

Minutes of the 113th Meeting of SEIAA dated 01.12.2012

The 113th meeting of the State Level Environment Impact Assessment Authority was convened on 01.12.2012 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:-

- 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 add. information was asked	Date of issue of minutes of SEIAA meeting	Date of Rcpt. of last inform.
1	96/2008	95 th SEIAA meeting dtd 04.06.12	08.06.2012	05.10.2012
2	151/2008	67 th SEIAA meeting dtd 29.09.11	04.10.2011	27.11.2012
3	153/2008	98 th SEIAA meeting dtd 05.07.12	10.07.2012	03.11.2012
4	155/2008	79 th SEIAA meeting dtd 16.01.12	24.01.2012	27.11.2012
5	160/2008	92 nd SEIAA meeting dtd 21.05.12	29.05.2012	04.10.2012
6	268/2009	93 rd SEIAA meeting dtd 24.05.12	30.05.2012	08.10.2012
7	271/2009	106 th SEIAA meeting dtd 14.09.12	19.09.2012	19.11.2012


2. **Case No. 96/2008**, Prior Environmental Clearance for Iron Ore mine 20.141 ha for production capacity of 50,000 MT/Y at village Agaria, Tehsil Sihora, Dist. Jabalpur, MP by M/S Nirmala Minerals.

- i. The case was discussed in **95th SEIAA meeting dated 04.06.2012** and it is recorded that... " The PP has informed vide letter dtd 13.03.12 that the mining lease period was between 06.03.1987 to 05.03.2007 which has expired. The PP has submitted application for renewal on 03.03.2006 and since the State Govt. has not disposed of the application till date therefore by operation of sub rule 6 of rule 24A of Mineral Concession Rules, 1960, the lease is deemed to be extended for further period. The case was discussed in depth and it was decided that a letter should be sent to Secretary, Mining Deptt. stating that the mining lease of PP was between 06.03.1987 to 05.03.2007 which has expired and still the mining lease renewal have not been granted. The reasons for not extending the mining lease to PP should be informed to SEIAA within one month.

Further, Central Empowered Committee Report constituted by Hon'ble Supreme Court, of India, New Delhi in IA no. 1349, IA no. 1246-47, 1378-80 and 2299-2300 regarding mines in forest land in Madhya Pradesh in sub Para a of Para 16 has recommended "In the areas covered under the Notification dtd 10.07.1958 issued under section 29 of the Indian Forest Act, 1927, no non-forestry user including mining should be permitted without approval under the Forest (Conservation) Act, 1980. The mining lease areas of M/s Nirmala Minerals and M/s Jai Minerals and other (if any) should accordingly be reviewed." It was decided that a letter be written to Secretary, Mining, Deptt. GoMP to submit the status of the above case within one month. Copy of this letter should be endorsed to Principal Secretary, Forest Department, GoMP and PP also.

It was noted that MPPCB vide letter no. 9174/TS/MPPCB dtd 21.11.11 has informed that MPPCB, Regional Office Jabalpur and District Collector (Mining), Jabalpur has found that the PP has exceeded the production capacity as specified in water / air consent / environment clearance. Accordingly MPPCB has issued closure direction and also court case under provision of water / air (P & CP) Act, 1974, 1981 and EPA 1986 have been initiated by the board. It was decided that a letter should be written to Member Secretary, MPPCB to submit within one week the details of the case pending in the Court. He should also inform the Acts and details of sections etc. under which violation has been done."

- ii. The case was discussed in depth. It was noted that in response to our letter addressed to the Secretary, GoMP, Mineral Resource Department, (vide No,


(Manohar Dubey)
Member Secretary

(M. Hashim)
Member


(Amar Singh)
Chairman

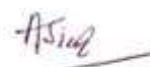
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396 dtd. 21.06.2012) the information provided by the Under Secretary, Mineral Resource Department vide L.No. 3-66/2007/12/2 dtd. 03.10.2012 reveals that the lease area under question is Protected Forest and the case is under consideration at Hon'ble High Court, Jabalpur. It was decided that the DO letter should be sent to the Principal Secretary, Forest Deptt, GoMP intimate the latest position in the Writ Petition No. 20824/2011 regarding the status of its land included in the mining lease.

