

Minutes of the 100th Meeting of SEIAA dated 18.07.2012

The 100th meeting of the State Level Environment Impact Assessment Authority was convened on 18.07.12 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:-

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

1. Following case has been considered and the details of the receipt of the additional information from PP is as follows :

S. No.	Case No.	No. & date of SEIAA meeting in which addl. information was asked	Date of issue of minutes of SEIAA meeting	Date of Rcpt. of last inform.
1	188/2008 & 189/2008	99 th SEIAA meeting dtd 11.07.12	16.07.12	Not received
2	611/2010	94 th SEIAA meeting dtd. 30.05.2012	06.06.12	11.06.12
3	629/2011	91 st SEIAA meeting dtd. 11.05.12	19.05.12	01.06.12
4	637/2011	94 th SEIAA meeting dtd. 30.05.12	06.08.12	23.08.12

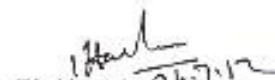
2. **Case No. 188/2008**, Prior Environmental Clearance for sand mine in an area of 10.156 ha for production capacity 70,000 meter cube / year at village Kanki (Wainganga River), Taluka Waraseoni, District Balaghat by M/S Manganese Ore India Ltd. 3, Mount Road Extension, Moil Bhawan, A-1, Katol Road, Chhaoni, Nagpur, M.S.

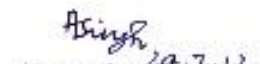
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Case No. 189/2008, Prior Environmental Clearance for Sand mine in an area of 5.50 ha for production capacity 70,000 m³ / A at Village Kanki, Taluka Waraseoni, District Balaghat by M/S Manganese ore India Ltd.

- A. **Policy Issue:** Whether prior Environmental Clearance is to be considered in case of sand and Bajri ?
- i. In the order of the Hon'ble High Court, MP, Jabalpur Bench dtd 29.09.10 in the Writ Petition no. 1574/2008 Ajay Dubey Vs. State Govt. MP & Others, it has been concluded in Para 31 that "For the aforesaid reasons, we hold that provision of notification dated 14.09.06 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 (i) 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"
 - ii. The Member Secretary, SEAC (vide letter no. 372 dtd 21.12.11) informed that Special Leave to Appeal (Civil) No. 13587 of 2011 has been filed by MP Pollution Control Board Vs. MP State of Mining and others (viz. Secretary, Ministry of Environment & Forest, Govt State Level Expert Appraisal Committee, State Level Environment Impact Assessment Authority, Secretary Deptt. of Housing & Environment) vide SLP (civil no.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


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13587 / 2011).

- iii. As per information provided by MS, SEAC (vide their letter no. 287 dtd 13.06.12) till now no stay order has been passed by the Hon'ble Supreme Court against the decision of the Hon'ble High Court, Jabalpur.
- iv. As per information downloaded from the website of the Supreme Court on 17.02.12, the above SLP is listed for final disposal on 05.09.12. The Union of India is permitted to file counter affidavit in the mean time.
- v. The Hon'ble Supreme Court on 27.02.12 (in the SLP (C) no. 19628-19629 of 2009 Deepak Kumar etc. Vs. State of Haryana & Others with SLP (C) no. 729-731/2011, 21833/2009, 12498-499/2010, SLP (C) CC... 16157/2011 & CC 18235/2011), has passed the order. Para 16, 17, 18 & 19 of the order are as follows :

Para - 16 : *We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand mining, it may be noted, may have an adverse effect on bio-diversity as loss of habitat caused by sand mining will effect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendation in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, including the spirit of Article 48A, Article 51A (g) read with Article 21 of the Constitution.*

Para - 17 : *The State of Haryana and various other States have not so far implemented the above recommendations of the MoEF or the guidelines issued by the Ministry of Mines before Issuing auction notices granting short term permits by way of auction of minor mineral boulders, gravel, sand etc. in the river beds and elsewhere of less than 5 hectares. We, therefore, direct to all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.*

