

Factual Report in the matter of O.A No: 28/2022 BEFORE THE HON'BLE NATIONAL GREEN

TRIBUNAL PRINCIPAL BENCH

Akash Vyas

Applicant

Versus

State of Gujarat

Respondent

As per the orders dated 31-01-2022 in the matter of O.A No: 28/2022 BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH regarding grievance by the applicant Shri Akash Vyas regarding functioning of two illegal stone mines at a distance of 100 meters from village Shampur, Tehsil Modasa, Dist: Aravalli in this region District Magistrate, Aravalli constituted a joint committee under the Chairmanship of Sub Divisional Magistrate, Modasa Dist: Aravalli, consisting of members from Geology & Mining Department, SEIAA- Gandhinagar, Regional Officer, GPCB Himmatnagar and Range Forest Officer, Forests Department Aravalli. The order of the constitution of this Joint Committee is also attached herewith as Annexure-1.

This joint committee was formed to look into the grievance of the applicant & also to undertake the site visit.

The joint committee undertook the site visit on 9th of March, 2022 from 11:30 hrs to 18:30 hrs. The details of the two mines are 1) Rameshbhai K. Chauhan (Lease Area : 1-00-00 Ha existing) at Dungar P, Village Davali, Taluka: Modasa, Dist: Aravalli 2) Bhikusinh Khumansinh Chauhan (Lease Area : 1-00-00 Ha) at Dungar Paiki, Village Davali, Taluka: Modasa, Dist: Aravalli

The applicant was informed about the visit by the Joint Committee on the above mentioned date. Accordingly on the day of the site visit, the joint committee first met the applicant Shri Akash Vyas in person and heard his grievances regarding the two mines. (Photograph attached) The main grievances of Shri Akash Vyas, Resident of village Shampur, Taluka: Modasa before the Joint Committee are listed as below:

1. The two leases are illegal and they don't have any permission from the mining department.
2. These two leases are at a distance of 100 meters from the residential area.
3. These mines can't be operated in area which is 500 meters near to village, pond, agriculture fields and historical monument as per the circular of GPCB dated 2-4-2006.
4. In the east side of the lease there is Kundera Mahadev Temple and on the upper side of the lease there is a historical monument of Merayu which is used for lightning of Diyas during Diwali festival.
5. There is damage to the agriculture crops due to operation of these two mines.
6. Due to blasting activity in the mines about 200 Borewells & wells of the village are damaged.
7. Due to blasting activity in the mines, Shampur village pond gets polluted and fishes in the pond are dying.
8. Due to blasting activity in the mines, National Bird Peacock also dies and is on the verge of extinction.
9. Due to blasting activity in the mines, cracks have developed in the houses near the village Shampur.

10. Due to movement of trucks students can't concentrate on their studies, people can't sleep in the night and there are chances of accidents in the village resulting in death of the village people.

Based on above submission of the applicant Shri Akash Vyas, Sub Divisional Magistrate (SDM), Modasa Dist: Aravalli stated to have point wise reply on the above mentioned grievances of the applicant to him in person.

1. Geologist from the Geology & Mining Department, Aravalli stated that these two mines are having valid mining lease permission from the mining department. He also informed that these two mines are having valid EC from SEIAA the details of which are as under :
 - a) Rameshbhai K Chauhan (Lease Area : 1-00-00 Ha existing) at Dungar P, Village Davali, Taluka: Modasa Dist: Aravalli vide letter No: SEIAA/GUJ/EC/1(a)/2979/2015 dated 19-8-2015 .
 - b) Bhikusinh Khumansinh Chauhan (Lease Area : 1-00-00 Ha) at Dungar Paiki, Village Davali, Taluka: Modasa Dist: Aravalli vide letter No: SEIAA/GUJ/EC/1(a)/406/2020 dated 5-6-2020.

The copy of the Environment Clearance obtained of these two mines are attached as Annexure-2

2. Geologist from the Geology & Mining Department, Aravalli stated that if blasting is involved than minimum distance of 200 meters from residential area of village or town is to be there. SDM, Modasa then directed that Mining department & DILR department should measure the distance jointly & report it to the Committee in order to ascertain exact distance of residential area from these two mines. Geologist informed the committee that these two mines are not operated during night hours.
3. Regional Officer of Regional Office, GPCB, Himmatnagar informed that these two mines are having valid EC from the competent authority. However these two mines have not obtained CTE/CCA of the Board. SDM then directed the representative from SEIAA, Gandhinagar to submit report regarding compliance of the EC conditions granted to them.
4. Applicant Shri Akash Vyas stated that he had written letter to Archeological Survey of India for getting information of historical Monument Merayu located in their village Shampur but he received reply from the Archeological Survey of India that there is no centrally protected monument in the area as mentioned by him. The copy of the said letter was showed by Akash Vyas to the joint committee and same is attached herewith as Annexure-3.
5. Regarding damage to the agriculture crops as mentioned by the applicant, SDM, Modasa then stated that Agriculture Department & Range Forest Office, Aravalli should visit this site & submit its findings regarding damage, if any, is done to agriculture crops due to operation of these two mines.
6. Regarding damage to the Borewell & wells as mentioned by the applicant, SDM, Modasa then stated that Water Supply & Sewerage Board, Aravalli would visit this site & submit its findings regarding damage, if any, is done to Borewells & wells due to operation these two mines.
7. Regarding Shampur village pond getting polluted and status of pond fishes and Turtles, SDM, Modasa then stated that Fisheries Department, Aravalli would visit this site & submit its findings.
8. As per the information provided during the site visit by Vanpal of the Forests Department Aravalli, due to operation of these two mines no any death of Peacocks are reported in this area as per their records.

