

**Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata**

Appeal No. 24/2023/EZ

Mohammad Ilyas -

Appellant(s)

Versus

State of Jharkhand & Ors. -

Respondent(s)

Sub: Counter Affidavit

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filed by

*Abhinav Prasad
Advocate*

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Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata

C.A. - 1 to 19
AP - 20 to 47
As 05.1.24

Appel. No. 24/2023/EZ

Mohammad Ilyas -

Appellant(s)

Versus

State of Jharkhand & Ors. -

Respondent(s)

**Counter Affidavit related to Respondent no. - 02 i.e.
State Level Environment Impact Assessment Authority
(SEIAA), Jharkhand.**

I, Ashok Kumar, son of Late Rajendra Kumar, presently posted as Ex-Officio Member Secretary in the State Level Environment Impact Assessment Authority (hereinafter called SEIAA), Jharkhand, Ranchi do hereby solemnly affirm and state as follows:

A. That at the very outset a brief background of the facts pertaining to the instant matter is being produce for proper assistance to this Hon'ble Tribunal.

Brief Facts:

B. That the project authority Shri Arun Kmar Ladia has submitted application on 07.11.2014 for grant of Environmental Clearance of the stone mining project i.e. Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 &

Through: Shri Arun Kumar, Secy
J 2871A/03
4/11/24

l —

5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (Area : 0.732 Ha) with all requisite documents such as Form-1, Pre-Feasibility Report (PFR), Mine Plan and other statutory documents like NOC given by Gram Sabha, the relevant certificates issued by CO, DMO and DFO. One of criteria for requirement of Environmental Clearance is the distance from forest boundary should be minimum 250 meter.

C. That then DFO, Giridih East Forest Division, Giridih issued the certificate regarding the distance from forest boundary and mining lease vide its letter no. 391, dated 25.02.2014, in which it was mentioned that the distance of boundary of mining lease area from notified forest boundary is more than 500 meter.

D. That on the basis of aforesaid and alongwith other mandatory documents, the project proposal was appraised by then SEAC in its 24th meeting held on 15th to 18th December, 2014 and project was recommended for Environmental Clearance. In the light of recommendation of SEAC Environmental Clearance was granted by the then SEIAA in its 28th meeting held on

30th December, 2014. Accordingly EC letter was issued vide letter no. : EC/SEIAA/2014-15/518/2014/703, dated : 31.12.2014 with certain conditions.

True/Xerox copy of the SEAC in its 24th meeting held on 15th to 18th December, 2014 and 28th meeting held on 30th December, 2014 are being annexed herewith and marked as **Annexure- A & B** to this Counter Affidavit.

E. That the present DFO, Giridih East Forest Division, Giridih vide its letter no. : 4261, dated : 21.12.2022 complained that actual distance of mining lease area of Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (Area : 0.732 Ha) is only zero(0) meter and previous certificate issued by then DFO vide letter no 391 dated 25.02.2014 is wrong / incorrect. Present DFO has further reiterated that project authority has also done illegal mining activity on plot no 01, which is notified forest and therefore a forest case has also been

lodged against the project proponent for illegal mining on notified forest and emphasized that due to distance of zero (0) meter of aforesaid mining lease, it is causing adverse impact on forest and also requested to cancel the Environmental Clearance.

True/Xerox copy of the DFO, Giridih East Forest Division, Giridih, vide letter no. 4261, dated - 21.12.2022 is being annexed herewith and marked as **Annexure-C** to this Counter Affidavit.

F. That after receiving the complain from DFO, Giridih East Forest Division, Giridih vide its letter no. 4261, dated : 21.12.2022, a show cause notice was issued to project Authority, Shri Arun Kumar Ladia vide SEIAA letter no. : 319, dated 22.12.2022. Project Authority Shri Arun Kumar Ladia submitted his reply of show cause vide its letter no. zero, dated 10.01.2023.

True/Xerox copy of the SEIAA letter no. : 319, dated 22.12.2022 is being annexed herewith and marked as

Annexure-D to this Counter Affidavit.

That thereafter a clarification was sought on show cause reply given by Shri Arun Kumar Ladia (Project Authority) from DFO, Giridih East Forest Division, Giridih vide SEIAA letter no. 418, dated : 09.02.2023. The DFO, Giridih East Forest Division, Giridih vide its letter no. : 1704, dated : 20.05.2023 submitted its clarification

In the clarification of DFO, Giridih East Forest Division, stated that plot no. 01 and plot no. 04 are adjacent to each other. The part of plot no. 01 is notified forest area and plot no. 04 is adjoining area of plot no. 1 on which mining lease has been granted. The distance of boundary of mining lease area i.e. plot no. 04 is at zero (0) meter from that portion of plot no. - 1 which is notified forest. Thus actual distance of mining lease boundary is zero (0) meter from that portion of plot no. 1, which is protected / notified forest and is inappropriate for the requirement of Environmental Clearance i.e. 250 meter.

5 —

True/Xerox copy of the DFO, Giridih East Forest Division, Giridih vide letter no. : 1704, dated : 20.05.2023 is being annexed herewith and marked as **Annexure-E** to this Counter Affidavit.

G. That as per the provision para 8(vi) of EIA notification 2006, a date 22.06.2023 was decided for personal hearings of both the parties and letter was issued vide SEIAA letter no. 142, dated 12.06.2023 to the DFO, Giridih East Forest Division, Giridih and Project Authority Shri Arun Kumar Ladia to appear before the Member Secretary, SEIAA on 22.06.2023.

H. That Shri Pravesh Agarwal, Present DFO Giridih East Forest Division, Giridih and Shri Arun Kumar Ladia along with authorised representative Shri Raghaw Nandan Prasad appeared before Member Secretary, SEIAA on 22.06.2023. The DFO, Giridih East Division reiterated the same facts as mentioned in his clarification letter no. 1704, dated 20.05.2023 that distance between plot no. 04 (on which mining lease was granted) and plot

no. 01 (notified forest land) is zero (0) meter. This fact has been clarified in previous para no. F of this counter reply. He also emphasized that project authority Shri Arun Kumar Ladia has also done illegal mining activity on plot no. 01, which is notified forest and produced documentary evidence like cadastral map, which clearly shows that plot no. 01 is adjacent to the plot no. 04.

- I. That the D.F.O., Giridih East Forest Division has also submitted the letter no. 630 dated 26.11.2022 of Circle Officer, Bengabad, which addressed to the Deputy Commissioner, Giridih under the subject “**inspection report**” (Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (0.732 Ha) wherein it has been clearly written that:

“ मौजा लखनपुर थाना नं० 349, प्लॉट सं० 04 में रकवा 03 डी० पर पत्थर उत्खनन का कार्य किया गया है एवं प्लॉट सं० 05 पर उत्खनन कार्य नहीं किया गया है। खाता सं० 01, प्लॉट सं० 01 सर्वे रकवा 81 एकड़ के मध्ये 1.53 ए० पर पत्थर उत्खनन का कार्य किया गया है, जो गैरमजरूआ खास खाते की भूमि है एवं किस्म जंगल दर्ज है।”

True/Xerox copy of the D.F.O., Giridih East Forest Division letter no. 630 dated 26.11.2022 is being annexed herewith and marked as **Annexure-F** to this Counter Affidavit.

- J. That Project Proponent through authorized representative Shri Raghaw Nandan Prasad has also submitted that total plot area of plot no. 01 is 81 Acre while the total notified area as protected forest is only 49.90 Acre.

That he further submitted that the project proponent Shri Arun Kumar Ladia is also a present Raiyat on 01 Acre of land over plot no. 01 vide registered sale deed no. 10553/9519 dated 24.11.2014 of Sub-Registrar, Giridih. Project Authority and lessee is in possession of only 01 Acre area of plot no. 01 of mouza Lakhanpur. The authorized representative of the project authority Shri Raghaw Nandan Prasad at the time of hearing on 22.06.2023 before Member Secretary, SEIAA, Jharkhand could not controvert the facts that distance given by present DFO, Giridih East Forest Division,

Giridih that distance of project area is at Zero (0) meter from the forest boundary of plot no. 1.

K. That, Environmental Clearance of stone mines has been issued in the favour of Mr. Arun Kumar Ladia at Plot no. 4 & 5 (P), Village : Lakhanpur, Block : Bengabad, District : Giridih, Jharkhand (Area 0.732 Ha)” in the year 2014. From the instant Original Application and clarification submitted by project authority, the fact was revealed that Mr. Arun Kumar Ladia has transferred the lease deed on 26.11.2021 to Md. Ilyas and Md. Saraj who are appellant no. 1 and 2 in the instant original application. Thus mining activity carried out from 26.11.2021 by Md. Ilyas appellant no. 1 and Md. Saraj appellant no. 2 without transfer of Environmental Clearance in their name is illegal and it is also violation of para 11 of EIA notification, 2006. The para 11 of EIA notification is being reproduce below :-

“A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity

on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period....."

Parawise reply :

1. That with regard to statement made in para 1 and 2 of original application, its requires no comments.
2. That with regard to statement made in para 3 of original application it is stated and submitted the Environmental Clearance has been cancelled after complain of present DFO, Giridih East Forest Division that actual distance of mining lease area from forest boundary is only Zero (0) meter and getting clarification from Project Authority i.e. Mr. Arun Kumar Ladia. Befor cancelling Environmental Clearance reasonable opportunity hearing was given to Project Authority and matter was heard by Member Secretary, SEIAA on 22.06.2023 in presence of both parties under the provision laid down by Ministry of Environmental, Forest & Climate Change, Govt. of India

(hereinafter called MoEF&CC, GoI) in para 8 (vi) of EIA notification, 2006.

