

Minutes of the 157th Meeting of SEIAA dated 26.08.2014

The 157th meeting of the State Level Environment Impact Assessment Authority was convened on 26.08.2014 at 3.00 PM at the Authority's Office in Environmental Planning and Co-Ordination Organization (EPCO), Paryavaran Parisar, Bhopal. The meeting was chaired by Shri Waseem Akhtar, Chairman, SEIAA. The following members attended the meeting:-

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| 1 Shri H.S. Verma | Member |
| 2 Shri Ajatshatru Shrivastava | Member Secretary |

A. Miscellaneous Cases/Representation from PP (Other than Mining)

S No	Case No.	PP Representation received in SEIAA
1.	403/2009	30.08.13
2.	683/2012	16.09.13
3.	497/2010	25.10.13
4.	631/2011	30.10.13
5.	567/2010	20.12.13
6.	969/2013	27.09.13
7.	839/2012	27.06.14, 01.07.14 & 04.08.14 15.04.14 to PS, H & E Deptt. forwarded to SEIAA on 28.07.14
8.	626/2011	29.01.14 30.01.14
9.	680/2012	22.07.14
10.	1562/2013	04.08.14

B. Miscellaneous Cases/Representation from PP (Mining Cases 1(a))

S No	Case No.	PP Representation received in SEIAA
11.	153/2008	13.12.12, 09.12.13 & 14.07.14
12.	486/2009	19.08.13
13.	482/2009	19.08.13
14.	200/2008	23.10.13
15.	914/2012	25.02.14
16.	1124/2013	

- Case No. 403/2009** – Prior Environmental Clearance for Construction of 150 Admission Medical College and 750 bedded Teaching Hospital at Sagar, M.P total land area 125002 sqmt. (12.5 ha) and built up area 108650 sqmt. by Office of the Dean Government Medical College Building, Tilli Road, Sagar, Distt-Sagar-M.P- 470002

(1).The application for Prior Environmental Clearance was submitted by PP in SEIAA office on 29.05.2009.

(2).The case was discussed in SEAC meetings 28th dtd 11.06.09, 109th dtd 06.11.12 and 119th dtd 02.02.13 and it is recorded that "The project was discussed in earlier meetings and PP was required to submit response to the queries made by the PP in the meeting. Despite of several reminders and meeting with the PP no response to the queries has been submitted by the PP. PP was give a last chance for submission of response after discussion in the meeting dtd 06.11.12. The matter was place before the committee and it was observed that no response has been received till date, thus committee decided to return the case to SEIAA for delisting the same."

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- (3). The case was discussed in 127th SEIAA mtg. dtd. 22.04.13 and the Authority accepted the recommendation of 119th SEAC meeting and it was decided that the case should be summarily closed. Accordingly a letter was sent to PP vide no. 511 dtd 10.05.13.
- (4). PP has submitted the reply of queries vide letter dtd. 30.08.13 raised by SEAC and requested for considering the case for Prior Environmental Clearance.
- (5). It is noted that in the letter dtd 30.08.13 PP has mentioned that ".....the hospital and medical college is being operated in the interest of public...."
- (6). The case was discussed in depth and it is decided that the reply of PP along with technical file may be sent to SEAC for appraisal and examination in view of MoEF, Gol office memorandum dtd 12.12.12 & 27.06.13

2. Case No. 683/2012, Prior Environmental Clearance for "Sumer Saffaron Homes" Project of M/s Sumer Builders Pvt. Ltd., at Khasra No. 1487/1 & 1487/2, Town, Tehsil & District Indore total land area 41,600 sqmt. Built up area 83200 sqmt. by M/s Sumer Builders Pvt. Ltd., through Director Shri Manikchand H Loonkar, 41, Gorani Compound, Near RTO, Opp. Lokmanya Nagar, Kesar Bagh Road, Indore- 452009.

- (1). The case was recommended for EC in 143rd SEIAA meeting dtd. 16.08.13.
- (2). EC letter was issued to PP from SEIAA vide letter no. 1569 dtd. 06.09.03.
- (3). PP has applied vide letter dtd. 16.09.13 received in SEIAA office on 16.09.13 for the correction of the condition no. X (5) i.e. The width of main internal road should not be less than 36 m for building height up to 60.0 m as per MPBVR 2012 table 5 Rule 42(2). PP has requested for in the place of main internal road only road width should be written as per MPBVR 2012 table 5 Rule 42(2).
- (4). The case was discussed in depth and it is decided that a letter should be written to Director, Town & Country Planning, Bhopal for their opinion regarding width of the main road, internal roads for high-rise buildings.

