

## Minutes of the 58th Meeting of SEIAA dtd 16-5-2011

The 58<sup>th</sup> meeting of the State Level Environment Impact Assessment Authority was convened on 16<sup>th</sup> May, 2011 at 11.00 P.M 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:-

- |   |                    |                  |
|---|--------------------|------------------|
| 1 | Shri M. Hashim     | Member           |
| 2 | Shri Praveen Garg, | Member Secretary |

### Agenda Item - A

The office of SEIAA proposed tabular information for 23 cases falling within Indore critically polluted area. Authority perused the information and decided to re-consider their earlier decision relating to the following 3 cases-

#### **Case no.283/2009,**

**M/s Shanti realty Pvt Ltd, 3, Janki Nagar, Annex A.B. Road , Indore – M.P. Highrise multi storied residential project at Village Nipaniya, Indore – M.P, Khasra No. 45/1, 45/2, 45/3 & 47/1-**

*The case was taken up in 41 st SEIAA meeting dt 29.07.10 and following discussion was recorded. "A reply received from Regional Officer, M. P. Pollution Control Board specifies as the location of the above project does not fall within the critically polluted areas of Indore notified in the MoEF's Memo. Hence, SEIAA accepted the recommendation of SEAC and the reply from M.P. Pollution Control Board, Indore and decided to accord Prior Environmental Clearance to the above project. "*

The Authority while scrutinizing the application form submitted on 23.03.09 by the proponent again observed that the project came to the conclusion that the site is within a distance of 10 km from Indore Municipal Corporation limit because in it the distance of railway station has been mentioned as 10 km in west direction from the site Indore Municipal Corporation is a critically polluted area. The notification of MoEF, Gol dated 14<sup>th</sup> September 2006 mentions General Condition and according to it any project or activity specified in Category `B` will be treated as Category `A` if located in whole or in part within 10 km from the boundary of - critically polluted areas as notified by CPCB from time to time. Hence, the project would be treated as Category `A` and a decision for Prior Environmental Clearance can be taken by MoEF, Gol.

Sd/-  
**(Praveen Garg)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Amar Singh)**  
Chairman

The Authority was of the opinion that the decision of issue of Prior Environmental Clearance in its 41<sup>st</sup> SEIAA meeting was taken inadvertently. It has not considered General Conditions of EIA Notification dtd 14-09-2006. Hence, Prior EC issued by the Authority vide EC letter No 313-14/EP/CO/SEIAA dtd 12-08-2010 stands withdrawn. The proponent shall stop construction work immediately & seek prior EC from Ministry of Environment and Forest, Gol. It should be informed accordingly.

**Case no. 444/2009,**

**Amarapali Homes Project Pvt. Ltd, C-56/40, Sector-62, Noida-U.P., Township Project Modern city Indore Proposed Township project at vill - Sonwaya, Tehsil -Mhow, Distt-Indore-M.P-**

In 42nd SEIAA meeting dtd 13-08-2010, it is recorded that" *The Regional Officer, M.P. Pollution Control Board, Indore has clarified that the above project site is located out side the critically polluted areas of Indore*".

*The Authority accepted the recommendation of SEAC and decided on the basis of the opinion of Regional Officer, M.P. Pollution Control Board, Indore to accord Prior Environmental Clearance to the above project."*

The Authority while scrutinizing the documents again observed that the project site is within 1.7 km from Rau Railway Station and near to Rau Industrial area which is critically polluted area as identified by Office memorandum dtd. 15-3-10 of MOEF, Gol. The notification of MoEF, Gol dated 14<sup>th</sup> September 2006 mentions General Condition and according to it any project or activity specified in Category `B` will be treated as Category `A` if located in whole or in part within 10 km from the boundary of - critically polluted areas as notified by CPCB from time to time. Hence, the project would be treated as Category `A` and a decision for Prior Environmental Clearance could be taken by MoEF, Gol.

The Authority was of the opinion that the decision of issue of Prior EC in its 42nd SEIAA meeting was taken inadvertently. It has not considered "General Conditions" of EIA Notification dt 14-09-2006. Hence, Prior EC issued by the Authority vide EC letter No 344-45/EP/CO/SEIAA dt 30-08-2010 stands withdrawn. The Proponent shall stop construction work and will obtain prior EC from MoEF, Gol.

