



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

Environmental Planning & Coordination Organization

Paryavaran Parisar, E-5. Arera Colony
Bhopal-4620 16

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

Tel:0755-2466970, 2466859

Fax : 0755-2462136

No: 2654 / SEIAA/2021

Date: 19/12/21

To,

M/s ACC limited,
Cement House,
121 Maharshi Karve Road,
Mumbai 400020,
India

Sub: Case No. 79/2008 Prior Environment Clearance for **Badari lime stonemine 5.82** ha. village- Badari Vijayraghogarh, Distt. Katni (MP) by M/S ACC Limited, Kymore Cement Works, Kymore District –Katni (MP).

The case was discussed in 693rd SEIAA meeting dated 25.11.2021 and it was recorded that

The case was discussed in 680th SEIAA meeting dated 03.08.2021 and it was recorded that

The case was discussed in 653rd SEIAA meeting dated 08.01.2021 and it was recorded that

This case was discussed in 645 SEIAA meeting dated 28.11.2020 and it was recorded that.....

The agreement of lease transfer has been executed on 23.12.2008 to M/s ACC Limited while Prior EC was accorded by SEIAA to M/s S.N. Sunderson & Co. for above Badari Lime Stone Mine of 5.82 ha. vide letter No. 372/EPCCO-SEIAA/09 dated 25.03.2009. Later on M/s ACC Ltd. has applied in SEIAA on 08.01.2018 for transfer of EC from M/s S.N. Sunderson & Co. to M/s ACC Ltd., Kymore. In response to this, Prior EC was transferred by SEIAA to M/s ACC Ltd., Kymore vide letter No. 1742/SEIAA/2018 dated 23.02.2018.

MOEF&CC, Gol, letter No. 18-B-30/2019(SEAC) 672 dated 14.06.2019 informed that Air & Water Consent was issued in the name of M/s S.N. Sunderson & Co. in the year 2009 and M/s ACC Ltd. have been carrying out mining activities without valid Prior EC from 2009 to 23.02.2018 and even company has failed to submit half yearly compliance report on regular basis. M/s ACC Ltd. has submitted compliance report for period from Dec.2018 to May 2019 only vide letter dated 31.5.19.

In response to public complaint received from Shri Ramesh Sharma vide letter dated 19.09.20, MoEF&CC, Gol vide letter No. 18-B-30/2019(SEAC)/969 dated 02.11.2020 has communicated that Central Govt. vide Gazette Notification No. S.O. 637(E) dated 28.02.2014 has delegated power vested under Section 5 of E(P) Act, 1986 to the SEIAA to issue showcause notice to PP in case of violation of the conditions of the EC issued by the authority to project under the jurisdiction and to issue direction to the said PP for keeping such EC in abeyance or withdrawing them if required.

In view of above, it has been observed that ACC has not submitted six monthly compliance report on regular basis to MoEF&CC, Gol /SEIAA as per EC conditions hence why not your EC is kept in abeyance or withdrawn by authority as per provision under MoEF&CC, Gol Notification dated 28.02.2014 with immediate effect as it is clear cut matter of violation of Prior EC. In light of above, you are hereby directed to clarify the above issues to justify your stand within 15 days from the date of issue of letter and present your case with clarification/justification in upcoming SEIAA meeting otherwise necessary action will be initiated accordingly. Copy to Project Proponent and MoEF&CC, Gol.

In response to above query, PP has submitted reply vide letter No. KY/ENV/MPPCB/Bhopal dated 24.12.2020. After discussion, it was decided to call PP for presentation and clarification.

