

Minutes of the 121st Meeting of SEIAA dated 28.02.2013

The 121st meeting of the State Level Environment Impact Assessment Authority was convened on 28.02.2013 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 |

A. Personal hearing of Case No. 444/09

B. Cases related to additional information

Following cases have 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.	646/2011	112 nd SEIAA meeting dtd 24.11.2012	01.12.2012	15.01.2013
2.	680/2012	114 th SEIAA meeting dtd 06.12.2012	09.12.2012	03.01.2013 & 28.01.2013


C. Mining cases less than 5 ha in which general condition is attracted.

S No	Cases
1.	Prior Environmental Clearance for expansion production capacity 3600 cum PA to 10,000 Cubic Meter per year metal Stone Quarry in an area of 0.482 ha Khasra No. 965 पं-1 at village Jakhoda, District Gwalior, MP by Sanjeev Chaurasiya, Kayastha Bhawan, Jiwaji Ganj, Lashkar, District Gwalior, MP-474001
2.	Prior Environmental Clearance for expansion production capacity 3800 Cft. PA to 10,000 Cubic Meter per year Farshi Stone Quarry in an area of 0.482 ha Khasra No. 965 पं-1 at village Jakhoda, District Gwalior, MP by Smt. Gaura Bai W/o Bhagirath Adiwasi Village Sirol Farm No. 5, Tehsil Dabra, District Gwalior, MP-474001
3.	Prior Environmental Clearance for Stone Boulder and Murum Quarry in an area of 2.269 ha production capacity 1,50,000 Cubic Meter / year at Khasra No. 52, Village Kheriya Mrityu, Tehsil & District Gwalior, MP by Kamlesh Lodhi M/s DBL Gwalior-Shivpuri NH-3, Road Project E-5/99, Arera Colony, Bhopal, MP-462016


A. Personal hearing of Case No. 444/09

Case No. 444/09, Prior Environmental Clearance for Township Project Modern city Indore Proposed Township project at village Sonwaya, Tehsil Mhow, District Indore by Amrapali Homes Project Pvt. Ltd. C-56/40, Sector-62, Noida-U.P.


- i. The case was discussed in 117th SEIAA meeting dt. 22.01.2013 and it was recorded that "
 - i. The case was discussed in 115th SEIAA meeting dt. 17.12.2012 and it was recorded thatii .As per decision in 74th SEIAA meeting a show cause notice was served to PP vide letter no. 997/EPCO-SEIAA/12 dtd 13.02.12 stating the following facts :-
 - a. It is observed that you have submitted letter issued to EE, Maintenance Division no. 2 Indore Municipal Corporation, Musakhedi, Indore dtd 11.12.09 ; which was


(Manohar Dubey)
Member Secretary

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(M. Hashim)
Member

5.3.2013



(Amar Singh)
Chairman

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enclosed as annexure of your covering letter dtd 19.12.09 addressed to Secretary, SEAC.

