

Minutes of the 86th Meeting of SEIAA dated 29.03.2012

The 86th meeting of the State Level Environment Impact Assessment Authority was convened on 29.03.2012 at 10.30 AM at the Authority's office in M. P. Pollution Control Board Building, Paryavaran Parisar, Bhopal. The meeting was chaired by Shri Amar Singh, Chairman, SEIAA. The following members attended the meeting:-

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| 1 | Shri M. Hashim | Member |
| 2 | Shri Manohar Dubey | Member Secretary |

1. **Case No. 47/2008**, Prior Environmental Clearance for Dolomite mine in an area of 6.81 ha for production capacity of 17,000 MT / Year at village Kalsaiya, Tehsil Bichhiya, District Mandla by Shri Vinod Kumar Agarwal.

The issue was discussed in 46th SEIAA meeting dtd. 05.10.11 it has been recorded that "The Authority while scrutinizing the documents has observed that the Environment Management Plan, Disaster Management Plan and Environment Monitoring Plan is very generalized. Secondly the SEAC has not expressed their opinion on any such issue. Since SEAC does not exist at present and hence after its reconstitution they should reconsider these cases and send recommendation within 45 days from the date of reconstitution.

It was also observed that the Forest Deptt. NOC issued by DFO, Mandla, vide letter no 1795 dt 31052010 states that some of the Khasras are falling within 250 mts from the forest boundary. Hence it was decided to write to the Project Proponent to send the Forest Deptt. NOC up to 31 st January 2011 as per the Forest Deptt. of Madhya Pradesh. circular no F5/16/81/103 dated 27th August 2008. The copy of the letter should be endorsed to the Forest Deptt., Mineral Resource Deptt., Housing and Environment Deptt. and concerned Collector of the district.

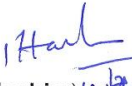
The Project Proponent should also be asked to submit a attested copy of the Mining Lease document up to 31st January 2011."


Subsequently the case was discussed in 89th SEAC meeting dtd. 14.02.2012 and it has been recorded "Committee examined the reply and found that EMP, DMP and Environmental Monitoring plan is satisfactory and acceptable. The case is again forwarded to SEIAA with 12 special conditions."

The Authority scrutinized the documents and found that the distance from the Kanha National Park is 15 km. Thus SEIAA has the jurisdiction. The distance from the forest boundary ranges from 15 to 700 m as per DFO letter (no. Manchi./1794 Mandla dtd 31.05.2010) of East Forest Division, Mandla.

The Authority examined notarized copy of the Khasra Panchsala and found that four khasra nos belong to PP and the remaining two belong to private person land. The examination of the mining lease deed revealed that it has been sanctioned for a period of 20 years starting from 14.08.2002 to 31.08.2022. As per Forest Deptt. Circular (no. F-5/16/81/10-3, Bhopal dtd. 07.10.2002) the distance of 250 m from the forest boundary is not applicable in this case as the mining lease has been sanctioned before this date. The plantation program and public hearing documents were also scrutinized by the Authority and found these to be satisfactory.


(Manohar Dubey)
Member Secretary


(M. Hashim) 10.4.2012
Member


(Amar Singh)
Chairman

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The Authority decided to grant prior Environmental Clearance for Dolomite mine in an area of 6.81 ha for production capacity of 17,000 MTA at village Kalsaiya, Tehsil Bichhiya, district Mandla by Shri Vinod Kumar Agarwal on the basis of the recommendation of the 89th SEAC meeting dtd. 14.02.12 and 68th SEAC meeting dtd. 30.10.2010 with following additional conditions :-

- i. The Divisional Forest Officer, East Forest Mandla should ensure that no encroachment on the forest land is carried out by PP.
 - ii. The PP should take consent of the two private landowners before entering the area for mining activities.
2. **Case No. 188/2008**, Prior Environmental Clearance for sand mine in an area of 10.156 ha for production capacity 70,000 meter cube / year at Village Kanki ghat, Wainganga river Taluka Waraseoni, District Balaghat by M/S Manganese Ore India Ltd. 3, Mount Road Extension, Moil Bhawan, A-1, Katol Road, Chhaoni, Nagpur, M.S.