- iii. It has also been mentioned in the above letter of the Mineral Resource Deptt that no mining activities be carried out in the said land without leave of High Court. It was decided to send DO letter to the Secretary, Mineral Resources Deptt to intimate if the ban imposed on mining activity still continues and what is the present status?
3. **Case No. 151/2008**, Prior Environmental Clearance for manganese mine in an area of 7.114 ha for production capacity of 1500 MTA at Village Palaspani, Tehsil Sausuar, District Chhindwara (M.P.) by Shri Sangeeta Sharma
- i. The case was discussed in 67th SEIAA meeting dated 29.09.2011 and it is recorded that... *"The Authority examined the letter sent by West Chhindwara Forest Division (vide letter no. 1539/Chhindwara dtd. 27.08.11). As per enclosure of this letter the Authority found that the proposed mining area is 20 m from the forest boundary. Therefore, the Authority decided that the PP should be asked to submit NOC of the Committee constituted under Chairmanship of PS, Forest as per Forest Deptt. (vide letter no. F/16/81/10-3 Bhopal dtd. 27.08.08)"*
 - ii. The case was discussed in detail. It was found that the PP has submitted the notarized copy of the lease deed. The duration of lease is 20 years i.e. from 13.01.2006 to 12.01.2026.
 - iii. It was noted that the interstate boundary is 43 Km, the distance of Pench National Park is 25 km from the mining area. Hence, the General Conditions are not attracted.
 - iv. The proposed plantation programme was examined and it was found that 3500 trees would be planted in an area of 3.5 ha. The plantation programme was found satisfactory.
 - v. It was noted that the Public Hearing was held on 27.04.2009 at mining site under the Chairmanship of Additional Collector, Chhindwara. The issues raised during public hearing were of general nature, nothing adverse was found regarding degradation of the environment.
 - vi. As per approved mining plan vide No. Chh/MN/MPLN-887 dtd. 26.07.2005 the proved mineable reserve is 46592 T and year wise production is 1500T as such the anticipated mine life (46592/1500) is 31 years.
 - vii. It was noted that the lease was sanctioned in the year 2005 Vide No. 3-49/2004/12/2 dtd. 08.09.2005 by Mineral Resource Department, MP, which is earlier to the Forest Department's, Circular vide no F/16/81/10-3 Bhopal dtd. 27.08.2008, therefore, the NOC from the PS, Forest Department is not required. However, it was decided that the DFO, Chhindwara should be asked to monitor the mining activity and check if any violation of Forest Conservation Act 1980 is found.