3. Case No. 497/2010, Prior Environmental Clearance for High-rise multi stories residential project at village-Bicholi Mardana, Indore-M.P. by Shri Ashish Modi, Director M/s Milan Realities 2006 Oasis Trade centre, 20/22, Yeshwant Niwas Road, Indore-M.P.

- (1). The case was discussed in SEIAA meetings 98th dtd 05.07.12 and 110th dtd 16.10.12 and PP was asked to submit additional queries vide letter dtd 1342 dtd 31.10.12 latest by 31.12.12.
- (2). The case was again discussed in 143rd SEIAA mtg dtd. 16.08.13 and it was decided that " (1) (8) (i) (ii) (iii) (iv) It is noted that following **ten (10)** cases which were registered in 2010 are pending at SEIAA for want of additional information. List of these 10 cases with details is given below and the decision taken is as under :-

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a. It is decided to summarily reject the five Cases i.e. nos. 495/2010, 497/2010, 505/2010, 567/2010, 578/2010 in view of the MoEF, GoI office memorandum dtd 30.10.2012.

(9) It was also decided that the concerned PPs should be informed about those cases which are summarily closed / rejected. The copy of the letter should be endorsed to MS, MPPCB, MS, SEAC and all other concerned."

- (3). Accordingly, SEIAA informed to PP and other concerned vide letter no. 1620-1621 dtd.11.09.13 about decision of 143rd SEIAA mtg.dtd. 16.08.13.
- (4). PP vide letter dtd. 25.10.13 received in SEIAA office 25.10.13 has submitted information and requested to review the case.
- (5). The case was discussed in depth and it is noted that in 143rd SEIAA meeting dated 16.08.13 the case has been **summarily rejected** and as per office memorandum 30.10.2012. SEIAA has no power to review the case once rejected. It was decided that a letter should be sent to MoEF, GoI for clarification regarding cases which are rejected /delisted / closed what procedure should be followed to re-open the case on submission of information by PP. Whether the same case is to be re-opened or PP has to apply afresh. If the cases are to be re-opened, maximum time limit for reopening the case needs to be specified.

4. **Case No. 631/2011**, Prior Environmental Clearance for Group Housing Project "Chinar Dream CT" land area 95456.68 sqmt. (T & CP approval) 11.362 ha (.ppt & 81st SEAC meeting dtd 12.10.2011) at Village Ratanpur Sadak and village Narela Hanumant, Tehsil Huzur, District Bhopal, MP by M/S Chinar Reality Pvt. Ltd. through Director Shri Sunil Moolchandani, House No. 231, Zone-II, MP Nagar, Bhopal.

(1). The case was discussed in SEAC meeting 79th, 81st, 87th, 89th and recommended in 93rd dtd 10.04.2012 for grant of prior EC subject to 41 special conditions and discussed in 121st SEAC meeting dtd 28.02.2013 (disparity on the demand side and availability of water).

(2). The case was discussed in SEIAA meetings 94th dtd. 30.05.12, 111th dtd. 23.10.12, 117th dtd. 22.01.13, 135th dtd 04.06.13 and 144th dtd 23.08.13 and it is recorded that ".....(ii) In response to the above query, reply submitted by PP (vide letter dtd 15.07.13 & 20.08.13 received in SEIAA office on 17.07.13 & 22.08.13 respectively) was examined in depth and it is noted that :-

(a).PP was asked to submit NOC for water supply from Municipal Corporation, Bhopal with firm commitment. The letter dtd 18.08.2013 from Nagar Nigam, Bhopal submitted by PP is not the NOC / consent letter however, it is mentioned in the letter that in future depending on the demand and availability water supply may be considered. **It is decided that the earlier decision taken in 135th SEIAA meeting dtd 04.06.13 is reiterated that until the firm NOC for fresh water supply (411 KLD) from Municipal Corporation is not obtained and submitted by PP, the project is summarily rejected and all concerned should be informed accordingly."**

(3). Vide letter dtd. 30.10.13 received in SEIAA office 30.10.13 PP has requested for the re- considering the case on the basis of assurance letter from BMC Bhopal (letter no. 2013 dtd. 18.08.13) to provide water supply, when the water supply line will come in the project area.