3. That with regard to statement made in para 4 (1) of original application it is stated and submitted that from the para it appears that lease in question has been transferred to Appellant no. 1 and 2 i.e. Md. Ilyas and Md. Saraj whereas Environmental Clearance has been given by SEIAA, Jharkhand to the Project Authority i.e. Mr. Arun Kumar Ladia. Yet Environmental Clearance has not been transferred. This act is also a case of violation of para 11 of EIA notification, 2006 as stated in previous para **K** of this counter reply.
4. That with regard to statement made in para 4 (2), 4 (3), 4 (4) and 4 (5) of original application, it is matter of record hence requires no comments.
5. That with regard to statement made in 4 (6) of original application it is stated and submitted that after getting complain from the present DFO, Giridih East Forest Division regarding distance of said project from forest land is Zero (0) meter and illegal mining, a show cause

notice was given to Project Authority i.e. Mr. Arun Kumar Ladia by keeping Environmental Clearance on abeyance. It is pertinent to mention here that for Environmental Clearance a minimum distance of project area from protected / notified forest should be 250 meter.

6. That with regard to statement made in para 4 (7), 4 (8), 4 (9) and 4 (10) of original application, it is stated and submitted that it is not related with SEIAA, Jharkhand.
7. That with regard statement made in para 4 (11) of original application it is stated and submitted that after getting complain from present DFO, Giridih East Forest Division regarding Zero (0) meter distance of project area from forest boundary and illegal mining, Environmental Clearance was kept on abeyance and notice was served to Project Authority i.e. Appellant no. 3. The allegation made by appellant is accordingly denied.
8. That with regard to statement made in para 12 of original application it is stated and submitted that it is a matter of record. Secondly, the mining activity carried out by the transferee lessee Md. Ilyas and Md. Saraj i.e. Appellant no. 1 and 2 without transfer of Environmental Clearance.

This act of appellant no. 1 and 2 is violation of para 11 of EIA notification 2006, as stated in para **K** of this counter reply.

9. That with regard to statement made in para 13 of original application, its requires no comment.
10. That with regard to statement made in para 14 (i) and 14 (ii) of original application it is stated and submitted that the appellants defied the power of SEIAA and DFO, Giridih East Forest Division, hence no comment.
11. That with regard to statement made in para 14 (iii) of original application, it is not related with SEIAA, Jharkhand.
12. That with regard to statement made in para 14 (iv) of original application it is stated and submitted that after complain of DFO, Giridih East Forest Division it is evident that the distance of project area is at Zero (0) meter from protected / notified forest. The statement made by Appellant that distance of project area is at Zero (0) meter from Jungle - Jhari is not correct. But as per report of DFO, Giridih East Forest Division, it is at Zero (0) meter from protected / notified forest.

13. That with regard to statement in para 14 (v) of original application it is not related with SEIAA, Jharkhand.
14. That with regard to statement made in para 15, 16, 17, 18 & 19 of original application it is not related with SEIAA, Jharkhand.
15. That with regard to statement made in para 20 and 21 of original application, it is stated and submitted that both the parties i.e. Appellant with Authorised representative Shri Raghaw Nandan Prasad and present DFO, Giridih East Forest Division appeared before Member Secretary, SEIAA on 22.06.2023. After hearing both the parties SEIAA came to conclusion that distance of plot no. 04 and 05 Village : Lakhanpur on which Environmental Clearance was granted is at Zero (0) meter from protected / notified forest whereas required distance should be at least 250 meter and complain of present DFO, Giridih East Forest Division was found correct. Appellant with authorized representative Shri Raghaw Nandan Prasad could not controvert the facts regarding distance given by present DFO, Giridih East Forest Division.

Thereafter Environmental Clearance was cancelled by SEIAA in its 106th meeting held on 03rd and 04th July, 2023 and decision of SEIAA was communicated vide SEIAA letter no. 205, dated 08.08.2023.

True/Xerox copy of the SEIAA letter no. 205, dated 08.08.2023 is being annexed herewith and marked as **Annexure-G** to this Counter Affidavit.

16. That with regard to statement made in para 22 of original application it is stated and submitted that statement made by Appellant is wrong and not based on facts. It is further stated that the total area of plot no. 01 is 81 Acre and out of that 49.90 Acre is protected / notified forest. Some of portion of plot no. 01 is Jungle – Jhari. Only 01 Acre of land is in possession of Appellant. The boundary of plot no. 04 on which Environmental Clearance has been granted is adjoining to that portion of plot no. 1 which is protected / notified forest and from that portion the distance of project area is at Zero (0) meter.

17. That with regard to statement made in para 23 of original application it is matter of record.
18. That with regard to statement made in para 24 and 25 of original application it is stated and submitted that from present report of DFO, Giridih East Forest Division the distance of project area from protected / notified forest land is Zero (0) meter and Appellant could not controvert this fact.
19. That with regard to statement made in para 26 of original application it is as stated and submitted that it has been replied in para 16 of this counter reply.
20. That with regard to statement made in para 27 of original application it is stated and submitted that statement made by appellant in this para is wrong and accordingly denied.
21. That with regard to statement made in para 5 (i) of original application it is related to DFO, Giridih East Forest Division. Secondly, DFO is competent Authority to issue or rectify any such certificate regarding distance from forest boundary.

22. That with regard to statement made in para 5 (ii) original application it is stated and submitted that the inquiry report of CO was based on direction of Deputy Commissioner, Giridih. It clearly proves that allegation of illegal mining of DFO, Giridih East Forest Division is correct.
23. That with regard to statement made in para 5 (iii) of original application its requires no comments.
24. That with regard to statement made in para 5 (iv) of original application it is already stated and submitted in earlier para of this counter reply. No further comment is required.
25. That with regard to statement made in para 5 (v) of original application it is related with DFO, Giridih East Forest Division.
26. That with regard to statement made in para 5 (vi) of original application it is matter of record.
27. That with regard to statement made in para 5 (vii) of original application it is related with DFO, Giridih East Forest Division.

28. That with regard to statement made in para 5 (viii) of original application it is already stated and submitted in earlier para of this counter reply.
29. That with regard to statement made in para 5 (ix) of original application its requires no comments.
30. That with regard to statement made in para 5 (x) of original application it is not related with SEIAA, Jharkhand.
31. That the present Counter Affidavit is being filed bona fide and in the interest of Justice.
32. That, it is pertinent to mention here that SEIAA, Jharkhand is not in existence as on date, and tenure of SEIAA, Jharkhand has expired w.e.f. 02.11.2023 and a new body of SEIAA, Jharkhand is under process of constitution by MoEF & CC, Govt. of India, which may take some time. This deponent prays with a liberty to file supplementary counter affidavit as when required.
33. That the statements made in paragraph B to C to are true to my knowledge, those stated in paragraphs A to K, L, M, N, O are true to my information derived from the records of the case to which I believe to be true

and the rest are by way of humble submissions before this Hon'ble Tribunal.

34. That the annexures are photocopies /true copies of their respective original

Sworn, verified and signed on this 05/01/24 day, of January, 2024 at Ranchi.

Ashu
07/01/2024
(ASHU KUMAR)

I. Identified the Defendant
T. Mal Kishor Singh A/c to
Mr. Bhenu K. Ad.
P. No. 253/21
Dt. 5/1/24

SL: 349

Solemnly affirmed before me by description A. Kumar
Who is identified by K. K. Sinha A/c
I have satisfied myself that the deponent that
has signed the document which lies
before me and which has been read
over and explained to me and
I have corrected the same as to be
Date 05.01.24 Ys 05.01.24
Advocate Oath Commission

MINUTES OF THE 24th MEETING OF STATE LEVEL EXPERT APPRAISAL COMMITTEE (SEAC), JHARKHAND HELD FROM 15th TO 18th DECEMBER 2014

The 24th meeting of State Level Expert Appraisal Committee (SEAC), Jharkhand was held from 15th to 18th December 2014 under the Chairmanship of Sh. A.K. Saxena in the Conference Room at 170 C, Ashok Nagar, Ranchi. The following members were present: (20)

1. Sh. A.K. Saxena - Chairman
2. Sh. S.B.S Chauhan - Member
3. Er. S.K. Singh - Member
4. Dr. R.P. Singh Sangu - Member
5. Prof. (Dr.) M.C. Mahata - Member
6. Prof (Dr) Shatrunjay Kumar Singh - Member
7. Sh. R.N. Kashyap - Secretary

Various projects which were received by SEIAA after the previous SEAC meeting held from 17th to 20th November 2014 and forwarded to SEAC for their technical appraisal came up for discussions. Also those Projects which were appraised in SEAC's earlier meetings in which PP's were asked to provide additional informations / clarifications were also considered for examination / scrutiny where the Project proponents had submitted replies. Accordingly, the Project proponents were asked to make technical presentation for the appraisal of their project before the committee.

The following salient observations made during the Presentation (Project Wise) in brief deserve serious consideration.

A. Matters related to SEIAA

1. OSD Coke Private LTD. (Unit 2), BIADA, Kandra Industrial Area, Bhitia, District Dhanbad, Jharkhand.

Matter was discussed in 12th meeting of SEAC held on 26th to 29th December 2013 and the project was recommended to SEIAA for their consideration for grant of EC. SEIAA wanted to get certain clarification / amendments and have referred the file to SEAC. The amendment to EIA Report has been forwarded by SEIAA vide letter no. 506, dated 26.09.2014.

Presentation was made by the Consultant and PP. Based on information provided and presentation made the Committee recommends that the proposal be considered by SEIAA for grant of EC. The various conditions for grant of EC are given **Annexure I**.

2. OSD Coke Private LTD.(Unit 1), Village Amjhore, P.O. Baliapur, District Dhanbad, Jharkhand.

Matter was discussed in 12th meeting of SEAC held on 26th to 29th December 2013 and the project was recommended to SEIAA for their consideration for grant of EC. SEIAA wanted to get certain clarification / amendments and have referred the file to SEAC. The amendment to EIA Report has been forwarded by SEIAA vide letter no. 506, dated 26.09.2014.

