

**Before the National Green Tribunal Western Bench PUNE,
Appeal No. 41 2020.**

Hiteshbhai Uttambhai Dhodi & Ors.

Appellants

Versus

Ministry of Environment, Forest & Climate Change & OR Respondents.

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
4	<p>Page No. 15, Point - 4</p> <p>That the environment clearance order was not advertised in terms of General Condition SI no. (xx) of the EC which states as " This shall be advertised within seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which on shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the concerned Regional office of the Ministry". Neither was the copy of the environment clearance sent by the project proponent to the concerned Panchayat in terms of General Condition SI no. (xvii) of the EC. The appellants came to know about the grant of EC when an article was published qua the project proponent and it was mentioned in the article that EC has been granted to the project proponent. The appellants then accessed the EC from the website of R-I/MoEF&CC.</p>	<p>Madura Carbon (India) LTD denies the contents of the Appellants and that Madura Carbon (India) Ltd has published the advertisement of grant of EC in two newspapers.</p> <p>Reference: Newspaper Name: THE TIMES OF INDIA Published Date : 20th May 2020 Page no : 04</p> <p>Newspaper Name: DAMANGANGA TIMES Published date : 20th May 2020 Page no : 07</p> <p>Response Binder: Annexure-R-6, Page 1043, Copies of clippings of the</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		said NEWS papers advertisement.
Section: FACTS IN BRIEF		
1.	(Page no – 15) That the appellants are residents of Village Karajgam - Fansa whose lands adjoins the site where the unit Carbon Black manufacturing would be established by R-4/ Madura Carbon (India) Ltd. The appellants mostly Schedule Tribe are going to be adversely affected by the setting up of the Carbon Black manufacturing unit as the same is going to impact their agricultural produce and affect the productivity of their lands which is already under stress on account of the pollution caused by the unit's operating within GIDC Sarigam, an industrial estate situated in east side of the village. The unit of the R-4/ Madura Carbon (India) Ltd. Is proposed to be set up on agricultural land is Scheduled area (tribal area). The appellants had also participated in the public hearing conducted by R-3/GPCB for the project of R-4/Madura carbon (India) Ltd.	Reply not required for "Madura Carbon (India) Ltd."
2.	(Page no – 16) That the Respondent No. 1 is the Ministry of Environment, Forests & Climate Change, is charged with the responsibility of protecting the environment and biodiversity in the country, and is the Respondent that has granted the impugned Environmental Clearance dated 18.05.2020 without application of mind to relevant provisions concerning grant of EC.	Reply not required for "Madura Carbon (India) Ltd."
3.	(Page no – 16) The Respondent No. 2 is the State of Gujarat, through its Environment Department and is responsible for the protection of environment in the entire State of Gujarat and for evolving policies for betterment of the environment.	Reply not required for "Madura Carbon (India) Ltd."
4.	(Page no – 16) The Respondent No.3 is the Gujarat Pollution Control Board, through its Chairman, that is the state level regulatory authority for prescribing permitted emission and effluent levels and is responsible for granting Consent to Establish and Consent to Operate under the relevant Air and Water Pollution and environment laws.	Reply not required for "Madura Carbon (India) Ltd."
5.	(Page no – 17) The respondent no.4 is the project proponent who is going to set up the Carbon Black manufacturing unit of capacity 2,30,000 TPA and power generation unit of 45MW located at Village Fansa (Karajgam), Taluka Umbergaon, District Valsad, Gujarat.	Reply not required for "Madura Carbon (India) Ltd."
6.	(Page no – 17) That R-4/ Madura Carbon (India) Ltd. wanted to set up Carbon Black manufacturing unit of capacity 2,30,000 TPA and power generation unit of 45MW at Village Fansa (Karajgam), Taluka	Reply not required for "Madura Carbon (India) Ltd."

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	<p>Umbergaon, District Valsad, Gujarat (hereinafter referred to as 'Carbon Project'). The Project Category was 5(e) Petroleum products and petrochemical based processing such as production of carbon black and electrode grade graphite, Category A and 1(d) Captive Power Generation, Category B as per the classification under EJA, 2006 The R-4/ Madura Carbon (India) Ltd, applied for prior environment clearance under Environment Impact Assessment Notification, 2006 (hereinafter referred to as "EIA, 2006) in Form 2 and along with the Pre-feasibility report for the project. The first Pre-feasibility report for the project submitted to R-1/MoEF&CC and accessed from</p> <p>http://enviromentclearance.nic.in/retereaddata/Online/TOR/10.</p> <p><u>Aug 2018 1744204804GHEXPRAAnnexurePrefeasibilityReport.pdf</u> shows that the layout plan for the manufacturing unit was to be located over Survey No. 3705 to 3710, 3712, 3713, 3715, 3717, 3718, 3720, 3722 to 3724, 3726, 3727, 3730, 3733 to 3740, 3742, 3743, 4049, 4084 to 4090, 4095, 4105, 4107, 4108, 4110, 4112, 4133 to 4135, 4301, 4317, 5134, 5220 to 5222, 5226, 5227, 5236, 5264, Village: Karanj, Taluka: Umbergaon, Dist: Valsad, Gujarat. The Total plot area for proposed project was to be 235239 m2. The true copy of the relevant extract of the Pre-feasibility report for the project to be located over Survey No. 3705 to 3710, 3712, 3713, 3715, 3717, 3718, 3720, 3722 to 3724, 3726, 3727, 3730, 3733 to 3740, 3742, 3743, 4049, 4084 to 4090, 4095, 4105, 4107, 4108, 4110, 4112, 4133 to 4135, 4301, 4317, 5134, 5220 to 5222, 5226, 5227, 5236, 5264, Village. Karang, Taluka: Umbergaon, Dist. Valsad, Gujarat is annexed herewith and marked as Annexure A/2.</p>	
7.	<p>(Page no – 18) That R-I/MoEF&CC raised EDS on the application for prior environment clearance submitted by R-4/Madura Carbon (India) Ltd. as regards to details of land available for the project and its ownership, permission for conversion of land for the propose activity for industrial activity in the land and details of wildlife areas/CRZ area within 10 km radius of the project site. The R 4/Madura Carbon (India) Ltd. submitted its reply along with the documents. As regards to the land it was stated that the Carbon project was to come up on 235239 sq m i.e. 58.13 acres of land and the MoU for land ownership with the land owners was submitted</p>	<p>During the initial application for ToR, we had planned to set up the project on 235239 sq m i.e. 58.13 acres of land as we had the MoU for land ownership with the land owners and as stated in the reply of EDS, the</p>

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	as land conversion was under process. The true copy of the Reply to EDS dated 19.09.2018 submitted by R-4/Madura Carbon (India) Ltd. to R-I/MoEF&CC is annexed herewith and marked as Annexure A/3 .	conversion of land was in process. Appeal Binder: PFR copy. Annexure-A/2, Page 103 . EDS reply copy. Annexure-A/3 & 4, Page 109 & 110 .
8.	(Page no – 19) That in response to this reply R-I/MoEF&CC again raised queries and communicated to the R-4/Madura Carbon (India) Ltd. to submit the proposal once land conversion was obtained for industrial activity. The R-4/Madura Carbon (India) Ltd again submitted its reply to EDS generated on 29.09.2018 outlining the survey numbers over which the carbon project was to come up and the land area reduced to 94499 SQM i.e. 23.3 acres. Further, it would be seen that Survey No. 3719, 3725, 4318, which were now sought to be included for carbon project, were not part of the application for prior environment clearance submitted earlier or the reply submitted by R-4/Madura Carbon (India) Ltd. to R-1/MoEF&CC dated 19.09.2018. The R-4/Madura Carbon (India) Ltd. vide its reply dated 05.03.2019 submitted the S.63AA permission for use of land for industrial purpose. The true copy of the Reply to EDS dated 05.03.2019 submitted by R-4/Madura Carbon (India) Ltd. to R-I/MoEF&CC is annexed herewith and marked as Annexure A/4 .	Initially, the survey no 3719, 3725 & 4318 were not in our project plan. But while revising the application based on the availability of land the three survey numbers were included in our application. The land area was also reduced and the same was replied in the mentioned EDS and included in the revised PFR and application for ToR. Appeal Binder: EDS reply copy. Annexure-A/3, A/4, A/5 & A/6, Page 109, 110, 111, 120, 124 .
9.	(Page no – 20) That the R-4/Madura Carbon (India) Ltd. again submitted Form-1 for obtaining ToR for the carbon project. In this form the land over which the carbon project was to come up were Survey No. 3705, 3708, 3719, 3725, 3738, 4108, 4110, 4318 Village: Karanj, Taluka: Umbergaon, Dist.: Valsad, Gujarat. A revised pre-feasibility report was prepared wherein these survey numbers were	Yes, Madura Carbon has changed the area but Project capacity is same. We analysed the

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	<p>shown and the land was reduced from 235239 SQM i.e. 58.13 acres to 94499 SQM i.e. 23.3 acres, though the capacity of the carbon project remained the same. The true copy of the form-1-appendix for carbon project submitted by R-4/Madura Carbon (India) Ltd. is annexed herewith and marked as Annexure A/5. The true copy of the revised prefeasibility report submitted by R-4/Madura Carbon (India) Ltd. along with the Form-1 is annexed herewith and marked as Annexure A/6.</p>	<p>project setup based on the availability of land for which 63AA permission was granted and we concluded that it was possible to setup the project in the revised land area. Accordingly, the revised layout was submitted in PFR. In fact, there were some minor modifications in the layout submitted in the FEIA as well.</p> <p>Reference: Appeal Binder: Form-1, Annexure-A/5, at Page 111 Revised PFR, Annexure-A/6, at Page 120</p>
10.	<p>(Page no – 20) That as per the Constitutional provision under Article 244 (1) of the Constitution of India, the 'Scheduled Areas' are defined as 'such areas as the President may by order declare to be Scheduled Areas'- as per paragraph 6(1) of the Fifth Schedule of the Constitution of India. The scheduled areas are predominately-tribal areas. The specification of "Scheduled Areas" in relation to a State is by a notified order of the President, after consultation with the Governor of that State. At present, Scheduled Areas have been declared in the States of Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan. As per Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977 (Constitution Order, 109) dated 31.12.1977 areas of Bansda, Dharampur, Chikhali, Pardi and Umbergaon talukas in Valsad district are scheduled areas in Gujarat which are constitutionally protected under the provisions of the Fifth schedule. The Village</p>	<p>Madura Carbon (India) Ltd. denies the said contentions. It is submitted that the land was finalized by the Collector and the GIDC for awarding it to Madura Carbon (India) LTD for setting of the manufacturing of CB. The said land was finalized after conducting due diligence on the part of the</p>