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- (4). The case was discussed in depth and it is noted that in 135th, 144rd SEIAA meetings dated 04.06.13 & 23.08.13 respectively the case has been summarily rejected and as per office memorandum 30.10.2012. SEIAA has no power to review the case **once rejected**. It was decided that a letter should be sent to MoEF, Gol for clarification regarding cases which are rejected / delisted / closed what procedure should be followed to re-open the case on submission of information by PP. Whether the same case is to be re-opened or PP has to apply afresh. If the cases are to be re-opened, maximum time limit for reopening the case needs to be specified.
5. **Case No. 567/2010**, Prior Environmental Clearance for the residential complex (Sanghvi-Residency) at village –Bicholi Mardana Teh-&Distt-Indore-M.P. by Shri Bhupesh Sanghvi, Director M/s Rajvi Hoarding Pvt. Ltd 15-16, jawahar Marg, Indore-M.P.
- (1). The case was recommended by 76th SEAC meeting dtd. 07.01.11 with 06 special conditions and again discussed in 84th SEAC meeting dtd. 09.11.11.
- (2). The case was discussed in 81th SEIAA meeting dtd. 27.01.12 and PP was asked to submit additional information within one month.
- (3). The case was again discussed in 143rd SEIAA mtg dtd. 16.08.13 and it was decided that " (1) (8) (i) (ii) (iii)(iv) It is noted that following **ten (10)** cases which were registered in 2010 are pending at SEIAA for want of additional information. List of these 10 cases with details is given below and the decision taken is as under :-
- b. It is decided to summarily reject the five Cases i.e. nos. 495/2010, 497/2010, 505/2010, 567/2010, 578/2010 in view of the MoEF, Gol office memorandum dtd 30.10.2012.
- (9) It was also decided that the concerned PPs should be informed about those cases which are **summarily closed / rejected**. The copy of the letter should be endorsed to MS, MPPCB, MS, SEAC and all other concerned."
- (4). Accordingly vide SEIAA letter no. 1625 dtd.11.09.13 PP was informed the above decision.
- (5). PP vide letter dtd. Nil received in SEIAA office 20.12.13 has submitted information and requested to reopen the case.
- (6). The case was discussed in depth and it is noted that in 81st, 143rd SEIAA meetings dated 27.01.12 & 16.08.13 respectively the case has been summarily rejected and as per office memorandum 30.10.2012. SEIAA has no power to review the case once rejected. It was decided that a letter should be sent to MoEF, Gol for clarification regarding cases which are rejected / delisted / closed ; what procedure should be followed to re-open the case on submission of information by PP. Whether the same case is to be re-opened or PP has to apply afresh. If the cases are to be re-opened, maximum time limit for reopening the case needs to be specified.


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6. **Case no. 969/2013** Application for Prior Environmental Clearance for proposed "Highway Karuna Sagar" project at Khasra No. 176/1, 177/3, 178/1, 179/4/2, Village Kanadia, Tehsil & Distt. Indore (MP), Total Land Area = 26,890 sqmt (2.689 ha), Total Built Up Area = 47080.94 Sq. by M/s Highway Infrastructure Pvt. Ltd and Mr. Vivek Agrawal (land Co-owner) 57- FA, Scheme No. 94, Piplyahana Junction, Ring Road Indore (MP) - 452016, Ph. No. 0731-2590013, E-mail hiplindore@gmail.com

- (1). The case was discussed in SEIAA meetings 139th dtd.27.06.13 & 142nd dtd.18.07.13 and it is noted that :-

(1) In response to the above query, reply submitted by PP (vide letter dtd 09.07.13 received in SEIAA office on 10.07.13) was discussed in depth in view of the MoEF, Gol office memorandum dtd 12.12.2012 regarding involving violation of EIA Notification, 2006 and it is decided that :-