Para - 18 : *Central Government also should take steps to bring into force the Minor Minerals Conservation and Development Rules, 2010 at the earliest. State Government and UTs also should take immediate steps to frame necessary rules under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendations of MoEF in its report of March 2010 and model guidelines framed by the Ministry of Mines, Govt. of India. Communicate the copy of this order to the MoEF, Secretary, Ministry of Mines, New Delhi, Ministry of Water Resources, Central Government Water Authority, the Chief Secretaries of the respective States and Union Territories, who would circulate this order to the concerned Departments.*

Para - 19 : *We, in the meanwhile, order that leases of minor mineral including their renewal for an area of less than five hectares be granted by the States / Union Territories only after getting environmental clearance from the MoEF. "*

- vi. In view of the above directions of the Hon'ble Supreme Court, it was decided that all cases related to sand and Bajri pending in the SEIAA are to be considered for grant of Prior EC. Such cases shall be reviewed after 15.09.12 in view of the outcome of the above-mentioned SLP on 05.09.12 filed in Hon'ble Supreme Court.

B. 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


(Manohar Dubey)
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(M. Hashim)
Member

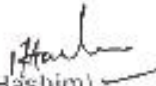

(Amar Singh)
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(Wainganga River), Taluka Waraseoni, District Balaghat by M/S Manganese Ore India Ltd. 3, Mount Road Extension, Moil Bhawan, A-1, Katol Road, Chhaoni, Nagpur, M.S.

- i. The case was discussed in 99th SEIAA meeting dtd. 11.07.12 and it has been recorded that "... The issue was discussed in depth and it was decided that a letter may be sent to Member Secretary, MP Pollution Control Board requesting him to inform whether the SLP has been admitted by Hon'ble Supreme Court?"
 - ii. PP has submitted a letter to SEAC (vide letter no. 102/469/2011-12 246 dtd 31.05.11) where in PP has mentioned that the site is 40 km from the MP Maharashtra border and as per DFO, Balaghat (S) (letter no. 245/Balaghat dtd 25.01.12) Kanha National Park and Buffer Zone is more than 50 km, the Kanha Pench Corridor is more than 10 km and Pench National Park is 25 km from the site. Hence, general conditions are not attracted and SEIAA has jurisdiction. The public hearing document was examined and it was found that there is no adverse issue. On examining the land ownership documents it was found that the lease deed has not been submitted by PP. The Khasra Panchsala show that Khasra no 727 has been mentioned in Khasra Panchsala while the Gram Panchyat Certificate & DFO letter have mentioned 727 & 685 Khasra Nos also. PP has not submitted the undertaking regarding originality and authenticity of data and as well as summary of the EIA.
 - iii. It was decided to accord Prior Environmental Clearance on the basis of recommendation of 89th SEAC meeting dtd 14.02.12 for sand mine in an area of 10.156 ha for production capacity 70,000 cubic meter / year at village Kanki (Wainganga River), Taluka Waraseoni, District Balaghat by M/S Manganese Ore India Ltd. with the conditions that the PP shall submit notarized copy of the Khasra Panchsala, mining lease deed, a letter from the Collector indicating the interstate boundary, summary of the EIA and an undertaking owning the content of the data within 30 (thirty) days. As the case is related to an undertaking of the Govt. of India this has been considered as an exceptional case and will not be taken as precedence for other cases.
- C. 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.
- i. The case was discussed in 99th SEIAA meeting dtd. 11.07.12 and it has been recorded that "... The issue was discussed in depth and it was decided that a letter may be sent to Member Secretary, MP Pollution Control Board requesting him to inform whether the SLP has been admitted by Hon'ble Supreme Court?"
 - ii. PP has submitted a letter to SEAC (vide letter no. 102/469/2011-12 246 dtd 31.05.11) wherein it has been mentioned that the site is 40 km from the MP Maharashtra border. As per DFO, Balaghat (S) (letter no. 247/Balaghat dtd 25.01.12) the Kanha National Park and Buffer Zone is more than 50 km, the Kanha Pench Corridor is more than 10 km and Pench National Park is 25 km from the site. Hence, general conditions


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are not attracted and SEIAA has jurisdiction.