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	<p>Karanj a tribal village comes under Taluka Umbergaon is a fifth schedule area and constitutional provisions of Fifth schedule apply to the area and to the land where the proposed Carbon Black manufacturing unit is proposed.</p>	<p>respective Authorities. Madura Carbon (India) LTD also vide its letter dated 20.02.2019 has given a declaration that, the land is not covered U/s 73 (aa) of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and hence, Gram Panchayat Meeting was held on 01.12.2018, wherein they have unanimously passed a resolution No i. 24(01) of Awarding the land to the Madura Carbon (India) LTD for setting up of the Manufacturing Unit.</p> <p>The National Green Tribunal is governed by the provisions of NGT Act, 2010. The provisions of the statute mentioned in POINT 10 is not a part of Scheduled 1 of the NGT Act, hence, the Hon'ble Tribunal would have no jurisdiction to decide the issues falling within the Panchayats</p>

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		(Extension to the Scheduled Areas) Act, 1996.
11.	<p>11. (Page no – 21) That the Ministry of Rural Development constituted a select committee of experts led by Dileep Singh Bhuria, to consider the extension of the provisions of the 73rd and 74rd constitutional amendments, which introduced elected local governments in the form of Panchayats and municipalities in rural and urban areas, to the Scheduled areas. As per Article 243M of Constitution of India, Part IX as regards Panchayats was not to apply to tribal areas of Fifth Schedule. The Bhuria Committee recommended the enactment of the Panchayat Extension to Scheduled Areas Act 'PESA"). Based on the recommendations of Bhuria committee, Parliament enacted the Panchayats (Extension to the Scheduled Areas) Act, 1996 (here in after 'PESAO on 24th December 1996. The statement of Objects and Reasons of the PESA Act reads as follows:</p> <p><i>"There have been persistent demands from prominent leaders of the Scheduled Areas for extending the provisions of Part IX of the Constitution to these Areas so that Panchayat Raj Institutions may be established there. Accordingly, it is proposed to introduce a Bill to provide for the extension of the provisions of Part IX of the Constitution to the Schedule Areas with certain modifications providing that, among other things, the State Legislations that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources".</i></p> <p>PESA aims at enabling the Panchayats at appropriate levels and Gram Sabhas to implement a system of self-governance with respect to a number of issues such as customary resources, minor forest produce, minor minerals, minor water bodies, selection of beneficiaries, sanction of projects, and control over local institutions. PESA is an Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats and the Scheduled Areas with modifications and exceptions.</p>	The National Green Tribunal is governed by the provisions of NGT Act, 2010. The provisions of the statute mentioned in Para 11 is not a part of Scheduled 1 of the NGT Act, hence, the Hon'ble Tribunal would have no jurisdiction to decide the issues falling within the Panchayats (Extension to the Scheduled Areas) Act, 1996.
12.	<p>12. (Page no – 22) That provisions of PESA apply to Village Karanj. In order to implement the provisions of fifth schedule and PESA in the scheduled areas, State of Gujarat amended various state acts to</p>	The National Green Tribunal is governed by the

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	bring it in line with the constitutional provisions and enactments. The State of Gujarat amended the Gujarat Land Revenue Code, 1879 to incorporate provisions such as section 73AA with respect to land belonging to scheduled tribe thereby preventing tribal land alienation. The State of Gujarat also amended The Gujarat Tenancy and Agricultural Lands Act, 1948 to incorporate provision in Section 63AA (Sale of land for bonafide industrial purpose permitted in certain cases) where the sale of land owned by a person belonging to scheduled tribe was subject to provisions of section 73AA Gujarat Land Revenue Code, 1879.	provisions of NGT Act, 2010. The provisions of the statute mentioned in Para 12 is not a part of Scheduled 1 of the NGT Act, hence, the Hon'ble Tribunal would have no jurisdiction to decide the issues falling within the Panchayats (Extension to the Scheduled Areas) Act, 1996.
13.	13. (Page no – 23) That the perusal of the Pre-feasibility report for the project, form 2, reply to EDS, Draft EIA report and Final EIA report (herein after referred to as 'FEIA') would highlight that project proponent/R-4 has no where mentioned the project area being tribal/Fifth schedule area, thereby bypassing the constitutional safeguards as provided under fifth schedule and provisions of Gujarat Land Revenue Code, 1879 and The Gujarat Tenancy and Agricultural Lands Act, 1948. Even at the public hearing held for this project, the issue of applicability of PESA to the land in question was raised and in reply there was outright denial by R-4/Madura Carbon (India) Ltd. of the land being tribal land over which S. 73 AA applied.	Madura Carbon (India) Ltd. has already stated that, a detailed Environment Impact Assessment study has been conducted by Madura Carbon (India) LTD and in view of the said study and upon conducting the public hearing, the authorities have considered all the objections of the Appellants and has proceeded to grant EC. As stated earlier, the Appellants are trying to invoke the provisions of the Gujarat Land Revenue Code 1879 and the Gujarat

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		<p>Tenancy and Agricultural Lands Act, 1948, which are not forming part of Schedule I of the NGT Act, hence, the Hon'ble Tribunal would not have jurisdiction to entertain the submissions mentioned in support of the said Enactments.</p> <p>Reference: Response Binder: NA Documents, Annexure-R-3, at Page 755 to 778.</p> <p>Appeal Binder: Revised PFR, Annexure-A/6, at Page 120.</p>
14.	<p>14. (Page no – 23) That R-I/MoEF81CC approved the standard terms of reference for conducting environment impact assessment study for petrochemical-based processing (processes other than cracking & reformation and not covered under the complexes) projects vide its order dated 06.04.2019. From the perusal of the order, it is evident that the terms of reference (ToR) were not approved at the meeting of the expert Appraisal committee (EAC) for industrial projects-2 as none is mentioned in it. The true copy of the order dated 06.04.2019 passed by R-I/MoEF&CC approving the terms of reference for EIA studies for the carbon project is annexed herewith and marked as Annexure A/7.</p>	<p>The Ministry of Environment Forest & Climate change, would be in the appropriate authority to respond to the contents of the said statements.</p>
15.	<p>15. (Page no – 23) That R-4/Madura Carbon (India) Ltd. appointed Precitech Laboratories Pvt. Ltd. As EIA consultant for conducting EIA study as per the approved ToR. The EIA consultant conducted the draft EIA study for the carbon project to be set up on survey no. 3705, 3708, 3719, 3725, 3738, 4108, 4110, 4318, Village: Karanj, Taluka: Umbergaon, Dist: Valsad. The purpose of the EIA study is to identify and evaluate the potential impacts (beneficial and adverse)</p>	<p>After public hearing, the process has been improved by necessary changes in technology and process as a part of</p>