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Case No. 189/2008, Prior Environmental Clearance for Sand mine in an area of 5.50 ha for production capacity 70,000 m³ / A at Village Kanki, Taluka Waraseoni, District Balaghat by M/S Manganese ore India Ltd.

The cases (188/2008 & 189/2008) were discussed in 89th SEAC meeting dtd. 14.02.2012 and it has been recorded "*Committee is satisfied with the submission of the information by the PP and hence decided to recommend the case for grant of prior EC with 10 conditions in both the cases.*"

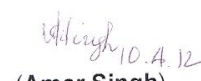
The Authority was apprised that the Hon'ble High Court of Madhya Pradesh, Jabalpur in the writ petition no. 1574/08 (Ajay Dubey Vs State of M. P. & others) has passed order and the same is quoted as "*For the aforesaid reasons, we hold that provisions of notification dated 14.09.2006 issued in exercise of powers under Rule 5 (3) (a) of the Environment (Protection) Rules, 1986 do not apply to quarrying operations of sand and bajri in view of Rule 49 (1) of M. P. Minor Mineral Rules, 1996. Consequently, no prior environmental clearance is required to be obtained in respect of quarrying of sand and bajri. Needless to state that if any mining or quarrying activity which is cover under notification dated 14.09.2006 is being carried on in contravention of provision of notification dated 14.09.2006, the State Government shall take effective steps immediately to stop such an activity in accordance with law.*" Based on this decision all the sand and bajri cases are on hold in the office of the SEIAA.

Further, against this decision, the MP Pollution Control Board has filed Special Leave Petition (SLP) (Civil) No. 13857 of 2011 against the above-mentioned Hon'ble High Court order with prayer for interim relief.

The Authority decided that a letter should be sent to MP Pollution Control Board requesting them to inform the Authority whether stay has been given or


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not in the SLP and whether any order has been passed by the Hon'ble Supreme Court in this regard?

3. **Case No. 477/2009**, Prior Environmental Clearance for "County Walk" Area Development Project at Village- Zalariya, Plot Area 80.811 ha Distt-Indore.(M.P) by Shri Nimish Arora, Director M/s Aarone Developers Pvt Ltd 6th Floor, Office Tower, Select City Walk A-3, District Centre Saket, New Delhi-110 017

The case was discussed in 80th SEIAA meeting dtd. 19.01.12 and it has been recorded that *"The Authority scrutinized the documents and found that the total built up area is 48.4368 ha and total land area is 80.811 ha as per Form-1 and EIA report submitted by the PP. As per schedule 8 of the EIA notification, 2006, the case comes under 8 (b). As the land area is more than 50 ha and the built up area is also more than 1,50,000 sq. m, it comes under B 1 category and EIA is mandatory. Further EIA notification amendment dated 04.04.11 item under 8 (b) of the schedule require scoping for which ToR should be issued. In the present case it was found that no such ToR has been issued by MS, SEAC. The Proponent has submitted EIA report along with application prior to issuance of ToR from the competent Authority. Therefore, the entire exercise carried so far is redundant.*

Hence it was decided to return the EIA to the Proponent and a letter should be issued to Member Secretary, SEAC to issue ToR afresh. After issue of the ToR the case will be dealt & processed as B-1 category."

Accordingly the case was again discussed in 91st SEAC meeting dtd. 03.03.2012 and it has been recorded that *...."After examining the matter SEAC found that the case was dealt & recommended in its 44th meeting dated 23/12/2009 and scoping was not mandatory then as MoEF Notification dated 04/04/2011 & 25/01/2012 did not exist. Appraisal of the EIA report and other submissions has already been done by the SEAC twice strictly as per the provisions of EIA notification. At this point of time SEAC finds no reason to repeat the whole exercise of appraisal."*

The Authority has also gone through the documents and also the letter dtd. 24.02.2012 submitted by the Proponent addressed to Secretary, SEAC that the they (Proponent) have not submitted ToR.