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(M. Hashim)
Member

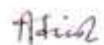

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- viii. The Authority accepted the recommendation of 47th SEAC meeting dated 29.01.10 and 68th SEAC meeting dated 30.10.2010 and decided to accord Prior Environmental Clearance for manganese mine in an area of 7.114 ha for production capacity of 1500 MTA, for the lease period i.e. up to 12.01.2026 only at Village Palaspani, Tehsil Sausuar, District Chhindwara (M.P.) by Shri Sangeeta Sharma.
4. **Case No. 153/2008**, Prior Environmental Clearance for laterite (482502 TPA), yellow ochride (52668 TPA), red ochride, manganese & fire clay (122625 TPA), red oxide (26681 TPA) mining in an area of 48.562 ha at Village Jhinna Teh- Dhimmerkhera, Distt- Katni M.P. by M/s Sukhdeo Prasad Goenka C/o Goenka Bhawan, Station Road, Katni M.P.
- i. The case was discussed in 98th SEIAA meeting dtd. 05.07.12 and it was recorded that..... *"The issue was discussed in depth and it was decided that DO, letters should be sent to Commissioner, Jabalpur Division, Jabalpur and also Chief Conservator, Forests, Jabalpur Circle, Jabalpur to direct the concerned Authorities to submit a joint report and map showing revenue land and forest land of the total area included in the mining lease duly signed by Collector & DFO, Katni as per decision taken in 73rd SEIAA meeting dtd 30.11.11. The endorsement letter should also be sent to Collector & DFO, Katni as well as PP"*.
- ii. The case was discussed in depth. It was noted that the DO letter was sent to the Commissioner, Jabalpur and Chief Conservator Forest, Jabalpur vide No. 554 dtd. 19.07.2012 and 552 dtd. 19.07.2012 respectively. It was found that the direct reply from the respective officers has not been received in the SEIAA office.
- While scrutinizing the documents submitted by the PP it was found that the PP has submitted (vide No. nil dtd. 07.11.2012) the notarized copy of the joint report by the Collector & DFO, Katni which he received through Right to Information (Case No. 105/2012-13, Collector Office L.No. 13 dtd. 09.10.2012).
- iii. It was noted that according to Joint Report the Khasra No. 507 is part of PF 365 and is also a habitat of wildlife. The PF 365 has been included in the working plan and approved by the MoEF vide L.No. 12-14/2003 (फोर) 2349 dtd. 28.11.2005.
- It is also mentioned in the report that the case of Khsara No. 507 is under consideration at the Court of Collector, Katni, therefore is dose not seems appropriate to issue the Prior EC for the above Khasra Nos.
- iv. Considering the above facts and to avoid the violation of Forest Conservation Act 1980, it was decided to close the case at present. It was also decided that all concerned should be informed accordingly.
5. **Case No. 155/2008**, Prior Environmental Clearance for dolomite mine in an area of 10.00 ha for production capacity of 1.00 lakh MT/ year Survey No 74, Village Bichwabaggu, Tehsil Saunsar, District Chhindwara M.P by Kwality Mineral Behind Milan Hall, Habib Nagar, Teka, Nagpur, M H.
- i. The case was discussed in 79th SEIAA meeting dated 16.01.2012 and it is recorded that...*"Subsequently the case was discussed in 84th SEAC meeting dtd. 09.11.11 and it has been recorded that "The committed of the opinion these cases have been dealt in various meeting of SEAC keeping in all Environmental / Technical issues."*


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The Authority examined Public Hearing and found satisfactory. The plantation plan as given in their presentation was also examined by the Authority and found that plantation plan is satisfactory.

The Authority was apprised that the letter from the competent Authorities regarding distances from the Protected Areas, nearest forest boundary and interstate boundary have not been provided by the PP. The Authority was also apprised that no Khasra Panchsala, mining lease and approved mining management plan have been provided by the PP. The Authority decided that PP should submit :

- (a) A letter from the concerned DFO, Chhindwara indicating distance of nearest forest boundary and from the Protected Areas (viz National Park and Sanctuary) from the proposed mining lease area within one month.
- (b) A letter from the Collector, Chhindwara indicating distance from the interstate boundary.
- (c) Latest Khasra Panchsala, notarized copy of the mining lease and approved Mining Management Plan within one month.

The Authority decided that a letter should also be sent to concerned DFO, Chhindwara and the Collector, Chhindwara for providing information to the PP related to (a) & (b) as above".


- ii. The case discussed and it was noted that interstate boundary and National Park/Sanctuary are not within 10 Km radius. Hence, General Conditions are not attracted.
 - iii. The PP has submitted the notarized copy of the lease deed for 20 years w.e.f. 24.11.1999.
 - iv. As per approved mining plan vide no. CNW/DOL/MPLN-656/NGP dtd. 31.03.2009 the anticipated mine life in 14 years.
 - v. The Authority accepted the recommendation of 77th SEAC meeting dated 25.08.2011 and decided to accord Prior Environmental Clearance for dolomite mine in an area of 10.00 ha for production capacity of 1.00 lakh MT/year Survey No 74, for the lease period i.e. up to 23.11.2019 only at Village Bichwabaggu, Tehsil Saunsar, District Chhindwara M.P by Kwality Mineral Behind Milan Hall, Habib Nagar, Teka, Nagpur, M H.
6. **Case No. 160/2008**, Prior Environmental Clearance for Stone Quarry in an area of 17.34 ha (as per EC letter) for production capacity of 20,000 MT/Y at village Dang, Tehsil Gohad, Dist. Bhind, MP by M/S Kamtanath Stone Crusher Udyog, C/o Shri Nathuram Jatav, Lohiya Kamgar Sahakari Sansthan, Village Dang, District Bhind M.P.