Presentation was made by the Consultant and PP. Based on information provided and presentation made the Committee recommends that the proposal be considered by SEIAA for grant of EC. The various conditions for grant of EC are given **Annexure II**.

3. Low Ash Hard Coke cum Coal Washery unit of M/s Ma Chhinmastika Sponge Iron Ltd at Village - Harway, P .O- Karma, District - Ramgarh, Jharkhand.

Matter was discussed in 11th meeting of SEAC held on 20th to 23rd November 2013. SEAC has already forwarded its views to SEIAA for its consideration. SEIAA has taken a decision that Proponents are required to resubmit the EIA / EMP Reports.

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consideration of SEIAA for grant of EC. The various conditions for grant of EC are given Annexure - IV

II. Stone Mine of Mr. Arun Kumar Ladia at Village – Lakhanpur, Block- Bengabad, Dist.- Giridih, Jharkhand.(0.732 Ha)

This is a Stone Mining Project for having an area of 0.732 Ha [Plot No- 4 & 5 (P)] . The committee noted that as per Form I it is a proposal for new project for which PP is seeking EC. Considering the fact that it is B2 Category Project - as per EIA Notification dated 14.09.2006 the environmental impact assessment as well as Public Consultation is not required. The committee felt that TOR is not required, nor any formal EIA/EMP is to be prepared in the instant case. These prescribed exemptions (Based on SEIAA guidelines and decision taken vide MOEF Notification dated 14.09.2006) are recommended by the Committee in the instant case.

The project was reviewed with respect to proposed Mining Plan, Environmental protection measures proposed to be adopted, proposal for carrying out CSR activities for socio-economic development, development of green belt, due consideration of occupational health, etc. In view of the size of the mine, production rate and the mineral mined and the assurance given by PP that he will give due consideration to environment by maintaining haul roads and water sprinkling on same, carrying out CSR activities for socio-economic development, development of green belt, due consideration of occupational health of persons engaged in mining. The committee felt that the operation of the mine will have not have any major impact on the surroundings. The indicated project cost is Rs 10.75 Lakhs and a provision of Rs 2.64 Lakhs will be kept for Environment management.

The details of mine capacity as provided in Mining Plan are

Mineable Proved Reserve : 96,188 t

Year-wise Production as proposed under Mining Plan Report for five years is as follows

1 st Year	:	10,214 t
2 nd Year	:	10,263 t
3 rd Year	:	10,252 t
4 th Year	:	10,341 t
5 th Year	:	10,276 t

The daily production as per Form I is 35 tonnes.

PP has submitted certificates from Circle Officer, DFO & DMO. The informations were examined and found to be satisfactory.

Based on the presentation made and information provided, the Committee recommends that the proposal for Stone Mine of Mr. Arun Kumar Ladia at Village – Lakhanpur, Block- Bengabad, Dist.- Giridih, Jharkhand.(0.732 Ha) be recommended for consideration of SEIAA for grant of EC. The various conditions for grant of EC are given Annexure - IV

III. Stone Mine of Smt. Saroj Minj at Village- Karoundajor, Tehsil- Bharno, Dist.- Gumla , Jharkhand (3.64 Ha)

This is a Stone Mining Project for having an area of 3.64 Ha [Plot No- 1827 (P)] . The committee noted that as per Form I it is a proposal for new project for which PP is seeking EC. Considering the fact that it is B2 Category Project - as per EIA Notification dated 14.09.2006 the environmental impact assessment as well as Public Consultation is not required. The committee felt that TOR is not required, nor any formal EIA/EMP is to be prepared in the instant case.

[Handwritten signatures]

Minutes of the 28th meeting of State level Environment Impact Assessment Authority, Jharkhand, held on 30th December, 2014.

The 28th meeting of the State Level Environment Impact Assessment Authority (SEIAA) was convened on 30/12/2014 at the office of SEIAA, Ranchi. The meeting was chaired by Dr. Gurdeep Singh, Chairman SEIAA Jharkhand. The attendance at the meeting is as follows:

1. Dr. Gurdeep Singh, Chairman, SEIAA, Jharkhand, Ranchi.
2. Shri A.K Gupta, Member Secretary, SEIAA, Jharkhand, Ranchi.

The decisions taken in the 28th SEIAA meeting are as follows -

1. Minutes of the meeting of SEIAA, Jharkhand held on 11th December, 2014 were confirmed.
2. SEIAA had referred the following proposals to SEAC for reconsideration on certain grounds. SEAC has again sent its recommendations regarding these proposals. SEIAA considered the recommendations made by SEAC regarding grant of Environmental Clearance to these proposals and took decisions as follows -

- a) OSD Coke Private LTD. (Unit 2), BIADA, Kandra Industrial Area, Bhitia, District Dhanbad, Jharkhand.
- b) OSD Coke Private LTD.(Unit 1), Village Amjhore, P.O. Ballapur, District Dhanbad, Jharkhand.

SEIAA had referred these matters back to SEAC with specific observations. In its recommendations SEAC has not given specific comments on those specific observations. Based on presentation made by consultant and project proponent, the SEAC has recommended for EC. SEAC needs to make recommendations mentioning specifically on the issues raised by SEIAA.

- c) Low Ash Hard Coke cum Coal Washery unit of M/s Ma Chhinmastika Sponge Iron Ltd at Village - Harway, P.O- Karma, District - Ramgarh, Jharkhand.

Project Proponent was supposed to resubmit the EIA/EMP Reports in view of the observations made by SEIAA. The matter was referred back to SEAC for reconsideration on the issues raised by SEIAA. The proponent has not yet submitted the revised reports. Many opportunities were given to the project proponent but they failed to comply. SEIAA, under the circumstances, decided to reject the proposal.

- d) Stone Boulder Mining of M/s Shaping Mines & Minerals Pvt. Ltd at Village- Bhullia, P.O- Saraikela Kharsawan, District-Saraikela, Jharkhand (1.68 Ha)

SEAC has recommended the grant of EC to the project proposal. SEIAA had referred the matter back to SEAC as the certificate issued by CO, Rajnagar had shown a water body within 500 m distance of the project. SEAC has now relied its recommendation to grant EC on a revised certificate issued by CO, Rajnagar that mentions no water body within 500 m distance of the project. It is found that there are two different reports submitted by CO, Rajnagar.

SEIAA decides that SEAC makes a site inspection and then make its recommendations.


30/12


30-12-2014

statement was not correct and that all the members invariably sign on the minutes of SEAC meeting.

SEIAA once again observes that the minutes of SEAC meeting forwarded to it do not bear the signatures of all the members. SEAC would like to forward the minutes bearing the signature of all the members.

6. SEIAA considered the recommendations made by SEAC to grant the Environmental Clearance to the following project proposals related to stone mining -

- i. Damdami Stone Mine of M/s Maa Stone Works at Village.- Damdami, P.S. & Block- Husainabad, District- Palamu, Jharkhand (4.047 Ha)
- ii. Stone Mine of Mr. Arun Kumar Ladia at Village - Lakhanpur, Block- Bengabad, District- Giridih, Jharkhand.(0.732 Ha)
- iii. Stone Mine of Smt. Saroj Minj at Village- Karoundajor, Tehsil- Bharno, District-Gumla, Jharkhand (3.64 Ha)
- iv. Gadwa Stone Deposit of Shri Ram Niwas Yadav at Village- Gadwa, Thana- Taljhari, District-Sahibganj Jharkhand (3.67 Ha).
- v. Saharpur Stone Deposit of Shri Kaushal Kishore Singh & Shri Harinandan Choudhary at Village- Dudhani, P.S. -Dumka, District- Dumka, Jharkhand (1.137 Ha)
- vi. Stone Mine of M/s Janta Stone Works at Village- Ledatand, P.S.- Topchachi, District Dhanbad, Jharkhand. (0.708 Ha)
- vii. Stone Mine of Mr. Santosh Kumar Munshi at Village.- Gendanawadih, P.S.- Topchanchi, District- Dhanbad ,Jharkhand.(1.214 Ha)
- viii. M/s Okhargara Stone Mines of Mr. Sunil Kumar Sharma at Village.- Okhargara, Tehsil- Meral, District- Garhwa, Jharkhand (0.50 Ha)
- ix. M/s New India Industries (Stone Mine) at Village - Dumariatand, Tehsil- Suriya, District- Giridih Jharkhand (1.79 Ha).
- x. Chorganwa Stone Mines of Shri Teklal Saw at Village- Chorganwa, P.S. -Mahuatand, District- Bokaro, Jharkhand (0.486 Ha.)

SEIAA agrees with the recommendations made by SEAC to grant Environmental Clearance (EC) to these project proposals. SEIAA, therefore, decides to grant EC to these projects on the conditions recommended by SEAC.

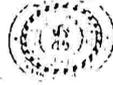
7. SEIAA considered the recommendations made by SEAC to grant the Environmental Clearance to the following project proposals related to brick clay mining -

- 1. Brick Clay Mining of M/s SPM Bricks at Village Rakua, P.O-Sutri, P.S- Gola, District- Ramgarh, Jharkhand(1.00 Ha).

