II (M) dated 06.03.2023 under Section 5 of the Environment (Protection) Act, 1986 for the concealment of information pertaining to the presence of Radhanagari Wildlife Sanctuary within 10 km radius from the mine site and asked PP as to why the Environment Clearance dated 13.03.2007 should not be revoked.

4. **WHEREAS**, the Project Proponent responded on 21.03.2023, admitting that it's Consultant, inadvertently missed to mention the distance of nearest National Park/ Sanctuary from the mining site. Vide aforesaid letter Project Proponent also requested to give them an opportunity to explain the details in person so as to apprise about the measures taken from their side.

5. **WHEREAS**, the Project Proponent was given an opportunity to present its case before the 14th EAC (Non-Coal Mining) meeting held on 3-4 May 2023. The EAC, after detailed deliberations, observed that the Project Proponent has concealed the information in Form A. The EAC reiterated the provisions of Clause 8 (vi) of EIA Notification, 2006, that *"Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice"*. Further, EAC, opined that the Ministry may revoke the Environmental Clearance (EC) granted by the Ministry vide EC letter dated 13.03.2007 for concealment of information

6. **WHEREAS**, the Project Proponent vide letter dated 02.06.2023 requested the Ministry to review the 14th EAC minutes. With the approval of competent authority, the Project Proponent was provided further opportunities to appear before the 17th EAC meeting (11-12 July 2023), the 18th EAC meeting (31 July - 1 August 2023), and the 20th EAC meeting (21-22 September 2023). However, the Project Proponent did not attend any of these meetings.

7. **WHEREAS**, the Project Proponent subsequently filed WP No. 13964 of 2024 before the Hon'ble High Court of Bombay and challenged EC abeyance order dated 08.01.2019 and Show Cause notice dated 06.03.2023.

8. **WHEREAS**, the Hon'ble High Court of Bombay vide its order dated 05.02.2025 passed following direction for the compliance -



" In the aforesaid circumstances, at this stage of the proceedings, we pass the following order:

(i) Let the authority issuing the show cause notices grant a personal hearing to the petitioner on the show cause notices. The date of personal hearing to be fixed, be informed to the petitioner within five days from today.

(ii) The orders to be passed on the show cause notices be placed on record of this Court on the adjourned date of hearing.

(iii) All contentions of the parties on adjudication of the show cause notices are expressly kept open."

9. **WHEREAS**, the Ministry provided the Project Proponent an opportunity for a personal hearing, vide its letter dated 10.02.2025. The hearing was conducted under the Chairmanship of the Additional Secretary, IA-Division, MoEF&CC, on 18.02.2025, at Indira Paryavran Bhavan, Jor Bagh, New Delhi. The meeting was attended by the Project Proponent, their representatives, and officials from the Non-Coal Mining Sector. The Project Proponent and their representatives were provided with a full and fair opportunity to present their submission. The proceedings of the personal hearing is given at **Annexure-A**.

10. **WHEREAS**, through proceedings of the personal hearing dated 18.02.2025, following was recommended:

- vi. In view of the above, the Environmental Clearance dated 13.03.2007 issued for Bauxite mining project of M/s Panditrao Mines and Minerals Private Limited with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, Maharashtra is liable to be cancelled/revoked.
- vii. The above recommendation for cancellation/revocation of environmental clearance letter No J-11015/350/2006-IA-II (M) dated 13.03.2007 issued to MincheBudruk Bauxite mine by M/s Panditrao mines & minerals Pvt. Ltd. at village- MincheBudruk, Taluka Budhargarh in District Kolhapur in Maharashtra may be submitted to the Competent Authority in the Ministry for appropriate order as per the extant acts, rules and regulations.
- viii. Any action in pursuance to the above recommendation by any State/Central Authority may be dealt as per the extant acts, rules and regulations.

11. **WHEREAS**, the Ministry, after considering the written and oral submissions made by the Project Proponent, the recommendations of the personal hearing, and the facts of the case, finds that:



1. The Project Proponent, concealed information regarding the location of Radhanagri Wildlife Sanctuary while applying for EC on 28.09.2006.
2. The Project Proponent obtained EC dated 13.03.2007 based on false and misleading information.
3. The Project Proponent operated the mine without obtaining wildlife clearance from the Standing Committee of the NBWL.