- b. Executive Engineer, Municipal Corporation, Indore vide letter no. 8054 dtd 02.09.11 informed that M/s Amarpali Modern City at village Sonwaya, Tehsil Mahw, District Indore, MP has submitted letter dtd 11.12.09 which has not been issued by Indore Municipal Corporation hence the said letter is fictitious. Following this a letter was sent to EE Municipal Corporation, Indore (vide letter no. 542 dtd 04.10.11) to verify the facts again. EE, MC, Indore (vide letter no. 8869 dtd 20.10.11) confirmed that the office of Indore Municipal Corporation has not issued any water supply related letter dtd 11.12.09. The letter is fictitious.
- c. Thus through your letter dtd 19.12.09 addressed to Secretary, SEAC is prima facie found fictitious. Hence, a show cause notice is hereby served to you that why not prior EC (vide this office letter no. 344 dtd 30.08.10) issued to you be cancelled.
- iii. In response to show cause notice PP has submitted reply (vide letter dtd 03.03.12) stating that We have submitted only one letter address to Executive Engineer, Municipal Corporation, Indore vide letter no. 7709/ITS/EE/Div.02 /2008 and we deeply regret that such fictitious letter as mentioned above has been received by you and it is in your file in the above case and at the same time we are not aware such fictitious letter
- iv. The letter was sent to SEAC (vide letter no. 1343 dtd 26.03.12) for comments on Proponent reply dtd 03.03.12 submitted against the show cause notice. SEAC in its 93rd meeting dtd 10.04.12 considered the case and it is recorded that "vide their reply the Proponent have revealed their innocence in the matter. However, it is also a fact the said papers has been received in SEAC." It was further decided by SEAC that PP be asked to submit status of the project with respect to stage of construction, status of registration / transfer of houses / plot to various purchasers and how water supply being maintained in the project for various dwellers if any.
- v. Further in SEAC 109th meeting dtd 06.11.12 it is recorded that "... the project has already been completed and 25 families are residing in the said township Permission from CGWA has been obtained (letter dtd 03.12.11) for abstraction 240 cum / day of ground water. "
- vi. It was decided that in view of para 8 (vi) of EIA Notification dtd 14.09.2006 "Deliberatecancellation of prior Environmental Clearance already granted in such ground shall be decided by the regulatory Authority after giving a personal hearing to the applicant, and following the principle of natural justice. A registered letter be sent to PP for personal hearing on 22.01.2013 at 11.00 AM before the Authority at SEIAA office, Research and Development Wing Madhya Pradesh Pollution Control Board Paryavaran Parisar, E-5. Arera Colony Bhopal-4620 16.
- vii. According to Para 8 (vi) of EIA Notification dated 14.09.2006 the cases relating to cancellation of EC are to be decided by SEIAA on principle of natural justice and a personal hearing is to be given to the PP in whose favour EC has been issued. There is no provision to obtain recommendation / views of SEAC in deciding cancellation of EC. In future no such case should be sent to SEAC. It is to be noted that the Member Secretary (in-charge) has disagreed to include this para in the minutes because the reply submitted by PP against show cause notice was sent to MS, SEAC to give comments on PP's reply as the above said letter (EE, Municipal Corporation, Indore dtd 11.12.09) was received in SEAC office. Hence, dissent of Member Secretary (in-charge) is hereby recorded.
- viii. The office will ensure that SEIAA meeting is held on 22.01.13 and in that this case shall be considered along with other cases if any."
- ii. Shri Prem Mishra, Director Amrapali Homes Pvt. Ltd. Indore project was present on 22.01.2013 for personal hearing before SEIAA at Bhopal.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


5.3.2013
(Amar Singh)
Chairman

iii. The case was discussed and it was noted that :-

- a. As per the (letter No. nil dtd.04.08.2009 & Form-1) authorized signatory in project is Shri Anil Kumar Sharma.
- b. The show cause notice reply submitted by PP vide letter dtd 30.03.12 is signed by Shri Prem Mishra who is not authorized signatory.
- c. Personal hearing is not possible as Shri Prem Mishra did not have any authority letter from the company.
- d. It was decided that PP be given another date for personal hearing and a registered letter be sent to PP for personal hearing on 28.02.2013 at 11:00 AM before the authority of SEIAA office at Research and Development Wing, Madhya Pradesh Pollution Control Board, Paryavaran Parisar, E-5, Arera Colony, Bhopal – 462016
- e. The SEIAA meeting will be held on 28.02.2013 and this case shall be considered along with other cases."

II. On behalf of M/s Amarpali Homes Pvt. Ltd. Shri Prem Mishra Director Township Project Modern city at village Sonwaya, Tehsil Mhow, District Indore, MP appeared for the personal hearing before the Authority. For representing the company at SEIAA office, Bhopal regarding the case no. 444/2009 he presented an authorization letter (vide no. AHPPL/2013/247A dtd 23.02.2013) signed by Shri Anil Sharma CMD Amarpali Homes, Noida. Shri Prem Mishra presented his view regarding the fictitious letter from Executive Engineer, Maintenance Division no. II, Municipal Corporation, Musakhedi, Indore (vide no. nil dtd 11.12.2009) which was recorded and signed before the Authority. The case is reserved for order of the Authority.