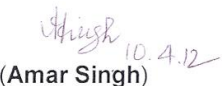
The Authority is of the opinion that the EIA notification as amended on 04.04.2011 of MoEF, Gol is issued to remove doubts for the cases which require scoping. The present case is still under consideration for grant of Prior EC. All the amendments in relation to EIA notification, 2006 will be applicable.

Hence, as decided in 80th SEIAA meeting dtd. 19.01.2012 the case is treated as B-1 category thus requiring ToR.

Therefore, it is decided to issue a letter to the Proponent to submit proposed ToR within 15 days and then the case will be considered as per provision of EIA notification, 2006 and its amendments.


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4. **Case No 548/2010**, Prior Environmental Clearance of Diaspore and Pyrophyllite mine in an area of 9.67 ha for production capacity 1360 & 15530 Tonnes of ROM Per annum at Village Nandanwara, Tehsil Jatara, District Tikamgarh, MP by M/s Eastern Minerals Bhagwantpura, Mauranipur Road, Jhansi, U. P. -284001

The case was discussed in 91st SEAC meeting dtd. 03.03.2012 and it has been recorded that " PP has submitted required information along with the supporting documents. Committee is satisfied with the EIA, EMP and other submissions of the PP, therefore decided to recommend the case for grant of prior Environmental Clearance subject to the 14 special conditions."

The Authority scrutinized the documents and found that the distance of the proposed site from the Orchha sanctuary is 40 km; District Lalitpur-UP is 48 km; District Jhansi-UP is 58 km. Hence, general conditions are not attracted. The nearest forest boundary is 3 km from the site as per DFO, Tikamgarh letter (No. 3016 dtd. 02.08.2010).

The Authority examined notarized copy of the Khasra Panchsala and lease deed and found these to be satisfactory. The mining plan was examined by the Authority and it was noted that plan period is from 2009-2010 to 2013-14 and with the envisaged rate of production of 17611 tonnes per annum, the life of the mine is five years only. Due to further exploration in the subsequent years, it may increase accordingly. The public hearing document was also scrutinized by the Authority and found satisfactory.

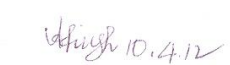
The Authority decided to grant prior Environmental Clearance for Diaspore and Pyrophyllite mine in an area of 9.67 ha for production capacity of 1360 & 15530 Tonnes of ROM Per annum at Village Nandanwara, Tehsil Jatara, District Tikamgarh, MP by M/s Eastern Minerals Bhagwantpura, Jhansi, UP on the basis of the recommendation of the 91st SEAC meeting dtd. 03.03.2012 on the following special conditions:

- i. The Environmental Clearance will be valid for 5 years only from the date of issue of prior EC. In case the quantity of mineral reserve is increased due to further exploration in due course of time the PP may apply for further extension of EC period before the expiry of the prior EC date.
 - ii. PP should carry out plantation in at least 0.75 ha area within five years.
5. **Case No. 566/2010**, Prior Environmental Clearance for Arial Rope way project from Baradari to Gwalior Fort at District Gwalior by Municipal Corporation, Gwalior, MP.

The issue was discussed in 62nd SEIAA meeting dtd. 13.07.2011 it has been recorded that " The Authority has scrutinized documents submitted by the proponent and found that the proponent has not conducted public hearing for the proposed project.


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Hence, it was decided by the Authority to write to the project proponent to conduct public hearing for the project and submit the report within 3 months. This is the last chance failing which the case will be treated as closed. Copy of the letter should also be endorsed to Member Secretary, MPPCB."