12. Now, therefore, after accepting the recommendations of the personal hearing, the Competent Authority in the Ministry, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, and in accordance with Clause 8(vi) of the EIA Notification, 2006, hereby **revokes the Environmental Clearance accorded for Minche Budruk Bauxite mine by M/s Panditrao Mines and Minerals Private Limited at village Minche Budruk, Taluka Budhargarh, District Kolhapur, in Maharashtra vide letter No. J-11015/350/2006-IA-II(M) dated 13.03.2007, with immediate effect.**

This order issues with the approval of the Competent Authority.


10.03.2025

Rajeev Ranjan
Scientist 'E'

(राजीव रंजन)
(RAJEEV RANJAN)
श्रेणीक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

Encl: As above

Copy to:

1. **The Secretary, Ministry of Mines**, Government of India Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi, Delhi 110001.
2. **The Secretary**, Environment and Climate Change Department, Government of Maharashtra, Mantralaya Mumbai, Maharashtra- (with a request to ensure compliance with the aforesaid order of the Ministry).
3. **The Director General**, Directorate of Geology and Mining, Government of Maharashtra, Nagpur, Government of Maharashtra "Khanij Bhawan";, Plot No.27, Shivaji Nagar, Cement Road Nagpur – 440 010 - (with a request to ensure compliance with the aforesaid order of the Ministry).
4. **The Chief Wildlife Warden**, Maharashtra Forest Department, Van Bhavan, Ramgiri Road Civil Lines Nagpur 440 001, Maharashtra- (with a request to ensure compliance with the aforesaid order of the Ministry).

5. **The Chairman**, Central Pollution Control Board, Parivesh Bhavan, East Arjun Nagar Delhi- 110032- (with a request to ensure compliance with the aforesaid order of the Ministry).
6. **The Deputy Director General of Forests (C)**, Ministry of Environment, Forest and Climate Change, Regional Office Nagpur, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001- (with a request to ensure compliance with the aforesaid order of the Ministry).
7. **The Controller General of Mines**, Indian Bureau of Mines, NAGPUR- 440 00 Maharashtra- (with a request to ensure compliance with the aforesaid order of the Ministry).
8. **The Director General of Mines Safety**, Directorate General of Mines Safety Hirapur, Dhanbad, Jharkhand, 826001 - (with a request to ensure compliance with the aforesaid order of the Ministry).
9. **The Member Secretary**, Maharashtra Pollution Control Board, Kalpataru Point, 2nd floor, Opp. PVR Theatre, Sion (E), Mumbai-400022, Maharashtra- (with a request to ensure compliance with the aforesaid order of the Ministry).
10. **The Member Secretary**, Central Ground Water Authority, A2, W3 curzon Road Barracks, K.G Marg, New Delhi -110001- (with a request to ensure compliance with the aforesaid order of the Ministry).
11. **The District Collector**, Kolhapur, Swarajya Bhawan, Collector Office, Oppo. Mahavir Garden, Nagala Park, Pin-416003, Maharashtra-(with a request to ensure compliance with the aforesaid order of the Ministry).
12. **Shri S.A. Panditrao, the Managing Director**, M/s Panditrao Mines and Minerals Private Limited, R.S. No. 747, A-Ward, B-1 Vasant Vishwas park Kolhapur-416007
13. **Guard File**

Rajeev Ranjan
10.03.2025

(राजीव रंजन)
(RAJEEV RANJAN)
वैज्ञानिक 'ई'/Scientist 'E'
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Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

(Rajeev Ranjan)
Scientist 'E'

PROCEEDINGS OF THE PERSONAL HEARING

PERSONAL HEARING in compliance of the order issued by the Hon'ble High Court of Bombay dated 05.02.2025, in the matter of M/s Panditrao Mines and Minerals Pvt. Ltd. vs Union of India and Anr. Writ Petition No. 13964 of 2024

Personal hearing for the project Minche Budruk Bauxite Mine by M/s Panditrao Mines & Minerals Pvt. Ltd located at village Minche Budruk, Taluka Budhargarh, Dt: Kolhapur, Maharashtra, was held on 18.02.2025 under the Chairmanship of Shri Amandeep Garg, Additional Secretary, Impact Assessment Division, MOEF&CC at Paryavaran Bhawan. The list of the participants is at **Annexure I**.