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	<p>of setting up the carbon project on the environment. The Carbon Black Production area source category includes any facility that produces carbon black thermal black process Carbon black is used primarily as a reinforcing agent for rubber and is used largely in the manufacturing of automotive tires. It is also used as a colorant in inks, paints, plastics, and paper. The list of products to be manufactured at the facility are as follows :</p> <table border="1" data-bbox="229 663 987 1057"> <thead> <tr> <th>Sr. No.</th> <th>Name of the Product</th> <th>CAS No.</th> <th>Quantity</th> <th>End use of Product</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Carbon Black</td> <td>1333-86-4</td> <td>230000 TPA</td> <td>Reinforcing material & filler in rubber products</td> </tr> <tr> <td>2.</td> <td>Captive Power Generation (Green Power)</td> <td></td> <td>45 MW</td> <td>Power Consumption</td> </tr> </tbody> </table> <p>The total plot area of the carbon project is 94499 m2. Out of which the total built-up area will be 30307 m2. The raw materials for the proposed range of products as shown in pre-feasibility and Draft EIA report are as follows:</p> <table border="1" data-bbox="229 1254 1059 1823"> <thead> <tr> <th>Name of the Product</th> <th>Raw Material</th> <th>CAS No</th> <th>Requirement (T/T)</th> <th>Requirement (T/month)</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Carbon Black</td> <td>Feed Stock (Carbon Black Feed stock / Furnace Oil)</td> <td>90640-86-1</td> <td>1.71</td> <td>32773.86</td> </tr> <tr> <td>Secondary Fuel (Furnace Oil)</td> <td>90640-86-1</td> <td>0.15</td> <td>2874.90</td> </tr> <tr> <td>Molasses</td> <td>68476-78-8</td> <td>0.0045</td> <td>86247.00</td> </tr> <tr> <td>Potassium Nitrate</td> <td>7757-79-1</td> <td>0.0002</td> <td>3.83</td> </tr> </tbody> </table> <p>The raw materials for the proposed range of products as shown in the pre-feasibility report, revised pre-feasibility report and draft EIA report is of same quantity, but in the Final EIA report there is variation in the quantities without any explanation. Even the form</p>	Sr. No.	Name of the Product	CAS No.	Quantity	End use of Product	1.	Carbon Black	1333-86-4	230000 TPA	Reinforcing material & filler in rubber products	2.	Captive Power Generation (Green Power)		45 MW	Power Consumption	Name of the Product	Raw Material	CAS No	Requirement (T/T)	Requirement (T/month)	Carbon Black	Feed Stock (Carbon Black Feed stock / Furnace Oil)	90640-86-1	1.71	32773.86	Secondary Fuel (Furnace Oil)	90640-86-1	0.15	2874.90	Molasses	68476-78-8	0.0045	86247.00	Potassium Nitrate	7757-79-1	0.0002	3.83	<p>Cleaner Production Target.</p> <p>The process has been improved by necessary changes in technology by provision of APCM like FGD & SNCR to control SO₂ & NO₂ respectively. The change in process has resulted in higher product recovery rate leading to lower raw material consumption. This also ensures lower environmental impacts.</p> <p>Please note that raw material quantity in FEIA is on monthly basis & in Form-2 it is on annual basis. The daily consumption of raw material will be same.</p> <p>Product table Response Binder: Annexure-R-3, Section 2.1 at Page 549.</p> <p>Raw materials requirement Response Binder: Annexure-R-3,</p>
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	<p>- 2 submitted by R-4/Madura Carbon (India) Ltd. under the heading at SI No. 13.1-Raw Material/fuel profile the description of the quantities is different. The raw materials for the proposed range of products as shown in final EIA report is as follows:</p> <table border="1" data-bbox="229 528 1002 1122"> <thead> <tr> <th>Name of the Product</th> <th>Raw Material</th> <th>CAS No</th> <th>Requirement (T/T)</th> <th>Requirement (T/month)</th> </tr> </thead> <tbody> <tr> <td>Carbon Black</td> <td>Feed Stock (Carbon Black Feedstock / Furnace Oil)</td> <td>90640-86-1</td> <td>1.58</td> <td>29868.49</td> </tr> <tr> <td></td> <td>Secondary Fuel (Furnace Oil)</td> <td>90640-86-1</td> <td>0.20</td> <td>3870.82</td> </tr> <tr> <td></td> <td>Molasses</td> <td>68476-78-8</td> <td>0.004</td> <td>75.62</td> </tr> <tr> <td></td> <td>Potassium Nitrate</td> <td>7757-79-1</td> <td>0.003</td> <td>56.71</td> </tr> </tbody> </table> <p>The layout of the carbon project is shown in the draft EIA report as an area, which is contiguous having the different components of the plant, which includes a carbon black manufacturing unit, and captive power generation plant. The Details of storage of materials is as follows:</p> <table border="1" data-bbox="229 1346 1062 2031"> <thead> <tr> <th>Name</th> <th>Source</th> <th>Means of transportation</th> <th>Means of storage (No. of containers & Size)</th> <th>Storage Location</th> <th>Max. qty to be stored at any given time i.e., storage capacity</th> </tr> </thead> <tbody> <tr> <td colspan="6">Product</td> </tr> <tr> <td>Carbon Black</td> <td></td> <td>Trucks</td> <td>Bulk Bag & paper Bag</td> <td>Ware House</td> <td>3000 T</td> </tr> <tr> <td colspan="6">Raw Materials</td> </tr> <tr> <td>Carbon Black feed Stock as raw material</td> <td>Import & Indian Market</td> <td>Tankers</td> <td>6 X 5000 KL (tanks) 6 X 1250 KL (Tanks)</td> <td>Tank Farm</td> <td>20000 KL</td> </tr> <tr> <td>Molasses</td> <td>Local</td> <td>Tankers</td> <td>60 KL (1 Tank)</td> <td>Tank</td> <td>60 KL</td> </tr> </tbody> </table>	Name of the Product	Raw Material	CAS No	Requirement (T/T)	Requirement (T/month)	Carbon Black	Feed Stock (Carbon Black Feedstock / Furnace Oil)	90640-86-1	1.58	29868.49		Secondary Fuel (Furnace Oil)	90640-86-1	0.20	3870.82		Molasses	68476-78-8	0.004	75.62		Potassium Nitrate	7757-79-1	0.003	56.71	Name	Source	Means of transportation	Means of storage (No. of containers & Size)	Storage Location	Max. qty to be stored at any given time i.e., storage capacity	Product						Carbon Black		Trucks	Bulk Bag & paper Bag	Ware House	3000 T	Raw Materials						Carbon Black feed Stock as raw material	Import & Indian Market	Tankers	6 X 5000 KL (tanks) 6 X 1250 KL (Tanks)	Tank Farm	20000 KL	Molasses	Local	Tankers	60 KL (1 Tank)	Tank	60 KL	Section 2.4.4 at Page 553.
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	Potassium Nitrate	Local	Truck	50 kg bag	In store	3 T	<p>Details of storage of materials</p> <p>Response Binder: Annexure-R-3, Section 7.4.2, Page 653.</p>
16.	<p>16. (Page No – 28) That in the draft EIA report there is no mention of the source linkages to the raw material except mentioning that it would source from local market or imported. Because of this vague description of the raw material, there is no raw material analysis as regards to the anticipated emissions and correspondingly there is not mitigation strategy for the same. There is a general outlining of the anticipated impacts from the operation</p>						<p>The contents therein are denied, as the same are false and incorrect. It appears that, the Appellants have not studied the EIA</p>

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	<p>of the carbon plant. This assumes importance in the background of the fact that emissions causing air pollution is the biggest fallout of operation of carbon black manufacturing units is emission of thin black particles which form a layer over the land and crops thereby rendering them unproductive. The Carbon black project proposes to manufacture carbon black by thermal cracking or pyrolysis of CBFS. In the co-generation system, the tail gas will be used as fuel in the waste heat boiler for generating steam and remaining steam is used for production of electrical power & dryers. The true copy of tire relevant extract of the Draft environment impact assessment report dated May 2019 is annexed herewith and marked as Annexure A/9.</p>	<p>submitted by the Madura Carbon (India) Ltd. has dedicated a complete section in the report with regard to the control of the Air Pollution and control of emission in the said Report. The Environment Management Plan as submitted by Madura Carbon (India) LTD is also crystal clear with regard to the same. The Madura Carbon (India) Ltd. has annexed the said EIAR to the present reply and that it is well advised to go through the said report before making any baseless allegations against the Madura Carbon (India) Ltd..</p> <p>Appeal Binder: Annexure-A/9, Page 139.</p>
17.	<p>(Page no – 28) That public hearing was organised for 19.07.2019 at 11.30 AM for the carbon project. An advertisement in English was published in Gujarati Daily- "Sandesh" and English daily- "Times of India" dated 19.06.2019. There was lot of opposition from the residents of the village karanj on whose agricultural land the carbon project is proposed to be set up. Some of the issues that were raised at the public hearing which is as follows:</p>	
17(1)	<p>Air pollution from proposed carbon black manufacturing plant especially given the location of the proposed unit as there are exist hills at a distance of 400 m and the existence of these hills has not been factored in the air modelling studies as this would affect</p>	<p>This point was not raised during public hearing.</p>

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	dispersion of emissions from the unit. The emissions from the carbon black unit would be trapped thereby causing as pollution in the village that adjoins it.	<p>The dispersion modelling study has been carried out for environmental impact due to the upcoming company considering the terrain of the 10km study area. The results derived from the same are mentioned in the report as well and it indicates the ambient air quality is predicted to be within the prescribed limit of National Ambient Air Quality Standards Parameters.</p> <p>Response Binder: Page 831 to 847</p>
17(2)	The trees of surrounding area, land, farming land & vegetation of land will be affected by PM, SO ₂ and NO ₂ emission from the project. The land of the proposed carbon plant is on agricultural land and agricultural land of the residents of Karanj adjoin the proposed unit. There are orchards in the surrounding area which is the sole source of livelihood for the tribal residents of the village Karajgam.	<p>The emission of SO₂ and Particulate Matter will be under the rules and regulations. Effect of the same on existing quality of ambient air will be within the stipulated limit after setting up of the plant.</p> <p>The land for the proposed project is owned by the company & according to statutory provision</p>

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		<p>land has been converted to NA land.</p> <p>In additional Measures Proposed in FEIA after PH:</p> <p>DeSOx & DeNOx system will be installed to control SO₂ & NO₂ emissions.</p> <p>Also, the company ensure that adequate green cover in the area company will be implement plantation under its greenbelt development plan and green environment activity under CER.</p> <p>Response Binder: Page 644 & 651.</p> <p>Also, it is summarised at Page 1073, Annexure-R-7.</p>
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Dr. Nirav Shah, Page 918 Shashikant Patel, Page 891 Vinay Sheth, Page 899</p>	<p>Reference of PH Query reply: Response Binder:(Annexure-R-5) Dr. Nirav Shah, Page 989 Shashikant Patel, Page 1007 Vinay Sheth, Page 1005</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		Proof of submission on pg. 1039 to 1042.
17(3)	What will be the capacity of Boilers in Ton per hours and what pollutants will emit from it? What will be the potential of it? Which machineries will be required for its prevention?	<p>For the proposed project, one boiler of 112 TPH and the one boiler of 72 TPH will be installed. Off/ tail gas, which will be generated during the manufacturing of Carbon Black will be used as fuel, for the power generation. The emission from the power plant/ boiler will be PM, SO₂, NO₂ & CO.</p> <p>To control emissions parameter specific control measures will be provided given as follows:</p> <p>Additional measure proposed: DeSO_x & DeNO_x system will be installed to control SO₂ & NO₂ emission. Adequate height will be provided to chimney.</p> <p>The CEMS (Continuous Emission monitoring System) for monitoring of the pollutants from the stack will be installed.</p>

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	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Sanjay Patel, Page 903 & 932 Also, it is summarised at Page 1067</p>	<p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Sanjay Patel, Page 903 & 996 Also, it is summarised at Page 1067 Proof of submission on pg. 1039 to 1042.</p>
17(4)	<p>Management of VOC, odour and noise emanating from the carbon black unit.</p>	<p>Plant will be based on fully automated (D.C.S) system. An Automatic leakage detection system will be installed. The off gas generated during the manufacturing of Carbon Black will be used as fuel in boiler and dryer. Hence, there will be no odour generation from the plant. Regular third party monitoring will be carried out for Ambient Air quality.</p> <p>Reference of FEIA Report: Chapter – 7: Additional Studies, Page 7.3</p>
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Sanjay Patel, Page 904 & 932 Kantilal Patel, Page 915 Also, it is summarized at Page 1078</p>	<p>Reference of PH Query reply: Response Binder: (Annexure-R-5)</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		<p>Sanjay Patel, Page 904 & 996</p> <p>Kantilal Patel, Page 987 & 988</p> <p>Also, it is summarized at Page 1078</p> <p>Proof of submission on pg. 1039 to 1042.</p>
17(5)	<p>As Air, Water noise and land is going to be polluted due to the manufacturing of Carbon Black, the residents are against this project as other examples of carbon black units in Gujarat has shown that there is excessive pollution on account of the operation of the plant.</p>	<p>In the proposed Carbon Black plant following measures will be taken to reduce pollution</p> <p>Air Pollution: The overall system will be closed system to control emissions below permissible norms. Plant will be based on fully automated (DCS) system. An automatic leakage detection system will be installed. Bag-filters will be a part of the process for collection of Carbon Black and separation from off-gas. The off-gas generated during the manufacturing of carbon black will be used as fuel in boilers and dryers.</p> <p>Additional Measure Proposed for Air Pollution:</p>