9. Regarding, cracks that have developed in the houses near the village Shampur due to blasting activities, SDM, Modasa stated to have reports from Institute of Seismological Research as well as from Taluka Panchayat Office.
10. Regarding status of accidents & deaths, if any, due to movement of trucks carrying material from the mines, SDM, Modasa then stated to have report from Police Department, Aravalli.

Thereafter the Joint Committee visited the site of the mines along with the applicant. (Photograph attached) At the time of visit, mines were not in operation. The Joint Committee then instructed the mines holder to start their stone crusher plant located within the area of their respective mines. Stone crusher plant was started in presence of the Shri Akash Vyas and it was observed that water sprinkling system installed at the crushers & conveyor belts are in operation. Crusher & Conveyor belts were found to be covered. The two stone crushers located in the mines are having valid CTE/CCA of the GPCB. The Joint Committee then visited the site of Merayu located at the top of the hill and observed that there are no cracks in the Merayu (Photograph attached). The Joint Committee also visited the site office of these two mines and observed that there are no visible cracks in the site office of the mines which are located near to mines only. The Joint Committee then also visited the village pond which is more than 200 meters from these two mines and observed it to be totally dry. (Photograph attached). SDM, Modasa then directed Regional Officer, GPCB, to write letters to the concerned relevant departments from whom the opinion reports are required in order to know factual status/ information in reference to grievance of Akash Vyas. As per the instructions of the SDM, Modasa necessary letters/emails were written to the following concerned departments along with in person follow up by the Regional Office, GPCB Himmatnagar:

- 1) Institute of Seismological Research, Gandhinagar.
- 2) District Inspector of Land Records, Aravalli.
- 3) District Fisheries Department, Aravalli.
- 4) District Agriculture Department, Aravalli.
- 5) Deputy Superintendent of Police., Aravalli
- 6) Taluka Panchayat Office, Modasa.
- 7) Gujarat Water Supply & Sewerage Board, Aravalli.
- 8) Range Forest Officer, Aravalli.
- 9) State Level Environment Impact Assessment Authority (SEIAA), Gandhinagar.

In lieu of letters written to above mentioned authorities, following replies were received by Regional Office, GPCB Himmatnagar:

- 1) Institute of Seismological Research, Gandhinagar : As per the reply of this institute, it informed that this institute is involved in seismological study of earthquake related works & it has no scope in the matter.

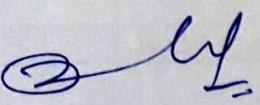
- 2) District Inspector of Land Records, Aravalli : District Inspector of Land Records, Aravalli & Surveyor from Geologists & Mining Department, Aravalli have jointly measured the aerial distance of residential area from the these two mines & as per the measurement sheet submitted by the District Inspector of Land Records, Aravalli dated 9-5-2022, this aerial distance was observed to be more than 200 meters.
- 3) District Fisheries Department, Aravalli : As per the reply of this department they have visited the village pond & observed that there is no water in the pond and no aquatics animals/ turtles were observed in the pond due to absence of water in the pond.
- 4) District Agriculture Department, Aravalli : As per the reply of this office, they have visited the agriculture fields located near the lease area and found dusting on the agriculture crops and have opined that this dusting could affect the development of the agriculture crops.
- 5) Deputy Superintendent of Police, Aravalli : As per the reply of the Deputy Superintendent of Police, Aravalli, it is stated that there are no accidents/deaths caused in village Shampur due to movement of trucks/dumpers in the last 3 years.
- 6) Taluka Panchayat Office, Modasa : This office has replied that they have visited the site and observed that no cracks are observed at Temple located on the top of the hill, Merayu & Offices of the lease holders, Water tank (which is @ 25 years old) of the village Shampur. Further, it has been reported by Taluka Panchayat Office that out of 39 houses located near the hill only partial cracks are observed in 8 houses & no major cracks in these houses are observed & it is not clear that these partial cracks are due to operation of the mines.
- 7) Gujarat Water Supply & Sewerage Board, Aravalli : This office has replied that they have visited the site and observed that some of borewells are closed and in some borewells water level has decreased. It is not clear that decrease of water levels in the borewell is due to operation of the

mines.

- 8) Range Forest Officer, Aravalli : As per the reply of this office, they have visited the trees located near 200 meters of the lease area and found no dusting on these trees as well as no death of peacocks are reported as per their records.
- 9) State Level Environment Impact Assessment Authority (SEIAA), Gandhinagar : SEIAA has written letter on 18-4-2022 to MOEF, Gandhinagar office to carry out site visit of these two mines and provide the EC Compliance report.