2. The Additional Secretary extended a warm welcome to the participants and directed Shri Rajeev Ranjan, Member Secretary, Impact Assessment Division- Non Coal Mining Sector, MoEF&CC, to provide a brief background on the matter. Shri Rajeev Ranjan then outlined the facts of the case as detailed below:
 - i. The present case is regarding the show cause notices issued by the Ministry on 15.03.2018 and 06.03.2023 to the Project Proponent, M/s Panditrao Mines and Mineral Pvt. Ltd., for its Bauxite mining project with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, and Maharashtra. Detailed background of the matter is attached as **Annexure II**
 - ii. The Show cause notice dated 06.03.2023 was issued by the Ministry under Section 5 of the Environment (Protection), Act, 1986 for deliberate concealment and/or submission of false or misleading information in Form A with regard to the Bauxite mining of Project M/s Panditrao mines and Mineral Private Limited, located at Village- Minche Budruk Taluka- Budargarh, District-Kolhapur Maharashtra.
 - iii. As per the Environment Impact Assessment Notification-1994, the Project Proponent was required to submit its proposal through an application using Form A. In the submitted proposal, under serial number 3(d) of the Form A, the Project Proponent stated that no National Park, Sanctuary, Biosphere Reserve,

Monument, Heritage Site, or Reserved Forest existed within a 10 km radius of the mine site.

- iv. Based on the information provided by the Project Proponent, the Ministry granted Environmental Clearance on 13.03.2007 under EIA Notification 2006, in accordance with circular dated 13.10.2006 called *EIA Notification 14 September 2006- Interim Operational Guidelines till 13 September 2007 in respect of applications made under EIA 1994*. In the Environmental Clearance, it was categorically mentioned that no ecologically sensitive area is located within 10 Km of core zone and buffer zone of the mine. Thus, Project Proponent obtained Environmental Clearance on the basis of false and misleading information.
- v. In compliance with the Hon'ble Supreme Court's order dated 04.12.2006 in WP (C) 460 of 2004, the Ministry issued a circular on 27.02.2007. It stated that projects located within a 10 km radius of Wildlife Sanctuaries and/or National Parks, which have been recommended for Environmental Clearance by the respective Expert Appraisal Committee, shall be accorded clearance only after the Project Proponent obtains approval under the Wildlife (Protection) Act, 1972. The Ministry also issued an advertisement regarding this on 01.01.2009. Additionally on 02.12.2009, Ministry issued another Office Memorandum outlining the procedure for granting environmental clearance under EIA 2006 for projects involving forestland and/or wildlife habitats:
- vi. In 2017, a site inspection was conducted for the mines, which were in operation in the vicinity of Radhanagri Wildlife Sanctuary. As per the site inspection report the Project Proponent's mine site was located within 10 km of Radhanagri Wildlife Sanctuary and was being operated without obtaining wildlife clearance from the Standing Committee of the National Board for Wildlife (NBWL).
- vii. The Ministry then issued a show cause notice on 15.03.2018 to M/s Panditrao Mines & Minerals Pvt. Ltd under Section 5 of Environment (Protection) Act, 1986 for carrying out mining activity within 10 Km of Radhanagri Wildlife Sanctuary. Ministry in its show cause notice asked the Project Proponent as to why their Environment Clearance should not be revoked as it was operating without obtaining wildlife clearance from the Standing Committee of National Board for Wildlife.

- viii. The Project Proponent replied to above show cause notice vide letter dated 28.03.2018, 30.10.2018 and 20.11.2018. Ministry examined the replies of the Project Proponent and it was found that the mining lease is located within 10 Km of Radhanagari Wildlife Sanctuary and mining was carried out without obtaining the wildlife clearance from Standing Committee of the National Board for Wildlife.
- ix. The Ministry issued a letter dated 08.01.2019 to keep the Environmental Clearance dated 13.03.2007 in abeyance with immediate effect and until further notice.
- x. Thereafter, the Project Proponent initiated the process for NBWL clearance. While application for clearance under NBWL was in progress, the ESZ boundary of the Radhanagri Wildlife Sanctuary was notified on 15th October, 2020. Based on above notification, the Project Proponent requested Ministry on 12.11.2020 to remove the abeyance.
- xi. The matter was re-examined in the Ministry, and it was found that the Project Proponent had concealed the information regarding the presence of Radhanagri Wildlife Sanctuary and made a wrongful submission that no wildlife sanctuary existed within the 10 Km range. This information was not available to Expert Appraisal Committee/Ministry during appraisal of this project. Hence, Project Proponent wrongfully obtained the Environmental Clearance. This concealment, submission of false and misleading information, which was material to screening, scoping, appraisal and decision of the environmental clearance proposal, constitutes a serious and grave violation of the EIA Notification, 2006.
- xii. Accordingly, a show cause notice dated **06.03.2023** was issued by the Ministry to the Project Proponent under Section 5 of Environment (Protection) Act, 1986 for concealment and submission of false and misleading information in Form A. Vide aforesaid notice Project Proponent was also given an opportunity to state whether a hearing is required in this matter, before a final order is passed by the Ministry.
- xiii. Project Proponent replied to the aforesaid show cause notice vide letter dated 21.03.2023 and requested for an opportunity to explain the details in person.