**Case no. 468/2009,**

**M/s Divya Dev. Developers Pvt. Ltd, 205, Apollo Arcade , 1/2, Old Palasia, Distt- Indore-M.P., Apollo DB City, Township Project at village Nipanya, Distt- Indore-M.P.-**

Sd/-  
**(Praveen Garg)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Amar Singh)**  
Chairman

In 41st SEIAA meeting dt 29.07.10, it is recorded that: "A reply received from Regional Officer, M. P. Pollution Control Board specifies that the location of the above project does not fall within the critically polluted areas of Indore notified in the MoEF's Memo. Hence, SEIAA accepted the recommendation of SEAC and the reply from M.P. Pollution Control Board, Indore and decided to accord Prior Environmental Clearance to the above project".

The Authority while scrutinizing the documents observed that the project site is within 10 km of Indore Municipal Corpn. limits which is critically polluted area. The proponent has mentioned distance of project site to be 8 km in west direction from Indore Railway Station. The notification of MoEF, Gol dated 14<sup>th</sup> September 2006 mentions General Condition and according to it any project or activity specified in Category 'B' will be treated as Category 'A' if located in whole or in part within 10 km from the boundary of - critically polluted areas as notified by CPCB from time to time. Hence, the project would be treated as Category 'A' and a decision for Prior Environmental Clearance could be taken by MoEF, Gol.

The Authority was of the opinion that the decision of issue of Prior EC in its 41<sup>st</sup> SEIAA meeting was taken inadvertently. It has not considered General Conditions of EIA Notification dt 14-09-2006. Hence, Prior EC issued by the Authority vide EC letter No 311-12/EP/CO/SEIAA dt 12-08-2010 stands withdrawn. The Project Proponent should be informed accordingly

The Authority again asked the officer of the SEIAA to re-check if more cases of Indore Critically Polluted area are still pending besides these 23 cases. Such information in tabular form should be placed in next meeting.

## **Agenda Item - B**

### **Additional cases when P P has submitted documents/information on the basis of decision in previous SEIAA meetings**

#### **Case no .153/08**

**M/s Sukhdeo Prasad Geonka, C/o Geonka Bhawan, Station Road, Katni, M.P, Laterite yellow ochre and manganese red oxide, red ochre mines fire clay 48.562 ha, village - Jhinna, The. Dheemerkhera, Distt- Katni, M.P.-**

The above case was considered in 44<sup>th</sup> SEIAA meeting dt 14-12-2010 and it was recorded that "It was decided by the Authority to write to the DFO, Katni to know the exact location of the above mine with respect to the Forest Area & Areas protected under Wildlife Protection Act 1972, before taking a decision in the matter".

Sd/-  
**(Praveen Garg)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Amar Singh)**  
Chairman

In this reference the DFO, Katni (vide letter No Draftsman/2718, Katni dt 21-04-11) has informed that proposed Mining lease area (48.562 ha) is within 250 m from the Forest boundary. Out of the total area 21.85 ha falls under Orange forest category. The lease area is 100 km from Protected Area viz., Bandhavgarh National Park.

As per Forest Deptt. GoMP (letter No. F-5/16/81/10-3 dt 29-08-2008) the mining lease area lying within 250 m from the forest boundary requires NOC from the committee constituted under Principal Secretary, Forest. Further a part of the area also falls under the category of Orange forest area.

In view of above it is not possible for the Authority to take decision on Prior Environmental Clearance. Accordingly it was decided by the Authority to inform the Project Proponent to get recommendation from the committee constituted under Principal Secretary, Forest for the mining lease area falling within 250 m area from the forest boundary and also getting NOC from Forest Deptt/Govt. of India for the mining lease area categorized as Orange forest area. A copy of the letter should be sent to Principal Secretary, Forest, GoMP and concerned DFO.

**Case no. 438/2009**

**Jujawal Marble Deposit, 993, Badi Omti, Distt- Jabalpur, M.P. Jujawal Marble Deposit, (8.19 ha) at Village—Jujawal, Teh. Bahoriband, M.P -**

The above case was considered in 48th SEIAA meeting dt 05-02-2011, and was recorded that *"it was found that the Proponent has not submitted the distance of mining lease area from the forest boundary and the protected area under Wildlife Protection Act 1972. Hence, it was decided to write to the concerned DFO asking him the above information up to 31st March 2011. It is also observed by the Authority that the mining lease area mentioned in Form-I and the mining lease document are different. Hence, it was decided to write to the Proponent to submit the clarification along with the attested/ notarized copy of the relevant documents. The copy of the letter written to the Proponent should be endorsed to the Mineral Resources Deptt., and the Distt. Collector"*.

