

FACTUAL AND ACTION TAKEN REPORT
OF JOINT COMMITTEE
IN OA 19/2021 (CZ)

PRABHAT MOHAN PANDAY

VS

State Of MP and Ors

COMMITTEE MEMBERS

1. District Collector, Chhindwara, through its representative, Shri Manish Palewar, Mining Officer, Chhindwara.
2. MP SEIAA, Bhopal through its representative Mr. Alok Nayak, OIC, MP SEIAA, Bhopal.
3. MPPCB, through its representative Mr. Avinash C Karera, Regional Officer , MPPCB, Chhindwara.

Factual and Action taken report of Joint-Committee in compliance to the NGT Orders dated 25/05/2021 in the matter pertaining to the O.A. No. 19/2021(CZ)- Shri Prabhat Mohan Pandey V/s State of Madhya Pradesh & Others.

Hon, able NGT vide order dated 25/05/2021 in the case O.A. No. 19/2021(CZ)- Shri Prabhat Mohan Pandey V/s State of Madhya Pradesh & Others has constituted a committee of authorities consisting following:

1. District Collector Chhindwara.
2. MP SEIAA, Bhopal.
3. M.P. Pollution Control Board (Nodal Agency).

In compliance of the order a joint committee meeting cum visit was carried out on 2nd and 3rd of July 2021 in Chhindwara region in presence of the following members:

1. District Collector Chhindwara, through his representative, Shri Manish Palewar, Mining Officer Chhindwara
2. MP SEIAA, Bhopal, through its representative Shri Alok Nayak, OIC, MPSEIAA, Bhopal
3. M.P. Pollution Control Board (Nodal Agency), through its representative Dr Avinash C. Karera, Regional Officer, MPPCB Chhindwara

As per the directions of Hon, ble NGT and after the perusal of all documents enclosed along with the petition and site visits point-wise issues and observations / findings are as follows:

- I. **Issue:** There is a huge quantity mismatch in the sand for which tender was floated and the sand for which Environment Clearance was accorded thereby stimulating illegal and additional excavation of Sand.

Observations/ Findings: During the meeting, MPSEIAA briefed the committee about the complete procedure followed by MPSEIAA while issuing / transferring of ECs' including the details of all supporting documents [Annexure- 1 & 2] submitted by PP along with the EC Applications as per EIA Notification 2006 and other OM dated 20/06/2019 [Annexure- 3 & 4]. MPSEIAA duly follows the procedure laid down in the Environment Impact Assessment Notification, 2006 while deciding the EC applications. Also it worth mentioning that, as per Madhya Pradesh Sand (Mining, Transportation, Storage and Trading) Rules 2019 [Annexure- 5] as under:-

" Rule 12 (4) permissible quantity- the mining shall be permitted up to minable quantity fixed in the mining plan, ECs', Water / Air Consents (whichever is less)"

This rule gives further clarifying in the matter as the documents required to be relied upon for determining the permissible quantity are Mining Plan, EC and Air/Water Consents. Quantity mentioned in the Tender document has no relevance in deciding the permissible excavation rate as per the Rule 12(4).

From above it is clear that, MPSEIAA consider the quantity of sand mentioned in the approved Mining Plan & Replenishment plan approved by the Competent authority and not the Notice Inviting Tender (NIT) so there may be mismatch in the production capacity in the issued / transferred EC with the quantity of sand mentioned in NIT.

Further, in cases pertaining to transfer of ECs', the production capacity mentioned in the EC transferred by MPSEIAA is same as per the original EC issued by MPSEIAA /DEIAA and also the approved Mining Plan with replenishment plan, in compliance with the provisions laid down under para 11. *traferability of Environmental Clearance (EC) of EIA Notification 2006.*

Jr

FL

Avinash

During the scrutiny committee found that the production capacity mentioned in ECs' issued / transferred by MPSEIAA is as per the Mining Plan and replenishment plan approved by the competent authority and quantity mentioned in the Tender document has no relevance in deciding the permissible quantity as defined in Rule 12(4) of the Madhya Pradesh Sand (Mining, Transportation, Storage and Trading) Rules 2019. Here it is noteworthy that although the production capacity mentioned in the EC letter may be different from the quantity of sand mentioned in NIT, this does not stimulate illegal or additional excavation of sand. No discrepancy was observed by the Committee in the procedures.

II. **Issue:** Some of the sand quarries are not mentioned in the tender documents but despite of that EC has been given over the same and the contractor is carrying out mining activities over the same.

Observations/ Findings: From the list provided in the petition as Annex A/2, the case at S.N. 1 of Village Wadegaon at Khasra No. 426/2-3-4 is related to the prior EC issued to a Stone Mine. Whereas the project mentioned at the S.N. 2 of Village Chaumau at Khasra no. 85 related to prior EC for Sand Mine is already included in the NIT at SN. 30 please refer Annexure-6. No discrepancy was observed by the Committee.

III. **Issue:** No District Survey Report has been prepared before starting the operations of the sand quarries in the district of Chhindwara.

Observations/ Findings: The Committee examined all the cases wherein EC has been issued / transferred by MPSEIAA mentioned in the list provided in the petition as Annex A/2, it was found that all fresh applications appraised in MPSEIAA had supporting documents including the District Survey Report (DSR) as mandatory document in compliance of MoEF & CC Notification dated 15/01/2016 and OM of MPSEIAA dated 20/06/2019 please refer Annexure 3. It was also found that no fresh application for obtaining EC has been appraised by SEIAA / SEAC without considering the DSR of Chhindwara which was approved by the competent authority.