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		<p>DeSOx & DeNOx system will be installed to control SO₂ & NO₂ emission.</p> <p>Water Pollution: Domestic effluent will be treated in STP and reused for gardening. The industrial effluent from washing will be treated in ETP and reused. Other effluents from utilities will be passed through RO-MEE system and reused. Hence, no effluent will be discharged outside premises.</p> <p>Additional Measure Proposed for Water Pollution:</p> <p>Water balance is revised in Final EIA report. The total domestic wastewater generated will be treated in STP. Treated water from STP will be used for gardening. Industrial wastewater generated from utility installations will be partly</p>

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		<p>recycled for lime slurry preparation & remaining in RO-2. Scrubber bleed-off along with plant washing will be diverted to ETP. Treated water from ETP will partly be recycled for plant washing & remaining will be diverted to RO-2. ETP treated water along with remaining industrial wastewater will be diverted to RO. Reject from pre-treatment RO & RO-2 will be diverted to MEE. Permeate from RO & Condensate from MEE will be recycled for non-potable & industrial use.</p> <p>Noise Pollution: It will be ensured that noise level will be kept below permissible norms within company premises by providing full enclosure to Turbine and installing DG Set equipped with acoustic enclosure. Regular</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Kantilal Patel, Page 915 Dr. Nirav Shah, Page 900 & 918 Prabhubhai Thakariy (Gram Panchayat Manda), Page 929 Also, it is summarised at Page 1064 to 1085</p>	<p>maintenance will be carried out. Furthermore, the development of greenbelt around the premises will help in attenuation of noise. Thus, as per the above-mentioned mitigation measures, the people living in the surrounding area will not be affected due to the proposed project.</p> <p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Kantilal Patel, Page 987 & 988 Dr. Nirav Shah, Page 900 & 989 Prabhubhai Thakariy (Gram Panchayat Manda), Page 993 Also, it is summarised at Page 1064 to 1085 Proof of submission on pg. 1039 to 1042.</p>
17(6)	<p>Adjoining reserve forests will be destroyed. Due to removal of forest, chances of rising heat levels in hilly areas will be increased due to removal of forests.</p>	<p>The company has obtained NOC Certificate from the Forest Department. All necessary measures for pollution mitigation will be</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		<p>implemented so that there will be no negative impact on the Reserve Forest. Also, the company ensure that adequate green cover in the area company will be implement plantation under its greenbelt development plan and green environment activity under CER.</p> <p>In Additional Measure Proposed: DeSOx & DeNOx system will be installed to control SO₂ & NO₂ emission.</p>
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Hemant Naik, Page 897 Lalit Shah, Page 902 Kantilal Patel, Page 915 Also, it is summarised at Page 1073</p>	<p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Hemant Naik, Page 897 Lalit Shah, Page 902 Kantilal Patel, Page 987 & 988 Also, it is summarised at Page 1073 Proof of submission on pg. 1039 to 1042.</p>
17(7)	<p>Air quality will get polluted due to the establishment of R 4/Madura Carbon India Ltd. The residential area is just 200m away horn from the proposed project. The go-down are supposed to be made for</p>	<p>The distance certificate has been issued by Talati cum</p>

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	<p>storing the waste generation. So, due to these arrangements, the tribal community of the surrounding area are going to be affected. The fertile land is also there within this area.</p>	<p>Mantri of Karajgam Grampanchayat, regarding the distance of residential area, school and college. The distance certificate details mentioned below - The solid waste will be stored properly within the plant premises under sheds & disposed as per the guidelines.</p>
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Dr. Nirav Shah, Page 900&918 Kantilal Patel, Page 915</p>	<p>Reference of PH Query reply: Response Binder:(Annexure-R-5) Dr. Nirav Shah, Page 900&989 Kantilal Patel, Page 987 & 988 Proof of submission on pg. 1039 to 1042.</p>
17(8)	<p>Within 200 m of the proposed carbon plant is Karajgam primary school, Karajgam primary school (Aagriwad), Anganwadis (Brahmin Faliya, Krishaniwad, Aagriwad, Rayfalia), Karajgarn Government health centre, Karajgam Seva Sahkari Mandat, Government grain stores and all of them will be affected by the air and noise pollution.</p>	<p>The distance certificate has been issued by Talati cum Mantri of Karajgam Grampanchayat, regarding the distance of residential area, school and college. The distance certificate details mentioned below - Reference of FEIA Report: Annexure-4: Page A59 to A61</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
	Reference of PH Query: Response Binder: (Annexure-R-5) Manali Bhoir, Page 892 Dalpatbhai Dhodi, Page 927	Reference of PH Query reply: Response Binder: (Annexure-R-5) Manali Bhoir, Page 892 Dalpatbhai Dhodi, Page 927 & 991 Proof of submission on pg. 1039 to 1042.
17(9)	High water requirement & source of fresh water in terms of competitive users and regarding rainwater harvesting. Wastewater characteristics, ETP scheme & mode of Disposal.	The water requirement will be fulfilled from the industrial quota from Damanganga Canal Distry. Rainwater will be harvested in collection tank through roof top harvesting. During PH, it was replied that the ETP will be of 30 KLD capacity having primary & tertiary treatment. Secondary treatment will be carried out in STP only. Blow down water will go to the RO plant. Reject of RO plant will be evaporated in MEE to meet the requirement of water recycling. Additional Measures Proposed in FEIA report:

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		<ul style="list-style-type: none"> • Since water balance is revised in Final EIA report with addition of DeSOx system the revised capacity of ETP will be 90 KLD. • The total domestic wastewater generated will be treated in STP. Treated water from STP will be used for gardening. • Industrial wastewater generated from utility installations will be partly recycled for lime slurry preparation & remaining in RO-2. • Scrubber bleed-off along with plant washing will be diverted to ETP. Treated water from ETP will partly be recycled for plant washing & remaining will be diverted to RO-2. • ETP treated water along with remaining industrial

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		<p>wastewater will be diverted to RO.</p> <ul style="list-style-type: none"> Reject from pre-treatment RO & RO-2 will be diverted to MEE. Permeate from RO & Condensate from MEE will be recycled for non-potable & industrial use.
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Kantilal Patel, Page 915 Sanjay Patel, Page 904 & 932. Vinay Sheth, Page 899 & 943. Shashikant Patel, Page 891 Manali Bhoir, Page 892</p>	<p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Kantilal Patel, Page 987 & 988 Sanjay Patel, Page 904 & 996 Vinay Sheth, Page 899 & 1005 Shashikant Patel, Page 1007 Manali Bhoir, Page 892 Proof of submission on pg. 1039 to 1042.</p>
17(10)	<p>Connecting road to the land of R-4 passes through village which is 10-12 ft in wide & related traffic issues and the land of the company will block the access of many villagers to their agricultural land which passes over the land of R-4/Madura Carbon India Ltd. thereby affecting the easementary rights of the villagers.</p>	<p>The route of the anticipated traffic for the project was diverted from passing through village and rerouted through the GIDC, Sarigam while finalizing the FEIA report.</p>
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Shashikant Patel, Page 891</p>	<p>Reference of PH Query reply: Response Binder: (Annexure-R-5)</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		Shashikant Patel, Page 1007 Proof of submission on pg. 1039 to 1042.
17(11)	<p>No description of raw material linkages of Feed Stock (Carbon Feed Stock) from local suppliers as it would determine the emission levels at the time of operation.</p> <p>Reference of PH Query: Response Binder: (Annexure-R-5) Kantilal Patel, Page 915</p>	<p>The Feed Stock will be purchased from local market meaning national market. Feed Stock will be purchased from Local Vadodara or Reliance Jamnagar. Reference,</p> <p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Kantilal Patel, Page 987 & 988 Proof of submission on pg. 1039 to 1042.</p>
17(12)	<p>The land is not Non-agricultural land. It is agriculture land. The land is 73-AA and covered under PESA act and no permission of Gram Sabha has been taken for the project. The land of the tribals has been taken for the unit which will result in the tribal families becoming landless.</p> <p>Reference of PH Query: Response Binder: (Annexure-R-5) Dalpatbhai Dhodi, Page 927 Hiteshbhai Dhodi, Page 930 Navin Patel, Page 911</p>	<p>The land for the proposed project is owned by the company and permission has been obtained for non-agricultural use viz. industrial purpose. No land which comes under 73-AA is taken for the proposed project.</p> <p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Dalpatbhai Dhodi, Page 927 & 991</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		Hiteshbhai Dhodi, Page 994 Navin Patel, Page 911 Proof of submission on pg. 1039 to 1042.
17(13)	The operation of the carbon black unit would cause noise levels that is to affect the health of the residents of the surroundings villages and specially Karanj.	It will be ensured that noise level will be kept below permissible norms within company premises by providing full enclosure to Turbine and installing DG Set equipped with acoustic enclosure. Regular maintenance will be carried out, during plant operations. Furthermore, the development of greenbelt around the premises will help in attenuation of noise.
	Reference of PH Query: Response Binder: (Annexure-R-5) Sanjay Patel, Page 904 & 932 Vinay Sheth, Page 899 & 943	Reference of PH Query reply: Response Binder: (Annexure-R-5) Sanjay Patel, Page 904 & 996 Vinay Sheth, Page 899 & 1005 Proof of submission on pg. 1039 to 1042.
17(14)	The generated Carbon Black is carcinogenic that affect lungs of human due to its inhalation and also causes respiratory problems.	With implementation of