B. Cases related to additional information

1. **Case No. 646/2011**, Prior Environmental Clearance for Bandarakha Limestone mine in an area of 40.236 ha for Production Capacity of 0.24 million TPA at Village- Bandarakha, Teh.-Rampur Baghelan, Distt.-Satna-(M.P.) by M/s Prism Cement Ltd., 305, Laxmi Niwas Apartments, Ammerpet, Hyderabad (A.P.) 500016 (**Correspondence Address** : Mr. Manoj Chhabra, MD, M/s Prism Cement Ltd. Rajdeep, Rewa Road Satna Distt. Satna (M.P.) Pincode-485001).

I. The case was discussed in 112th SEIAA meeting dtd 24.11.2012 and it was recorded that ".....


The case was discussed in depth. The document submitted by the PP reveals that the interstate boundary is 40 km and there is no sanctuary within 10 km radius. Hence, General Conditions are not attracted.

The notarized copy of the lease deed submitted by PP was examined and found satisfactory. The lease period is 20 years i.e. from 28.02.2011 to 27.02.2031 only.

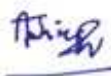
Proposed year wise plantation scheme for 17100 trees in an area of 17 ha was examined and found satisfactory.

As per the mining plan approved by Indian Bureau of Mines vide No. 314(3)/2007 MCCM(Madhya)/MP-24 dtd. 15.11.2007 the anticipated life of mine is 20 years.

It was observed that the Public Hearing was held on 07.07.2012 at Govt. Primary School Village Bandarakha under Chairmanship of Shri J.P. Dhurve. The designation of Shri Dhurve is written in the minutes of the public hearing as


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

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Chairmen, Environmental Public Hearing, Satna (MP). It was decided that the Collector Satna should be asked to inform the designation of Shri J.P. Dhurve by 15.01.13.

It was also decided that the final decision shall be taken after receiving the information from the Collector Satna."

- II. It was noted that in compliance of above decision the Collector Satna vide L.No. 1663/SEIAA/12 dated 10.12.2012 was asked to inform the designation of Shri J.P. Dhurve.

The Collector Satna vide L.No. 1956 dated 07.01.2013 has informed that Shri J.P. Dhurve is SDM Rampur Bahgelan, District Satna. It was decided that the Collector should be advised to conduct public hearing under the Chairmanship of District Magistrate / District Collector / Deputy Commissioner or his or her representative not below the rank of Additional District Magistrate as per Gol, MoEF office memorandum no. J-11015/387/2008-IA.II (M) dtd 28.09.2011.

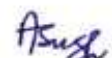
- III. It is decided to accept the recommendation of 104th SEAC meeting dated 28.09.12 to grant Prior Environmental Clearance for Bandarakha Limestone mine in an area of 40.236 ha for Production Capacity of 0.24 million TPA for the lease period of 20 years only at Village- Bandarakha, Teh.-Rampur Baghelan, Distt. - Satna-(M.P.) by M/s Prism Cement Ltd., 305, Laxmi Niwas Apartments, Ammerpet, Hyderabad (A.P.) 500016 (Correspondence Address: Mr. Manoj Chhabra, MD, M/s Prism Cement Ltd. Rajdeep, Rewa Road Satna Distt. Satna (M.P.) Pincode-485001).

2. **Case no. 680/2012**, Prior environmental clearance for Expansion of production capacity from SSP 300 TPD to 600 TPD and GSSP 150 TPD to 600 TPD at 413 A (total plant area 31,617 Sqmt), Nimrani Industrial Area, Nimrani, Village- Nimrani, Tehsil Kasrawad, Distt. – Khargone (M.P.), by Shri Mukesh Mittal, Director, M/s Liberty Urvarak Limited, 304, Bafna Tower, Opp. Fortune Landmark Hotel, Vijay Nagar, Indore (M.P.) 452010.