For the cases pertaining to the transfer of EC, DSR is not a mandatory document as these cases are not required for appraisal by the technical committee (SEAC) as per the provisions of EIA Notification 2006 (para 11. *transferability of Environmental Clearance (EC)* of EIA Notification 2006) please refer Annexure 4. No discrepancy was observed by the Committee.

IV. **Issue:** The scientific annual replenishment study which is mandatory as per the MoEF Guidelines as well as various judgements of the Hon'ble NGT and Apex Court, has not been conducted by the Non-Applicant officials before starting the excavation of sand.

Observations/ Findings: The Committee examined all the cases wherein EC and transfer of ECs' has been issued / transferred by MPSEIAA mentioned in the list provided in the petition as Annex A/2 please refer Annexure 6, it was found that all fresh applications appraised by MPSEIAA/ SEAC had supporting documents including the Mining Plan with Replenishment Plan approved by the competent authority as mandatory document in compliance of MoEF & CC Notification dated 15/01/2016 and OM of MPSEIAA dated 20/06/2019 please refer Annexure 3. It was also found that no fresh application for obtaining EC has been appraised by SEIAA / SEAC without considering the Mining Plan with Replenishment Plan approved by the competent authority.

Jr *AP* *Ajinesh*

Summary of the submissions made and considered by MPSEIAA [Annexure- 6] while appraising the projects as mentioned in the list of the 10 cases of annex -A/2 submitted with the petition. No discrepancy was observed by the Committee.

- V. **Issue:** No response to the complaints filed by Applicant from the Non-Applicant officials, which establishes the fact that various anomalies have been done as a result of which the environmental loss is occurring tremendously on daily basis and the environmental norms are being violated at the threshold.
Observations/ Findings: No specific complaints have been reported against any of the sand mines of District Chhindwara as listed in the Annex 2/A of the petition.

- VI. **Issues:** A substantial issue of environment has been raised.
Observations/ Findings: Committee took up random visits to some of the mining to evaluate the environmental issues from the river sand mining. Committee visited following sand mining sites and sand stock yards:

1. Rohna Sand Mine on river Kanhan, Sausar
2. Mehandi -1,2,3- Sand Mines on river Kanhan, Sausar.
3. Imlikheda Sand Mine- on River Kulbehra, Chhindwara
4. Khutamba Sand stock.

Sand mining has been stopped in the district from 30th June (mid night), thus no mining operations were observed at any of the sites. Other general observations are as follows:

- No damages were observed on the banks of the sites visited.
- River flow was found to be normal.
- River water quality of major river mining sites (R. Kanhan & R. Pench) as per the MPPCB Monitoring falls under category 'B'.
- The evacuation roads in the visited mines are not maintained appropriately.
- Proponent has not carried out plantation as per the condition of EC.
- Proponent could not show any CSR / CER activity being implemented in the region.
- PP could not furnish copy six-monthly compliance report of the EC conditions; PP has committed to submit the same at the earliest.
- Khutamba Sand stock visited was found uncovered which is likely to cause loss of mineral during heavy rains.

Suggestions

1. PP is required to construct WBM evacuation roads and maintain them, at all the mining sites.
2. PP is required to identify the suitable land parcels in the catchment of all the mining sites in consultation with Forest Department and District Administration for tree plantation immediately.
3. PP is required to plan and take up the need based CSR / CER activities for all the mining sites in consultation with District Administration and Local Body immediately.
4. PP has to submit the six-monthly compliance report of the EC conditions on priority.
5. Sand stock should be covered appropriately to prevent mineral loss.


 Manish Palewar,
 Mining Officer Chhindwara


 Alok Nayak,
 OIC, MPSEIAA, Bhopal


 Dr Avinash C. Karera,
 Regional Officer, MPPCB
 Chhindwara

Photographs of sites



Rohana Sand Mine (River Kanhan) Tehsil Sausar, Distt. Chhindwara



Mehndi Sand Mine, (River Kanhan) Tehsil Sausar Distt Chhindwara



Imlikheda Sand Mine, (River Kulbehra) Tehsil & Distt Chhindwara



Sand Stock Yard Khutamba Tehsil Sausar Distt Chhindwara

A. Process to Grant Fresh EC along with list of Required Documents

- ❖ The Following process is followed by MPSEIAA to issue the fresh EC:
1. PP applied on PARIVESH in Form 1/2 along with all supporting documents.
 2. The online application of PP is examined by SEIAA and direct to PP to submit the hard copy of the application along with all supporting documents if the application is complete otherwise query raised by SEIAA.
 3. After the submission of hard copy by PP including all supporting documents i.e. **Approved Mining Plan along with replenishment plan, lease transfer letter by Govt.**, the hard copy of the application is checked in SEIAA and if it is found satisfactory then it send to SEAC for technical appraisal.
 4. After technical examination by SEAC committee and PP's presentation before SEAC committee, the recommendation of SEAC is being sent to SEIAA.
 5. On the basis of SEAC recommendation, the case is then presented by PP before the SEIAA committee.
 6. If SEIAA committee satisfied with the presentation of PP, the EC is grant on the recommendation of committee.
- ❖ As per Office Memorandum of MPSEIAA dtd. 20.06.2019, following documents are required for submission of application for Fresh EC along with the order/letter related to transfer of mining lease issued by State Govt. or Competent Authority:

S.No.	Required Documents List
01	Affidavit of undertaking regarding information/data originality
02	Form-2 (duly signed) for EC application & Form-1 (duly signed) for ToR application
03	Proposed ToR (In case of major minerals)
04	Pre Feasibility Report (PFR)
05	DFO / Forest Officer letter / information reg. distance of National Park / Sanctuary/ Eco-Sensitive zone
06	DFO / Forest Officer letter / information reg. distance of nearest Forest Boundary.
07	Revenue Officer letter / information reg. distance of Interstate Boundary
08	Appendix-1 duly signed by Tehsildar / Revenue Officer with dispatch No. & Date (In prescribed Format of MP SEIAA)
09	Letter from District Collector Office regarding sanction of lease.
10	NOC of Gram Panchayat/Gram Sabha
11	Approved Mining Plan by DGM / Regional Officer
12	Environmental Management Plan prepared by RQP
13	Letter from District Mining Officer/Revenue Officer regarding details of other mines within 500 metres distance from the periphery of proposed mining site
14	Khasra Panchshala and Khasra map
15	District Survey Report (DSR)
16	Soft Copy (CD) of all documents

B. Process to Transfer the EC along with list of Required Documents

- ❖ The Following process is followed by MPSEIAA to transfer the EC:
 1. PP applied on PARIVESH in Form 7 along with all supporting documents.
 2. The online application of PP is examined by SEIAA and direct to PP to submit the hard copy of the application along with all supporting documents if the application is complete otherwise query raised by SEIAA.
 3. After the submission of hard copy by PP in SEIAA office, the hard copy of the application is checked in SEIAA and if it is found satisfactory then it is processed for upcoming SEIAA meeting.
 4. Then a presentation is made by PP before SEIAA committee.
 5. If SEIAA committee satisfied with the presentation of PP, the EC is transferred on the recommendation of committee.

- ❖ Following documents are required for submission of application for transfer of EC:
 - ✓ Online application of PP at PARIVESH in Form – 7 along with supporting documents for transfer of Environmental Clearance.
 - ✓ **Documents related to transfer of mining lease issued by State Govt. or Competent Authority.**
 - ✓ Copy of Environment Clearance issued to previous Project Proponent.
 - ✓ Notarized Affidavit on Rs. 100/- non-judicial stamp in prescribed format by Project Proponent to whom environmental clearance is to be transferred.
 - ✓ Notarized Affidavit on Rs. 100/- non-judicial stamp in prescribed format by Project Proponent/sub lessee/main lessee on behalf of sub lessee to whom environmental clearance was issued.
 - ✓ **Approved Mining Plan with Replenishment Plan** in the name of Project Proponent.
 - ✓ Revised Environment Management Plan

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

11. Transferability of Environmental Clearance (EC):

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. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA



State Environment Impact Assessment Authority, M.P.
(Government of India, Ministry of Environment Forest & Climate Change)

Environmental Planning & Coordination Organization

Paryavaran Parisar, E-5, Arera Colony

Bhopal-4620 16

visit us <http://www.mpseiaa.nic.in>

Tel: 0755-2466970, 2466859

Fax : 0755-2462136

No: 12/16 / SEIAA/2019

Date: 20.6.19

कार्यालयीन ज्ञापन (Office Memorandum)

भारत सरकार वन एवं पर्यावरण एवं जलवायु परिवर्तन मंत्रालय की EIA अधिसूचना दिनांक 14.09.2006 एवं समय-समय पर संशोधित अधिसूचनाओं के अंतर्गत पर्यावरण स्वीकृति हेतु MP-SEIAA द्वारा जारी पूर्व कार्यालयीन ज्ञापन क्र. 4253/एफको/SEIAA/15 दिनांक 03.08.2015 एवं क्र. 5706/SEIAA/2015 दिनांक 22.09.2015 को विलोपित करते हुये निम्नानुसार संशोधित मार्गदर्शी निर्देश जारी किये जाते हैं:-

1. सभी आवेदक पार्टनरशिप फर्म अथवा कंपनी एक्ट के तहत पंजीकृत कंपनी होने पर संस्था के पंजीकरण के अभिलेख (Memorandum of Article/Memorandum of Association) संयुक्त उद्यम अनुबंध (Joint Venture Deed), साझेदारी अनुबंध (Partnership Deed) की स्वसत्यापित प्रति, तथा ऐसी संस्था की ओर से आवेदन पर हस्ताक्षर करने के लिये प्राधिकृत व्यक्ति के संकल्प की प्रति जमा करनी होगी।
2. परियोजना प्रस्तावक द्वारा निर्धारित आवेदन फार्म में प्रदान की गई जानकारी/अभिलेखों की सत्यता संबंधी एवं प्रोजेक्ट स्थल पर निर्माण/गतिविधि कार्य प्रारम्भ हुआ या नहीं, के संबंध में हस्ताक्षरित घोषणा पत्र/शपथ पत्र (शपथ पत्र का प्रारूप-परिशिष्ट-1 अ अथवा ब)
3. ऑन-लाइन आवेदन स्वीकृति के पश्चात 15 दिवस के भीतर अनिवार्यतः समस्त सभी अभिलेखों एवं दस्तावेजों के साथ हार्डकोपी कार्यपालन संचालक, एफको, भोपाल के नाम से SEIAA द्वारा निर्धारित प्रक्रिया शुल्क का डिमाण्ड ड्राफ्ट (Payable at Bhopal) के माध्यम से जमा करें अथवा सिया द्वारा समय समय पर निर्धारित किये जाने वाला संशोधित प्रक्रिया शुल्क जमा करना होगा।
4. सिया/सेक में प्रस्तुतिकरण के दौरान सभी परियोजना प्रस्तावक / आवेदक आवश्यक रूप से समस्त अभिलेखों की मूल प्रति अथवा सक्षम प्राधिकारी द्वारा अभिप्रमाणित प्रति सहित उपस्थित हो तथा आवश्यकतानुसार समिति के समक्ष प्रस्तुत करें।
5. परियोजना प्रस्तावक द्वारा आवेदन में सही पूर्ण वर्तमान सम्पर्क पता पिनकोड सहित, ई-मेल एवं मोबाइल नं./फोन नं. अंकित किया जाये तथा आवेदन की हार्डकापी के साथ कोई मान्य पहचान-पत्र / आई.डी. की प्रति भी संलग्न करें।
6. Registered Qualified Person (RQP) द्वारा गौण खनिजों के प्रकरणों में सिया / सेक में प्रस्तुतिकरण हेतु अपनी सहमति का शपथ पत्र प्रस्तुत किया जाएगा। (परिशिष्ट-2)
7. परियोजना प्रस्तावक आवेदन के साथ प्रस्तुत किये जाने वाले प्रत्येक शपथ-पत्र रु. 10/- के नॉन-ज्यूडिसियल स्टाम्प पेपर पर नोटरी द्वारा सत्यापित कर जमा करें।
8. SEIAA में हार्ड कॉपी जमा करने के समय Online Acceptance की प्रति आवश्यक रूप से संलग्न करें।
9. परियोजना प्रस्तावक MOEF&CC, Gol द्वारा TOR / Environmental Clearance एवं उनके Amendment / Extension of Validity / Transfer आदि हेतु MoEF&CC, Gol के OM दिनांक 11.06.2019 द्वारा निर्धारित किये गए फार्म-1 से फार्म-8 में प्रक्रिया अनुसार