(i). PP has submitted that after obtaining permission from T & CP and gram panchayat of village Kanadia, he had started construction in 2011. Later on as informed by his consultant the project built area is more than 20,000 sqmt. and falls under the purview of Environmental Clearance the work was stopped in 2012. 40% of construction is completed at site. PP has submitted a notarized copy of resolution (dtd 02.05.13) passed in the joint meeting with co-landowners of M/s Highway Infrastructure Pvt. Ltd. and Mr. Vivek Agarwal. Authority is of the view that the construction of 40% of the total built up area is serious violation of the EIA Notification, 2006 and **it is decided to reject the case outrightly for grant of prior EC as per Para 7 of the Memorandum No. J-11013/41/2006-IA.II (I) dtd 12.12.12 issued by the Ministry of Environment & Forests, Gol**

(ii). A letter should be sent to Principal Secretary giving the details of violation and office memorandum of MoEF, Gol J-11013/41/2006 IA II (I)dt. 12.12.2012 (Para 2) "to initiate credible action on the violation by invoking powers under section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under section 15 of the Act for the period for which the violation has taken place and evidence provided to MoEF of the credible action taken." The details of action taken should be made available to the Authority by 15.09.2013.

(iii). The details of project proponent, a copy of commitment and Resolution passed by in the meeting of the Co-Landowners of M/s Highway Infrastructure Pvt. Ltd. and Mr. Vivek Agarwal held on 02.05.13 should be put on the website of MPSEIAA for information of all stake holders."

- (2). Accordingly letters were sent to :-

- i. PS (vide let. No. 1383 dtd.02.08.13.) for credible action on violation. Another DO letter no. 1682 dtd. 24.09.13.
- ii. Letter to PP (vide No. 1382 dtd.02.08.13.) for information of 146th SEIAA mtg. decision.

- (3). Vide letter dtd. 27.09.13 PP requested to review the decision of outright rejection of the case taken in SEIAA meeting dtd. 18.07.13. However, since MPSEIAA and SEAC were not in existence in state level PP vide letter 1974 dtd. 18.11.13 was informed accordingly and the application was returned in original.

- (4). The case was discussed in depth and it is noted that as per MoEF Gol, O.M. dtd. 12.12.12 & 27.06.13 in violation cases that has been outrightly

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rejected under the provision of para 7, it is not clear whether SEIAA has the power to review the case again on submission of application by PP. It is decided that a letter should be sent to MoEF, Gol to clarify the procedure to be followed in such cases and also guide about the appellate authority if any.

7. **Case No. 839/2012**, Environmental Clearance for Proposed Sri Aurobindo Institute of Medical Sciences (800 bedded hospital) at Khasra Nos. 14/1/1, 14/2, 14/1/1, 24/1 P (2), 8, 24/2, 25/3, 23/2, 6/2/2, 7/3, 23/1P, 26/2 Ujjain State Highway, Gram Bhanwarasla, Tehsil – Sanwer, Distt. – Indore (M.P.) Total plot area - 14.788 ha and total built -up area of 1, 42,770.16 sq.m. by M/s Sri Aurobindo Institute of Medical Sciences through Director Dr. Vinod Bhandari, Indore-Ujjain State Highway, Gram Bhanwarasla, Tehsil– Sanwer, Distt. - Indore (M.P.) - 453111 E-mail help@saimsonline.com