Findings of the Report:

As per the report of District Inspector of Land Records, Aravalli & Surveyor from Geologists & Mining Department, Aravalli, aerial distance of residential area from these two mines was observed to be more than 200 meters from both of these mines. As per the letter received from Archeological Survey of India Merayu located in their village is not a historical monument as claimed by the applicant. There is no any death of Peacocks reported as per the records of the Forests Department, Aravalli. During the site visit of the Joint Committee and also from the report of Taluka Panchayat Office, Modasa there are no cracks observed in the Merayu, temple located on the top of the hill and site offices of the lease holders. These two lease mines have obtained EC from the competent authority and also have valid mining permission. GPCB has issued show cause notice to these two mines for not having valid CTE/CCA of the Board. As per the report by Taluka Panchayat Office that out of 39 nos. of houses located near the hill only partial cracks are observed in 8 nos. of houses & no major cracks in these houses are observed & it is not clear that these partial cracks are due to operation of these mines. Dusting is observed on the agriculture crops in the agriculture fields located near the lease area and this dusting can affect the development of the crops. No water is observed in the Shampur village pond as well any aquatics animals were not observed in the pond due to absence of water in the pond. The EC Compliance report regarding compliance of EC granted to these two mines is awaited till date from SEIAA. There are no accidents/deaths reported in village Shampur due to movement of trucks/dumpers in the last 3 years.

 Sub Divisional Magistrate Modasa, Dist: Aravalli	 Regional Officer GPCB, Himmatnagar
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Photographs taken during the joint committee visit on 09.03.2022

Meeting with Akash Vyas



Site Inspection



Visit to Merayu



Shampur Village Pond

GUJARAT POLLUTION CONTROL BOARD

REGIONAL OFFICE : HIMMATNAGAR



No: GPCB/SK/RO/T-140/2522

Date: 24/02/2022

Reference: (1) Hon'ble NGT order in matter of Akash Vyas Vs. State of Gujarat, O.A. 28/2022 dated 31/01/2022.

Order:

Constitution and site visit of Joint Committee as per Orders of Hon'ble NGT in matter of O.A. 28/2022 dated 31/01/2022

In context with orders passed by the Hon'ble NGT in matter of Akash Vyas Vs. State of Gujarat, O.A. 28/2022 dated 31/01/2022, the first meeting was conducted on 23-02-2022 under the Chairmanship of District Magistrate, Aravalli along with members from State Level Environment Impact Assessment Authority (SEIAA), GPCB - Himmatnagar, Mining & Geological Department, Aravalli and Forests Department, Aravalli.

It has been decided in the said meeting to constitute a Joint Committee of following members to conduct site visit on 8th of March, 2022 at 10:30 Hrs and look into the grievances of the applicant.

Sr. No.	Department	Designation
1.	Sub Divisional Magistrate, Modasa	Chairman
2.	State Level Environment Impact Assessment Authority (SEIAA)	Member
3.	Geologist, Mining & Geological Department, Aravalli	Member
4.	Assistant Conservator of Forests, Modasa. Forest Department, Aravalli	Member
5.	Gujarat Pollution Control Board, Himmatnagar	Nodal Agency

Regional Officer,
Regional Office,
Gujarat Pollution Control Board, Himmatnagar



No. SEIAA/GUJ/EC/1(a)/2979/2015

By R.P.A.D
Date: 19-08-2015
Time Limit

Sub: **Environment Clearance for mining of Quartzite proposal of Rameshbhai K. Chauhan [Lease Area: 01-00-00Ha existing] at Dungar P, Village: Davali Taluka: Modasa Dist: Aravalli State: Gujarat.....Mining project in Category 1 (a) of the Schedule of the EIA Notification dated 14/9/2006.**

Dear Sir,

This has reference to 03 applications seeking environmental clearance for mining of **Quartzite** proposal from the Department of Geology & Mining, Gandhinagar along with the information in specified performa endorsed by the Asst. Geologist of Aravalli district, which is also duly verified by the Office of the Commissioner, Geology & Mining, Gandhinagar.

The brief information submitted by Commissioner, Geology & Mining, Gandhinagar as follows:

Sr. No	Name of Applicant	Lease Area in Hactare / Type	Location Address	Village	Taluka	Rate of Mining
1	Rameshbhai K. Chauhan	existing 01-00-00	Dungar P	Davali	Modasa	400 mt/m

A lease area of this proposal is being mining projects they fall under project / activity no. 1(a) of the Schedule of the EIA Notification, 2006. As individual lease area of each of the proposals is less than 50 Hectare, they fall under category B.

Since the project was categorized as 'B2', it does not require Public Consultation as per Para 7(i) III. Stage (3) (e) of EIA Notification, 2006.

The SEAC, Gujarat had recommended 03 proposals to the SEIAA based on SEAC meeting held on dated 23.06.2015 where Assistant Geologist, Aravalli District, called for presentation and based on discussion SEAC Gujarat sent their recommendation for 03 proposals on dated 02.07.2015 to SEIAA to grant the Environment Clearance to these mining projects.

The proposal was considered by SEIAA, Gujarat in its meeting held on 17.07.2015 at Gandhinagar. After detailed deliberation and careful consideration, SEIAA hereby accords individual Environmental Clearance to above project under the provisions of the EIA Notification dated 14th September, 2006 subject to compliance of the following conditions.