[Handwritten signature]
30/12

3

[Handwritten signature]
30-12-14



कार्यालय, वन प्रमण्डल पदाधिकारी, गिरिडीह पूर्वी वन प्रमण्डल।
मोहनपुर, पोस्ट-पचम्या, जिला-गिरिडीह, पिन कोड-815316
email-dfo-giriidih@jha.gov.in, Phone No.-06532-222127

24

पत्रांक- L/2-6 | दिनांक- 21/12/22

सेवा में,

सदस्य सचिव,
राज्य पर्यावरण प्रभाव आकलन प्राधिकरण,
झारखण्ड।

विषय - मौजा-लखनपुर, थाना- बेंगाबाद, थाना न0-349, जिला- गिरिडीह के खेसरा रां0-4 एवं 5 अंश में कुल रकबा-1.81 एकड़ क्षेत्र पर खनन पट्टा के लिए निर्गत पर्यावरणीय स्वीकृति (EC) को निरस्त करने के संबंध में।
प्रसंग - इस कार्यालय का पत्रांक 4119 दिनांक 14.12.2022 एवं पत्रांक 4184 दिनांक 15.12.2022

महाशय,

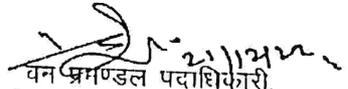
उपर्युक्त विषय में सूचित करना है कि प्रासंगिक पत्र का अवलोकन करने की कृपा की जाय। लीजधारक द्वारा मे मौजा-लखनपुर, थाना- बेंगाबाद, थाना न0-349 के अधिसूचित प्लॉट नं0-1 पर खनन कार्य किया गया है। जिसके विरुद्ध वनवाद दायर की गई है।

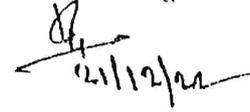
आपसे प्राप्त निर्देश के आलोक में दायर वनवाद की छाया प्रति इस पत्र के साथ संलग्न प्रेषित है।

अतः पुनः अनुरोध है कि खनन पट्टा वन भूमि से शून्य मीटर की दूरी पर अवस्थित होने एवं लीजधारक द्वारा गैरफानूनी ढंग से वन भूमि में खनन कार्य करने के कारण खनन प्रतिष्ठान को निर्गत पर्यावरणीय स्वीकृति (EC) निरस्त करने की कृपा की जाय।

अनु. - अर्थात्कृत।

विश्वासभाजन,


वन प्रमण्डल पदाधिकारी,
गिरिडीह पूर्वी वन प्रमण्डल।


21/12/22

वन, पर्यावरण एवं जलवायु परिवर्तन विभाग, झारखण्ड

26

जिरिडीह पूर्वी वन प्रमण्डल

Handwritten notes in Hindi, possibly 'अपराध रिपोर्ट'.

टिप्पणी-यह रिपोर्ट पता लगाने को 24 घंटे में जन्दा प्रस्तुत की जानी चाहिए।

अपराध रिपोर्ट सं. 014-20.....

तारीख 12/11/2022

थाना - बेगाबाद

1. घटना स्थल- लखनपुर सरकारी वन

2. पता लगाने की तारीख और समय - 12/11/2022, अपराहन करीब 2 बजे-

3. अपराधी का नाम, उसके पिता का नाम और निवास - ① मो. शिराज मिश्रा, पिता - अजय शर्मा
② इलियास मिश्रा, पिता - अजय शर्मा
दोनों का शक्तिन - धोड़शाम्भा, थाना - रामदानवार, जिला - जिरिडीह

4. जप्त सम्पत्ति यदि हो - लगभग 500 cft टुटा काला पत्थर

5. जप्त सम्पत्ति की अभिरक्षा - सतन दास, पिता - गोबर्धन दास
शक्तिन - मंडरडीह, थाना - बेगाबाद, जिला - जिरिडीह

6. साक्षी का नाम उसके पिता का नाम और निवास यदि हो - 1. श्री आशीष रंजन मिश्रा
2. श्री रोहित कुमार पंडित
3. श्री दिवाकर कुमार तोंडी
4. श्री शरिसर अराफात

7. अपराध का स्वरूप और तथ्य विवरण - शर्मा - वनरक्षी, झरचुट्टा वन प्रमण्डल, बेगाबाद
भारतीय वन अधिनियम 1927 (विभाग 33(1)(b) एवं 33(1)(c) के तहत)

सेवा में,

वन परिसर प्रदाधिकारी
गाण्डेश वन परिसर

(27)

महाशय,

सादर सूचित करना है कि मैं दिनांक 12/11/2022 को अ
सहकर्मियों ① श्री आशीष रंजन मिश्र ② श्री रोहित कुमार घोस्ट
③ श्री दिवाकर कुमार तंती ④ श्री गणेश आराफात, सभी वन
सुरक्षुद्धा वन प्रक्षेत्र एवं प्रभारी वनपाल श्री विश्वनाथ सिंह
साधा, वनक्षेत्र कार्यालय से प्राप्त पत्र के आलोक में मौजा-लख-
शाना-बेंगावादा के थाना सं-349 का प्लॉट संख्या एक (1),
एक अधिसूचित वन है का सर्वे किया, सर्वे के क्रम में प्रायः
प्लॉट संख्या 1 में एक काला पत्थर का खदान बना हुआ है।
तथा वहाँ लगभग 500 CFY काला पत्थर डुबा हुआ प्रायः, जिसे
मेरे द्वारा भारतीय वन अधिनियम 1927 (बिहार संशोधन 198
की धारा 52 के तहत जाप्त कर घटना स्थल पर ही जाप्त
सुची तैयार किया तथा जाप्त प्रदाय को सुरक्षित हेतु सतन द
पिता-गोबरदान दास, साकिन-ग्राम-मंडरडीह, थाना-बेंगावादा,
जिला-जिरिडीह को दिशा दिया। मेरे द्वारा खनन कार्य को बंद
दिया गया है। आस-पास प्रजातियों से पुष्टता करने पर प्सा
चला कि अपराध कॉलम में अंकित अभियुक्तों द्वारा प्लॉट सं-
में खनन का कार्य किया गया है।

भारतीय वन अधिनियम 1927 (बिहार संशोधन वन 3
1989) की धारा 33 (1) b एवं 33 (1) (c) के तहत अधिसूचित व
शुमि में अवैध खनन दृष्टिकोण अपराध है।
अतः श्रीमान से अनुरोध है कि अभियुक्तों पर उचित कानूनी कार्य
करने कि कृपा करें।

आपका विश्वासी
गौतम कुमार दास (वनक्षेत्री)
उप-परिसर-फुको
दिनांक - 12/11/2022

(SEIZURE REPORT)

जिरीदार सूची का प्रथम खंड को संपत्ति-कार में प्रविष्ट वन अपराध में शामिल जमा सूची

इंडेन्ट का क्र. 22/2022/... वन परिसर का नाम ... वन परिसर का नाम ...

28

(1) घटना का तिथि एवं समय- (क) 12/11/2022 (ख) 12/11/2022

(2) घटना स्थल का पूर्ण विवरण- एरवनापुर

(3) घटना स्थल की सीमा:- (क) डू - पील - 1/5 (ख) डू - पील - 02 (ग) डू - पील - 2 (घ) डू - पील - 1/2

(4) अभियुक्तों का नाम, पिता का नाम एवं पता:- (क) गीत खिरान गिरी - अजित (ख) खलियास गिरी - अजित (ग) दीनी का लाली - अजित (घ) खलियास गिरी - अजित (ङ) खलियास गिरी - अजित

(5) जब वन पदार्थ/वाहन का विस्तृत ब्यौरा:- (क) लगेगा 500 की डूटा हुआ काला पत्थर (ख) (ग) (घ) (ङ)

(6) वन अभियोग का नाम एवं धारा जिसके तहत वन पदार्थ जब विना गया:- (क) लगेगा वन अधिनियम (विहार संसदीय कानून अधिनियम 1987) की धारा 52 के अन्तर्गत (ख) (ग) (घ) (ङ)

(7) वन अभियोग का नाम एवं सुरंगत धारा जिसका उल्लंघन अभियुक्तों के द्वारा किया गया है:- (क) लगेगा वन अधिनियम 1927 (विहार संसदीय कानून अधिनियम 1987) की धारा 33 के अन्तर्गत (ख) (ग) (घ) (ङ)

(8) जब वन पदार्थ/वाहन कि अभिरक्षा:- खलियास गिरी - अजित (सुरक्षित कहाँ रखा गया है) - खलियास गिरी - अजित

(9) स्वतंत्र गवाह का नाम, पिता का नाम एवं पता:- (क) 'नहीं' (ख)

अभियुक्त- यदि स्वतंत्र गवाह उपलब्ध नहीं हो तो उक्त भी उल्लेख कॉलम नं- 09 में करना अनिवार्य है।

(10) सरकारी गवाहों का नाम एवं पता:- (क) गुरदीप सिंह खलियास गिरी, एरवनापुर (ख) खलियास गिरी (ग) खलियास गिरी (घ) खलियास गिरी

(11) जमी सूची की प्रति गिरफ्तार अभियुक्तों का दिये जाने का प्रमाण:-

एक प्रति प्राप्त किया

अभियुक्त

(प्राप्ति का प्रमाण अंगित करें हस्ताक्षर तिथि सहित)

अजित कुमार खलियास गिरी 12/11/22 (लगेगा) जमी पदाधिकारी का नाम परमाणु एवं हस्ताक्षर तिथि सहित पदनाम का स्वसंकेत/मोहर

(29)

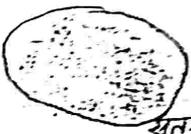
जिम्मानामा

ने श्रीमान. अ. ७४....., पिता श्रीमान. दे. ४४....., ग्राम गणेशपुरी

घाना दे. ११४०....., जिला पिपरीडह का निवासी हूँ तथा मैंने जय विजय वन पदार्थ/सम्पत्ति को अपने विवेक
लिया हूँ। जय विजय वन पदार्थ/सम्पत्ति को जय वनों भी सरकार भौग करेगी, मैं जय पदार्थ/सम्पत्ति को खरीदा हूँ।

• जय वन पदार्थ का विवरण :- लकड़ें - 500 cft काटा पट्टा

श्रीमान. कुमार दे. ११४ (वनक्षी)
जिम्मा देने वाले वन पदाधिकारी, का हस्ताक्षर
मकान :- गणेशपुरी दे. ११४
पिपरीडह दे. ११४


श्रीमान. दे. ११४
जिम्मा लेने वाले का हस्ताक्षर एवं दिनांक



राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड

State Level Environment Impact Assessment Authority, Jharkhand

पौधशाला परिसर, धुर्वा चरा स्टैण्ड के समीप, पो०+थाना-धुर्वा, राँची झारखण्ड, 834004