- (1). As per the T & CP Indore (vide letter 1189 dtd 08.03.04 total area 14.741 ha & 1295 dtd.13.03.08 total area 4.451 ha) at Ujjain State Highway, Gram Bhanwarasla, Tehsil Sanwer, Distt. Indore (MP). The total built up area proposed by PP is 1, 42,770.16 sq.m. (Revised form-1). The project is of building & construction and comes under 8 (a) category (B) of schedule of EIA Notification, 2006 because total construction is between 20,000 sqmt. & 1,50,000 sqmt. and plot area is less than 50 ha.
- (2). The case was discussed in SEAC meetings 106th dtd 10.10.2012, 119th dtd 02.02.2013 and 136th SEAC meeting dtd 23.07.13 and it is recorded that ".....the case is recommended for consideration for issue of prior EC, subject to compliance of the MoEF's Office memorandums published from time to time including O.M. no J-110131/41/2006 – IA- II (I) dated 12/12/2012 and dated 27/06/2013 as applicable to this project. Other special conditions applicable to the project are as follows:....."
- (3). The case was examined in 149th SEIAA mtg dtd.26.09.13 and it is recorded that "..... (i) (ix)..... (x) vide PP letter dtd 10.01.13 received in SEIAA office on 10.01.13 along with revised application, the details of built up area with year wise construction have been given. As per the table (Annexure-C) the total constructed area up to year 2005-06 is to the tune of 50% and the rest has been constructed between 2006-07 to 2011-12. After examining the facts in depth the Authority is of the view that even after the EIA Notification 2006 the construction activities were going on for 6 years, PP has constructed 100% (till 2012) of the total built up area which is serious violation of the EIA Notification, 2006 hence it is decided that :-
 - (a). The case is rejected outrightly for grant of prior EC as per Para 7 of the Memorandum No. J-11013/41/2006-IA.II (I) dtd 12.12.12 issued by the Ministry of Environment & Forests, Gol.
 - (b). A letter should be sent to Principal Secretary, GoMP, Housing and Environment giving the details of PP and violation done by him, copy of resolution submitted by PP to take action as per Office memorandum of MoEF, Gol J-11013/41/2006 IA II (I) dt. 12.12.2012 (Para 2) "to initiate credible action on the violation by invoking powers under section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under section 15 of the Act for the period for which the violation has taken place and evidence provided to MoEF of the credible action taken." The details of legal action taken by the Principal Secretary H&EN GoMP should be made available to the Authority by 30.11. 2013.


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(c). The details of project proponent, a copy of commitment and Resolution (submitted by PP vide letter dtd. 04.05.13 received in SEIAA office on 04.05.13) passed in the meeting of the Board of Directors (dtd 01.04.13) of M/s Sri Aurbindo Institute of Medical Sciences through Director Dr. Vinod Bhandari, Indore should be put on the website of MPSEIAA for information of all stake holders.

(d). A letter should be sent to MoEF, Gol giving the details of PP stating that 100% construction has been done by PP and seek clarification / direction in this particular case so as to what further action be taken as per section 5 of Environment (Protection) Act, 1986 as in MoEF, Gol Office Memorandum No. J-11013/41/2006-IA.II (I) 12.12.12 no clear instructions are given for cases who have completed 100% construction before applying for prior EC.

(e). A letter should be written to PP and all concerned informing the above decision."

(4). As per above decision letters (dtd.01.11.13.) were sent to Principal Secretary, GoMP, Housing and Environment for credible action for violation of EIA Notification, 2006 ; PP & all concerned for information of the decision and MoEF, Gol regarding clarification/direction for particularly this case.

(5). PP submitted representation vide letters dtd. 15.04.14 to Principal Secretary H & E Deptt which has been forwarded to SEIAA (dtd 28.07.14), further PP submitted letters dtd 27.06.14, & 31.07.14 received in SEIAA office on 01.07.14 & 04.08.14 respectively along with copy of reply on behalf of MPPCB in NGT & a copy of RO, MPPCB Indore letter dtd. 14.07.14 submitted to Chief Judicial Magistrate, Indore for taking legal action against PP. Vide above referred letters PP has requested to review the decision of outrightly rejection of EC by SEIAA.


(6). The case was discussed in depth and it is noted that : - As per MoEF Gol, O.M. dtd. 12.12.12 & 27.06.13 in violation cases that has been outrightly rejected under the provision of para 7, it is not clear whether SEIAA has the power to review the case again on submission of application by PP. It is decided that a letter should be sent to MoEF, Gol to clarify the procedure to be followed in such cases and also guide about the appellate authority if any.


8. **Case No. 626/2011**, Prior Environmental Clearance for Proposed Residential Project Heritage Hill Near Ahmadabad Palace, Kohefiza, Tehsil Huzur, District Bhopal, MP (Khasra Nos. 52/1/d/5/2, 52/1/d/5/3 & 52/1/k) total area 8.548 ha (approved by T & CP, Bhopal) by M/S Reliable House, Heritage Hill, Pvt. Ltd. A-6, Kohe-Fiza, Indore Road, Bhopal.


(1). Prior Environmental Clearance under EIA Notification 2006 was issued to PP vide letter no. 1486 dtd 12.11.12 and corrigendum issued vide letter no. 1123 dated 28.06.2013.

(2). Vide letter dtd. 29.01.14 (received in SEIAA office 30.01.13) PP has submitted notarized copy of T & CP permission issued vide letter no. 1373 dtd, nil for the project for area of 7.11 ha for SEIAA information & records.