- i. "M/S Kamtanath Stone Crusher Udyog, Dang (Bhind) को पत्र क्र. 380/EPCO-SEIAA/12 दिनांक 19.06.2012 के माध्यम से पर्यावरणीय स्वीकृति दी गयी थी, जिसमें पर्यावरणीय स्वीकृति की अवधि का उल्लेख नहीं है।

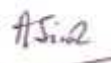
Lease Deed की अवधि 10 वर्ष (24.07.2002 से 23.07.2012) दिनांक 23.07.2012 को समाप्त हो गयी है। PP ने Lease Renewal के लिये आवेदन किया है अथवा नहीं इस बात का उल्लेख न तो पत्र में है और न ही इससे संबंधित कोई प्रपत्र नस्ती में उपलब्ध है।

इस संबंध में माननीय उच्च न्यायालय, दिल्ली के निर्णय की छायाप्रति पत्र के साथ प्राप्त हुई है। निर्णय अनुसार यदि Lease Holder के पास पहले से ही मान्य पर्यावरणीय स्वीकृति है तो उसे Lease Renewal के समय पुनः पर्यावरणीय स्वीकृति लेने की आवश्यकता नहीं है।

EIA Notification 2006 के अनुसार "The Prior Environmental Clearance granted for a project or activity shall be valid for a period of project life as estimated by EAC or SEAC subject to a maximum of thirty years for mining projects"


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यह प्रकरण SEAC की 53 की बैठक दिनांक 27.04.2010 तथा 77 बैठक दिनांक 25.08.2011 में गया था। SEAC ने कोई Project Life निर्धारित नहीं की है।


Mine Area तथा Production Capacity में कोई परिवर्तन नहीं किया गया है। PP ने स्थापना सम्मति हेतु आवेदन किया है, इसलिये MPPCB ने जानना चाहा है कि क्या प्रकरण में पुनः पर्यावरणीय स्वीकृति की आवश्यकता है।

- ii. The case was discussed in detail and it was noted that there is no application from the PP before SEIAA for consideration under EIA notification 2006. There is no need to issue the guideline to the MPPCB & MS, MPPCB should be informed accordingly.
 - iii. In view of above the case is summarily closed.
7. **Case No. 268/2009**, Prior Environmental Clearance for Devnagar Laterite, Bauxite, Iron Ore, Manganese & Clay mine in an area of 6.44 ha for production capacity 80,000 MT / year at village Devnagar, Tehsil Sihora, District Jabalpur, MP by Shri Intizar Hussain C/o Maheswari Lime Works, Bargawa Road Katni-483501 (M.P.).


- i. The case was discussed in 93rd SEIAA meeting dtd. 24.05.12 and it has been recorded that.....*"As per minutes of the 93rd SEAC meeting dtd 10-04-12 it has been recorded that "PP has submitted the satisfactory reply to the above queries along with the supporting documents. The EIA / EMP and other submissions made by the PP were found satisfactory, hence committee decided to recommend the case for grant of prior Environmental Clearance subject to the seven special conditions."*

The case was examined and it was found that the duration of the lease is for 20 years with effect from 31.03.1996 and production capacity is 80,000 MTPA. As per the EIA presentation made on 15.12.2010 in SEAC meeting (hard copy of .ppt) the life of the mine is 15 years. In mining cases the prior EC validity is prescribed for the project life (life of the mine) as estimated by SEAC / SEIAA subject to maximum of 30 years (Para 9 of EIA notification, 2006). It was decided that a letter should be sent to Collector, Jabalpur to submit quantity of year wise extraction of the ore from April 1996 till May 2012 within one month. A copy of this letter should be endorsed to PP."