ई-मेल. msseiaa.jhk@gmail.com; वेबसाइट. www.jseiaa.org

Annexure - D

30

पत्रांक : 319

राँची, दिनांक : 22.12.2022

प्रेषक:

अशोक कुमार, भा०व०से०,
सदस्य सचिव, SEIAA,
झारखण्ड, राँची।

सेवा में,

श्री अरुण कुमार लाडिया,
पिता : स्व० विश्वनाथ प्रसाद,
ग्राम : टुण्डी, पो० + थाना : गिरिडीह,
जिला : गिरिडीह - 815301,
झारखण्ड।

विषय : श्री अरुण कुमार लाडिया का पत्थर खनन परियोजना मौजा : लखनपुर,
थाना : बेंगाबाद, जिला : गिरिडीह के खेसरा सं० 4 एवं 5 (अंश) (1.81
एकड़/0.732 हे०) के संबंध में।

प्रसंग : - वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल का पत्रांक 391,
दिनांक 25.02.2014, पत्रांक 4184, दिनांक 15.12.2022 एवं पत्रांक 4261,
दिनांक 21.12.2022।

महाशय,

उपर्युक्त विषयक क्रम में सूचित करना है कि आपके द्वारा पर्यावरणीय स्वीकृति हेतु आवेदित प्रस्ताव के साथ संलग्न वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के प्रारंभिक पत्र दिनांक 25.02.2014 द्वारा निर्गत प्रस्तावित भूमि से वन भूमि की दूरी (500 मीटर से अधिक होने) संबंधी प्रमाण-पत्र के आलोक में तत्कालीन SEAC, झारखण्ड की 24वीं बैठक दिनांक 15 से 18.12.2014 के अनुशंसा के आलोक में तत्कालीन SEIAA, झारखण्ड की 28वीं बैठक दिनांक 30.12.2014 के अनुमोदनोपरांत इस कार्यालय के पत्रांक EC/SEIAA/2014-15/518/2014/703, दिनांक 31.12.2014 द्वारा विषयक परियोजना के पक्ष में पर्यावरणीय स्वीकृति निर्गत की गयी थी।

वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के प्रारंभिक पत्र दिनांक 15.12.2022 द्वारा प्रतिवेदित किया गया है कि मौजा लखनपुर, थाना बेंगाबाद के प्लॉट सं० 4 एवं 5 (अंश) वनभूमि से शून्य मीटर की दूरी पर अवस्थित है तथा गैर-कानूनी ढंग से अधिसूचित प्लॉट सं० 01 वन भूमि पर भी खनन कार्य करने की सूचना प्रतिवेदित है।

SEIAA, झारखण्ड द्वारा आपके परियोजना के पक्ष में निर्गत पर्यावरणीय स्वीकृति पत्रांक 703, दिनांक 31.12.2014 के विशिष्ट शर्त के कंडिका 6 एवं 10 में भी निम्न शर्त उद्धृत है :-

(31)

"6. No mining shall be undertaken in the forest area without obtaining requisite prior forestry clearance. Minimum distance shall be maintained from Reserved / Protected Forest as stipulated in SEIAA Guidelines.

10. PP shall maintain minimum distance from Reserved / Protected Forest as stipulated in applicable guidelines."

उपरोक्त तथ्य के आलोक में परिलक्षित होता है कि आपके द्वारा उपरोक्त शर्तों का न पालन करते हुए पर्यावरण (संरक्षण) अधिनियम, 1986 के प्रावधान का उल्लंघन किया गया है। साथ ही, भारतीय वन अधिनियम 1927 की धारा 33 के तहत अपराध किया गया है।

अतः उपरोक्त तथ्य के आलोक में विषयक परियोजना की पर्यावरणीय स्वीकृति को तत्काल प्रभाव से पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के अधिसूचना सं० 637 (अ), दिनांक 28.02.2014 द्वारा प्रदत्त शक्तियों के आलोक में **abeyance** में रखा जाता है तथा साथ ही पत्र प्राप्ति के 15 दिनों के अंदर अपना स्पष्टीकरण इस कार्यालय में समर्पित करें। आपका स्पष्टीकरण निर्धारित समय-सीमा के अंदर प्राप्त नहीं होने की स्थिति में पूर्व निर्गत पर्यावरणीय स्वीकृति पत्र सं० EC/SEIAA/2014-15/518/2014/703 दिनांक 31.12.2014 को तत्काल प्रभाव से वापस लेने की कार्यवाही की जायेगी।

विश्वासभाजन्

ह०/—

सदस्य सचिव,

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, रांची।

ज्ञापांक :

दिनांक :

प्रतिलिपि : सदस्य सचिव, झारखण्ड राज्य प्रदूषण नियंत्रण पर्सद, रांची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

अवगत कराना है कि वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के प्रासंगिक पत्र दिनांक 15.12.2022 के आलोक में पूर्व निर्गत पर्यावरणीय स्वीकृति को तत्काल प्रभाव से **abeyance** में रखा जाता है। तद्आलोक में अपने स्तर से आवश्यक कार्रवाई करने की कृपा की जाय।

ह०/—

सदस्य सचिव,

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, रांची।

ज्ञापांक :

दिनांक :

प्रतिलिपि : उपायुक्त/जिला खनन पदाधिकारी, गिरिडीह को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

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अवगत कराना है कि वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के प्रासंगिक पत्र दिनांक 15.12.2022 के आलोक में पूर्व निर्गत पर्यावरणीय स्वीकृति को तत्काल प्रभाव से **abeyance** में रखा गया है। तद्आलोक में अपने स्तर से आवश्यक कार्रवाई करने की कृपा की जाय।

ह०/-

सदस्य सचिव,

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, रांची।

ज्ञापांक :

दिनांक :

प्रतिलिपि : वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

तत्कालीन वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के प्रासंगिक पत्र दिनांक 25.02.2014 द्वारा आवेदित भूमि से वन सीमा की दूरी 500 मीटर से अधिक प्रतिवेदित की गई है। आपके द्वारा प्रासंगिक पत्र दिनांक 15.12.2022 द्वारा आवेदित भूमि से वन सीमा की दूरी शून्य दर्शायी गयी है।

परियोजना प्रस्तावक एवं वन क्षेत्र पदाधिकारी की उपस्थिति में आप पुनः वन भूमि से दूरी का सत्यापन 10 दिनों के अंदर कराना सुनिश्चित करते हुए प्रतिवेदन से इस कार्यालय को अवगत कराये जिससे मामले में अन्तिम निर्णय लिया जा सके।

सदस्य सचिव, 21/12/2022

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, रांची।

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कार्यालय, वन प्रमण्डल पदाधिकारी, गिरिडीह पूर्वी वन प्रमण्डल।

मोहनपुर, पोस्ट-पचम्बा, जिला-गिरिडीह, पिन कोड-815316

email-dfo-giridih@gov.in, Phone No.-06532-222127

पत्रांक- 1704

दिनांक- 20.5.2023

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सेवा में,

सदस्य सचिव,
राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, रांची।

विषय -

श्री अरुण कुमार लाडिया का पत्थर खनन परियोजना मौजा-लखनपुर, थाना-बेंगाबाद, जिला-गिरिडीह के खेसरा नं० 4 एवं 5 (अंश) कुल रकबा- 1.81 एकड़/0.732 हे० के संबंध में।

प्रसंग -

- (1) इस कार्यालय का पत्रांक 381 दिनांक 25.02.2014
- (2) इस कार्यालय का पत्रांक 4184 दिनांक 15.12.2022
- (3) इस कार्यालय का पत्रांक 4261 दिनांक 21.12.2022
- (4) आपके कार्यालय का पत्रांक 319 दिनांक 22.12.2022 एवं पत्रांक 418 दिनांक 09.02.23 तथा पत्रांक 36 दिनांक 13.04.2023

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्रों के संदर्भ में सूचित करना है कि आपके प्रासंगिक पत्र दिनांक 09.02.2023 द्वारा प्राप्त श्री अरुण कुमार लाडिया द्वारा समर्पित स्पष्टीकरण पर बिन्दुवार मंतव्य निम्नवत है :-

1. आपके कार्यालय के द्वारा निर्गत पत्रांक 319 दिनांक 22.12.2022 द्वारा विषयांकित खनन परियोजना के पक्ष में निर्गत E.C. को रद्द न कर Abeyance में रखा जाना पूर्णतः विधिसम्मत नहीं है, क्योंकि श्री अरुण कुमार लाडिया को मौजा-लखनपुर, थाना-बेंगाबाद, जिला-गिरिडीह के खेसरा नं० 4 एवं 5 पर खनन कार्य हेतु पर्यावरणीय स्वीकृति एवं खनन पट्टा निर्गत किया गया था परन्तु उनके द्वारा उक्त मौजा के खेसरा सं० 4 एवं 5 (अंश) पर खनन कार्य करने के साथ प्लॉट सं०-1 के अधिसूचित वन भूमि एवं जंगल झाड़ भूमि (Deemed Forest) पर खनन कार्य किया गया, जो वन संरक्षण अधिनियम 1980 एवं माननीय सर्वोच्च न्यायालय द्वारा सिविल याचिका सं० 202/95 में दिनांक 12.12.1996 को पारित आदेश का स्पष्ट उल्लंघन है एवं पर्यावरणीय स्वीकृति के निमित्त लगाये गये शर्तों का उल्लंघन है।
2. वन संरक्षण अधिनियम 1980 के प्रावधानों के आलोक में "No State Govt. Or other authorities shall make except with the prior approval of the Central Govt. any order directing that any Reserve Forest or Protected Forest or any portion thereof shall cease to be reserved, may be use for any non forest purpose, may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned managed or controlled by the government."