(3). Further PP has assured that all the stipulation as per the MPBVR 2012 shall fully complied.



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- (4). The case was discussed in depth and it is noted that the prior EC issued vide letter dated 12.11.12 was for an area of 8.548 ha however the permission of T & CP issued vide letter 1373 dtd nil submitted by PP vide letter 29.01.14 is for an area of 7.11 ha. It is decided that the case may be referred to SEAC for appraising the changes, if any, in the environment impacts and prior EC conditions with respect to parking area, green area, road width, change in water requirement, waste water discharge, MSW etc. due to reduction in the plot area
9. **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
- (1). EC has been issued to PP vide letter no. 1204 dtd 16.07.13
- (2). Vide letter dtd. 25.06.14 received in SEIAA office 22.07.14 PP has requested that company M/s Liberty Urvarak Limited, Nirmani has merged with Coromandal International Limited w.e.f 08.05.14 and the merger has been approved by Honorable High Court of Andhra Pradesh vide its order dtd. 07.04.14
- (3). In this regard PP has requested to change the name in the Environmental Clearance with reference to above.
- (4). The case was discussed in depth and it is noted that as per Para 11 of EIA Notification, 2006 "A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period....."
- (5). It is decided that :-
- An application for transferring prior EC should be submitted by transferor M/s Liberty Urvarak Limited, Nirmani or by the transferee M/s Coromandal International Limited with a written "no objection" by the transferor.
 - Certified copy of merger agreement.
 - Certified copy of court order
 - Copy of resolution passed by the Board of Directors of the transferee company (M/s Coromandal International Limited) authorizing a person for taking the responsibility of compliance of the EC conditions **latest by 30.10.2014**.


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10. **Case no. 1562/2013**, Application for Prior Environmental Clearance for proposed "Silver Estate Vertica" Group Housing Project total plot area 16,700 sqmt. & built up area 27033.48 sqmt. at Survey Nos. 60, 61, 62, 63, 64/1, 66, village Katara, Tehsil Huzur, District Bhopal by M/s Macker Real Ventures through Mr. Neeraj Bhushan Macker owner 501, 5th Floor, Ashima Corporate Zone, Ashima Mall, Hoshangabad Road, Bhopal – 462026, Ph. No. 405-3444, 6461989, Email info@mackerrealventures.com

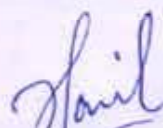
- (1). The case was discussed in SEIAA meeting 138th dated 20.06.13 and 146th dated 12.09.13 it is recorded that ".....(vii)After examining the facts in depth the Authority is of the view that, PP has constructed 50% of the total built up area which is serious violation of the EIA Notification, 2006 hence it is decided to reject the case outrightly for grant of prior EC as per Para 7 of the Memorandum No. J-11013/41/2006-IA.II (I) dtd 12.12.12 issued by the Ministry of Environment & Forests, Gol.


(viii). A letter should be sent to Secretary, GoMP, Housing and Environment giving the details of violation and office memorandum of MoEF, Gol J-11013/41/2006 IA II (I)dt. 12.12.2012 (Para 2) "to initiate credible action on the violation by invoking powers under section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under section 15 of the Act for the period for which the violation has taken place and evidence provided to MoEF of the credible action taken." The details of legal action taken by the Secretary H&EN GoMP taken should be made available to the Authority by 31.10. 2013.

(ix). The details of project proponent, a copy of commitment and Resolution (submitted by PP vide letter dt 03.05.2013 received in SEIAA office on 03.05.2013) passed in the meeting of the Board of Directors of M/s Macker Real Ventures builders and developers, Bhopal should be put on the website of MPSEIAA for information of all stake holders."