- ii. It was noted that the interstate boundary and National Park/Sanctuary are not located within 10 Km radius from the mining area. Hence, the general conditions are not attracted.
- iii. The proposed plantation programme was examined and it was found that 2000 trees would be planted in an area of 2.15 ha. The plantation programme was found satisfactory.
- iv. It was noted that the Public Hearing was held on 17.09.2010 at mine parisar under the chairmanship of ADM, Jabalpur. The issues raised during public hearing were of general nature, nothing adverse was found regarding degradation of the environment.
- v. As per approved mining plan vide No. MP/Jab./Laterite/05/07-08 dtd. 28.06.2007 the proved mineable reserve is 1182949 MT and yearly production is 80000 MT as such the anticipated mine life is 15 years.
- vi. It was found that the PP has submitted the notarized copy of the lease deed. The duration of lease is 20 years i.e. from 20.03.1996 to 19.03.2016.
- vii. The Authority accepted the recommendation of 93rd SEAC meeting dated 10.04.12 and decided to accord Prior Environmental Clearance for Devnagar Laterite, Bauxite, Iron Ore, Manganese & Clay mine in an area of 6.44 ha for


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production capacity 80,000 MT/year, for the lease period i.e. up to 19.03.2016 only at village Devnagar, Tehsil Sihora, District Jabalpur, MP by Shri Intizar Hussain C/o Maheswari Lime Works, Bargawa Road Katni-483501 (M.P.)

8. **Case No. 271/2009**, Prior Environmental Clearance for manganese deposit mine in an area of 5.977 ha. for production capacity of 700 TPA at village Borikhehda Teh-Katangi, Distt-Balaghat-M.P by Shree Ganesh acid Chemical (P) Ltd Ward No-1, Mishra Nagar Waraseoni, Distt- Balaghat-M.P.-481331.

- i. The case was discussed in 106th SEIAA meeting dtd. 14.09.12 and it has been recorded that.....*"As per policy decision taken in 103rd SEIAA meeting dated 17.08.2012 the permission under section 165 of the MP Land Revenue Code 1959 is not required for the land belonging to tribal persons. Hence there is no need for taking permission from the Collector under section 165 of the M.P.L.R.C. 1959. However, it was also decided that the collector shall ensure that the tribal person gets compensation as per rule 72 of the Mineral Concession Rule, 1960.*

It was noted that the DFO, South Division Balaghat vide letter No. 1249/EPCO-SEIAA/ 2012 dated 06.03.2012 was asked to provide certified letter mentioning the distance of the project area from National Park, Sanctuary and Project Tiger. The same is still awaited. It was decided that a DO letter from MS, SEIAA to DFO, South Division Balaghat with endorsement to Chief Conservator Forest, Balaghat Division should be written to provide the required information within one month.

The minutes of Public Hearing held on 28.10.2009 at proposed mining site (village Borikheda, Tehsil Katangi Dist. Balaghat) were examined and it was noted that the control blasting has been suggest by the public. It was decided that controlled blasting should be used to prevent the houses from any damage.

Proposed plantation scheme mentioned in EIA and EMP was also examined and found satisfactory"

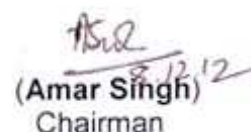
- ii. The case was discussed in depth. It was noted that the distance of interstate boundary is 25 Km, the Kanha National Park is at 97 Km. and Pench National Park 30 Km. Hence the General Conditions are not attracted.
- iii. As per approved mining plan vide No. BGT/MN-1016/NGP dtd 10.12.2008 the proved mineable reserve is 4752 T and year wise production is 700 T as such the anticipated mine life ($4752/700=6.79$ years) is 7 years.
- iv. The Authority accepted the recommendation of 47th SEAC meeting dated 29.01.10 and decided to accord Prior Environmental Clearance for manganese deposit mine in an area of 5.977 ha. for production capacity of 700 TPA, for the mine life i.e. 7 years only at present at village Borikhehda Teh-Katangi, Distt-Balaghat-M.P by Shree Ganesh acid Chemical (P) Ltd Ward No-1, Mishra Nagar Waraseoni, Distt- Balaghat-M.P.

Meeting ended with a vote of thanks to the Chair.



(Manohar Dubey)
Member Secretary

(M. Hashim)
Member



(Amar Singh)
Chairman