ऑनलाईन/हार्ड कॉपी में आवेदन जमा करें अथवा MoEF&CC द्वारा समय-समय पर संशोधित किए जाने वाले प्रारूप / फार्म में निर्धारित प्रक्रिया अनुसार ऑनलाईन/हार्ड कॉपी में आवेदन जमा करें।

अ. खनन गतिविधियों 1(a) से संबंधित

क. - गौण खनिज

माइनिंग के गौण खनिजों की पूर्व पर्यावरणीय स्वीकृति हेतु आवेदक द्वारा EIA नोटिफिकेशन 14.09.2006 तथा समय-समय पर किये गये संशोधनों के अनुसार निर्धारित प्रारूप-1 (फार्म-2) में ऑनलाईन आवेदन MoEF&CC, GoI की वेबसाइट/परिवेश पोर्टल के माध्यम से किया जायेगा। आवेदन के साथ निम्नलिखित दस्तावेज संलग्न करना आवश्यक होगा :-

1. EIA नोटिफिकेशन के अनुसार प्रोजेक्ट की प्रिफीजिबिलिटी रिपोर्ट (Pre Feasibility Report)।
2. सक्षम प्राधिकारी द्वारा अनुमोदित माइनिंग प्लान (अनुमोदन पत्र के साथ)।
3. रेत खदानों के प्रकरण में सक्षम प्राधिकारी द्वारा अनुमोदित Replenishment Plan सहित माइनिंग प्लान (अनुमोदन पत्र के साथ)।
4. Registered Qualified Person (RQP) द्वारा तैयार की गई पर्यावरण प्रबंधन योजना (EMP)।
5. सक्षम अधिकारी द्वारा स्वीकृत माइनिंग लीज के स्वीकृति आदेश की नोटराइज्ड प्रति प्रस्तुत करेंगे। लीज स्वीकृति आदेश के साथ में संबंधित कलेक्टर/संचालक, भौमिकी तथा खनिकर्म /सक्षम प्राधिकारी से निम्न बिन्दुओं की जानकारी संबंधित विभागों से प्राप्त कर उक्त आदेश में सम्मिलित की जावेगी। यदि लीज आदेश पूर्व का है तो निम्न जानकारी के संबंध में सक्षम प्राधिकारी का प्रमाण पत्र प्रस्तुत करना होगा।
 - (i) यदि खनिपट्टे से 10 कि.मी. की दूरी में कोई नेशनल पार्क/टाइगर रिजर्व/बायोस्फियर रिजर्व/अभ्यारण्य/इको सेंसेटिव जोन स्थित है तो उक्त आदेश में उनकी दूरी स्पष्ट करेंगे और नहीं होने की स्थिति में यह भी स्पष्ट करेंगे कि ऐसा कोई क्षेत्र 10 कि.मी. की दूरी में नहीं है। संबंधित DFO / Field Director द्वारा अभिप्रमाणित जानकारी अथवा जिला कलेक्टर द्वारा अनुमोदित एकल प्रमाण पत्र में उल्लेख हो।
 - (ii) यदि खनि पट्टा क्षेत्र की 10 कि.मी. की दूरी में नेशनल पार्क/टाइगर रिजर्व/अभ्यारण्य स्थित है तथा जहां इको सेंसेटिव जोन अधिसूचित नहीं हुआ है, ऐसे प्रकरण में परियोजना प्रस्तावक द्वारा नेशनल वाइल्ड लाइफ बोर्ड से पर्यावरणीय स्वीकृति के लिये अनापत्ति प्राप्त की जाना होगी तथा परियोजना प्रस्तावक नेशनल वाइल्ड लाइफ बोर्ड में ऑनलाईन आवेदन कर उसकी प्रति लगाते हुये पूर्व पर्यावरणीय स्वीकृति के लिये SEIAA को आवेदन के साथ संलग्न करेंगे।
 - (iii) वन, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा अधिसूचित पारिस्थितिकीय संवेदनशील जोन (Eco Sensitive Zone) से प्रस्तावित स्थल की दूरी का संबंधित DFO / क्षेत्र संचालक (राष्ट्रीय उद्यान/टाइगर रिजर्व/वन्यजीव अभ्यारण) से सत्यापित प्रतिवेदन।
 - (iv) खनिपट्टे में कलेक्टर यह भी स्पष्ट करेंगे कि उस खनिपट्टे से वन क्षेत्र कितनी दूर है और यदि वह 250 मीटर के अन्दर है तो संभागीय आयुक्त की समिति से अनुमति की प्रति एवं 250 मीटर से बाहर या अधिक होने पर संबंधित DFO/जिला कलेक्टर द्वारा अनुमोदित एकल प्रमाण पत्र की अभिप्रमाणित प्रति।