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	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Vinay Sheth, Page 899 & 943 Dr. Nirav Shah, Page 900&918 Hemant Naik, Page 897</p>	<p>all the process control measures, the level of carbon black in the air within the unit will be much lower than the permissible norms of workplace (OSHA-TWA. Thus, proper care will be taken that carbon black exposure will not cause any serious health problems in surrounding area.</p> <p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Vinay Sheth, Page 899 & 1005 Dr. Nirav Shah, Page 900 & 989 Hemant Naik, Page 897 Proof of submission on pg. 1039 to 1042.</p>
17(15)	The land of R-4 for the proposed Carbon Black project is Gauchar land of the village.	<p>Madura Carbon India Ltd has received the "Tharao Approved Copy" & "No Objection" certificates from Karajgam Gram Panchayat.</p> <p>Corresponding Document,</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Manali Bhoir, Page 892</p>	<p>1. Tharao Document, Tharao No. - 24 (01) dated 1st December 2018. Document dt. 10th December 2018.</p> <p>2. NO Objection Certificate, dated 6th November 2018.</p> <p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Manali Bhoir, Page 892; Proof of submission on pg. 1042 Proof of submission on pg. 1039 to 1042.</p>
17(16)	<p>R-4 has forged the documents to seek NA permission and as such the NA permission should be cancelled.</p> <p>Reference of PH Query: Response Binder: (Annexure-R-5) Hiteshbhai Dhodi, Page 930</p>	<p>This allegation is not applicable.</p> <p>The land for the proposed project is owned by the company and according to statutory provisions land has been converted to non-agricultural land.</p> <p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Hiteshbhai Dhodi, Page 930 & 994 Proof of submission on pg. 1039 to 1042.</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
17(17)	Manufacturing of Carbon Black would use Pyrolysis process and use of this process of restricted in the state and as such there is no approval on record from GPCB.	<p>Carbon Black process is not "Pyrolysis Process". Carbon Black is produced by the reaction of a hydrocarbon fuel such as oil or gas with a limited supply of combustion air at temperatures of 1320 to 1540°C. The unburned carbon is collected as an extremely fine black fluffy particle. Carbon Black can be manufactured by 4 processes –</p> <p>A. Furnace Black Process B. Channel Process C. Acetylene Black Process D. Lampblack Process</p> <p>It was replied during PH that various companies producing carbon black have been permitted in Gujarat by GPCB.</p> <p>Response Binder: Annexure-R-3 Page 555-556, 638-640, 787</p>
	Reference of PH Query: Response Binder: (Annexure-R-5) Sanjay Patel, Page 903 & 932	Reference of PH Query reply: Response Binder:

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		Sanjay Patel, Page 904 & 996 Proof of submission on pg. 1039 to 1042.
17(18)	The true copy of the relevant extract of the public hearing proceeding conducted on 19.07.2020 by GPCB is annexed herewith and marked as Annexure A/10 .	Reply to key issues raised during public hearing with " Action Plan with Budgetary Allocation " to address the issues raised in PH is filed before EAC as additional details sought by EAC during final assessment of EIA report for granting prior EC (presentation for EC). Reference of reply to EAC: Response Binder: Annexure-R- 7 Page 904 & 996
18	(Page no – 32) That an irrigation pipeline from the Damanganga Distributary traverses through the land over which the proposed carbon black project will come up and the same has not been shown in the Draft EIA or Final EIA report. The Google image of the area also shows that the land is surrounded by reserved forests and the village road goes through the village for its approach to the land for the proposed carbon black project. The true copy of the photographs of the present state of land for the carbon black project and Google Images is annexed herewith and marked as Annexure A/II(Colly) .	The contents therein are false and incorrect. The Madura Carbon (India) LTD in view to avoid repetition, has already filed EIA on record and that the contentions raised by the Appellants are also repetition and their objections raised before the Authorities at the time of public

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		hearing and the EIA, which has been duly certified by the Ministry of Environment, Forest & Climate Change, covers all the objections.
19	<p>(Page no – 32) That R-4/Madura Carbon India Ltd. relied upon a resolution of Gram Panchayat, Karajgam to submit that the Panchayat has given its consent for setting up the carbon black project. It is submitted that R-4/Madura Carbon India Ltd. misled the Gram Panchayat and obtained under false pretext by stating that a textile unit was to be set up at the proposed land. It was only after the public hearing was conducted for the project that the falsehood of R-4/Madura Carbon India Ltd. was discovered and immediately Gram Panchayat passed a resolution on 28.08.2019 rescinding the earlier resolution in support of R-4/Madura Carbon India Ltd. The true and translated copy of the resolution dated 28.08.2019 passed by Gram Panchayat Karajgam is annexed herewith and marked as Annexure A/12.</p>	<p>The contents therein are false and incorrect. The Madura Carbon (India) LTD in view to avoid repetition, has already filed EIA on record and that the contentions raised by the Appellants are also repetition and their objections raised before the Authorities at the time of public hearing and the EIA, which has been duly certified by the Ministry of Environment, Forest & Climate Change, covers all the objections.</p> <p>Reference, Appeal Binder: Annexure-A-12 Page 233</p>
20	<p>(Page no – 32) That after the public hearing R-4/Madura Carbon India Ltd. applied in form-2 along with the copy of the Final EIA report for further consideration of the proposal by the EAC-industry-2. The true copy of the Form-2- Application for prior environment clearance submitted by R-4/Madura Carbon India Ltd. to R-I/MoF&CC is annexed herewith and marked as Annexure A/13.</p>	<p>The contents therein are false and incorrect. The Madura Carbon (India) LTD in view to avoid repetition,</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		<p>has already filed EIA on record and that the contentions raised by the Appellants are also repetition and their objections raised before the Authorities at the time of public hearing and the EIA, which has been duly certified by the Ministry of Environment, Forest & Climate Change, covers all the objections.</p> <p>Reference, Appeal Binder: Annexure-A-13 Page 235</p>
21	<p>(Page no – 33) That the Final Environment Impact Assessment ("FEIA") report submitted by R-4/Madura Carbon India Ltd. included a table as regards to the response received at the time of public hearing. In the Final EIA report only in the section where response to the points raised is given, it was mentioned at SI No. 15 that the basic raw material of Carbon Feed Stock would be sourced either from IOCL Vadodara or Reliance Jamnagar or other sources, though in the main EIA report under the heading of the source of raw material it is not stated so and neither concomitant raw material analysis to outline the types of emission is addressed in the Final EIA report which is the root cause of the air pollution and neither it is mentioned in the linkages of raw material. The FEIA submitted by R-4/Madura Carbon India Ltd. does not acknowledge and recognize that it's a tribal area neither in the description of the Villages within the study area nor in the Form-2 submitted for prior environmental clearance. The anticipated impacts of the carbon black project are not described and as such, the concomitant environment management plan is not addressing those issues, which were raised at the time of public hearing. Another interesting aspect of is that the quantity of raw materials for the proposed</p>	<p>All issues raised during Public Hearing by the public have been addressed in the Final EIA report with required financial provision and the same has been mentioned in chapter 7, section 7.2 of final EIA report.</p> <p>After public hearing, the process has been improved by necessary changes in technology and process as a part of</p>

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	<p>range of products, is different from the one shown in the pre-feasibility report and Draft EIA report and there is also a mismatch in the quantity of raw materials required as shown in Form-2 by the R-4/Madura Carbon India Ltd. There is no explanation for these mismatches which was done deliberately. The true copy of the relevant extract of the Final Environment Impact Assessment report dated November, 2019 is annexed herewith and marked as Annexure A/14 (Colly).</p>	<p>Cleaner Production Target.</p> <p>The process has been improved by necessary changes in technology and provision of APCM like FGD & SNCR to control SO₂ & NO₂ respectively. This has resulted in better product recovery rate leading to lower Raw material consumption. This also ensures lower environmental impacts.</p> <p>Please note that raw material quantity in FEIA as it is on monthly basis & in Form-2 it is on annual basis. The daily consumption of raw material will be same.</p> <p>Reference: Response Binder: Annexure-R-3, List of raw material Page 553</p>
22	<p>(Page no – 34) That the emissions from carbon black manufacture include particulate matter, carbon monoxide (CO), organics, nitrogen oxides, sulphur compounds, polycyclic organic matter (POM), and trace elements which are carcinogenic. The primary hazardous air pollutant emitted from carbon black manufacturing is benzene. The carbon black production facility operates emissions control systems that capture and control tailgases from their four CBUs. The VOC, in India is counted as mixture of organic chemicals including polycyclic organic matter (POM) and benzene etc Volatile</p>	<p>The said research are related with Occupational health and the level mentioned for the health hazards are for age old technologies. The proposed plant is</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
	<p>organic compounds (VOCs) are organic chemical compounds that evaporate easily at room temperature. Gasoline, benzene, formaldehyde, toluene, xylene, styrene, and perchloroethylene are also rich sources of VOCs. Irritation to skin and eye, sensitization, central nervous system effects, carcinogenicity, and liver and kidney effects have been reported in experimental animals and humans. The true copy of the Literature and research article on carbon black manufacturing and VOCs is annexed herewith and marked as Annexure A/15 (Colly). The emission of carbon black powder and VOCs comprising benzene are harmful for the health of the surrounding residents of village Karajgam. The anticipated impacts of VOCs has not been dealt with in the FEIA as can be first seen from the Draft EIA report under the compliance of ToR section where a specific ToR was <i>"Details on VOCs emission control system from vents, stacks, fugitive emissions and flare management, etc."</i> the response is "Details of air emission and control measures is furnished in Chapter 2, Section 2.6.2, Page No 2.10 to 2.12 of Draft EIA report. Detailed EMP for Air pollution and control is furnished in Chapter 10, Section 10.4, Page No 10.2 to 10.5 of Draft EIA report." A perusal of these sections shows that there are no details as to the types and characteristics of VOCs that would be emitted as the same is depended upon the type of technology adopted which is not specified in the Draft EIA or FEIA and the quality of the raw material used as it would determine the primary particle sizes and the emissions.</p>	<p>based on latest technology with digital control system for fully enclosed and automated process unit. Hence, the level of emission of said chemicals / pollutants will be in trace level and such level will not have any threat of major health hazards. Over and above this, it is noteworthy that the proposed unit will have globally top ranked latest pollution control technology with highest efficiency. This will ensure that the project will not have any major pollution and the level of pollutant emissions will be well below prescribed norms. As per US-EPA AP42 of Carbon Black, benzene is not emitted during manufacturing of Carbon Black as the tail gas is utilized for power generation. The copy of US-EPA AP-42, Carbon black is attached here for your reference.</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		<p>Also, as replied in PH MoM, Annexure-D-2 at page no. 733, no VOC will be emitted from process reactor. Plant will be closed loop based on fully automated (D.C.S) system. An Automatic leakage detection system will be installed for piping to prevent any leakage. The off/ tail gas generated during the manufacturing of Carbon Black will be used as fuel in boiler and dryer.</p> <p>As replied in PH MoM, Annexure-D-6 at page no. 748, the proposed unit will comply with all the necessary steps regarding occupational health and all applicable laws regarding occupational health will be followed. Additionally, the level of carbon black in the air within the unit will be much lower than the permissible norms of workplace (OSHA-TWA). Thus, proper care will be</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		<p>taken that carbon black exposure will not cause any serious health problems in surrounding area.</p> <p>In market, different grades of Carbon black feed stocks are available having variable characteristics. We will use blend of two different types of feed stocks having different grades of sulphur content. We will use blend of low sulphur content feed stock (0.2-0.25%) & high sulphur content feed stock (3-3.5%) in the ratio of 30:70 considering the worst-case scenario. The overall sulphur content of the blend will be 2.5%, which was considered to calculate the SO₂ emission during carbon black manufacturing.</p> <p>FGD will be used as APCM to control SO₂ emissions. The details of these pollution control technologies are</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		<p>given in Chapter-2, Section 2.6 and Annexure-10 of Final EIA report.</p> <p>Reference: Response Binder: Annexure-R-3, Section 2.6 at Page 557 & Annexure-10 of EIA Report at Page 831</p>
23	<p>(Page no - 35) That the Expert Appraisal Committee (EAC) (Industry-2 Sector) considered the proposal of R-4/Madura Carbon India Ltd. in its 17th Meeting held during 25th -27th February, 2020. The EAC without considering the issues that arise from manufacturing of carbon black and given the track record of carbon black units in India and especially Gujarat, recommended grant of environment clearance to R-4/Madura Carbon India Ltd. One of the recommendations as regards to the conditions to be incorporated in the EC was "Mitigating measures suggested during process safety and risk assessment studies shall be carried out" without considering that the mitigating measures would only be adopted if an environmental impact is outlined as an impact arising from the manufacture of carbon black. Another interesting aspect is that from the perusal of the impugned EC it is evident there is mention of the project being appraised and considered once by EAC as details of meeting of one meeting is mentioned and details of meeting of any other EAC has not been mentioned for reason best known. The true copy of the relevant extract of Minutes of 17th meeting of Expert Appraisal Committee (EAC) (Industry-2 Sector) held during 25th -27th February, 2020 is annexed herewith and marked as Annexure A/16.</p>	<p>Partially correct, with misinterpretation of EC condition. The said condition of the prior EC is regarding additional studies for operational unit and hence it is related with post project requirements. The Final EIA report considered for EC by the Authority covers all necessary details including RA for all possible major hazards, source of environmental impacts as well as required mitigation & control measures to safeguard environmental and human health.</p> <p>Reference: Response Binder:</p>