पुनः माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा वाद सं० WP No. 202/95 T.N. Godavarman Thirumalpad Vs भारत सरकार में दिनांक 12.12.1996को निम्नवत आदेश पारित किया गया है "The word 'forest' must be understood according to its dictionary meaning. This description covered as statutorily recognized forest. whether designated as reserved protected or otherwise for the purpose of section 2 (i) of the Forest Conservation Act. The term "forest land" occurring in section 2 will not only include "forest" as understood in the dictionary sense but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of section 2 (i) of the Act.

29/05/23
29-05-23



इस तरह से श्री अरुण कुमार लाडिया द्वारा बिना पर्यावरण स्वीकृति एवं खनन पट्टा स्वीकृति के वन भूमि पर खनन कार्य कर वन संरक्षण अधिनियम एवं माननीय सर्वोच्च न्यायालय द्वारा पारित आदेश तथा खनन नियमों का उल्लंघन किया गया है।

ज्ञातव्य हो कि वनभूमि पर खनन कार्य करने से श्री अरुण कुमार लाडिया के विरुद्ध वनवाद सं० 2656/22 दिनांक 12.11.2022 दाखिल किया गया है।

3. लीजकर्ता द्वारा वर्तमान में भी SEIAA को गुमराह किया जा रहा है एवं सत्य को छिपाया जा रहा है। उनके द्वारा स्वीकृत खनन कार्य स्थल पर कार्य न कर वनभूमि पर कार्य किया गया है, जो दण्डनीय अपराध है।
4. लीजकर्ता द्वारा दिया गया Statement सत्य से परे है। वन क्षेत्र पदाधिकारी, खुरघुहा द्वारा इस सम्बन्ध में विस्तृत जाँच कर जाँच प्रतिवेदन समर्पित किया गया है। जिसके अवलोकन से स्पष्ट है कि लीजकर्ता द्वारा स्वीकृत लीज स्थल से इतर वर्तमान में अधिसूचित वनभूमि एवं Deemed Forest में खनन कार्य किया गया है, जो वन संरक्षण अधिनियम 1980 एवं माननीय सर्वोच्च न्यायालय द्वारा WP 202/95 में दिनांक 12.12.1996 को पारित आदेश का उल्लंघन है।
5. (i) लीजकर्ता द्वारा दिया गया वक्तव्य तथ्यों से परे एवं गुमराह करने वाला है। यह बात सत्य है कि पूर्व में वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के पत्रांक 391 दिनांक 25.02.2014 के द्वारा मौजा-लखनपुर के प्रस्तावित विषयांकित खनन स्थल प्लॉट सं० 4 एवं 5 (अंश) की वनभूमि से दूरी 500 मीटर प्रतिवेदित की गई। परन्तु कालान्तर में वाट्सएप पर शिकायत प्राप्त होने पर इसकी जाँच की गई एवं पाया गया कि खनन स्थल प्लॉट सं० 4 एवं 5 की दूरी वनभूमि से शून्य मीटर है। इस तरह से पूर्व में प्रतिवेदित दूरी 500 मीटर तथ्य की भूल है एवं भूल का सुधार करते हुए सही तथ्यों को प्रस्तुत करने के लिए किसी वरीय पदाधिकारी की अनुमति की आवश्यकता नहीं है एवं यह पूर्व में पारित आदेश के review की श्रेणी में नहीं आता है।
(ii) इस संबंध में प्रतिवेदित करना है कि लीजकर्ता द्वारा तथ्यों से हटकर दिग्भ्रमित करने का प्रयास किया गया है। Fraud एवं तथ्यों की भूल में अंतर है।
6. Illegal mining by the lessee over plot no. 01 which has been claimed by the Divisional Forest Officer, Giridih East Forest Division to be notified.
(i) लीजकर्ता द्वारा दिये गये वक्तव्य से स्पष्ट है कि खनन कार्य प्लॉट सं० 01 पर किया गया है एवं लीजकर्ता के अनुसार प्लॉट सं० 01 वनभूमि होने के बावजूद भी Jharkhand Minor Mining Concession Rules 2004 (JMMC Rule) के Rule 54 के अनुसार न तो वन प्रमंडल पदाधिकारी और न ही वनरक्षी अवैध खनन के विरुद्ध अभियोजन की कार्रवाई करने के लिए सक्षम हैं। अवैध खनन के विरुद्ध कार्रवाई हेतु राज्य सरकार द्वारा गठित जिला टास्क फोर्स ही सक्षम है। विषयांकित प्लॉट सं० 1 पर अवैध खनन हेतु जिला खनन टास्क फोर्स के अध्यक्ष उपायुक्त, गिरिडीह को सूचित नहीं किया गया है।

यहाँ यह उल्लेखनीय है कि भारतीय वन अधिनियम 1927 के प्रावधानों के उल्लंघन के विरुद्ध कार्रवाई एवं अपराध प्रतिवेदन समर्पित करने हेतु कोई भी वन पदाधिकारी सक्षम है। प्रस्तुत विषय में लीजकर्ता द्वारा वनभूमि/जंगल झाड़ भूमि पर खनन कार्य कर भारतीय वन अधिनियम 1927, वन संरक्षण अधिनियम 1980 के प्रावधानों एवं माननीय सर्वोच्च न्यायालय द्वारा वाद सं० WP 202/95 में दिनांक 12.12.1996 को पारित आदेश का स्पष्ट उल्लंघन किया गया है।

(ii) लीजकर्ता द्वारा प्रतिवेदित किया गया है कि उपायुक्त, गिरिडीह द्वारा Lease area & adjoining area का demarcation के आदेश के आलोक में यह साबित हो गया कि प्लॉट सं० 01 पर अतिक्रमण नहीं हुआ है। इसके पक्ष में उनके द्वारा दिनांक 14.12.2022 को जिला भू-अर्जन अमीन, गिरिडीह द्वारा अपर समाहर्ता को समर्पित पत्र एवं पत्र के साथ नक्शा संलग्न कर दिया गया है। संलग्न नक्शा को यदि सही माना जाय तो स्पष्ट है कि प्लॉट सं० 4 एवं 5 (अंश) पर खनन कार्य दिखाया है एवं प्लॉट सं० 01 में लीज क्षेत्र का रास्ता दिखाया गया है, जो कि वनभूमि है। वनभूमि में रास्ता बनाया जाना नियम विरुद्ध है। इस संबंध में प्रतिवेदित करना है कि उक्त जाँच में केवल अमीन एवं आरोपित लीजकर्ता गो० इलियास ही उपस्थित थे।

पुनः सूचित करना है कि उपायुक्त, गिरिडीह के कार्यालय के पत्रांक 1089 एम0 दिनांक 24.01.2022 के आलोक में अंचल अधिकारी, गिरिडीह द्वारा हल्का राजस्व उप निरीक्षक, प्रभारी अंचल निरीक्षक तथा अमीन से जाँच कर सत्यापन कराते हुए अपने कार्यालय के पत्रांक 622 दिनांक 26.11.2022 एवं 630 दिनांक 26.11.2022 द्वारा जाँच प्रतिवेदन समर्पित किया गया है, जो अनु0- 01 पर संलग्न है।

उक्त जाँच प्रतिवेदन से स्पष्ट है कि लीजकर्ता द्वारा प्लॉट सं0 5 पर खनन कार्य नहीं किया गया है एवं प्लॉट सं0 4 में मात्र 3 डी0 पर पत्थर उत्खनन का कार्य किया गया है। इसके अलावा प्लॉट सं0 01 सर्वे रकवा 81 एकड़ मध्ये 1.53 एकड़ पर पत्थर उत्खनन का कार्य किया गया है, जो गैरमजरूआ खास भूमि है एवं विरग जंगल दर्ज है।

आपके कार्यालय ज्ञापांक-319 दिनांक-22.12.2022 द्वारा दिये गये निर्देश के आलोक में इस कार्यालय के पत्रांक-765 दिनांक- 24.02.2023 द्वारा परियोजना प्रस्तावक को वन क्षेत्र पदाधिकारी की उपस्थिति में वन भूमि से दूरी का सत्यापन हेतु दिनांक-11.03.2023 को स्थल पर उपस्थित रहने हेतु अनुरोध किया गया (छाया प्रति अनु0-02 पर संलग्न)। वन क्षेत्र पदाधिकारी, खुरचुट्टा वन प्रक्षेत्र द्वारा अपने कार्यालय पत्रांक-176 दिनांक-15.05.2023 द्वारा सूचित किया गया है कि उक्त निर्धारित तिथि को 12.00 बजे पूर्वा0 संबंधित प्रभारी वनपाल श्री विश्वनाथ सिंह एवं संबंधित वनरक्षी श्री गौतम कुमार दास के साथ संयुक्त सत्यापन हेतु लखनपुर पहुँचे। परन्तु 3.00 बजे अप0 तक परियोजना प्रस्तावक के कोई भी सदस्य/प्रतिनिधि उपस्थित नहीं हुए। मोबाईल से वार्ता करने पर उन्हें ज्ञात हुआ कि परियोजना प्रस्तावक अपने अमीन के साथ जांच पड़ताल किये हैं और पुराने जांच से संतुष्ट एवं सहमत हुए हैं।

उक्त तथ्यों से स्पष्ट है कि वर्ष 2014 में लीज स्वीकृति के पश्चात् स्वीकृत स्थल यथा प्लॉट सं0 4 एवं 5 (अंश) में से केवल प्लॉट सं0 4 में स्वीकृत लीज भेत्र 1.81 एकड़ के विरुद्ध मात्र 0.03 एकड़ में ही खनन कार्य किया गया, शेष प्लॉट सं0 01 में पत्थर खनन एवं पत्थर डंप करने का कार्य किया गया है, जो वनभूमि/जंगल झाड़ी भूमि है। इस प्रकार लीज-धारक द्वारा स्वीकृत लीज स्थल से हट कर वन भूमि/जंगल-झाड़ी भूमि पर खनन कार्य किया गया है। जो भारतीय वन एवं वन संरक्षण अधिनियम 1980 का उल्लंघन तथा सीविल रीट याचिका सं0-202/95 में दिनांक-12.12.1996 को माननीय सर्वोच्च न्यायालय, नई दिल्ली के द्वारा पारित आदेश की अवमानना है।