- (v) खनिपट्टे से 500 मीटर की दूरी पर यदि कोई मानव बसाहट/शैक्षणिक संस्था/चिकित्सालय/पुरातत्व धरोहर/राष्ट्रीय महत्व के स्मारक हो तो उसकी दूरी। (जिला कलेक्टर/तहसीलदार का पत्र)
 - (vi) 500 मीटर के अन्दर कोई जलीय निकाय/नदी/तालाब/नहर स्थित हो तो उसकी दूरी। (जिला कलेक्टर/तहसीलदार का पत्र)
 - (vii) स्वीकृत खनि पट्टे के 500 मीटर की परिधि में अन्य स्वीकृत खनिपट्टा की जानकारी एवं उसका क्षेत्रफल। (माइनिंग अधिकारी/तहसीलदार का पत्र)
 - (viii) रेत उत्खनन के प्रकरण में नदी का नाम।
6. यदि खनिपट्टा वन भूमि पर है तो वन संरक्षण अधिनियम 1980 के तहत भारत सरकार, वन एवं पर्यावरण मंत्रालय से प्राप्त स्टेज-1 फारेस्ट क्लीयरेंस की नोटराइज्ड प्रति।
 7. नवीनतम खसरा पंचसाला (P-II Form) खसरा नक्शा की अभिप्रमाणित प्रति सहित।
 8. ग्राम पंचायत / ग्राम सभा का उत्खनन हेतु अनापत्ति प्रमाण - पत्र।
 9. आवेदन पत्र एवं संलग्न दस्तावेजों के प्रत्येक पृष्ठ की आवेदक द्वारा स्व-प्रमाणित/नोटराइज्ड प्रति जमा की जायेगी, अन्यथा आवेदन स्वीकार नहीं किया जायेगा।
 10. सक्षम प्राधिकारी द्वारा अभिप्रमाणित जिला सर्वेक्षण प्रतिवेदन (District Survey Report) की प्रति।
 11. परियोजना प्रस्तावक/पर्यावरण सलाहकार/RQP द्वारा प्रस्तुत उपरोक्त जानकारियों की हस्ताक्षरित चेक लिस्ट जमा करें। (परिशिष्ट-4 स)

ऑनलाइन फार्म स्वीकृति के उपरांत फार्म-2/ फार्म-1 तथा उपरोक्त सभी दस्तावेजों की हार्ड कापी एवं सॉफ्ट कापी SEIAA कार्यालय में जमा किए जायेंगे।

ख.- मुख्य खनिज

माइनिंग के मुख्य खनिजों की पूर्व पर्यावरणीय स्वीकृति हेतु आवेदक द्वारा EIA नोटिफिकेशन 14.09.06 तथा समय-समय पर किये गये संशोधनों के अनुसार निर्धारित प्रारूप (फार्म-1) में ऑनलाइन आवेदन MoEF&CC, GoI की website <http://www.environmentclearance.nic.in> के माध्यम से किया जायेगा। आवेदन के साथ निम्नलिखित दस्तावेज संलग्न करना आवश्यक होगा:-

1. EIA नोटिफिकेशन के अनुसार प्रोजेक्ट की प्रिफीजिबिलिटी रिपोर्ट (Pre Feasibility Report)।
2. ऐसे उत्खनन क्षेत्र जो उन जिलों (परिशिष्ट -3) की तहसीलों में स्थित है जहां अन्तर्राज्यीय सीमा लगती है, वहां आवेदक द्वारा माइनिंग क्षेत्र से अन्तर्राज्यीय सीमा की दूरी गूगल मैप के साथ (परियोजना स्थल के कोऑर्डिनेट्स दर्शाते हुए) स्वप्रमाणित प्रमाण पत्र/शपथ पत्र अथवा तहसीलदार/लोक निर्माण विभाग के सक्षम प्राधिकारी द्वारा सत्यापित पत्र के साथ प्रस्तुत किया जायेगा।
3. सक्षम प्राधिकारी द्वारा अनुमोदित माइनिंग प्लान (अनुमोदन पत्र के साथ)।
4. सक्षम प्राधिकारी द्वारा स्वीकृत माइनिंग लीज के स्वीकृति के आदेश की नोटराइज्ड प्रति प्रस्तुत करेंगे।
5. परियोजना स्थल से वन्य प्राणी संरक्षण अधिनियम 1972 के अनुसार चिन्हित संरक्षित क्षेत्र (Protected Areas) जैसे नेशनल पार्क/अभ्यारण्य/बायोस्फियर रिजर्व/टाइगर रिजर्व की दूरी के संबंध में सक्षम अधिकारी (वन संरक्षक/वनमंडलाधिकारी/क्षेत्र संचालक) द्वारा जारी प्रमाण पत्र की अभिप्रमाणित/नोटराइज्ड प्रति।
6. यदि खनि पट्टा क्षेत्र की 10 कि.मी. की दूरी में नेशनल पार्क/टाइगर रिजर्व/अभ्यारण्य स्थित है तथा जहां इको सेंसेटिव जोन अधिसूचित नहीं हुआ है, ऐसे प्रकरण में