Sr. no.	Allegation of the Appellant	Response of "Madura Carbon (India) Ltd." Against Allegation
		Annexure-R-3, Manufacturing Process at Page 787.

Response to Rejoinder

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure - B Sr. No.	Reply of "Madura Carbon (India) Ltd." Against Allegation
1.	That the contents of para 1 are denied as wrong and false. It is vehemently denied that the present appeal is to harass the respondent no. 4, the present appeal has been filed as the setting up of the Carbon Black manufacturing is going to affect the health, and livelihood of the appellants and residents of the surrounding villages.		
2.	That the contents of para 2 to the extent of the description of R-4 concerned needs no reply. In response to the contention of R-4 as regards to the survey numbers over which Carbon Black manufacturing plant is going to come up, it is submitted that the contentions of the appellants as regards to survey numbers raised in the appeal have not been responded to by R-4. The first Pre-feasibility report for the project submitted to R-1/MoEF&CC shows that the layout plan for the manufacturing unit was to be located over Survey No. 3705 to		Madura Carbon has changed the area & land in R-1/MOEF&CC dated 19.09.2018. Before the submission of R-1/MOEF&CC dt.19.09.2018, Madura Carbon analysed the project setup based on the availability of which 63AA permission was granted and Madura Carbon concluded that it was suitable to setup the project in the revised land area. Accordingly, the revised layout was submitted in PFR

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
	3710, 3712, 3713, 3715, 3717, 3718, 3720,3722 to 3724, 3726, 3727, 3730, 3733 to 3740, 3742, 3743, 4049,4084 to 4090, 4095, 4105, 4107, 4108, 4110, 4112, 4133 to 4135,4301, 4317, 5134, 5220 to 5222, 5226, 5227, 5236, 5264, Village:Karajgam, Fansa Taluka: UMBERGAON, Dist: VALSAD, Gujarat. Afterwards, R-4 submitted another layout plan which reduced the above survey numbers and Survey No. 3719, 3725,4318, were included for carbon project, were not part of the application for prior environment clearance submitted earlier or the reply submitted by R-4/Madura Carbon (India) Ltd. to R-1/MOEF&CC dated 19.09.2018.		with minor modifications in the plant layout. Reference: Appeal Binder: Form-1, Annexure-A/5 , at Page 111 Revised PFR, Annexure-A/6 , at Page 120
3.	That the contents of para 3 need no reply as the same is matter of record.		--
4.	That the contents of para 3 need no reply as the same is matter of record.		--
5.	That in response to the contents of para 5 it is submitted that the emissions from carbon black manufacturing include particulate matter, carbon monoxide (CO), organics, nitrogen oxides, sulphur compounds, polycyclic organic matter (POM), and trace elements which are carcinogenic. The primary hazardous air pollutant emitted from carbon black manufacturing is benzene. The VOC, in India is counted as mixture	1, 7, 8, 13	The said research are related with Occupational health and the level mentioned for the health hazards are for age old technologies. The proposed plant is based on latest technology with digital control system for fully enclosed and automated process unit. Hence, the level of emission of said chemicals/ pollutants will be in trace level and such level

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
	<p>of organic chemicals including polycyclic organic matter (POM) and benzene etc Volatile organic compounds (VOCs) are organic chemical compounds that evaporate easily at room temperature. Gasoline, benzene, formaldehyde, toluene, xylene, styrene, and perchloroethylene are also rich sources of VOCs. Irritation to skin and eye, sensitization, central nervous system effects, carcinogenicity, and liver and kidney effects have been reported in experimental animals and humans. The health effects of carbon black manufacturing over the surrounding human population and environment have to be taken into account and a plant which is within 200 m of residential area of the village should not be allowed.</p>		<p>will not have any threat of major health hazards. Over and above this, it is noteworthy that the proposed unit will have globally top ranked latest pollution control technology with highest efficiency. This will ensure that the project will not have any major pollution and the level of pollutant emissions will be well below prescribed norms. As per US-EPA AP42 of Carbon Black, benzene is not emitted during manufacturing of Carbon Black as the tail gas is utilized for power generation. The copy of US-EPA AP-42, Carbon black is attached as Appendix-2 for your reference. Also, as replied in PH MoM, Annexure-D-2 at page no. 733, no VOC will be emitted from process reactor. Plant will be closed loop based on fully automated (D.C.S) system. An Automatic leakage detection system will be installed for piping to prevent any leakage. The off/ tail gas generated during the manufacturing of Carbon Black will be used as fuel in boiler and dryer. As replied in PH MoM, Annexure-D-6 at page no. 748, the proposed unit will comply with all the necessary steps regarding occupational health and all applicable laws</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
			<p>regarding occupational health will be followed. Additionally, the level of carbon black in the air within the unit will be much lower than the permissible norms of workplace (OSHA-TWA). Thus, proper care will be taken that carbon black exposure will not cause any serious health problems in surrounding area.</p> <p>In market, different grades of Carbon black feed stocks are available having variable characteristics. We will use blend of two different types of feed stocks having different grades of sulphur content. We will use blend of low sulphur content feed stock (0.2-0.25%) & high sulphur content feed stock (3-3.5%) in the ratio of 30:70 considering the worst-case scenario. The overall sulphur content of the blend will be 2.5%, which was considered to calculate the SO₂ emission during carbon black manufacturing. FGD will be used as APCM to control SO₂ emissions. The details of these pollution control technologies are given in Chapter-2, Section 2.6 and Annexure-10 of Final EIA report.</p> <p>Reference: Response Binder:</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
			Annexure-R-3 , Section 2.6 at Page 557 & Annexure-10 of EIA Report at Page 831
6.	<p>That in response to the contents of the para 6 it is submitted that what is of importance is the type of industry that is going to be set up over the lands for which NA has been obtained. The Gram Panchayat at an earlier point in time was misled wherein it was stated by the company that the land is to be used for setting up textile plant though later on it was revealed that it's a carbon black manufacturing plant. On coming to know of this fact, the Gram Panchayat cancelled its earlier resolution. There is widespread opposition to the proposed carbon black project amongst the residents of the village, as their residential and agricultural areas adjoins the unit. The tribal farmers of the village whose small agricultural holdings come within the ambit of the proposed project are going to severely affected from the operation of the unit as emission of carbon black powder is going to severely affect the productivity of their agricultural procedure which is their only source of livelihood.</p>		<p>The contents therein are false and incorrect. The Madura Carbon (India) LTD in view to avoid repetition, has already filed EIA on record and that the contentions raised by the Appellants are also repetition and their objections raised before the Authorities at the time of public hearing and the EIA, which has been duly certified by the Ministry of Environment, Forest & Climate Change, covers all the objections.</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
7.	<p>That the contents of para 7 are denied as wrong and false. the proposed carbon black project is proposed to come up over an agricultural area of 23 acres which is in the middle of Village Karajgam. At a distance of 500-800 m from the periphery of the project approximately 3149 residents reside in 10 streets and as such the residential area of the village is in close proximity of the proposed project and would be affected by the air pollution caused by the unit in the form of carbon black powder. The emission of carbon black powder and VOCs comprising benzene are harmful for the health of the surrounding residents of village Karajgam. The anticipated impacts of VOCs has not been dealt with in the FEIA as can be first. Seen from the Draft EIA report under the compliance of TOR section. where a specific TOR was "Details on VOCS emission control system from vents, stacks, fugitive emissions and flare management, etc." the response is "Details of air emission and control measures is furnished in Chapter 2, Section 2.6.2, Page No 2.10 to 2:12 of Draft EIA report. Detailed EMP for Air pollution and control is furnished in Chapter 10, Section 10.4, Page No 10.2 to 10.5 of Draft EIA report." A perusal of these sections shows that there are no details as to the types and characteristics of VOCs</p>	13	<p>The said research are related with Occupational health and the level mentioned for the health hazards are for age old technologies. The proposed plant is based on latest technology with digital control system for fully enclosed and automated process unit. Hence, the level of emission of said chemicals / pollutants will be in trace level and such level will not have any threat of major health hazards. Over and above this, it is noteworthy that the proposed unit will have globally top ranked latest pollution control technology with highest efficiency. This will ensure that the project will not have any major pollution and the level of pollutant emissions will be well below prescribed norms. As per US-EPA AP42 of Carbon Black, benzene is not emitted during manufacturing of Carbon Black as the tail gas is utilized for power generation. The copy of US-EPA AP-42, Carbon black is attached here for your reference. Also, as replied in PH MoM, Annexure-D-2 at page no. 733, no VOC will be emitted from process reactor. Plant will be closed loop based on fully automated (D.C.S) system. An Automatic leakage detection</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
	<p>that would be emitted as the same is depended upon the type of technology adopted which is not specified in the Draft EIA or FEIA and the quality of the raw material used as it would determine the primary particle sizes and the emissions These aspects have not been addressed in the EMP prepared by R-4</p>		<p>system will be installed for piping to prevent any leakage. The off/ tail gas generated during the manufacturing of Carbon Black will be used as fuel in boiler and dryer.</p> <p>As replied in PH MoM, Annexure-D-6 at page no. 748, the proposed unit will comply with all the necessary steps regarding occupational health and all applicable laws regarding occupational health will be followed. Additionally, the level of carbon black in the air within the unit will be much lower than the permissible norms of workplace (OSHA-TWA). Thus, proper care will be taken that carbon black exposure will not cause any serious health problems in surrounding area.</p> <p>In market, different grades of Carbon black feed stocks are available having variable characteristics. We will use blend of two different types of feed stocks having different grades of sulphur content. We will use blend of low sulphur content feed stock (0.2-0.25%) & high sulphur content feed stock (3-3.5%) in the ratio of 30:70 considering the worst-case scenario. The overall sulphur content of the blend will be 2.5%, which was considered to calculate the SO2</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
			<p>emission during carbon black manufacturing. FGD will be used as APCM to control SO2 emissions. The details of these pollution control technologies are given in Chapter-2, Section 2.6 and Annexure-10 of Final EIA report.</p> <p>Reference: Response Binder: Annexure-R-3 Chapter-2, Section 2.6 at Page 557 & Annexure-10 of EIA Report at Page 831 Chapter-7, Section 7.2, Table: 7.1 at Page 644 to 651.</p>
	Reference of PH Query: Response Binder: (Annexure-R-5) Sanjay Patel, Page 903 & 932 Also, it is summarised at Page 1067		Reference of PH Query reply: Response Binder: (Annexure-R-5) Sanjay Patel, Page 903 & 996 Also, it is summarised at Page 1067 Proof of submission on pg. 1039 to 1042.
8.	That the contents of para 8 need no reply as the same is matter record.		--
9.	That in response to the contents of para 9 it is submitted that there was lot of opposition from the residents of the village Karanj at the time of public hearing. The issues that were raised have not been addressed in the FEIA. Some of the issues that were raised at the public hearing as follows :		
9(1)	Air pollution from proposed carbon black manufacturing plant especially given the location of the	13	This point was not raised during public hearing. The dispersion modelling study has been carried out for