While scrutinizing the documents the Authority observed that the total sanctioned mining lease area is 7.79 ha against 8.19 ha, applied for mining lease as per document of Mineral Resource Dept. (No 4-2/09/12/2 Bhopal dt 07-04-09). The proponent has submitted notarized copy of mining lease documents. The Proponent has also submitted original copy of letter of DFO, Katni (vide No. Draftsman/1836, Katni, dt 10-03-11). According to this, the mining lease area is 250 m away from the forest boundary. The Proposed mining area is also 140 km away from the Protected Area viz., Bandhavgarh National Park.

Sd/-  
**(Praveen Garg)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Amar Singh)**  
Chairman

In view of information submitted by the proponent and recommendation of 61st meeting of SEAC dt 29-07-10, the Authority decided to grant Prior Environmental Clearance to the above mentioned case for mining lease of 7.79 ha only.

### **Agenda Item C (Cases deferred from 57th SEIAA meeting dt 28.04.11)**

#### **Cases when P P has submitted documents/information on the basis of decision in previous SEIAA meetings**

##### **Case No 287/2009**

**Rawell Mining Corporation Manganese Ore Mining, Nagpur (M.H)  
Manganese Ore Mining 5.859 ha at village Ranpeth Damini, Teh. Sausar  
Chhindwara, M.P.-**

The case was discussed in 48<sup>th</sup> SEIAA meeting dtd 05.02.11, and was recorded that "*The Authority observed that the distance of the mining lease area from interstate boundary is not submitted. Hence, it was decided to write to the Distt. Collector asking for the above information up to 31st March 2011. It was also observed by the Authority that the Proponent has not submitted an attested/notarized copy of the valid Mining lease. Hence, it was decided to write to the Project Proponent asking him to submit the above information up to 31st March 2011. A copy of the letter shall be endorsed to the Minerals Resources Deptt. and the Distt. Collector*".

The Collector, Chhindwara was asked to submit the distance of the proposed mining lease area from interstate boundary (vide letter no 599/EPCO- SEIAA dtd 25.03.11). The same is still awaited. In the mean time the proponent has submitted attested photocopy of letter issued by DFO West Chhindwara Division (vide letter no 1504 dtd 27.07.10). According to the letter the proposed mining lease area is 33 km away from interstate boundary. The area is also located 24.5 km away from Protected area viz., Pench National Park.

The proponent has also submitted mining lease and Site Map. The first page of the mining lease area & Site Map have only been attested by Executive Magistrate, Nagpur. However, all other pages of the document have not been attested and name of the Executive Magistrate has not been mentioned.

The Authority decided that the proponent should be asked to submit mining lease attested copy by notary or Gazetted Officer with full name and designation by 30.06.11

##### **Case no 299/09**

**M/s Murlidhar minerals , Malegaon, Sausar Chhindwara-M.P., Malegaon  
dolomite mine 10.00 hect 20000 TPA at village- Malegaon , Teh-Sousar,  
Distt-Chhindwara-M.P. -**

Sd/-  
**(Praveen Garg)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Amar Singh)**  
Chairman

The case was earlier considered in 48th SEIAA meeting dt 05-02-11. In this meeting and was recorded that *"it was observed by the Authority that the Proponent has submitted a copy of the Mining Lease signed in the year 1994 for 10 years. It was decided to ask the Project Proponent to submit an attested/ notarized copy of the valid mining lease by 31/03/2011. A copy of the letter shall be endorsed to the Mineral Resources Deptt. and the Distt. Collector"*.

The Authority found that the proponent has submitted attested/ notarized photocopy. Accordingly, mining lease period has been extended for 20 years w.e.f. 4-4-1994 by Mineral Resource Deptt., Govt of M.P. (letter no 03-80/93/12/2 dt 25-03-03), against ten years granted earlier.

The Authority observed that Sausar Tehsil of Chhindwara district is close to interstate boundary and hence, it was decided to write a letter to Collector, Chhindwara asking to indicate the distance of the proposed project area from inter state boundary by 30.06.11 with endorsement to project proponent.

#### **Case No 566/10**

**Ropeway Project, Gwalior Office of the Commissioner Municipal Corporation, Gwalior-**

The case was discussed in 49<sup>th</sup> SEIAA meeting dtd 10.02.11. The Authority *"observed that the EIA is not up to the mark, hence, it was decided to ask Commissioner, Municipal Corporation Gwalior to resubmit EIA which should be in specific terms and as per manual for ropeways issued by MoEF. It was also observed that no public consultation was made to finalize EIA report as prescribed by the Ministry of Environment & Forests, Gol. This prescribed formality is also to be followed."*

The project proponent has submitted restructured EIA. This is to be scrutinized by the Office of SEIAA to check if it is according to the manual. This should be placed in the next meeting of SEIAA with the scrutiny report.