The Authority has gone through the issues raised during public hearing and found satisfactory. On the basis of the recommendations of 72nd SEAC meeting dtd. 14.12.2010 and 88th SEAC meeting dtd. 13.02.2012 the Authority decided to accord Prior EC to the proposed project for 565 m rope way (horizontal) construction of two terminals one at Baradari near Phool Bagh and other at Gwalior Fort with inclusion of only condition no. 1 & 2 out of proposed seven conditions by SEAC. These are as follows:-

- The lower terminal of the ropeway is proposed in Phool bagh, baradari area of Gwalior, this area is basically marked as green belt. Hence, only tower for lower terminal shall be allowed in this region, other constructions such as cafeteria, DG-set, amenities, etc shall not be permitted in this region. The Zoo and Green area of the region shall be maintained.
- 27 trees in the proposed project area are proposed for cutting hence PP shall plant 10 times of the trees in the nearby region. The detailed proposal for plantation should be included in the project.

6. **Case No. 621/2011**, Prior Environmental Clearance for Integrated Paint Plant at Plot No. GAE-1, GAF-1, GAF-2, Malanpur Industrial Estate, District Bhind, M. P. by M/S Akzonoble India Ltd.

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Case No. 622/2011, Prior Environmental Clearance for Powder Coating Plant at Plot No. GAE-1, GAF-1 & 2, Malanpur Industrial Estate District Bhind, M. P. by M/S Akzonoble Coatings India Pvt. Ltd.

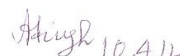
The cases (no. 621/2011 & 622/2011) were considered in 88th SEAC meeting dtd. 13.02.2012 and it has been recorded that "the above mentioned two case are recommended for grant of prior EC with 28 special conditions in both cases and 4 additional conditions in case of 622/2011. "

The project site is located in notified industrial area. As per the list provided by Commerce Industries and Employment Deptt., GoMP (letter no. 154/ 165 /2012 / B-11 dtd. 18.01.2012) the proposed activity is not prohibited in the industrial area. Hence, public hearing is not required.

The Authority has gone through the documents submitted by the Proponent. It is found that both the projects are located in the same plot of industrial area allotted by Industrial Infrastructure Development Corporation, Gwalior (IIDC), Ltd. However, the allotment has been issued by the IIDC in the name of M/S Akzonoble India Ltd only as per letter (No. IIDC land possession certificate no.


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IIDC (G)/TECH/2010/5675 Gwalior dtd. 28.12.11) while the both the units are registered in different names.

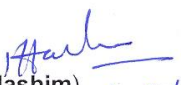
The Authority decided to write a letter to PP to clarify the issue and submit notarized / certified copy of lease deed / land ownership documents for both the units within one month. Copy of the letter should be endorsed to IIDC, Gwalior.

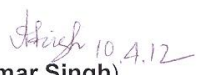
7. Other Matters

- i. Member Secretary, SEIAA brought to the notice of the Authority the Hon'ble Supreme Court order related to Environmental Clearance for the mining area below 5.00 ha also in Special Leave Petition (C) no. 19628-19629 of 2009 Deepak Kumar etc. Versus State of Haryana and Others etc. with SLP (C) Nos. 729-731 /2011 , 21833/2009, 12498-499/2010, SLP (C) CC... 16157 / 2011 & CC 18235/2011
- ii. Authority noted that in Para 16 it is mentioned that regarding sand mining MoEF, GoI has issued various recommendation in March, 2010 followed by the model rules framed by the Ministry of Mines which have to give effect to, inculcating the spirit of Article 48-A, 51-A (g) read with article of 21 of the constitution. Authority decided that letter may be sent to the following :
 - a. Ministry of Environment & Forest for copy of the various recommendation related to sand mining issued in March, 2010 and thereafter if any. A separate letter should be sent to the MoEF mentioning that as per EIA notification, 2006 it mandatory to seek prior Environmental Clearance for the mining area of 5.0 ha and above. However, as per the above referred order of the Hon'ble Supreme Court in Para 19, the Environmental Clearance has to be granted for the mining area below 5.0 ha also. Therefore, necessary instruction in this regard may be sent to MP, SEIAA.
 - b. Ministry of Mines for copy of model rules 2010.
 - c. After receiving the reply from Ministry of Environment & Forests and Ministry of Mines, GoI these are to be placed in the meetings of SEIAA for further consideration.

Meeting ended with a vote of thanks to the Chair.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member 10.4.2012


(Amar Singh)
Chairman