- I. It is a case of expansion of SSP from 300 TPD to 600 TPD and GSSP 150 TPD to 600 TPD. It is covered under EIA Notification at s. no. 5 (a) B; hence it is to be appraised by SEIAA for grant of prior EC. It is an expansion project established in 2003 (as per .ppt before SEAC) i.e. prior to EIA Notification 2006 and as per 27.01.1994 EIA Notification Schedule -1 the SSP unit were exempted from Environmental Clearance so they are coming to first time for EC.
- II. The project is located at 413 A, Nimrani Industrial Area, Nimrani, Village-Nimrani, Tehsil Kasrawad, Distt. – Khargone (M.P.) and is not included in the list of disallowed activities hence as per EIA Notification, 2006 Para 7 III stage (3) pt. no. b, Public Hearing is not required.
- III. The case was discussed in 93rd SEAC meeting dtd 10.04.2012, 100th SEAC meeting dtd 21.08.12 & in 103rd SEAC meeting dtd 12.09.2012,


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


5.3.2013 -
(Amar Singh)
Chairman

106th SEAC meeting dtd 10.10.12 recommended the project for grant of prior EC subject to 04 special conditions.


IV. The case was discussed in 114th SEIAA meeting dtd 06.12.2012 and it was recorded that "i....."

- ii. *The case was discussed in depth and it was noted that presently PP is manufacturing Single Super Phosphate (SSP) 300 TPD and Granulated Single Super Phosphate (GSSP) 150 TPD and has applied for expansion of SSP from 300 TPD to 600 TPD and GSSP from 150 TPD to 600 TPD. It is an expansion project established at Nimrani industrial area Khargone, MP in 2003 (as per ppt. before SEAC) i.e. prior to EIA Notification, 2006 and as per 27.01.94 EIA Notification schedule 1, the SSP unit were exempted from environmental clearance, so they are coming first time for EC.*
- iii. *In response to SEIAA letter no. 689/SEIAA dtd 31.07.12 regarding office memorandum no. J-11013/41/2006-IA-II dtd 30.05.12 of MoEF, GoI, PP vide letter dtd 08.08.12 has submitted compliance status with respect to renewal of consent under Air Act & Water Act. It was decided that MPPCB should be asked whether any notice regarding violation under Air and Water Act has been issued to PP in last three calendar years i. e. 01.01.10 onwards. MPPCB should submit the information by 15.01.2013 copy of this letter should be endorsed to PP also.*
- iv. *The proposed project is located on plot no. 413-A at Nimrani industrial area Khargone, MP and is not included in the list of disallowed activities hence as per EIA Notification, 2006 Para 7 III stage (3) pt. no. b, Public Hearing is not required.*
- v. *The water requirement for expansion project is 66 KLD and total water requirement after expansion is 153 KLD (142 KLD process + 6 KLD domestic + 5 KLD Plantation) the source of water given by PP is "through outside sources". It was decided that PP should clarify source of water supply and whether permission from the competent authority has been taken or not? It was also decided that since the project is located in Nimrani Khargone Industrial area PP should be asked as to why he is not taking water supply from the Industrial area. Copy of this letter should be endorsed to General Manager District Industries Centre, Khargone to submit information regarding arrangement and status for water supply in Nimrani Industrial area. Information by all concerned should be submitted by 15.01.2013.*


It was noted that SEAC in its 106th meeting dtd 10.10.12 has imposed four special conditions regarding use of silica as filler in the fertilizer, air pollution control measures, zero discharge of effluent from the process and disposal of domestic waste water. It was decided that these conditions are acceptable."