#### **Agenda Item D (Case deferred from 57th SEIAA meeting dt 28.04.11)**

#### **Case No. 265/09**

**M/s Pacific Exports 11, Dunne market, JBP Road Bargawan, Katni- M.P., Jhiiti Iron ore, Blue dust and laterite mine 27.05 ha at village Jhiiti , Teh-Sihora, Jabalpur-M.P.-**

The Authority scrutinized the documents, decisions and facts related to the proposed case. The same are as follows:

Sd/-  
**(Praveen Garg)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Amar Singh)**  
Chairman

- The total mining lease area is 27.05 ha. Out of this the forest area is 20.65 ha and revenue area is 6.40 ha and both the lands are adjacent to each other.
- SEAC in its 63<sup>rd</sup> Meeting dtd 30.08.10 recommended the case for grant of prior environmental clearance.
- The then Chairman, SEIAA Shri Subroto Benerjee tendered his resignation from the Office of the Chairman of the Authority on 16.08.10. Thus the Authority became non functional.
- Subsequently the case was referred to Gol, MoEF (vide letter no 373/ EPCO-SEIAA/10 dtd 01.01.10) along with recommendation of SEAC in the absence of duly constituted SEIAA.
- Later on SEIAA was constituted by MoEF, Gol notification dtd 12.11.10. Hence, the proposed case along with other cases was returned back to SEIAA, MP (vide their letter no J-11013/ 63/ 2007- IA-II(I) (Pt) dtd 14.12.10).
- Member secretary MP Pollution Control Board (vide letter No 480-81/ TS/Mine/ MPPCB/ 2011 dtd 14.01.11) has given consent to operate under Water (Prevention and Control of Pollution) Act, 1974 for a period of 12 month from the date of issue of that letter. Similarly they have also issued (letter no 482-883 TS/Mine/ MPPCB/ 2011 dtd 14.01.11) consent to operate under Air (Prevention and Control of Pollution) Act, 1981 for a period of 12 month from the date of issue of that letter.
- The case was discussed in 48<sup>th</sup> SEIAA meeting dtd 05.02.11 and recorded that. *"Authority came to know that a W.P. No. 1072/2011 was filed by Santu S/o Vishram and Sukhlal S/o Faguram Vs Union of India and others. In this writ petition the Authority has also been made the respondent. The Hon'ble High Court of Madhya Pradesh has passed an order on 19/01/2011 and directed Counsel Shri Shroti to inform whether any Prior permission under the law has been obtained by the proponent.*

*Hence, it was decided by the Authority to ask Advocate Shri Shroti about the latest development in the W.P. no 1072/2011. He may also be asked whether any stay has been granted by the Hon'ble High Court as prayed by the petitioner in their writ petition. It was also decided that the Member Secretary shall examine all the documents related to the case in the meantime the case may be put up before the Authority after getting a reply from the Advocate".*

- Shri V S Shroti vide letter dt 22.03.11, has informed that no order of stay of any sort has been passed by Hon'ble High Court in the instant case and that notices have been directed to be issued.

Sd/-  
**(Praveen Garg)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Amar Singh)**  
Chairman

- The project proponent has submitted notarized photocopy of DFO letter. As per letter of DFO (No. Draftman 2245, Jabalpur dtd 23.08.10), the area is 25 km away from National Parks/ Sanctuary.
- As per above mentioned letter and also another letter (No D- 197879/ 1905/ 10-3/ 2010, Bhopal dtd 05.08.10) of Deptt of Forest, Govt of Madhya Pradesh, it is evident that clearance under Forest Conservation Act, 1980 has been given by MoEF, Gol. In this reference (letter No 6-MPC 020/ 2009/ Bho/ 1337 dtd 13.07.10) Forest NOC from MoEF, Gol has been mentioned for 20.65 ha forest land.

Based on above facts and documents submitted by PP and also on the basis of SEAC recommendation it is decided to grant prior Environmental Clearance in the present case, since the stay order has not been passed by Hon'ble High Court in the Writ Petition 1072/ 2011 restraining SEIAA not to consider Proponent's application so seek prior EC.

*Meeting ended with a vote of thanks to the Chair.*

Sd/-  
**(Praveen Garg)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Amar Singh)**  
Chairman