अतः अनुरोध है कि उपर्युक्त तथ्यों के आलोक में विषयक खनन प्रतिष्ठान को निर्गत पर्यावरणीय स्वीकृति को अविलम्ब निरस्त करने की कृपा की जाय।

अनु0-यथोक्त।

विश्वासभाजन,


वन प्रमण्डल पदाधिकारी,
गिरिडीह पूर्वी वन प्रमण्डल।


20/5/24



अंचल अधिकारी का कार्यालय बेंगाबाद

ई-मेल:- circlebengabad@gmail.com

पत्रांक 630 / दिनांक 26/11/22।

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अंचल अधिकारी,
बेंगाबाद।

सेना में,

उपायुक्त-सह-जिला दण्डाधिकारी,
गिरिडीह।

विषय :- संशोधित जाँच प्रतिवेदन भेजने के संबंध में।

प्रसंग :- भवदीय पत्रांक 1089/एम०, दिनांक 24.11.2022

महाशय,

उपर्युक्त विषय प्रासंगिक पत्र के आलोक में इस कार्यालय के पत्रांक 622, दिनांक 26.11.2022 के द्वारा भवदीय को ई-मेल एवं Whatsapp के माध्यम से समर्पित किया गया है, जिर आंशिक संशोधन करते हुए पुनः हल्का राजरव उपनिरीक्षक एवं प्रभारी अंचल निरीक्षक तथा अमीन रं जाँच कर सत्यापन कराई गई। जाँच प्रतिवेदन निम्नवत् है :-

मौजा लखनपुर, थाना नं० 349, प्लॉट सं० 4 में रकवा 3 डी० पर पत्थर उत्खनन का कार्य किया गया है एवं प्लॉट सं० 5 पर उत्खनन कार्य नहीं किया गया है। खाता सं० 1, प्लॉट सं० 1 सर्वे रकवा 81 एकड़ के मध्ये 1.53 ए० पर पत्थर उत्खनन का कार्य किया गया है, जो गैरमजरूआ खास खाते की भूमि है एवं किस्म जंगल दर्ज है।

अतः जाँच प्रतिवेदन समर्पित।

विश्वासभाजन

26/11/22

अंचल अधिकारी,

बेंगाबाद।



अंचल अधिकारी का कार्यालय वेगावाद
ई मेल: auctelbengabad@govindia.com

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पत्रांक 622 / दिनांक 24/11/22

प्रेषक

अंचल अधिकारी,
वेगावाद।

सेवा में

उपायुक्त-सह-जिला दण्डाधिकारी,
गिरिडीह।

विषय :- जाँच प्रतिवेदन भेजने के संबंध में।

प्रसंग :- भवदीय पत्रांक 1089/एम०, दिनांक 24.11.2022

महाराज,

उपर्युक्त विषय प्रासंगिक पत्र के आलोक में इत्यादि सत्यत उक्त निरीक्षक एवं स्थानीय
अमीन से प्लॉट की जाँच करावाई गयी। जाँच प्रतिवेदन निम्नवत् है :-
गौजा लखनपुर, थाना नं० 349, खाता सं० 1 के अंतर्गत प्लॉट सं० 1 है, जिसका कुल
सर्वे रकबा 81 एकड़ के मध्ये 1.53 ए० भूमि सर्वे खतियान के अनुसार गैरगजरूआ खास किरम भूमि
जंगल दर्ज है, पर पत्थर उत्खनन का कार्य किया गया है।
अतः जाँच प्रतिवेदन समर्पित।

विश्वाराभाजन
अंचल अधिकारी,
वेगावाद।



Save Tree



Save Life



कार्यालय, वन क्षेत्र पदाधिकारी, खुरचुडा वन प्रक्षेत्र।

At-Ratdih, PO-Bengabad, Dist-Giridih (Jharkhand) 815312

(Email id- khurchuttaforestrange@gmail.com)

पत्रांक.....176

दिनांक.....15/05/2023

सेवा में,

वन प्रमण्डल पदाधिकारी,
गिरिडीह पूर्वी वन प्रमण्डल।

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विषय: - मौजा - लखनपुर, थाना-बेंगाबाद, जिला - गिरिडीह के खेसरा सं० 4 एवं 5 (अंश) (1,81 एकड़/0.732 हे०) में धारित खनन पट्टा के संबंध में।
प्रसंग: - भवदीय कार्यालय का ज्ञापांक - 765 दिनांक - 24.02.2023

महाशय,

उपर्युक्त विषयक प्रसंगाधीन पत्र के संबंध में सूचित करना है कि दिनांक 11.03.2023 समय 12:00 बजे पूर्वाह्न संबंधित प्रभारी वनपाल श्री विश्वानाथ सिंह एवं संबंधित वनरक्षी श्री गौतम कुमार दास के साथ लखनपुर रथल पर पहुँचा, पहुँचने के बाद 3:00 बजे तक संबंधित संयुक्त जांच दल में कोई भी व्यवित उपस्थित नहीं हुआ। फिर मैं लखनपुर से अपने मुख्यालय आ गया। मोबाइल से सूचना प्राप्त हुआ कि संबंधित जांच में आवेदको एवं अपने अमीन के साथ जांच पड़ताल किया और पुराने जांच से संतुष्ट एवं सहमत हुआ।

अतः श्रीमान् को सूचनार्थ एवं आवश्यक कार्रवाई हेतु समर्पित।



विश्वासभाजन

15/5/23

वन क्षेत्र पदाधिकारी,
खुरचुडा वन प्रक्षेत्र।

Annexure -
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अंचल अधिकारी का कार्यालय बेंगाबाद

ई-मेल- circlebengabad@gmail.com

28 NOV 2022

गिरिडीह साखा
गिरिडीह
प्रपक

पत्रांक 630 / दिनांक 26/11/22।

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अंचल अधिकारी,
बेंगाबाद।

उपायुक्त-सह-जिला दण्डाधिकारी,
गिरिडीह।

विषय :- संशोधित जाँच प्रतिवेदन भेजने के संबंध में।
प्रसंग :- भवदीय पत्रांक 1089/एम०, दिनांक 24.11.2022

महाशय,

उपर्युक्त विषय प्रासंगिक पत्र के आलोक में इस कार्यालय के पत्रांक 622, दिन 26.11.2022 के द्वारा भवदीय को ई-मेल एवं Whatsapp के माध्यम से समर्पित किया गया है, जि आंशिक संशोधन करते हुए पुनः हत्का राजस्व उपनिरीक्षक एवं प्रभारी अंचल निरीक्षक तथा अमीन जाँच कर सत्यापन कराई गई। जाँच प्रतिवेदन निम्नवत् है :-

मौजा लखनपुर, थाना नं० 349, प्लॉट सं० 4 में रकवा 3 डी० पर पत्थर उत्खनन कार्य किया गया है एवं प्लॉट सं० 5 पर उत्खनन कार्य नहीं किया गया है। खाता सं० 1, प्लॉट सं० सर्वे रकवा 81 एकड़ के मध्ये 1.53 ए० पर पत्थर उत्खनन का कार्य किया गया है, जो गौरमजरू खास खाते की भूमि है एवं किस्म जंगल दर्ज है।

अतः जाँच प्रतिवेदन समर्पित।

विश्वासभाजन

26/11/22

अंचल, अधिकारी,

बेंगाबाद।



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**State Level Environment Impact Assessment Authority at
Jharkhand**

DFO, Giridih East Division, GiridihComplainant

Versus

Shri Arun Kumar LadiaProject Authority(ies)

In the matter of

**Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village –
Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (0.732
Ha).**

22.06.2023

The case was heard on 22.06.2023 under the provision of 8(vi) of EIA notification, 2006. DFO, Giridih East Division, Giridih Shri Parvesh Agrawal and project proponent Shri Arun Kmar Ladia along with his authorized representative, Shri Raghaw Nandan Prasad of Stone Mine of Shri Arun Kumar Ladia (Area : (0.732 Ha) District – Giridih, Jharkhand were present before Member Secretary, SEIAA.

Brief history of case:-

1. The project proponent Shri Arun Kmar Ladia has submitted application on 07.11.2014 for grant of Environmental Clearance of the stone mining project i.e. Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand

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(Area : 0.732 Ha) with all requisite documents such as Form-1, P.F.R., Mine Plan and other statutory documents like NOC given by Gram Sabha, the relevant certificates issued by CO, DMO and DFO. One of criteria for requirement of Environmental Clearance is the distance from forest boundary should be minimum 250 meter.

2. Then DFO, Giridih East Division, Giridih issued the certificate regarding the distance from forest boundary and mining lease vide its letter no. 391, dated 25.02.2014 (copy enclosed), in which it was mentioned that the distance of boundary of mining lease area from notified forest boundary is more than 500 meter.
3. On the basis of aforesaid and alongwith other mandatory documents, the project proposal was appraised by then SEAC in its 24th meeting held on 15th to 18th December, 2014 and project was recommended for Environmental Clearance. In the light of recommendation of SEAC Environmental Clearance was granted by the then SEIAA in its 28th meeting held on 30th December, 2014. Accordingly EC letter was issued vide letter no. : EC/SEIAA/2014-15/518/2014/703, dated : 31.12.2014 with certain conditions.
4. The present DFO, Giridih East Division, Giridih vide its letter no. : 4261, dated : 21.12.2022 (copy enclosed) has made a complaint that actual distance of mining lease area of Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (Area : 0.732 Ha) is only zero(0) meter and previous certificate issued by then DFO vide letter no 391 dated 25.02.2014 is wrong / incorrect. DFO has further reiterated that project authority has also

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done illegal mining activity on plot no 01, which is notified forest and therefore a forest case has also been ledged against the project proponent for illegal mining on notified forest and emphasized that due to distance of zero(0) meter of aforesaid mining lease, it is causing adverse impact on forest and also requested to cancel the Environmental Clearance.