- xiv. Accordingly, Project Proponent was provided with an opportunity to appear in person in the 14th EAC (Non-Coal Mining) meeting held on 3-4 May 2023. Project Proponent attended the aforesaid EAC meeting.
- xv. After detailed deliberation, the EAC opined that the Ministry may revoke the Environmental Clearance granted vide Environmental Clearance letter dated 13.03.2007 for concealment of information.
- xvi. By way of the present Writ Petition the project proponent challenged the order dated 08.01.2019 issued by the Ministry thereby suspending/ keeping in abeyance the EC further orders granted to Project Proponent and further challenged the impugned show cause notice dated 06.03.2023 issued again by the Ministry for concealment of facts.
- xvii. The Hon'ble High Court of Bombay vide its order dated 05.02.2025 directed the Ministry to grant a personal hearing to the petitioner (Project Proponent) on the show cause notices issued on 15.03.2018 and 06.03.2023.
- xviii. In pursuance to the above, the present personal hearing was held on 18.02.2025 at MoEF&CC, New Delhi which was attended by project proponent, his representatives and officials of MoEFCC.

3. Submissions made by Project Proponent-

- i. The project proponent presented written submission, which included a detailed analysis of their arguments and justifications along with pertinent case laws.
- ii. Project Proponent, argued that the alleged concealment of facts was not deliberate. He emphasized that there was no hidden purpose for concealment of information, which is material to screening or scoping or appraisal or decision on the Environmental clearance application.
- iii. He contended that to be legally significant, it must be intentional and involve the suppression of material facts. He contended that in this case, the omission was an inadvertent mistake, and the Project Proponent acted in good faith while submitting the application.
- iv. Additionally, the Senior Counsel submitted that at the time of the proposal's submission, the Project Proponent's village, Minche Budruk, was not within the Eco-Sensitive Zone.

4. **Deliberations held during the Hearing-**

- i. After hearing the submissions of the learned Senior Counsel, the Additional Secretary stressed that concealment and wrongful submission of facts is a matter of serious concern and must be scrutinized with rigor and strictness, as it constitutes a violation of the EIA Notification, 2006.
- ii. Member Secretary Shri Rajeev Ranjan clarified that the Radhangari Wildlife Sanctuary was notified on 16.09.1985 and is located at a distance of 3.8 km from the mine lease boundary. Owing to the concealment and wrongful submission by project Proponent, the above stated fact regarding Radhanagri Wildlife Sanctuary was not reflected in the Environmental Clearance letter dated 13.03.2007. Thus, the environmental clearance was obtained on the basis of concealed, false and misleading information.
- iii. Prior to the issuance of Radhanagri Wildlife Sanctuary ESZ notification dated 15.03.2020, Ministry's circular dated 27.02.2007 was applicable in the instant project.
- iv. The Additional Secretary further emphasized that allowing any relaxation in the present case, despite concealment and wrongful submission of facts, could create a wrong precedent and can have bad consequences as other projects/consultants will not take the EIA notification with utmost seriousness.