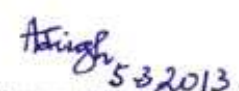
V. The query reply submitted by PP (vide letter dtd 03.01.2013, 28.01.2013 & 07.02.13 received in SEIAA office on 08.01.2013, 29.01.2013 & 07.02.13 respectively) was examined and it is noted that :-

- a. That water supply is from outside sources i.e. supplier. PP has submitted copy of work order (dtd 15.04.12) to the Supplier and copy of permission dtd 10.04.12 from Gram Panchayat, Khalghat District Dhar to the Supplier. PP has submitted assurance letter from DIC (6085 dtd 22.12.12) Khargone regarding water supply from Narmada River in Nirmani Industrial Area after agreement with Indore, Municipal Corporation and is satisfactory.
- b. PP has submitted notarized copy of letter of Regional Office MPPCB, Indore (no. 157/लक. शास/13 dtd 15.01.13 & no. 381 dtd 05.02.13) in which it is mentioned that no violation notice has been issued to M/s


(Manohar Dubey)
Member Secretary

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Liberty Urvarak Limited from 01.01.10 to 31.12.2012. Further it is mentioned that Case No. 67 dtd 29.12.2010 under section 21 of Air Act 1981 is in process in the court.


It was decided that the a letter should be sent to Member Secretary, MPPCB, Bhopal to give current status and factual details and charges framed against the PP in Case No. 67 dtd 29.12.2010 under section 21 of Air Act 1981 which is pending in the court against the PP. A copy of this letter should be endorsed to Regional Officer, MPPCB, Indore and PP, also.

C. Mining cases less than 5 ha in which general condition is attracted.

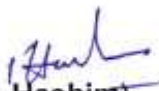
The Authority examined the following cases listed below along with details / reasons and noted that the general conditions are attracted for these cases. Therefore, these cases do not come under the jurisdiction of MP, SEIAA. It was decided that these cases need not to be registered and the application with all documents in original should be returned to PP along with a letter to PP stating reason. Copy of letter should be endorsed to all concerned:-


S.No	Cases	Details / reasons
1.	Prior Enviornmental Clearance for expansion production capcity 3600 cum PA to 10,000 Cubic Meter per year metal Stone Quarry in an area of 0.482 ha Khasra No. 965 नि-1 at village Jakhoda, District Gwalior, MP by Sanjeev Chaurasiya, Kayastha Bhawan, Jiwaji Ganj, Lashkar, District Gwalior, MP-474001	As per the परिशिष्ट-1 verified by DFO and letter from DFO, Gwalior vide letter no. 8891 dtd 19.12.12 submitted by PP the distance of Son Chiriya Sanctuary, Ghatigaon is located within 10 km. As per the EIA Notification, 2006 general condition is attracted; hence, the case does not come under MPSEIAA perview.
2.	Prior Enviornmental Clearance for expansion production capcity 3800 Cft. PA to 10,000 Cubic Meter per year Farshi Stone Quarry in an area of 0.482 ha Khasra No. 965 नि-1 at village Jakhoda, District Gwalior, MP by Smt. Gaura Bai W/o Bhagirath Adiwasi Village Sirol Farm No. 5, Tehsil Dabra, District Gwalior, MP-474001	As per the परिशिष्ट-1 verified by DFO and letter from DFO, Gwalior vide letter no. 7834 dtd 16.11.12 submitted by PP the distance of Son Chiriya Sanctuary, Ghatigaon is located within 10 km. As per the EIA Notification, 2006 general condition is attracted; hence, the case does not come under MPSEIAA perview.
3.	Prior Enviornmental Clearance for Stone Boulder and Murum Quarry in an area of 2.269 ha production capacity 1,50,000 Cubic Meter / year at Khasra No. 52, Village Kheriya Mrityu, Tehsil & District Gwalior, MP by Kamlesh Lodhi M/s DBL Gwalior-Shivpuri NH-3, Road Project E-5/99, Arera Colony, Bhopal, MP-462016	As per the परिशिष्ट-1 verified by DFO and letter from DFO, Gwalior vide letter no. 8252 dtd 27.11.12 submitted by PP the Sanctuary is located within 10 km. As per the EIA Notification, 2006 general condition is attracted; hence, the case does not come under MPSEIAA perview.

Meeting ended with a vote of thanks to the Chair.


(Manohar Dubey)
Member Secretary

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(M. Hashim)
Member


5.3.2013
(Amar Singh)
Chairman

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