इसे वेबसाईट www.govtpressmp.nic.in
से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 370]

भोपाल, शुक्रवार, दिनांक 30 अगस्त 2019—भाद्र 8, शक 1941

खनिज साधन विभाग
मंत्रालय, वल्लभ भवन, भोपाल
भोपाल, दिनांक 30 अगस्त 2019

क्रमांक:- एफ 19-2/2019/बारह-1.- खान एवं खनिज (विकास एवं विनियमन) अधिनियम, 1957 (1957 का 67) की धारा 9ख, के साथ पठित धारा 15 एवं धारा 23 (ग) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार, एतद्वारा, रेत, (खनन परिवहन, भण्डारण तथा व्यापार) से संबंधित निम्नलिखित नियम बनाती है, अर्थात्:-

नियम

अध्याय - एक

प्रारंभिक

1. संक्षिप्त नाम, विस्तार और प्रारंभ.-

- (1) इन नियमों का संक्षिप्त नाम मध्यप्रदेश रेत (खनन, परिवहन, भण्डारण एवं व्यापार) नियम, 2019 है।
- (2) इसका विस्तार संपूर्ण मध्यप्रदेश राज्य पर होगा।
- (3) ये मध्यप्रदेश राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।

- (7) After completion of the tender process, State Government may authorise any other authority like Madhya Pradesh State Mining Corporation etc. in place of Collector to issue the letter of intent and take further action for any particular district or group. Under such condition in all rules/instructions and agreement wherever mention of Collector in this context is made, such authority shall be therein deemed accepted.

Chapter -VI

Statutory Permissions

- 12. Statutory Permissions.-** The statutory permissions/formalities for each sand quarry of the group may be obtained/completed, as per rule. All the statutory permissions (e.g. Mining Plan, Environmental Clearance, Water and Air Consent etc.) required for the operation of the sand quarry shall be obtained by the successful tenderer. The successful tenderer may start mining operation only after obtaining the statutory permissions as per rule 14. Excavation without statutory permission or excavation in excess quantity than permitted quantity in statutory permission, in such condition 100% cost of the excavated mineral and amount of compensation towards environmental damage shall be recoverable from the contractor. The statutory permission are as follows:-

(1) **Mining Plan-**

- (a) The successful tenderer shall submit mining plan for approval to the Collector within a period of ..

- one month from the date of issuance of letter of intent. The Mining Plan shall be prepared by the Recognised Qualified Person (R.Q.P.), authorised by the Director.
- (b) The mining plan shall consist of the location (latitude-longitude) of the mines, quantity of mineable sand available in the sand quarry and other issues, as provided for in Madhya Pradesh Minor Mineral Rules 1996.
- (c) The Collector shall approve the mining plan on the basis of recommendations of the technically qualified officer (Post Graduate Degree Holder in Geology/Applied Geology) of the department posted in the district and in case if in any district technically qualified officer is not posted, in such case concerned Regional head or Director shall approve the mining plans.
- (d) The mining plan shall be prepared only on the basis of actual quantity available/estimated and all the Mining operations shall be carried-out in accordance with the approved mining plan.
- (2) **Environmental Clearance-** The successful tenderer after getting approved mining plan, within a maximum period of 15 days, shall submit application before the competent authority to obtain Environmental Clearance in accordance with notification issued by Ministry of Environment, Forest and Climate Changes.
- (3) **Water and Air Consent-** The successful tenderer after getting environmental clearance within a maximum

period of 7 days, shall submit application before the competent authority for obtaining the consent under the Water (Prevention of pollution and control) Act, 1974 and the Air (Prevention of Pollution and Control) Act 1981.

- (4) **Permissible Quantity**-The mining shall be permitted upto mineable quantity fixed in mining plan, environmental clearance, water and air consent (whichever is less).
- (5) The annual contract amount shall not be reduced in any case if there is reduction in mineable quantity in approved mining plan, environmental clearance, water and air Consent.
- (6) All the above statutory permissions shall be obtained within a time limit. The corporation shall supervise for the permissions being taken for each group by the group contractor. In case of any delay, carelessness or lack of interest proceedings for cancellation of letter of intent may be initiated.

Chapter- VII

Execution of Agreement and Commencement of Mining Operation

13. Execution of Agreement.-

- (1) The successful tenderer after completing/getting all the statutory formalities, shall submit, annual action plan in **Form-IV** to the Collector for the quarries included in the group. Successful tenderer shall submit an undertaking in **Form-I** to the Collector

Annexure 6**Status of documents (Approved Mining Plan/RP/DSR) of sand mining cases in view of the direction of****Hon'ble National Green (CZ) OA No 19/2021(CZ) dated 25.5.2021**