5. **On the basis of detailed deliberations, following points were concluded:**

- i. The Project Proponent provided false information by stating that no National Park, Sanctuary, Biosphere Reserve, Monument, Heritage Site, or Reserved Forest existed within a 10 km radius of the mine site.
- ii. The information that was withheld by the Project Proponent was significant and material to screening, scoping, appraisal and decision of the application for the grant of the Environmental Clearance.
- iii. Additionally, the Office Memorandums dated 27.02.2007 and 02.12.2009 were to be applied retrospectively. The stipulation regarding the National Board for Wildlife (NBWL) clearance was compulsory for all holders of Environmental Clearances whose projects were located within a 10 km radius of any Wildlife Sanctuary.
- iv. The Project Proponent, in its letter dated 21.03.2023 acknowledged that their consultant had inadvertently missed to mention the distance of the nearest

- National Park/Sanctuary from the mining site. The PP also requested an opportunity to explain the details in person so as to apprise the Ministry about the measures taken from their side.
- v. The Ministry, at each stage, provided the Project Proponent an opportunity to be heard and present their case. The principle of natural justice—*Audi Alteram Partem (the right to be heard)*—was followed throughout the process. The Ministry granted the Project Proponent opportunity for personal hearings before the EAC during its 14th Meeting (held on May 3-4, 2023), the 17th EAC Meeting (held on July 11-12, 2023), the 18th EAC Meeting (held on July 31-August 1, 2023), and the 20th EAC Meeting (held on September 21-22, 2023). Project Proponent attended the 14th EAC meeting. However, he did not attend the other EAC meetings.
 - vi. In view of the above, the Environmental Clearance dated 13.03.2007 issued for Bauxite mining project of M/s Panditrao Mines and Minerals Private Limited with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, Maharashtra is liable to be cancelled/revoked.
 - vii. The above recommendation for cancellation/revocation of environmental clearance letter No J-11015/350/2006-IA-II(M) dated 13.03.2007 issued to Minche Budruk Bauxite mine by M/s Panditrao mines & minerals Pvt. Ltd. at village- Minche Budruk, Taluka Budhargarh in District Kolhapur in Maharashtra may be submitted to the Competent Authority in the Ministry for appropriate order as per the extant acts, rules and regulations.
 - viii. Any action in pursuance to the above recommendation by any State/Central Authority may be dealt as per the extant acts, rules and regulations.

List of participants

PERSONAL HEARING regarding compliance of the order issued by the Hon'ble High Court of Bombay dated 05.02.2025, in the matter of M/s Panditrao Mines and Minerals Pvt. Ltd. vs Union of India n anr. Writ Petition No. 13964 of 2024

Sr No.	Name	Designation
MOEFCC		
i.	Shri. Amandeep Garg	Additional Secretary
ii.	Shri Rajeev Ranjan	Scientist E, IA- Non-Coal Mining
iii.	Shri Krishnendu Mondal	Scientist-D, IA- Non-Coal Mining
iv.	Ms. Shivani Sinha	Legal Associate
v.	Shri Sahil Ahmed	Legal Associate
Representatives from M/s Panditrao Mines and Minerals Pvt. Ltd.		
i.	Shri Pinaki Mishra	Senior Counsel, Supreme Court of India
ii.	Mr. Shrikrishna Panditrao	Project Proponent
iii.	Mr. Ankit Roy	Advocate on record
iv.	Mr. Satish Kunkekar	Advocate on record
v.	Mr. Shantanu Puranik	EC Consultant
vi.	Mr. Maruti Bauskar	
vii.	Mr. Abhijit Chavan	

ANNEXURE-II

- i. The instant matter is regarding the show cause notices dated 15.03.2018 and 06.03.2023 issued by the Ministry to the Project Proponent M/s Panditrao Mines and Mineral Pvt Ltd for Bauxite mining project of M/s Panditrao Mines and Minerals Private Limited with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, Maharashtra.
- ii. The said proposal was submitted by the Project Proponent on 28.09.2006 under EIA notification 1994. The EIA Notification, 2006 was issued by the Ministry on 14.09.2006. To accommodate the new proposals received in accordance with EIA notification 1994 and submitted after 14.09.2006 but within 30.06.2007, the Ministry issued a circular on 13.10.2006 called "EIA Notification 14 September 2006- Interim Operational Guidelines till 13 September 2007 in respect of applications made under Environment Impact Assessment Notification-1994. The instant proposal was appraised as per these guidelines.
- iii. The Project Proponent submitted the proposal as per EIA notification 1994 for EC vide Form A wherein at serial number 3 (D), the Project Proponent mentioned that there were no National Park/Sanctuary/ Biosphere Reserve/ Monuments/ Heritage Sites/Reserve forests within 10 km from the mine sites. But, the Radhangari Wildlife Sanctuary was notified on 16.09.1985 and it was located at a distance of 3.8 km from the mine site. At the time of submission of application for EC, the Project Proponent concealed and submitted false and misleading information, which was material for screening, scoping, appraisal and decision on the application.
- iv. Based on the submissions of the Project Proponent, the project was considered during 5th EAC Meeting held during January 19-20, 2007 wherein the EAC recommended the proposal. As per the recommendation of EAC, the Ministry granted the EC on 13.03.2007 under EIA notification -2006.
- v. In the meanwhile, prior to issue of EC, Hon'ble Supreme Court in its order dated 04.08.2006 in IA No.1000 of WP (C) 202 of 1995 (T N Godavaraman vs Union of India) prohibited the mining activity around protected area and as an interim measure directed that 1 km safety zone shall be maintained subject to the order that may be made in this IA regarding Jamua Ramgarh Sanctuary. Further on 04.12.2006, the Hon'ble