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- PP vide letter no. KY/ENV/MPPCB/Bhopal/331 dated 05.03.2021 requested to present the case before SEIAA.
- After that, the case was presented by PP and clarified the issues related to grant and transfer of EC, submission of Compliance report, execution of mining operation without EC obtaining from SEIAA. During the presentation it is observed that they have total lease area of more than 1000 ha and they have purchased the land of 5.82 ha. from M/s S.N. Sunderson & Co. since it was between the land of the company.
- It is noted that the lease area 5.82 ha of the subject Badari mine was reduced to 5.76 ha after Bandobast.
- It is noted that the ACC Limited approached to MPPCB for change of ownership in EC and Air & Water consents vide letter dated 29.08.2011 and 19.10.2011.
- In this case the Prior EC was issued to M/s S.N. Sunderson & Co. on 25.03.2009 and EC was transferred in the name of M/s ACC Limited on 23.02.2018. The half yearly compliance reports from 25.03.2009 to 23.02.2018 not submitted by PP and it is clear cut violation of EIA Notification 2006.


After detailed discussion, it appears that this is a case of EC violation. It is decided that, the EC issued to the PP is immediately kept in abeyance and action should be taken as per the provisions provided in EIA Notification regarding violation of EC. The PP should be informed accordingly and suitable reference also be made to Regional Officer, MoEF&CC.

As per the above decision, a letter sent to Regional Office, MoEF & CC vide our letter No 1662 dated 16.08.2021 regarding action taken for the violation of EC conditions as per the provision under EIA Notification, 2006 & its amendment.

A copy of letter No 646 dated 04.10.2021 of Regional Office, MoEF & CC received in SEIAA dated 08.10.2021 addressed to Joint Secretary, Monitoring Cell MoEF & CC requested to provide necessary directions in the matter with reference to MoEF & CC OM dated 04.07.2018 for implementation of direction of the Hon'ble Supreme Court Order dated 02.08.2017 in WP (Civil) No 114 of 2014 wherein vide judgment dated 02.08.2017 has passed a detailed order interpreting Section 21 (5) of MMRD Act and directing payment of 100% penalty for illegal mining operations with reference to the relevant statutes as mentioned in above OM dated 04.07.2018. It is also noted that, NOC of the Earlier PP has not been submitted by New PP during the transfer of prior EC in compliance of the mandatory provision as mentioned in Para 11 of EIA notification, 2006.

After detailed discussion, It is decided to revoked the EC issued by SEIAA vide letter No. 1742/SEIAA/2018 dated 23.02.2018 and further action may be taken as per the recommendation of MoEF & CC. Copy to PP & all Concern.

As per above decision you are informed that the EC issued by SEIAA vide letter No. 1742/SEIAA/2018 dated 23.02.2018 is hereby revoked.


o/c (Shriman Shukla)
Member Secretary

Endt No. 2655 / SEIAA/21

Dated: 19/12/21

Copy to:-

1 Principal Secretary, Department of Environment, Government of Madhya Pradesh,
Mantralaya, Bhopal.

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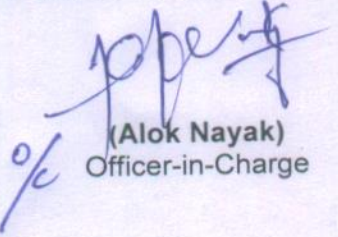
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Date:

- 2 Secretary, SEAC, Research and Development Wing Madhya Pradesh Pollution Control Board, Paryavaran Parisar, E-5, Arera Colony Bhopal-4620 16
- 3 Member Secretary, Madhya Pradesh Pollution Control Board, Paryavaran Parisar, E-5, Arera Colony, Bhopal-462016
- 4 Collector, District- Katni (MP)
- 5 Divisional Forest Officer, District- Katni (MP)
- 6 Director (S), Regional office of the MoEF& CC, Western Region, Kendriya Paryavaran Bhawan, Link Road No. 3 Ravi Shankar Nagar, Bhopal - 462016.
- 7 Director, Geology & Mining, Khanij Bhavan, Arera Hills Bhopal M.P.
- 8 District Mining Officer, Katni (MP).
- 9 Shri. K.R. Reddy, Director Plant, M/s ACC limited, Kemore Cement Works, P.O. Kemore-483880, District Katni (M.P.).
- 10 Guard file


(Alok Nayak)
Officer-in-Charge