SPECIFIC CONDITIONS:

1. Project proponent shall comply with all the guidelines and notifications issued by MOEFCC, New Delhi regarding cluster policy as part of compliance of orders of Hon'ble National Green Tribunal time to time.
2. If lease area of project proponent falls in the cluster and total borrowed area of the cluster fall under category B1 or A, as per the prevailing guidelines of MoEFCC, New Delhi, all the concerned procedures shall be followed up accordingly for compliance of Environmental Laws/Notifications/Rules and under such circumstances project proponent shall extend all support including financial contribution or otherwise also for compliance of environmental Laws/Notifications/Rules such cluster.
3. If lease area of applicant falls in the cluster and total borrowed area of the cluster fall under category B1 or A, EIA study shall be carried out for the said cluster as decided by the competent authority and EMP for the cluster shall be prepared based on outcome of the EIA study. In such a case, all the suggestions/recommendations of EIA/EMP prepared for the cluster shall be complied within a letter and spirit by the project proponent(s) including lease holders who have already been accorded Environmental Clearance.
4. No mining shall be undertaken outside the area specified in this Environmental Clearance.
5. Any change in lease area (Individual/cluster), survey number, entailing capacity addition with change in mining technology, modernization and scope of working shall again require prior Environmental Clearance as per the provisions of EIA Notification, 2006 as amended time to time.

CONDITIONS :**A.1 WATER:**

6. The project proponent shall obtain necessary prior permission of the competent authorities for withdrawal of requisite quantity of water (surface water and/or ground water) required for the project.
7. Mining operation shall not intersect ground table and hence there shall not be any water / wastewater discharge from mining operations.
8. Garland Drains, setting tank and Catch drains of appropriate size, gradient and length shall be constructed around the excavated mine, mineral dumps, reject dumps to prevent silt and sediments flowing into any water body.
9. Domestic wastewater shall be disposed off through septic tank - soak pit.

A.2 AIR:

10. Effective safeguards, such as regular water sprinkling shall be out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points.
11. Drills shall either be operated with dust extractors or equipped with water injection system (wet drilling) to suppress air borne dust during drilling.
12. Only controlled blasting shall be practiced with all necessary care. Blasting operation shall be carried out only during the day time.
13. Internal roads shall be either paved properly or sprinkled with water at regular intervals for controlling fugitive emission during vehicular movement. Trees of native species shall be developed along both sides of internal road/s in order to contain dust.
14. Vehicles shall not be overloaded and mineral transportation shall be done only through covered trucks so that no spillage of mineral / dust take place.
15. Vehicles used in mining operations shall be maintained well so as to keep vehicular emissions in control.
16. Fugitive emission in work place ambient air shall be monitored. The emission shall conform to the standards prescribed by the concerned authorities.
17. Ambient air quality shall be monitored at site and the nearest human habitation and it shall conform to the norms prescribed by the MoEF, Govt. of India.

A.3 OVER BURDEN / REJECTS / HAZARDOUS WASTE:

18. The project proponent shall strive to adopt zero waste mining concepts by reducing the quantum of reject through technological innovation or finding the use of fines through perspective buyers.
19. Top soil from the mining area shall be scrapped, stacked separately, preserved and utilized for the plantation work.
20. Overburden, waste rock and non-saleable mineral generated during prospecting or mining operations shall be stored separately in properly formed dumps on grounds earmarked. Slope and height of such dumps shall be restricted adequately to prevent any slippage of material. Such dumps should be properly terraced, stabilized and secured at toe to prevent the escape of material that may cause degradation of the surrounding land or silting of water courses.
21. Overburden or other rejects shall be backfilled into the worked out quarry so far as possible with a view to restore the land to its original use or desired alternate use.
22. Used oil / waste oil, if any, generated shall be sold only to the registered recyclers. In case of generation of hazardous waste, the project proponent shall strictly comply with the provisions of Hazardous Waste (Management, Handling and Transboundary Movement) Rules 2008, as may be amended from time to time.

A.4 SAFETY:

23. Only controlled blasting shall be performed with all necessary care for protection of public, workers and property from fly rock and vibration risks.
24. Blasting shall be done in such a manner to prevent formation of big size boulders and thereby to minimize need for secondary blasting.
25. When blasting is done, it shall be ensured that the persons have moved out of buildings and away from the danger zone. At the time of blasting, a guard shall be posted on either side of the road to warn the passers.
26. Explosives for blasting shall be used only after taking requisite permission from the Director General of Mines Safety, Government of India. All necessary safety measures shall be taken and requisite license shall be obtained for storage of explosives.
27. Anti-vibration devices shall be provided to vibrating tools / equipments to be used by workers during mining. Vibrations shall be maintained within safe limit.

28. All the precautions are to be observed as per Reg. 106 of MMR, 1961 for safety and security. Face masks, helmets, safety shoes etc. shall be provided to all the workers working in the mining areas and its usage shall be ensured and supervised.
29. First Aid Box should be made readily available at the site.
30. Occupational health surveillance of workers shall be undertaken periodically by a doctor who is expert in occupational health and hygiene and its records shall be maintained.
31. Information regarding occupational mine diseases caused due to air pollution and its preventive measures shall be displayed at site in vernacular language for workers.