Supreme Court in WP (C) 460 of 2004, inter-alia, directed as under: - *“The MoEF would also refer to the Standing Committee of NBWL for Wildlife under Section 5 (b) and 5 (c)(ii) of the Wildlife (Protection) Act, the-cases where environment clearance has already been granted where activities are within 10 km zone”*.

- vi. Pursuant to the direction of Hon’ble Supreme Court, the Ministry issued a circular dated 27.02.2007 wherein it was mentioned that activities falling within 10 km radius of Wildlife Sanctuary and/or National Parks and which have been recommended for Environmental Clearance by respective EAC shall be accorded EC subject to their Project Proponent obtaining clearance under the Wildlife (Protection) Act 1972, a condition to this effect being stipulated in EC letter.
- vii. The Ministry issued an OM dated 02.12.2009 enumerating the procedure for consideration of environmental clearance under EIA notification 2006 which involve forest land and or wildlife habitat. A newspaper advertisement was also released by the Ministry on 01.01.2009 requesting all Project Proponents to obtain clearance from NBWL if their project site lies within 10 km from protected areas. The Project Proponents were requested to submit their application to NBWL within 31.01.2009 with a copy to Ministry.
- viii. In 2017, a site inspection was conducted for the mines which were in operation in the vicinity of Radhanagri Wildlife Sanctuary. The aforesaid committee submitted its report in the Ministry wherein after examination it was found out the M/s.Panditrao Mines and Minerals Pvt Ltd was located within 10 km from connecting corridor of Chandoli National Park and Radhanagari Wildlife sanctuary.
- ix. The Ministry then issued a show cause notice on 15.03.2018 to M/s Panditrao Mines & Minerals Pvt. Ltd under Section 5 of Environment (Protection) Act, 1986 for carrying out mining activity within 10 Km of Radhanagri Wildlife Sanctuary. Ministry in its show cause notice asked the Project Proponent as to why their Environment Clearance should not be revoked as it was operating without obtaining wildlife clearance from the Standing Committee of National Board for Wildlife.
- x. The Project Proponent replied to above show cause notice vide letter dated 28.03.2018, 30.10.2018 and 20.11.2018. Ministry examined the replies of the Project Proponent and it was found that the mining lease is located within 10 Km of Radhanagari Wildlife Sanctuary and mining was carried out without obtaining the wildlife clearance from Standing Committee of the National Board for Wildlife.

- xi. The Ministry issued a letter dated 08.01.2019 to keep the Environmental Clearance dated 13.03.2007 in abeyance with immediate effect and until further notice.
- xii. Thereafter, the Project Proponent initiated the process for NBWL clearance. While availing of clearance under NBWL was in progress, the ESZ boundary of the Radhanagari WLS was notified on 15th October, 2020.
- xiii. In pursuance to the issuance of the final notification of Radhanagari WLS, ESZ, the Project Proponent requested Ministry on 12.11.2020 to withdraw the directions issued towards the abeyance of the Environmental Clearance.
- xiv. The matter was referred to ESZ Division in the Ministry. The ESZ Division upon examination of KML file stated the following: -

"4. As per the record, the Final Eco-sensitive Zone (ESZ) notification of Radhanagiri Wildlife Sanctuary, Maharashtra was published vide S.O. 3630(E) 15th October, 2020. The extent of ESZ varies from 200 metres to 6.01 kilometres from the boundary of Radhanagiri Wildlife Sanctuary and has total ESZ area of 250.66 Sq km.