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	<p>proposed unit as there are exist hills at a distance of 400 m and the existence of these hills has not been factored in the air modelling studies as this would affect dispersion of emissions from the unit. The emissions from the carbon black unit would be trapped thereby causing air pollution in the village that adjoins it.</p>		<p>environmental impact due to the upcoming company considering the terrain of the 10km study area. The results derived from the same are mentioned in the report as well and it indicates the ambient air quality is predicted to be within the prescribed limit of National Ambient Air Quality Standards Parameters.</p> <p>Reference. Response Binder: Annexure-R-3 Annexure-10: Air Dispersion modelling Report, Page 831 to 847. Chapter-7, Section 7.2, Table: 7.1, Page 644 to 651. Also, it is summarised with additional measures in Annexure-R-7 at Page 1064-1085.</p>
9(2)	<p>The trees of surrounding area, land, farming land & vegetation of land will be affected by PM,SO2 and NO2 emission from the project. The land of the proposed carbon plant is on agricultural land and agricultural land of the residents of karanj adjoins the proposed unit. There are orchards in the surrounding area which is the sole source of livelihood for the tribal residents of the village Karajgam.</p>	7	<p>The emission of SO₂ and Particulate Matter will be under the rules and regulations. Effect of the same on existing quality of ambient air will be within the stipulated limit after setting up of the plant. The land for the proposed project is owned by the company & according to statutory provision land has been converted to NA land. In additional Measures Proposed in FEIA after PH:</p>

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			<p>DeSOx & DeNOx system will be installed to control SO₂ & NO₂ emissions.</p> <p>Also, the company ensure that adequate green cover in the area company will be implement plantation under its greenbelt development plan and green environment activity under CER.</p> <p>Response Binder: Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651. Also, it is summarised with additional measures in Annexure-R-7 at Page 1074, 1064 & 1072.</p>
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Dr. Nirav Shah, Page 918 Shashikant Patel, Page 891 Vinay Sheth, Page 899</p>		<p>Reference of PH Query reply: Response Binder:(Annexure-R-5) Dr. Nirav Shah, Page 989 Shashikant Patel, Page 1007 Vinay Sheth, Page 1005 Proof of submission on pg. 1039 to 1042.</p>
9(3)	Management of VOC, odour and noise emanating from the carbon black unit.	13	<p>Plant will be based on fully automated (D.C.S) system. An Automatic leakage detection system will be installed. The off gas generated during the manufacturing of Carbon Black will be used as fuel in boiler and dryer. Hence, there will be no odor generation from the plant. Regular third-party monitoring will be carried out for Ambient Air quality.</p> <p>Response Binder:</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
	Reference of PH Query: Response Binder: (Annexure-R-5) Sanjay Patel, Page 904 & 932 Kantilal Patel, Page 915 Also, it is summarized at Page 1078		Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651. Also, it is summarised with additional measures in Annexure-R-7 at Page 1077. Reference of PH Query reply: Response Binder: (Annexure-R-5) Sanjay Patel, Page 904 & 996 Kantilal Patel, Page 987 & 988 Also, it is summarized at Page 1078 Proof of submission on pg. 1039 to 1042.
9(4)	As Air, Water, noise and land is going to be polluted due to the manufacturing of Carbon Black, the residents are against this project as other examples of carbon black units in Gujarat has shown that there is excessive pollution on account of the operation of the plant.	13	In the proposed Carbon Black plant following measures will be taken to reduce pollution Air Pollution: The overall system will be closed system to control emissions below permissible norms. Plant will be based on fully automated (DCS) system. An automatic leakage detection system will be installed. Bag-filters will be a part of the process for collection of Carbon Black and separation from off-gas. The off-gas generated during the manufacturing of carbon black will be used as fuel in boilers and dryers. Additional Measure Proposed for Air Pollution: DeSOx & DeNOx system will be installed to control SO2 & NO2 emission.

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
			<p>Water Pollution: Domestic effluent will be treated in STP and reused for gardening. The industrial effluent from washing will be treated in ETP and reused. Other effluents from utilities will be passed through RO-MEE system and reused. Hence, no effluent will be discharged outside premises.</p> <p>Additional Measure Proposed for Water Pollution:</p> <p>Water balance is revised in Final EIA report. The total domestic wastewater generated will be treated in STP. Treated water from STP will be used for gardening. Industrial wastewater generated from utility installations will be partly recycled for lime slurry preparation & remaining in RO-2. Scrubber bleed-off along with plant washing will be diverted to ETP. Treated water from ETP will partly be recycled for plant washing & remaining will be diverted to RO-2. ETP treated water along with remaining industrial wastewater will be diverted to RO. Reject from pre-treatment RO & RO-2 will be diverted to MEE. Permeate from RO & Condensate from MEE will be</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
			<p>recycled for non- potable & industrial use.</p> <p>Noise Pollution: It will be ensured that noise level will be kept below permissible norms within company premises by providing full enclosure to Turbine and installing DG Set equipped with acoustic enclosure. Regular maintenance will be carried out. Furthermore, the development of greenbelt around the premises will help in attenuation of noise. Thus, as per the above-mentioned mitigation measures, the people living in the surrounding area will not be affected due to the proposed project.</p> <p>Response Binder: Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651. Also, it is summarised with additional measures in Annexure-R-7 at Page 1074.</p>
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Kantilal Patel, Page 915 Dr. Nirav Shah, Page 900 & 918 Prabhubhai Thakariy (Gram Panchayat Manda), Page 929 Also, it is summarised at Page 1064 to 1085</p>		<p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Kantilal Patel, Page 987 & 988 Dr. Nirav Shah, Page 900 & 989 Prabhubhai Thakariy (Gram Panchayat Manda), Page 993 Also, it is summarised with additional measures in Annexure-R-7 at Page 1064 to 1085. Proof of submission on pg. 1039 to 1042.</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
9(5)	<p>Air quality will get polluted due to the establishment of R- 4/Madura Carbon India Ltd. The residential area is just 200m away from the proposed project. The godown are supposed to be made for storing the waste generation. So, due to these arrangements, the tribal community of the surrounding area are going to be affected. The fertile land is also there within this area.</p> <p>Reference of PH Query: Response Binder: (Annexure-R-5) Dr. Nirav Shah, Page 900 & 918 Kantilal Patel, Page 915</p>	13	<p>The distance certificate has been issued by Talati cum Mantri of Karajgam Grampanchayat, regarding the distance of residential area, school and college. The distance certificate details mentioned below - The solid waste will be stored properly within the plant premises under sheds & disposed as per the guidelines.</p> <p>Response Binder: Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651. Also, it is summarised with additional measures in Annexure-R-7 at Page 1074.</p> <p>Reference of PH Query reply: Response Binder:(Annexure-R-5) Dr. Nirav Shah, Page 900 & 989 Kantilal Patel, Page 987 & 988 Proof of submission on pg. 1039 to 1042.</p>
9(6)	<p>Within 200 m of the proposed carbon plant is Karajgam primary school, Karajgam primary school (Aagriwad), Anganwadis (Brahmin Faliya, Krishaniwad, Aagriwad, Rayfalla), Karajgam Government health centre, KarajgamSevaSahkari Mandal, Government grain stores and all of them will be affected by the air and noise pollution.</p>	13	<p>The distance certificate has been issued by Talati cum Mantri of Karajgam Grampanchayat, regarding the distance of residential area, school and college.</p> <p>Response Binder: Annexure-4: Page 781 & 786 Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651.</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
	Reference of PH Query: Response Binder: (Annexure-R-5) Manali Bhoir, Page 892 Dalpatbhai Dhodi, Page 927		Also, it is summarised with additional measures in Annexure-R-7 at Page 1065 & 1075, Annexure-R-7 . Reference of PH Query reply: Response Binder: (Annexure-R-5) Manali Bhoir, Page 892 & 1018 Dalpatbhai Dhodi, Page 927 & 991 Proof of submission on pg. 1039 to 1042.
9(7)	No description of raw material linkages of Feed Stock (Carbon Feed Stock) from local suppliers as it would determine the emission levels at the time of operation		The Feed Stock will be purchased from local market meaning national market. Feed Stock will be purchased from Local Vadodara or Reliance Jamnagar. Response Binder: Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651.
	Reference of PH Query: Response Binder: (Annexure-R-5) Kantilal Patel, Page 915		Reference of PH Query reply: Response Binder: (Annexure-R-5) Kantilal Patel, Page 987 & 988 Proof of submission on pg. 1039 to 1042.
9(8)	The land is not Non- agricultural land It is agriculture land. The land is 73-AA and covered under PESA act and no permission of Gram Sabha has been taken for the project. The land of the Tribals has been taken for the unit which will result in the tribal families becoming landless.	1, 10	The land for the proposed project is owned by the company and permission has been obtained for non-agricultural use viz. industrial purpose. No land which comes under 73-AA is taken for the proposed project. Response Binder: Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651. Also, it is summarised with additional measures in