S. No	Case No	MRD/lease sanction order	Mine Plan/ RP/ PC	Approved DSR	SEAC/SEIAA Meeting date	EC/EC transfer	Remarks
1.	7159/2020	Collector Vide letter no 1129 dt 19.06.19 (khasra no 426/2,426/3/426/4 area 1.730 ha)	Yes /Yes PC-7000 M ³ /year (khasra no 426/2,426/3/426/4 area 1.730 ha)	Yes	441 dt.15.06.20/ 624 dt.26.06.20	EC issued vide letter No 1463 dtd.30.06.20 (PC-7000 M ³ /year (khasra no 426/2,426/3,426/4 area 1.730 ha)	<ul style="list-style-type: none"> • RP not required in stone mining cases • There is no any discrepancy in MP/ DSR/area/khasra & PC
2.	7826/2020	Collector Vide letter no 2767 dt 18.03.20 (khasra no 85 area 2.0 ha)	Yes/Yes/PC- 5000 M ³ /year (khasra no 85 area 2.0 ha)	Yes	462 dt.30.09.20/ 643 dt.06.10.20	EC issued vide letter No 3983 dtd.22.10.20 (PC-5000 M ³ /year , khasra no 85 ,area 2.0ha)	There is no any discrepancy in MP/RP/DSR/area/khasra & PC
3.	5246/2016	MRD vide letter no 897 dt. 11.05.2020 (khasra No,141,145 area 9.80 ha)	Yes/Yes PC -126750 M ³ /year (khasra no 141,145 area 9.800)	NR in EC transfer	SEIAA Meeting 615.dt. 08.06.20	EC transferred vide letter751 dt.11.06.20 (PC-65061 M ³ /year , khasra no 141 ,145 area 9.80)	<ul style="list-style-type: none"> • DSR not required in EC transfer case • There is no any discrepancy in MP/RP/DSR/area/khasra • Note:- (PC 126750 M³/year mention in MP & EC transfer letter issued in 65061 M³/year (as per previous EC)
4.	5255/2016	MRD vide letter no 893 dt. 11.05.2020 (khasra No,06 area 6.0 ha)	Yes/Yes/ PC-110000 M ³ /year (khasra no 6 area 6 ha)	NR in EC transfer	SEIAA Meeting 615 dt.08.06.20	EC transferred vide letter779 dt.11.06.20 (Pc-110000 M ³ /year , khasra no 6 area 6 ha)	<ul style="list-style-type: none"> • DSR not required in EC transfer case • There is no any discrepancy in MP/RP/DSR/area/khasra /PC
5.	7111/2020	Collector Vide letter no 2837 dt 29.04.20 (khasra no 288 area 1.320 ha)	Yes/Yes/PC- 19800M ³ /year(khasra no 288 area 1.320 ha)	Yes	437 dt.01.06.20/ 619 dt.12.06.20	EC issued vide letter No 948 dtd.18.06.20 PC-19800M ³ /year(khasra no 288 area 1.320 ha)	There is no any discrepancy in MP/RP/DSR/area/khasra & PC Note: PP has submitted approved mine plan vide letter 23.09.20 and requested to change the configuration of the mining projects

							SEIAA 664 meeting dt.05.03.21 SEIAA vide letter no 7656 dt. 25.03.2021 sent to PP regarding apply in Form-4
6.	7075/2020	Collector Vide letter no 2759 dt.18.03.20 (khasra no.92 area 3.50 ha)	Yes/Yes/PC-35000 M ³ /year (khasra no 92 area 3.50 ha)	Yes	440 dt.06.06.20/ 619 dt. 12.06.20	EC issued vide letter No 1015 dtd.18.06.20(Pc- 31000 M ³ /year khasra 92 area 3.50 ha)	There is no any discrepancy in MP/RP/DSR/area/khasra (PC- 35000 M ³ /year mention in MP , As per recommendation SEAC, EC issued 31000 M ³ /year
7.	7080/2020	Collector Vide letter no 2838 dt 29.04.20 (172/1 area 3.905 ha)	Yes/Yes/Pc- 58575 M ³ /year (khasra no. 172/1 area 3.905)	Yes	440 dt.06.06.20/ 619 dt.12.06.20	EC issued vide letter No 1011dtd.18.06.20 (PC- 58575 M ³ /year (khasra no. 172/1 asrea 3.905)	There is no any discrepancy in MP/RP/DSR/area/khasra & PC
8.	7081/2020	Collector Vide letter no 2758 dt 18.03.20 (khasra no 92 area 3.50 ha)	Yes/yes/PC-35000 M ³ /year (khasra no 92 area 3.50 ha)	Yes	440 dt.06.06.20/ 619.12.06.20	EC issued vide letter No 1007dtd.18.06.20 (PC- 35000 M ³ /year (khasra no 92 area 3.50 ha)	There is no any discrepancy in MP/RP/DSR/area/khasra
9.	7822/2020	Collector Vide letter no 2752 dt 18.03.20 (khasra no 180 area 3.50 ha)	Yes/Yes/PC-23200 M ³ /year (khasra no 180 area 3.50 ha)	Yes	462 dt.30.09.20/ 643 dt.06.10.20	EC issued vide letter No 3989 dtd.18.06.20 (PC- 23200 M ³ /year (khasra no 180 area 3.50 ha)	There is no any discrepancy in MP/RP/DSR/area/khasra & PC
10.	7842/2020	Vide letter no 2769 dt 18.03.20 (khasra no 114 area 2.0 ha)	Yes/Yes/Pc-5000 M ³ /year (khasra no 114 area 2.0 ha)	Yes	464 dt.03.10.20/ 644 dt.07.10.20	EC issued vide letter No 4172 dtd.23.10.20 (Pc- 5000 M ³ /year khasra 114 area 2.0 ha)	There is no any discrepancy in MP/RP/DSR/area/khasra & PC