5. Upon examination by superimposing the project location shared by IA-II with georeferenced map in Final ESZ Notification, it appears that the project location is 0 (zero) kilometers far from ESZ boundary of Radhanagiri Wildlife Sanctuary."

- xv. The Ministry vide its letter dated 11.10.2021 requested the proponent to furnish the certificate from State Chief Wildlife Warden, Maharashtra regarding location of mine site in question based on the final ESZ notification of Radhanagari Wildlife Sanctuary and certified copy of translated version of DCF letter along with location of the project vis-a-vis the boundaries of draft Environmental Site Assessment (ESA) map duly certified by the competent authority, for further action by Ministry.
- xvi. Accordingly, e-mail dated 26.03.2022 with attachment was received from the proponent containing the following.

- *The location of project is outside the boundary of finally notified Eco-Sensitive Zone of Radhanagari Wildlife Sanctuary.*
- *Translated version of the letter issued by the Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur letter No.OW.NO.B/Survey/41/2020-21 dated 05/04/2021.*

- Location map on scale 1:50,000 certified by Chief Conservator of Forest (Territorial), Kolhapur and Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur
- Village MincheBudruk, Taluka Bhudargad, District Kolhapur is not included in Western Ghat Eco-Sensitive Area as per draft notification dated 03/10/2018 issued by the Ministry of Environment, Forests and Climate Change.

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- xvii. Since the observation of ESZ Division and letter of PCCF & CWLW were different, the Ministry vide letter dated 04.04.2022 requested the officials of IRO Nagpur along with the officials of the State Forest Department to visit the site and furnish the joint report/ground truthing for further action by this Ministry.
- xviii. The IRO Nagpur provided its report vide letter dated 17.08.2022. The site inspection was carried out on 29.06.2022 and during the site inspection, the Committee observed the following: -

- a. As per the Fourth Draft ESA notification (dated 03.10.2018) of Western Ghats, the village MincheBudruk, (in which the Panditrao mine block is located) does not fall under the proposed ESA of Western Ghats.
- b. Nearest ESA Village to MincheBudruk (where mine is located) as per 4th draft of ESA notification is 'Aini' village, whose boundary is at 0.00 m distance from GPS coordinates BP-14, BP-15 to BP-I of mining block.
- c. The committee also perused the village maps of Aini and Dhamanwadi. Upon perusal, it was observed that the survey numbers of Aini and Dhamanwadi villages adjacent to MincheBudruk village are different than survey numbers falling within the said Bauxite mining Block.
- d. As per the village plan of MincheBudruk village, all survey numbers as mentioned in the application of the said Bauxite mining Block, fall in MincheBudruk village.
- e. Based on the observation made as above, Village maps of Minch Budruk, Aini and Dhamnvadi villages and DGPS map, the Committee observed that the location of mining project is at 0.00 m distance from the draft western ghat ESA and entire mining bauxite block falls in Minchebudruk village, which is not included in the ESA of Western Ghats.

- xix. The IRO Nagpur was again requested on 27.10.2022 to clearly state the following: - Shortest distance between the mine site and Radhanagari Wild Life Sanctuary. Shortest

distance between the mine site and ESZ of Radhanagari Wild Life Sanctuary and Whether the mine site is falling in ESZ of Radhanagari WLS or not. The IRO Nagpur vide letter dated 05.12.2022 has stated the following: -

- *Shortest distance between the mine site and Radhanagari Wild Life Sanctuary is 3.8 km as per the authenticated map prepared and signed by Forest Surveyor, Kolhapur Forest Division, Kolhapur.*
- *Shortest distance between the mine site and ESZ of Radhanagari Wild Life Sanctuary is 0.00 m. Also it is to be notified that boundary of the ESZ is boundary of the village Ainee in Radhanagari Taluka and Mining site is in adjoining village Minche Bk in Bhudargad Taluka in Kolhapur district.*
- *Thus the village Minche Bk in Bhudargad Taluka in Kolhapur district does not fall in Radhanagari WLS ESZ as per the Radhanagari WLS ESZ map as notified and authenticated by Dy CF Kolhapur.*