- iii. The public hearing document was examined and no adverse issue was observed. The mining lease deed and the Khasra Panchsala has not been submitted by the PP. The PP has also not submitted the undertaking regarding originality and authenticity of data and as well as summary of the EIA.
 - iv. It was decided to accord Prior Environmental Clearance on the basis of recommendation of 89th SEAC meeting dtd 14.02.12 for Prior Environmental Clearance for Sand mine in an area of 5.50 ha for production capacity 70,000 m³ / annum at Village Kanki, Taluka Waraseoni, District Balaghat by M/S Manganese ore India Ltd., with the conditions that the PP shall submit notarized copy of the Khasra Panchsala, mining lease deed, a letter from the Collector indicating the interstate boundary, an undertaking owning the content of the data and summary of the EIA within 30 (thirty) days from the date of putting the minutes on the website. As the case is related to an undertaking of the Govt. of India this has been considered as an exception and will not be taken as precedence for other cases.
3. Case No. 611/2010, Prior Environmental Clearance for Area Development cum construction Mantri City- Integrated Township at village Sujana & Kulaish, Tehsil & District Gwalior, MP by M/s Sunil Mantri Reality Limited.
- i. The case was discussed in 94th SEIAA meeting dtd. 30.05.2012 and it has been recorded that "... The PP should be asked why the case should not be considered under item no. 8 (b) of the schedule of EIA notification, 2006? The letter should be sent by registered post to the PP for submitting clarification on this issue by 15th July, 2012 positively to the SEIAA directly. If no clarification is received by this date, the case will be summarily rejected."
 - ii. The document submitted by PP were examined and it was found that on the basis of lease deed and decision of the Hon'ble High Court, Gwalior Bench (W.P.No. (PIL) 652/2012), out of total land i.e. 374.91 acres the allotment of 303.14 acre has been cancelled by the Hon'ble High Court and only 71.77 acres land is under the possession of the Proponent. Hence, from the above facts it was found that the case comes under category 8 (a) of the schedule of EIA notification, 2006.
 - iii. Regarding water requirement it was found that the Proponent has shown fresh water requirement of 1500 KLD and source of water is SADA, Gwalior but the NOC letter has not been submitted by him. It was decided that PP should be asked to submit clear cut commitment of water supply from SADA for the required fresh water quantity. PP should also be asked to submit the information that what is the source of water supply of SADA, Gwalior and whether the SADA has requisite permission to have such water supply?
 - iv. It was found that the PP has not submitted the building permission from the competent authority and information about height of the building. It was decided that PP should be asked to submit the following information:


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29.7.12
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- a. The number of blocks / towers, built up area of each floor, details about the parking area and height of buildings.
 - b. The NOC of fire fighting from local fire station and distance from the nearest fire station.
 - c. Building permission from competent authority.
 - v. The PP should be asked to submit the information by 25.09.12.
4. **Case No. 629/2011**, Prior Environmental Clearance for Group Housing Project at Village Jalkhedi, Tehsil Huzur, Bhopal by M/S Shri Balaji Infrastructure Ltd. S-9, Sagar Plaza, 250, Zone-II, M. P. Nagar, Bhopal
- i. The case was discussed in 91st SEIAA meeting dtd. 11.05.12 and it has been recorded that *"...The Authority decided that PP should be asked to provide notarized copies of these documents.*

The Authority decided that PP should submit documents explaining how the land of Sant Kripa shall be used by M/S Balaji Infrastructure?

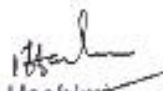
The Authority decided that Proponent should be asked to submit in clear terms the details of water requirement and its source of supply.

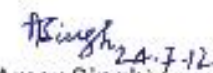
The Town & Country Planning has given permission in the name of Sant Kripa Infra & Services Pvt. Ltd. Therefore, the Authority decided that PP should also clarify this aspect.

The Authority also found that total height of the building is more than 15 m. The Authority decided that a fire fighting plan as per the National Building Code and also NOC for fire fighting issued by Fire Office should be submitted.