A.5 NOISE:

32. Noise level in and around the lease area shall be kept well within the standards by providing noise control measures including engineering control like acoustic insulation, hoods, silencers, enclosures etc. on all sources of noise generation. Ambient noise level shall conform to the standards prescribed under the Environment (Protection) Act & Rules, 1986.

A.6 GREEN BELT DEVELOPMENT:

33. Green belt shall be developed in periphery of the lease area as per the CPCB guidelines and strictly as per the time schedule. The green belt should comprise of rows of varying height native trees with thick foliage.
34. Drip irrigation system shall be used for the green belt development within the premises.

B. OTHER CONDITIONS:

35. This Environmental Clearance does not confer any right to the project proponent on the land proposed for lease and all necessary statutory clearances / permissions shall be obtained from respective department before start of mining operations.
36. Mining operation shall be restricted to above ground water table and it shall be ensured that it does not intersect ground water table.
37. The project proponent shall ensure that no natural water course gets obstructed due to mining operations.
38. The pits left unfilled in lease area shall be converted to water body. Higher benches of excavated void/mining pit shall be terraced and its slope shall be made gentler for easy accessibility to the water body.
39. No mining shall be carried out in the safety zone of any bridge / embankment and in the vicinity of natural / manmade archeological sites.
40. No wildlife habitat shall be infringed and in addition to that before issuing the mining lease, it has to be ensured that no wildlife moments shall be existing in the lease area proposed for mining.
41. A booklet containing the Dos and Don'ts shall be prepared in vernacular languages for the use of site in-charge and workers to ensure that all necessary environmental, safety and health measures are undertaken.
42. Funds earmarked for environmental protection measures shall be kept in a separate account and shall not be diverted for other purpose. Records of year wise expenditure shall be maintained.
43. The project proponent shall also comply with any additional condition that may be imposed by the SEAC or the SEIAA or any other competent authority for the purpose of environmental protection and management.
44. Half yearly compliance reports on the conditions stipulated hereinabove shall be submitted to the SEIAA, State Pollution Control Board and the Regional Office of the Ministry of Environment and Forests, Bhopal, on 1st June and 1st December of each calendar year by individual project proponent.
45. The project proponent shall have to comply with the provisions of Gujarat Minor Mineral Concession Rules (GMMCR) as and when amended by the State Govt. with respect to the provisions for approval of mining plan, EMP for cluster, creation of separate corpus, etc. in view of the recommendations made by the MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines.
46. The project proponent shall have to get their Mining Plan approved by the competent authority, within a period of one year from the date of grant of environmental clearance.
47. Decisions/Directions of Hon'ble Court and Hon'ble National Green Tribunal given in the matter of minor minerals shall be binding on the project proponent.
48. The Individual project proponent shall inform the public that the project has been accorded environmental clearance by the SEIAA and that the copies of the clearance letter are available with the GPCB and may also be seen at the Website of SEIAA/ SEAC/ GPCB. This shall be advertised within seven days from the date of the clearance letter, in at least two local newspapers that are widely circulated in the region, one of which shall be in the Gujarati language and the other in English. A copy each of the same shall be forwarded to the concerned Regional Office of the Ministry.

49. The project authorities shall inform the GPCB, Regional Office of MoEF and SEIAA about the date of financial closure and final approval of the project by the concerned authorities and the date of start of the project.
50. The SEIAA may revoke or suspend the clearance, if implementation of any of the above conditions is not found satisfactory.
51. The project proponent in a time bound manner shall implement these conditions. The SEIAA reserves the right to stipulate additional conditions, if the same is found necessary. The above conditions will be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act 1986 and Hazardous Wastes (Management Handling and Transboundary) Rules, 2008 along with their amendments and rules.
52. The environmental clearance is being issued without prejudice to the action, if any, initiated under the E.P. Act or any court case, if any, pending in the court of law and it does not mean that the project proponent has not violated any environmental laws in the past. This clearance does not give immunity to the project proponent for the case, if any, filed against him in any court of law or action initiated under the E.P. Act.
53. Precise mining area shall be jointly demarcated at the site by officials of Mining / Revenue Department prior to mining operations. Records of such site plan, duly verified by competent authority shall be maintained.
54. The project proponent shall carry out activities under CSR in consultation with the District Development Officer / District Collector.
55. Project proponent shall ensure that Mining Plan of the proposed project will be prepared and approved by the competent authority within a period of one year from the date of grant of environmental clearance.
56. Geology and Mining Department will take all measures to comply with all the conditions stipulated in this Environmental Clearance and all the conditions stipulated in this clearance shall be incorporated while granting lease to individual lease holder.
57. This clearance is issued with respect to only environmental considerations and it does not imply that SEIAA approved the way by which lease is granted to the project. While granting lease, the concerned authority shall ensure compliance of relevant Rules, Regulations, Notifications, Government Resolutions, Circulars, Judgments / Orders of Hon'ble Courts and NGT, etc.
58. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

With regards,

Yours sincerely,


(DARPANA DHIMMAR)

Member Secretary

Issued to: Rameshbhai K. Chauhan

Dungar P, Vill: Davali Ta: Modasa

Dist: Aravalli

Served Through: The Geologist / Asst. Geologist, Geology & Mining Div., Collector Office, Dist. Aravalli .