- xx. It may be mentioned that after detailed examination, it was noted that the Project Proponent while submitting its proposal, mentioned in Form A at serial number 3 (D) that there were no National Park/Sanctuary/ Biosphere Reserve/ Monuments/ Heritage Sites/Reserve forests within 10 km from the mine sites.
- xxi. The Ministry on the above false and concealed information provided by the Project Proponent issued the Environmental clearance dated 13.03.2007.
- xxii. In view of the above, the Ministry issued the Show Cause Notice to the Project Proponent on **06.03.2023** under Section 5 of Environment (Protection) Act, 1986 for concealment of information in Form A with reference to the Bauxite mining project of M/s Panditrao Mines and Minerals Private Limited with production capacity of 0.80 MTPA in the mine lease area of 98.0 ha, located at Village MincheBudruk, Taluka-Budhargarh, District-Kolhapur, Maharashtra.
- xxiii. The Project Proponent, in its letter dated 21.03.2023 acknowledged that its consultant, M/s Bhagavathi Ana Labs Ltd (as mentioned in the PP's application form), had inadvertently failed to disclose the distance of the nearest National Park/Sanctuary from the mining site. The PP also requested an opportunity to explain the details in person so as to apprise the Ministry about the measures taken from their side.

- xxiv. In view of the above, the Project Proponent was given an opportunity to participate and explain the details in the 14th EAC (Non-Coal Mining) meeting held on 3-4 May, 2023. Project Proponent attended the above meeting.
- xxv. The EAC after detailed deliberation opined that the Ministry may revoke the environmental clearance issued to the Project Proponent. The EAC noted that the project was already kept in abeyance w.e.f 02.11.2018 as the Project Proponent operated the mine without obtaining Clearance from the Standing Committee of National Board of Wildlife. The EAC further observed that the Project Proponent has accepted that in Form A, it was inadvertently missed to mention the distance of nearest National Park/Sanctuary from the mining site. The EAC observed that the Project Proponent has concealed the information in Form A as per EIA notification -1994. The EAC reiterated the provisions of *Clause 8 (vi) of EIA Notification, 2006, that "Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice"*.
- xxvi. Thus, the EAC opined that the Ministry may revoke the Environmental Clearance (EC) granted by the Ministry vide EC letter dated 13.03.2007 for concealment of information. The EAC also opined that the Project Proponent may submit the fresh proposal for Terms of Reference under Ministry's SOP dated 07.07.2021 and shall start the process de-novo after the revocation of EC by the Ministry.
- xxvii. The Project Proponent vide its letter dated 02.06.2023, requested Ministry to review the minutes of the 14th EAC as mentioned above.
- xxviii. Accordingly, the Ministry again invited the project Proponent to participate in the 17th EAC Meeting held during 11-12th July 2023 and 18th EAC meeting held during 31st July -1st Aug 2023 and both the times Project Proponent did not attend the meeting citing health problems.
- xxix. The Project Proponent instead of attending EAC meeting wrote a letter dated 27.07.2023 to advise EAC to clarify that the abeyance order is infructuous.
- xxx. The PP was again provided an opportunity during 20th EAC held during 21-22 September 2023. However, project proponent did not attend the meeting citing health

concerns. Project Proponent thereafter wrote a letter dated 27.10.2023 stating that the abeyance is infructuous.

- xxxi. That the project proponent filed the *WP 13964 of 2024 before the Hon'ble High Court of Bombay titled as Panditrao Mines and Minerals Pvt. Ltd. vs Union of India n anr.*
- xxxii. By way of the present Writ Petition the project proponent challenged the order dated 8-1-2019 issued by the Ministry thereby suspending/ keeping in abeyance the EC further orders granted to Project Proponent and further challenges the impugned show Cause notice dated 6-3-2023 issued again by the Ministry for concealment of facts.
- xxxiii. The Hon'ble High Court of Bombay vide its order dated 05.02.2025 passed following direction for the compliance -

"...In the aforesaid circumstances, at this stage of the proceedings, we pass the following order:

(i) Let the authority issuing the show cause notices grant a personal hearing to the petitioner on the show cause notices. The date of personal hearing to be fixed, be informed to the petitioner within five days from today

(ii) The orders to be passed on the show cause notices be placed on record of this Court on the adjourned date of hearing.

(iii) All contentions of the parties on adjudication of the show cause notices are expressly kept open."

- xxxiv. In pursuance to the above, the present personal hearing is held on 18.02.2025.