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	human due to its inhalation and also causes respiratory problems.		<p>within the unit will be much lower than the permissible norms of workplace (OSHA-TWA). Thus, proper care will be taken that carbon black exposure will not cause any serious health problems in surrounding area.</p> <p>Response Binder: Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651. Also, it is summarised with additional measures in Annexure-R-7 at Page 1072, 1074 & 1070.</p>
	<p>Reference of PH Query: Response Binder: (Annexure-R-5) Vinay Sheth, Page 899 & 943 Dr. Nirav Shah, Page 900&918 Hemant Naik, Page 897</p>		<p>Reference of PH Query reply: Response Binder: (Annexure-R-5) Vinay Sheth, Page 899 & 1005 Dr. Nirav Shah, Page 900 & 989 Hemant Naik, Page 897 Proof of submission on pg. 1039 to 1042.</p>
9(11)	Manufacturing of Carbon Black would use Pyrolysis process and use of this process of restricted in the state and as such there is no approval on record from GPCB.	13	<p>Carbon Black process is not “Pyrolysis Process”. Carbon Black is produced by the reaction of a hydrocarbon fuel such as oil or gas with a limited supply of combustion air at temperatures of 1320 to 1540°C. The unburned carbon is collected as an extremely fine black fluffy particle. Carbon Black can be manufactured by 4 processes –</p> <p>A. Furnace Black Process B. Channel Process C. Acetylene Black Process D. Lampblack Process</p>

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
			<p>It was replied during PH that various companies producing carbon black have been permitted in Gujarat by GPCB.</p> <p>Response Binder: Annexure-R-3 Page 555-556, 638-640, 787 Chapter-7, Section 7.2, Table: 7.1, Page 644 & 651. Also, it is summarised with additional measures in Annexure-R-7 at Page 1077.</p>
	Reference of PH Query: Response Binder: (Annexure-R-5) Sanjay Patel, Page 903 & 932		Reference of PH Query reply: Response Binder: Sanjay Patel, Page 904 & 996 Proof of submission on pg. 1039 to 1042.
10.	That the contents of Para 10 need no reply.		--
11.	That the contents of para 11 are denied as wrong and false. The Impugned EC is required to be cancelled as it is based upon factually incorrect information and is aimed at misleading the authorities to seek EC for the project. This aspect has not been considered either in the scoping or appraisal process as mandated by EIA Notification, 2006.	13	Partially correct, with misinterpretation of EC condition. The said condition of the prior EC is regarding additional studies for operational unit and hence it is related with post project requirements. The Final EIA report considered for EC by the Authority covers all necessary details including RA for all possible major hazards, source of environmental impacts as well as required mitigation & control measures to safe guard environmental and human health.
12.	That the contents of para 12 need no reply.		--

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
13.	That the contents of para 13 are denied as wrong and false. The appeal is not premature as EC has already been granted to R-4 and appellants are challenging the grant of EC in the background of the issues that had been raised at the time of public hearing especially with regard to the track record of the operation of carbon black manufacturing units in the country and especially in Gujarat. These aspects are of significance as the proposed unit of R-4 is to be located in the vicinity of the residential areas of the village.		
14.	That in response to the contents of the para 14 it is submitted that only one advertisement is annexed at page 1043 and not two as stated in the para under reply. The copy of the environment clearance was to be sent by the project proponent to the concerned Panchayat in terms of General Condition Sl no. (xvii) Of the EC and R-4 has not put on record any letter that shows compliance with this condition.		Please refer Appendix-1 for advertisement in NEWS paper.
15.	That the content of Para 15 are denied as wrong & false there is no latter on record of the Collector stating that it's no a Scheduled area.		
16.	That the contents of para 16 need no reply and the contents of the corresponding paras of the appeal are reiterated as true and correct.		---
17.	That the contents of para 16 need no reply and the contents of the		---

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
	corresponding paras of the appeal are reiterated as true and correct.		
18.	That the contents of para 16 need no reply and the contents of the corresponding paras of the appeal are reiterated as true and correct.		---
19.	That the contents of para 19 are denied as wrong and false. A perusal of the documents annexed at Annexure R-7 shows that declaration by R-4 as regards to the land in question not being covered by PESA is no consequence. The Gram Panchayat certificate that is annexed is only specifying the distance of the structures in the village to the proposed unit. Interestingly, this certificate is not mentioning all the survey numbers over which the unit has to be set up. The Gram Panchayat has withdrawn the resolution after coming to know that carbon black unit is going to be set up adjoining the village.		
20.	That the contents of para 20 are denied as wrong and false. The Hon’ble Tribunal has jurisdiction to deal with issues arising from protection of the environment including actions that have been taken under different statues. There are judgments that affirm the power and jurisdiction of the Hon’ble Tribunal.		
21.	That the contents of para 21 need no reply and the contents of the corresponding paras of the appeal and foregoing paras.		---

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
22.	That the contents of para 22 are denied as wrong and false. The Hon'ble Tribunal has jurisdiction to deal with issues arising from protection of the environment including actions that have been taken under different statues. There are judgments that affirm the power and jurisdiction of the Hon'ble Tribunal.		
23.	That the contents of para 23 need no reply and the contents of the corresponding paras of the appeal are reiterated as true and correct.		---
24.	That the contents of para 24 need no reply and the contents of the corresponding paras of the appeal are reiterated as true and correct.		---
25.	That the contents of para 25 are denied as wrong and false. The appellants have perused the Draft EIA and Final EIA reports and relevant portions of the same has been annexed to the appeal, so it is vehemently denied that the appellants have not perused these documents. The EMP in the EIA report is no addressing the issues raised by the appellants and the contents of the appeal are not being repeated for the sake of brevity, but the appellants reserves the right to refer to the documents on record in support of the submissions made in the appeal.		<p>The PH proceeding were uploaded in Form-2 on MoEF&CC website. The table of issues raised during public hearing along with action plan is given in chapter no.7. Also, the same was submitted to MoEF&CC vide letter dtd.25/02/2020 as desired by EAC during the presentation.</p> <p>Response Binder: MoEF&CC letter, Annexure-R-7, Page 1045. Chapter No.7, Section-7.2, Table:7.1, Page 644 to 651. (Annexure-R-3)</p>
26.	That in response to the contents of para 26 it is submitted that the contents of para 17 are reiterated and the same are not being		---

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
	extracted to avoid repetition wherein some of the issues raised at the time of public hearing has been collated.		
27.	That the contents of para 27 are denied as wrong and false. The contents of the appeal are reiterated and the same is not being extracted to avoid repetition wherein some of the issues raised at the time of public hearing has been collated and also the final EIA is not addressing the issues raised at the time of public hearing.		The PH proceedings were uploaded in Form-2 on MoEF&CC website. The table of issues raised during public hearing along with action plan is given in chapter no.7. Also, the same was submitted to MoEF&CC vide letter dtd.25/02/2020 as desired by EAC during the presentation. Response Binder: MoEF&CC letter, Annexure-R-7, Page 1045. Chapter No.7, Section-7.2, Table:7.1, Page 644 to 651. (Annexure-R-3)
28.	That the contents of para 28 are denied as wrong and false. The appellants have elucidated in the application seeking condonation of delay the reasons for delay which are reasonable and sufficient and the Hon'ble Tribunal should exercise its powers and condone the delay in filing the appeal and hear the same on merits. The appellants have always been diligent in raising the issue as regards to setting up of the present unit. They also participated in the public hearing so as to bring attention to the issues of the residents living in the vicinity of the proposed unit of R-4. The judgment relied upon by the R-4 is		

Sr. No.	Allegation of the Appellant	MOM of Public Hearing Annexure – B Sr. No.	Reply of “Madura Carbon (India) Ltd.” Against Allegation
	inapplicable to the present appeal as the NGT Act provides for period of limitation which starts from the date order of passing of the order granting EC is communicated.		
29.	That the contents of para 28 are denied as wrong and false. The appellants have elucidated in the application seeking condonation of delay the reasons for delay which are reasonable and sufficient and the Hon'ble Tribunal should exercise its powers and condone the delay in filing the appeal and hear the same on merits. The appellants have always been diligent in raising the issue as regards to setting up of the present unit. They also participated in the public hearing so as to bring attention to the issues of the residents living in the vicinity of the proposed unit of R-4.		
30.	That the contents of para 30 are denied as wrong and false and contents of the corresponding paras of the appeal are reiterated as true and correct. On basis of the submissions made hereinabove the application of condonation of delay in filing the appeal be allowed and hear the TC appeal on merits.		

Pune

Date: 25th March 2023


Advocate For Respondent No.4