Copy to:-

1. The Secretary, SEAC, C/O. G.P.C.B. Gandhinagar-382010.
2. The Commissioner, Geology & Mining, Block No. 1/7th Floor, Udyog Bhavan, Sector – 11, Gandhinagar.
3. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD -cum-Office Complex, East Arjun Nagar, New Delhi-110032
4. Zonal Officer, Central Pollution Control Board, Parivesh Bhavan, Opp Ward Office, Ward Number 10, Subhanpura, Vadodara – 390 023
5. The Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (WZ), E-5, Arera Colony, Link Road-3, Bhopal-462016, MP
6. Monitoring Cell, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi-110003.
7. The Member Secretary, Gujarat Pollution Control Board, Paryavaran Bhavan, Sector-10 A, Gandhinagar-382010
8. Select File


(DARPANA DHIMMAR)
Member Secretary



No. SEIAA/GUJ/EC/1(a)/ 406 /2020

Date:

5 JUN 2020

By R.P.A.D

Time Limit

Sub: Environment Clearance to Bhikhusinh Khumansinh Chauhan for mining of Quartzite from the Lease Area [Lease Area in Hectare & Type: 1.00.00 Ha] located at Survey No. Dungar paiki, Village: Davli, Taluka: Modasa, Dist: Arvalli, State: Gujarat. Mining project in Category 1 (a) of the Schedule of the EIA Notification dated 14/9/2006.

Ref: Your proposal No. SIA/GJ/PMIN/134/2019.

Dear Sir,

This has reference to application seeking environmental clearance for mining of Quartzite from the project proponent along with the information in specified performa endorsed by the Assistant Geologist of Arvalli district.

The brief information submitted are as follows:

Sr No	Name of Applicant	Lease Area in Hectare & Type	Survey No.	Village	Taluka	Rate of Mining
1.	Bhikhusinh Khumansinh Chauhan	1.00.00 Ha	Dungar paiki	Davli	Modasa	82859 TPA

Being a mining project, the above proposal falls under project / activity no. 1(a) of the Schedule of the EIA Notification, 2006. As the lease area of the proposal is less than 50 Hectare, it falls under Category B. Since the project was categorized as 'B2', it does not require Public Consultation as per Para 7(i) III. Stage (3) (e) of EIA Notification, 2006.

The SEAC, Gujarat has recommended the above proposal to SEIAA, Gujarat vide their letter dated 11/03/2020 for grant of environmental clearance based on the discussion held in the meeting of the SEAC held on 03/03/2020 wherein Asst. Geologist of Arvalli district was called for presentation.

The above proposal was considered by the SEIAA, Gujarat in its meeting held on 16/03/2020 at Gandhinagar. After detailed deliberation and careful consideration, the SEIAA, Gujarat hereby accord individual Environmental Clearance to above project under the provisions of the EIA Notification dated 14th September, 2006; subject to compliance of the following conditions.

SPECIFIC CONDITIONS:

1. Project proponent shall comply with all the guidelines and notifications issued by MOEFCC, New Delhi regarding cluster policy as part of compliance of orders of Hon'ble National Green Tribunal from time to time.
2. If lease area of project proponent falls in the cluster and total borrowed area of the cluster falls under category B1 or A, as per the prevailing guidelines of MoEFCC, New Delhi, all the concerned procedures shall be followed up accordingly for compliance of Environmental Laws/Notifications/Rules and under such circumstances project proponent shall extend all support including financial contribution or otherwise also for compliance of environmental Laws/Notifications/Rules for such cluster.
3. If lease area of applicant falls in the cluster and total borrowed area of the cluster fall under category B1 or A, EIA study shall be carried out for the said cluster as decided by the competent authority and EMP for the cluster shall be prepared based on outcome of the EIA study. In such a case, all the suggestions/recommendations of EIA/EMP prepared for the cluster shall be complied with in a letter and spirit by the project proponent(s) including lease holders who have already been accorded Environmental Clearance.
4. A brick/stone parapet wall of 3.5 feet surrounding to the excavated mine pit shall be constructed to prevent casualty.
5. Transportation route for vehicles carrying mineral shall have least minimum pass near human habitation. PP shall spend amount of CER after identifying activities in consultation with village gram panchayat. Validity of the EC shall be conterminous with validity of lease or thirty years whichever is early. Dust mitigation measures due to mining, handling of mineral, loading, unloading, transportation and other allied activities shall be implemented in letter and spirit similar to the applicable measures guided in Notification issued by MoEF&CC dated 25/01/2018 vide GSR 94(E).
Vide OM of MoEF&CC dated 16/01/2020, PP shall after ceasing mining operations, undertake re-grassing the



mining area and any other area which have been disturbed due to their mining activities and restore the land to a condition which is fit for the growth of fodder, flora and fauna etc.