- 5. After receiving the complaint from DFO, Giridih East Division, Giridih vide its letter no. 4261, dated : 21.12.2022, a show cause notice was issued to project Authority, Shri Arun Kumar Ladia vide SEIAA letter no. : 319, dated 22.12.2022. Project Authority Shri Arun Kumar Ladia submitted his reply of show cause vide its letter no. zero, dated 10.01.2023, in the light of para 8(vi) of EIA notification, 2006 as referred below:

"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".

Thereafter a clarification was sought on show cause reply given by Shri Arun Kumar Ladia (Project Authority) from DFO, Giridih East Division, Giridih vide SEIAA letter no. 418, dated : 09.02.2023. The DFO, Giridih East Division, Giridih vide its letter no. : 1704, dated : 20.05.2023 submitted its clarification.

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6. In the clarification of DFO, Giridih East Division, stated that plot no. 01 and plot no. 04 are adjacent to each other. The plot no. 01 is notified forest area and plot no. 04 is area on which mining lease has been granted. Thus distance of boundary of mining lease area i.e. plot no. 04 is at zero(0) meter from notified forest. The actual distance of mining lease boundary is zero (0) meter and is inappropriate for the requirement of Environmental Clearance i.e. 250 meter.
7. As per the provision para 8(vi) of EIA notification 2006, a date 22.06.2023 was decided for personal hearings of both the parties and letter was issued vide SEIAA letter no. 142, dated 12.06.2023 to the DFO, Giridih East Division, Giridih and Project Authority Shri Arun Kumar Ladia to appear before the Member Secretary, SEIAA on 22.06.2023 for hearing of both parties.

Findings:-

8. Shri Pravesh Agarwal, Present DFO Giridih East Division, Giridih and Shri Arun Kumar Ladia with authorised representative Shri Raghaw Nandan Prasad appeared before Member Secretary, SEIAA on 22.06.2023. The DFO, Giridih East Division reiterated the same facts as mentioned in his clarification letter no. 1704, dated 20.05.2023 that distance between plot no. 04 (on which mining lease was granted) and plot no. 01 (notified forest land) is zero(0) meter. He also emphasized that project proponent Shri Arun Kumar Ladia has also done illegal mining activity on plot no. 01, which is notified forest and produced documentary evidence like cadastral map, which clearly shows that plot no.01 is adjacent to the plot no. 04.

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9. The D.F.O., Giridih East Division has also submitted the letter no. 630 dated 26.11.2022 of Circle Officer, Bengabad, which addressed to the Deputy Commissioner, Giridih under the subject "inspection report" (Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (0.732 Ha) wherein it has been clearly written that:

“ मौजा लखनपुर थाना नं० 349, प्लॉट सं० 04 में रकवा 03 डी० पर पत्थर उत्खनन का कार्य किया गया है एवं प्लॉट सं० 05 पर उत्खनन कार्य नहीं किया गया है। खाता सं० 01, प्लॉट सं० 01 सर्वे रकवा 81 एकड़ के मध्ये 1.53 ए० पर पत्थर उत्खनन का कार्य किया गया है, जो गैरमजरूआ खास खाते की भूमि है एवं किस्म जंगल दर्ज है।”

10. Project Proponent through authorized representative Shri Raghaw Nandan Prasad submitted that total plot area of plot no. 01 is 81 Acre while the total notified area as protected forest is only 49.90 Acre. The Gazettee notification dated 27.12.1953 is read with to the following:

“The nature and extent of the rights of Government and of private persons in or over the forest lands and waste lands comprised in this notification have not yet been enquired into and recorded as laid down in sub-section (3) of section 29 of the said Act, but as the State Government thinks that such enquiry and record will occupy such length of time as in the meantime to endanger the rights of Government and as the enquiry and record-of-right will hereafter be made, this notification is issued subject to all existing rights of individuals or communities”.

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He further submitted the project proponent Shri Arun Kumar Ladia is also a present Ralyat on 01 Acre of land over plot no. 01 vide registered sale deed no. 10553/9519 dated 24.11.2014 of Sub-Registrar, Giridih. He also submitted the project proponent and lessee is in possession of 01 Acre area of plot no. 01 of mouza Lakhanpur. If the D.F.O. is aggrieved he is free to move a Title Suit and/or Jharkhand Public Land Encroachment Act against project proponent before Competent Court.

11. The authorized representative of the project authority Shri Raghaw Nandan Prasad could not controvert the facts regarding distance given by present DFO, Giridih East Division, Giridih from the forest boundary to lease area.

12. On the basis of above facts, it is clear that nearest distance of mining lease boundary from notified forest is zero(0) meter. And the certificate issued by then DFO, Giridih East Division, Giridih issued vide letter no. 391, dated 25.02.2014 was incorrect and this was the important documents for Screening, Scoping and Appraisal of the project under EIA notification, 2006.

In conclusion, it is ample clear that the project proponent has procured incorrect certificate from then DFO, Giridih East Division, Giridih by concealing the fact that plot no. 01 and plot no. 04 are adjacent to each other. This certificate is found False/incorrect and this certificate was the basis of appraisal and issuing Environmental Clearance by SEAC/SEIAA.

EIA notification 2006 does not give any mandate to SEIAA to take any decision on the facts given in para 10 and 11 presented by

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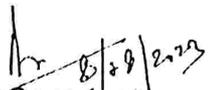
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representative of project proponent. He has the liberty to get relief, if any, from the Competent Authority/Court.

In the light aforesaid facts SEIAA in its 106th meeting held on 3rd and 04th July, 2023 has decided that Environmental Clearance granted to said project is hereby, cancelled with immediate effect under para 8(vi) of the EIA notification, 2006. The SEIAA further decided to request to the State Govt. / PCCF HoFF to take the appropriate / disciplinary actions against erring officials of Giridih East Forest Division for issuing incorrect/wrong distance certificate.

13. Accordingly Environmental Clearance issued to said project vide letter no. EC/SEIAA/2014-15/518/2014/703 dated 31.12.2014 is stand cancelled with immediate effect.

14. This is issued with approval of SEIAA, Jharkhand.


Member Secretary
State Level Environment Impact
Assessment Authority, Jharkhand

Memo No : 205,

Ranchi, Date : 08.08.2023 .

Copy to:

1. Shri Arun Kumar Ladia, S/o Late Vishwanath Prasad, at Village : Tundi, P.O. + P.S. : Giridih, District : Giridih, Jharkhand : 815301 for information and necessary action.
2. Additional Chief Secretary, Department of Forests, Environment & Climate Change, Govt. of Jharkhand with enclosure for information and taking necessary action against the forest officials of Giridih East Forest Division for issuing of wrong certificate.







3. Principal Chief Conservator of Forest (HoFF), Jharkhand, Van Bhawan, Doranda, Ranchi **with enclosure** for information and taking necessary action against the forest officials of Giridih East Forest Division for issuing of wrong certificate.
4. Integrated Regional Office, Ranchi, Ministry of Environment, Forest and Climate Change, 2nd Floor, Jharkhand State Housing Board (HQ), Harmu Chowk, Ranchi, Jharkhand – 834002 for information.
5. Member Secretary, Jharkhand State Pollution Control Board, Ranchi for information and necessary action.
6. Deputy Commissioner, District – Giridih, Jharkhand for information.
7. Divisional Forest Officer, Wildlife Division, Hazaribagh, Jharkhand for information.
8. Divisional Forest Officer, Giridih East Division, Giridih, Jharkhand for information and necessary action. He is requested to send the proposal to initiate disciplinary action against erring officials for issuing incorrect/wrong distance certificated from forest boundary through proper channel.
9. District Mining Officer, Giridih, Jharkhand for information and necessary action.

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Before, The National Green Tribunal
Eastern Zone Bench, Kolkata

VAKALATNAMA FOR Appellant.
Respondent.

Case No. Appeal No of 24 2023.....

.....Mohammad Ilyas.....Petitioner (S)/
Appellant (S)

Versus

.....State of Jharkhand srs.....Opp Party (ies)
Respondent (S)

Know all men by these present that by this Vakalatnama I/We
Ashok Kumar, s/o. Late Rajendra Kumar, Presently
Posted as Ex-officio Member Secretary in the State Level
Do hereby Environment Impact Assessment Authority.
Appoint the advocates noted below in the margin or any of them as my/our lawful
advocate in the above mentioned case for appearing in conduction and arguing the
same, for depositing or withdrawing any money in connection therewith for putting
in papers, petition etc on my/our behalf for filling or taking back any document, or
withdrawing suit or appeal with permission to institute fresh suit etc. and make
compromise and for referring the case to arbitration and for doing all act that be
necessary to be done in connection with the said case. I/We further say that any
Vakalatnama shall be considered as my/our true and lawful act.

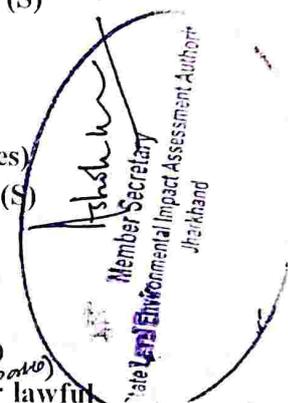
Mr. Ashok Prasad, Advocate
Mr. Bhanu Kumar, Adv,
Mr. /

To be above effect we execute this Vakalatnama

Date

20.....

Received Vakalatnama from the executant / through.....
.....and accepted on satisfaction.



Vakalatnama Received
and accepted
Ashok Prasad
Advocate
9823069404
ashokadvlhc@gmail.com

Ashok Prasad
(ASHOK PRASAD)

Advocate

Enrolment No. WB/303/2003

D - 17B, Tagore Park

Kolkata - 700039

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Bhawan Kumar
Enr. J 2871A/03
9/B, B/2, Sail City, Ranchi