It was decided that the Proponent should be asked to submit building permission from the concerned Authority. The Proponent should procure certificate from his consultant that the fire-fighting plan submitted by him is according to the National Building Code. The Proponent should submit these informations within one month."
 - ii. The case was discussed and it was found that the PP has not submitted the building permission with the documents submitted by him vide letter no. nil dtd 31.05.12 received in SEIAA office on 01.06.12 on the basis of minutes of 91st SEIAA meeting dtd 11.05.12. Hence, the other documents submitted by PP were not scrutinized in this meeting.
 - iii. It was decided that PP should be asked to submit building permission from the competent authority by 20.08.12. If this is not received, then the case shall be summarily rejected.
5. **Case No. 637/2011**, Prior Environmental Clearance for Residential, Club, Shopping Arcade "DB City Project" at Village Mehra, Tehsil & District Gwalior, MP by Bhaskar Housing Development Co. Pvt. Ltd.
- i. The case was discussed in 94th SEIAA meeting dtd. 30.05.12 and it has been recorded that *"The case was discussed in depth and it was found that the PP has initiated some construction without prior EC and submitted the resolution of their Board of Directors before SEAC along with affidavit that such violation shall not be repeated in future. By going through O.M. No. J-11013/41/2006-II(I) of MoEF, Gov dated 16-11-2010 regarding violation of EIA Notification 2006 Para 4 (ii) it was observed that it was not the stage to submit such resolution before SEAC.*


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The O.M. is quoted hereunder:

- * 4. (ii) After the Competent Authority has approved the proposal for grant of environmental clearance, MoEF/ SEIAA will send a communication to the project proponent informing that although the proposal has been approved by the competent Authority, formal environmental clearance will be issued to the project only after the matter relating to the violations have been put up to the Board of Directors of the Company or to the Managing Committee/GEO of the Society, Trust, partnership/ individually owned concern for consideration of its environment related policy/ plan of action as also a written commitment in the form of a formal resolution to be submitted to MoEF/SEIAA to ensure that violations of the Environment (Protection) Act etc. will not be repeated. For the purpose, a time limit of 90 days will be given to the project proponent. In the meantime, the project will be delisted. In the eventuality of not having any response from the project proponent within the prescribed limit of 90 days, it will be presumed that it is no longer interested in pursuing the project further and the project file will be closed, where after the procedure for obtaining environmental clearance will have to be initiated de-novo by such project proponents. *

It was decided to return the resolution passed by Board of Directors to PP by registered post. Further PP should be asked to inform the period of violation i. e. date of beginning violation and the date of end of the violation. It was also advised if construction is going on then, it should be stopped with immediate effect and no construction should take place till formal EC is issued to them. , The PP should submit the above information by 31st July 2012.


Further the case was discussed in depth and it was found that building permission letter is not clear, therefore the complete certified copy along with details of total land, developed area, built up area, total number of buildings, floor wise built up area, number of floors, height should be submitted by the PP.

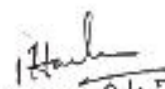
In respect of para 4 of office memorandum (No. 27-270/2008-IA.III dated 07.02.2012) MoEF GoI regarding guidelines for high-rise building, PP should submit the information regarding width of the road and location and distance of nearest fire station w.r.t. height of the building and NOC from the local fire station.

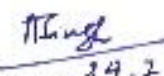
While discussing the water requirement it was decided that the water demand breakup given by the PP should be adhered and fresh water requirement should not exceed 537.50 KLD as decided by SEAC. It was noted that PP has proposed to meet the water demand through ground water. As per the ground water extraction norms permission from Central Ground Water Board is a must. Hence, it was decided that PP should be informed by registered post to submit the permission from CGWB by 31st July 2012 otherwise case will be summarily rejected. It was also decided that all queries to the PP should be sent by registered post.*

- ii. The information submitted by PP vide his letter no. nil dtd 13.06.12 & 19.06.12 was looked into and it was found that the PP has not submitted the permission / NDC of water extraction from Central Ground Water Authority. In want of the permission from CGWA, the case was deferred and other informations submitted by him were not scrutinized. The case shall be considered just after 31.07.12 in the light of the decision of the SEIAA taken in 94th meeting dtd 30.05.12.

Meeting ended with a vote of thanks to the Chair.


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Member Secretary


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Member


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