10. All the measures mentioned in approved mining plan shall be complied with in a letter and spirit
11. No mining shall be undertaken outside the area specified in this Environmental Clearance.
12. There shall be no Blasting for mining activity.
13. Any change in lease area (Individual/cluster), survey number, entailing capacity addition with change in mining technology, modernization and scope of working shall again require prior Environmental Clearance as per the provisions of EIA Notification, 2006 as amended from time to time.

CONDITIONS :

A.1 WATER:

14. The project proponent shall obtain necessary prior permission of the competent authorities for withdrawal of requisite quantity of water (surface water and/or ground water) required for the project.
15. Mining operation shall not intersect ground table and hence there shall not be any water / wastewater discharge from mining operations.
16. Garland Drains, settling tank and Catch drains of appropriate size, gradient and length shall be constructed around the excavated mine, mineral dumps, reject dumps to prevent silt and sediments flowing into any water body.
17. Domestic wastewater shall be disposed off through septic tank - soak pit.

A.2 AIR:

18. Effective safeguards, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points.
19. Drills shall either be operated with dust extractors or equipped with water injection system (wet drilling) to suppress air borne dust during drilling.
20. Internal roads shall be either paved properly or sprinkled with water at regular intervals for controlling fugitive emission during vehicular movement. Trees of native species shall be developed along both sides of internal road/s in order to contain dust.
21. Vehicles shall not be overloaded and mineral transportation shall be done only through covered trucks so that no spillage of mineral / dust take place.
22. Vehicles used in mining operations shall be maintained well so as to keep vehicular emissions in control.
23. Fugitive emission in work place and ambient air shall be monitored. The emission shall conform to the standards prescribed by the concerned authorities.
24. Ambient air quality shall be monitored at site and the nearest human habitation and it shall conform to the norms prescribed by the MoEF, Govt. of India.

A.3 OVER BURDEN / REJECTS / HAZARDOUS WASTE:

25. The project proponent shall strive to adopt zero waste mining concepts by reducing the quantum of reject through technological innovation or finding the use of fines through perspective buyers.
26. Top soil from the mining area shall be scrapped, stacked separately, preserved and utilized for the plantation work.
27. Overburden, waste rock and non-saleable mineral generated during prospecting or mining operations shall be stored separately in properly formed dumps on grounds earmarked. Slope and height of such dumps shall be restricted adequately to prevent any slippage of material. Such dumps should be properly terraced, stabilized and secured at toe to prevent the escape of material that may cause degradation of the surrounding land or silting of water courses.
28. Overburden or other rejects shall be backfilled into the worked out quarry so far as possible with a view to restore the land to its original use or desired alternate use.
29. Used oil / waste oil, if any, generated shall be sold only to the registered recyclers. In case of generation of hazardous waste, the project proponent shall strictly comply with the provisions of Hazardous Waste (Management, Handling and Transboundary Movement) Rules 2008, as may be amended from time to time.

A.4 SAFETY:

30. Anti-vibration devices shall be provided to vibrating tools / equipments to be used by workers during mining. Vibrations shall be maintained within safe limit.
31. All the precautions are to be observed as per Reg. 106 of MMR, 1961 for safety and security. Face masks, helmets, safety shoes etc. shall be provided to all the workers working in the mining areas and its usage shall be ensured and supervised.
32. First Aid Box should be made readily available at the site.
33. Occupational health surveillance of workers shall be undertaken periodically by a doctor who is expert in

occupational health and hygiene and its records shall be maintained.

34. Information regarding occupational mine diseases caused due to air pollution and its preventive measures shall be displayed at site in vernacular language for workers.

A.5 NOISE:

35. Noise level in and around the lease area shall be kept well within the standards by providing noise control measures including engineering control like acoustic insulation, hoods, silencers, enclosures etc. on all sources of noise generation. Ambient noise level shall conform to the standards prescribed under the Environment (Protection) Act & Rules, 1986.

A.6 GREEN BELT DEVELOPMENT:

36. Green belt shall be developed in periphery of the lease area as per the CPCB guidelines and strictly as per the time schedule. The green belt should comprise of rows of varying height native trees with thick foliage.
37. Drip irrigation system shall be used for the green belt development within the premises.