Status of sand mining cases (10 nos) of District - Chhindwara

S. No.	Case No	Dispatch SEIAA	SEIAA/SEAC Meeting	Current Status
1.	7159/2020 Prior Environment Clearance for Stone Quarry in an area of 1.730 ha. (7000 cum per annum) (Khasra No. 426/2-3-4), Village - Wadegaon, Tehsil - Pandhurna, Dist. Chhindwara (MP) by M/s Shivdarshan Construction, R/o Tar Bazar, Shastriward, Pandhurna, Dist. Chhindwara	04-06-20	441 dt.15.06.20/ 624 dt.26.06.20	EC issued vide letter no. 1463-64/SEIAA/20 dated 30-06-20.
2.	7826/2020 Prior Environment Clearance for Sand Quarry in an area of 2.0 ha. (5000 cum per annum) (Khasra No. 85), Village - Chaumau, Tehsil - Junnardeo, Dist. Chhindwara (MP) by hri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah. 440025,	26-09-20	462 dt.30.09.20/ 643 dt.06.10.20	EC issued vide letter no. 3983-84/SEIAA/20 dated 22-10-20.
3.	5246/2016 Prior Environment Clearance for Sand Deposit in an area of 9.800 ha. (126750 cum/year) at at khasra no 141,145 at Village-Rohna, Tehsil - Sounsar, Dist. Chhindwara (MP) by M/s Sainik Foods Pvt. Ltd, Shri Narayan Prasad Pandey, H.No. 1199, D/13, 3rd Floor, Stateno 13, Govindpuri, Kalkaji, New Delhi - 110019	17-06-16	353 SEIAA meeting dated 22-07-16. 615. SEIAA Meeting dt. 08.06.20	EC issued vide letter no. 2967-68/SEIAA/16 dated 03-08-16. EC transfer vide letter no. 751-52/SEIAA/20 dated 11-06-20. To Shri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah.
4.	5255/2016 Prior Environment Clearance for Sand Deposit in an area of 6.00 ha. (110000 cum/year) at khasra No 06 at Village-Rajhari Borgaon, Tehsil - Sounsar, Dist. Chhindwara (MP) by M/s S.R.Traders, Shri Atul Goldal, 12, Metro Plaza, Bitthal Market, Bhopal, MP - 464001	20-06-16	386 SEIAA meeting dated 16-11-16. SEIAA Meeting 615 dt.08.06.20	EC issued vide letter no. 4749-50/SEIAA/16 dated 13-12-16. EC transfer vide letter no. 779-80/SEIAA/20 dated 11-06-20 to Shri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah. 440025, .
5.	7111/2020 Prior Environment Clearance for Sand Quarry in an area of 1.320 ha. (19800 cum per annum) (Khasra No. 288), Village - Badosa, Tehsil - Bichua, Dist. Chhindwara (MP) by Shri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah. 440025,	29-05-20	437 dt.01.06.20/ 619 dt.12.06.20 SEIAA 664 meeting dated 05-03-21.	EC issued vide letter no. 948-49/SEIAA/20 dated 18-06-20. PP has requested to change in configuration of the mining project. As per decision of 664 SEIAA meeting dated 05-03-21. Vide

				Letter no. 7656/SEIAA/21 dated 25-03-21 sent to PP.
6.	7075/2020 Prior Environment Clearance for Sand Quarry in an area of 3.50 ha. (35000 cum per annum) (Khasra No. 92), Village - Mehndi, Tehsil - Sausar, Dist. Chindwara (MP) by Shri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah. 440025	23-05-20	440 dt.06.06.20/ 619 dt. 12.06.20	EC issued vide letter no. 1015-16/SEIAA/20 dated 18-06-20.
7.	7080/2020 Prior Environment Clearance for Sand Quarry in an area of 3.905 ha. (58575 cum per annum) (Khasra No. 172/1), Village - Bichua Baggu, Tehsil - Sausar, Dist. Chindwara (MP) [153707 by hri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah. 440025,	23-05-20	440 dt.06.06.20/ 619 dt.12.06.20	EC issued vide letter no. 1011-12/SEIAA/20 dated 18-06-20.
8.	7081/2020 Prior Environment Clearance for Sand Quarry in an area of 3.50 ha. (35000 cum per annum) (Khasra No. 92), Village - Mehndi, Tehsil - Sausar, Dist. Chindwara (MP) [153384] by Shri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah. 440025,	23-05-20	440 dt.06.06.20/ 619.12.06.20	EC issued vide letter no. 1007-08/SEIAA/20 dated 18-06-20.
9.	7822/2020 Prior Environment Clearance for Sand Quarry in an area of 3.50 ha. (23100 cum per annum) (Khasra No. 180), Village - Pareghat-01, Tehsil - Sausar, Dist. Chindwara (MP) [174256 by Shri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah	26-09-20	462 dt.30.09.20/ 643 dt.06.10.20	EC issued vide letter no. 3989-90/SEIAA/20 dated 22-10-20.
10.	7842/2020 Prior Environment Clearance for Sand Quarry in an area of 2.0 ha. (5000 cum per annum) (Khasra No. 114), Village - Rampur, Tehsil - Junnardeo, Dist. Chindwara (MP) [174277] by Shri Shishir Khandar, Samashish Bhavan, 18, Malik Complex, Tenament Hotel, Airport Center Plient, Somalwada, Wardha Road, Dist. Nagpur, Mah. 440025	28-09-20	464 dt.03.10.20/ 644 dt.07.10.20	EC issued vide letter no. 4172-73/SEIAA/20 dated 23-10-20.