B. OTHER CONDITIONS:

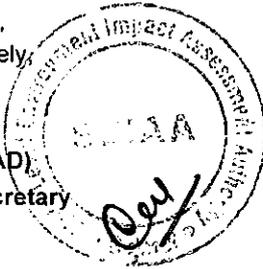
38. The project proponent shall allocate the separate fund for Corporate Environment Responsibility (CER) in accordance to the MoEFCC's Office Memorandum No. F.No.22-65/2017-IA.III dated 01/05/2018 to carry out the activities under CER in affected area around the project. The entire activities proposed under CER shall be monitored and the monitoring report shall be submitted to the regional office of MoEFCC as a part of half-yearly compliance report and to district collector. The monitoring report shall be posted on the website of the project proponent.
39. This Environmental Clearance does not confer any right to the project proponent on the land proposed for lease and all necessary statutory clearances / permissions shall be obtained from respective department before start of mining operations.
40. Mining operation shall be restricted to above ground water table and it shall be ensured that it does not intersect ground water table.
41. The project proponent shall ensure that no natural water course gets obstructed due to mining operations.
42. The pits left unfilled in lease area shall be converted to water body. Higher benches of excavated void/mining pit shall be terraced and its slope shall be made gentler for easy accessibility to the water body.
43. No mining shall be carried out in the safety zone of any bridge / embankment and in the vicinity of natural / manmade archeological sites.
44. No wildlife habitat shall be infringed and in addition to that before issuing the mining lease, it has to be ensured that no wildlife movement shall be existing in the lease area proposed for mining.
45. A booklet containing the Dos and Don'ts shall be prepared in vernacular languages for the use of site in-charge and workers to ensure that all necessary environmental, safety and health measures are undertaken.
46. Funds earmarked for environmental protection measures shall be kept in a separate account and shall not be diverted for other purpose. Records of year wise expenditure shall be maintained.
47. The project proponent shall also comply with any additional condition that may be imposed by the SEAC or the SEIAA or any other competent authority for the purpose of environmental protection and management.
48. Half yearly compliance reports on the conditions stipulated hereinabove shall be submitted to the SEIAA, State Pollution Control Board and the Regional Office of the Ministry of Environment and Forests, Bhopal, on 1st June and 1st December of each calendar year by individual project proponent.
49. The project proponent shall have to comply with the provisions of Gujarat Minor Mineral Concession Rules (GMMCR) as and when amended by the State Govt. with respect to the provisions for approval of mining plan, EMP for cluster, creation of separate corpus, etc. in view of the recommendations made by the MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines.
50. Decisions/Directions of Hon'ble Court and Hon'ble National Green Tribunal given in the matter of minor minerals shall be binding on the project proponent.
51. The Individual project proponent shall inform the public that the project has been accorded environmental clearance by the SEIAA and that the copies of the clearance letter are available with the GPCB and may also be seen at the Website of SEIAA/ SEAC/ GPCB. This shall be advertised within seven days from the date of the clearance letter, in at least two local newspapers that are widely circulated in the region, one of which shall be in the Gujarati language and the other in English. A copy each of the same shall be forwarded to the concerned Regional Office of the Ministry.
52. The project authorities shall inform the GPCB, Regional Office of MoEF and SEIAA about the date of financial closure and final approval of the project by the concerned authorities and the date of start of the project.
53. The SEIAA may revoke or suspend the clearance, if implementation of any of the above conditions is not found satisfactory.



54. The project proponent in a time bound manner shall implement these conditions. The SEIAA reserves the right to stipulate additional conditions, if the same is found necessary. The above conditions will be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act 1986 and Hazardous Wastes (Management Handling and Transboundary) Rules, 2008 along with their amendments and rules.
55. The environmental clearance is being issued without prejudice to the action, if any, initiated under the E.P. Act or any court case, if any, pending in the court of law and it does not mean that the project proponent has not violated any environmental laws in the past. This clearance does not give immunity to the project proponent for the case, if any, filed against him in any court of law or action initiated under the E.P. Act.
56. Precise mining area shall be jointly demarcated at the site by officials of Mining / Revenue Department prior to mining operations. Records of such site plan, duly verified by competent authority shall be maintained.
57. The project proponent shall carry out activities under CSR in consultation with the District Development Officer / District Collector.
58. Geology and Mining Department will take all measures to comply with all the conditions stipulated in this Environmental Clearance and all the conditions stipulated in this clearance shall be incorporated while granting lease to individual lease holder.
59. This clearance is issued with respect to only environmental considerations and it does not imply that SEIAA approved the way by which lease is granted to the project. While granting lease, the concerned authority shall ensure compliance of relevant Rules, Regulations, Notifications, Government Resolutions, Circulars, Judgments / Orders of Hon'ble Courts and NGT, etc.
60. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
61. Submission of any false or misleading information or data which is material to screening or scoping or appraisal or decision on the application makes this environment clearance cancelled.

With regards,
Yours sincerely,


(S. M. SAIYAD)
Member Secretary



Issued to:

Bhikhusinh Khumansinh Chauhan
Village: Davli, Taluka: Modasa,
Dist: Arvalli, Gujarat

By speed post

F. No.T-19038/20/2022-M (18111)
Government of India
Archaeological Survey of India
Monument-II Section

"Dharohar Bhawan"
24, Tilak Marg, New Delhi-110001.
24, February, 2022

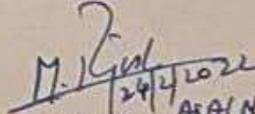
24 FEB 2022

To
Sh. Akash C. Vyas,
Address: At & Po Shampur, Ta: Modasa
Distt. Aravalli
(Gujarat)

Subject: - Mining activity near Archaeological Area of Aravalli District (Gujarat) - Reg.

With reference to your letter / e-mail dated 14.2.2022 regarding mining activity near Archaeological Area of Aravalli District (Gujarat), it is to inform you that the matter raised by you has been examined and found that no centrally protected monument is located in the area.

Therefore, you are requested to approach the District Administration for necessary action in the said matter.


for (Dr. N.K. Pathak)
Director (Monument)
24/2/2022
ASA (Non II)