- (2). As per decision taken in 146th SEIAA meeting letters (dtd.08.10.13.) were sent to Principal Secretary, GoMP, Housing and Environment for credible action for violation of EIA Notification, 2006 ; PP & all concerned for information of the decision.
- (3). PP vide letter no. nil dtd nil received in SEIAA office 05.11.13 submitted revised form-I and requested to consider the case for appraisal for prior EC. However, since MPSEIAA and SEAC were not in existence in state level. PP was informed (letter dtd. 18.11.13) and the application was returned in original.
- (4). PP vide letter dtd. 04.08.14 received in SEIAA office on 04.08.14 submitted representation along with Form-I, Form-IA and conceptual Plan with a request to review the decision of outright rejection of the case. (SEIAA meeting dtd. 12.09.13).
- (5). Meanwhile vide letter dtd. 02.11.13 Regional Officer MPPCB has informed that the legal case against PP has been filed on 01.11.13 in the court of Chief Judicial Magistrate Bhopal.
- (6). Vide letter dtd. 06.11.13 SEAC informed that the legal action has been initiated against the project of M/s Macker Real Ventures and requested SEIAA to send the original file for further necessary action.


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- (7). The case was discussed in depth and it is noted that: - As per MoEF Gol, O.M. dtd. 12.12.12 & 27.06.13 in violation cases that has been outrightly rejected under the provision of para 7, it is not clear whether SEIAA has the power to review the case again on submission of application by PP. It is decided that a letter should be sent to MoEF, Gol to clarify the procedure to be followed in such cases and also guide about the appellate authority if any.

11. **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.

- (1). The case was discussed in the backdrop of 113th SEIAA meeting dtd. 01.12.2012 wherein it was decided to close the case at present. The relevant para's of the decision are given hear under*"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 (Qksj) 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.

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. "

- (2). It was noted that the PP had submitted application vide no nil dated 13.12.2012 requesting to reconsider the case. The relevant para of request mentioned in application is given under :

- i. We have mining lease agreement with State Govt. from 21.02.1994 till 21.02.2014 and working permission from Collector Court, Kanti dated 06.06.1994. Further they have completed all formalities and submitted all the desired papers/NOC's and Statutory documents to the in pervious SEIAA meetings. Since the matter is sub judicious between the two departments, but we are suffering very badly and paying dead rent to the mining department for the subject lease area apartment the unemployment problems for the local people and many more. We would request to grant the Prior Environment Clearnace from mining atleast on the undisputed part of the lease which is already allotted to us.

The Khasra number i.e. part of 507 is disputed and matter is sub judicious in the honorable court, remaining khasra number i.e. 346, 359, 360, 361, 362, 373, 374, 375, 376, 378 are undisputed. The total areas of undisputed khasra number is 15.77 ha.

- ii. Considering the situation and problems being faced we request you that we may be allowed to work over undisputed area (346, 359, 360, 361, 362, 373, 374, 375, 376, 378 = 15.77 ha.) out of total lease area (48.562 ha.) already allotted to us till the disbursement of

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decision by the court. We assure you that we shall not work at khasra No. 507 if the lease area and mining activity will be restricted to the remaining khasra no. As given above for 15.77 ha.

The sympathetic consideration by honorable SEIAA in the interest of natural justice will help us to overcome from the losses due to closure of work for past 4 years, provide number of direct and indirect employment to the people of the area and also revenue losses for the government.

- (3). In context of above it was also noted that the PP has submitted another application vide No. 391 dated 14.07.2014 enclosing the order of Hon'ble High Court Jabalpur dated 11.10.2013 against second appeal No. 750/2003 and 1406/2012 and requested to take decision. The relevant part of the concerned order dated 11.10.2013 on Appeal No. 750/2003 and 1406/2012 under context is mentioned below:-


".....Since the suit land involved in the suit filed by the plaintiffs is not a part of forest land looking to the concurrent finding of fact of both the Courts below, the provisions of Section 20 of the Indian Forest Act and Section 2 of the Forest (Conservation) Act 1980 are not applicable and further the judgment of the Hon'ble apex Court passed in the matters of T.N. Godavarman Thirumulkpad V/s Union of India and others, (1997) 2 SCC 267 and T.N. Godavarman Thirumulkpad V/s Union of India (2002) 10 SCC 606....


.....Therefore, the substantial questions of law Nos. 1 and 2 are answered against the appellants and in favour of the plaintiffs/respondents as the suit land is not a part of forest land and is not covered by Hon'ble Apex Court passed in the matters of T.N. Godavarman Thirumulkpad V/s Union of India and others, (1997) 2 SCC 267 and T.N. Godavarman Thirumulkpad V/s Union of India (2002) 10 SCC 606...."


Similarly, the relevant and operative part of the order of the Hon'ble High Court in another Appeal No. 1406/2012 is mentioned below:

"3---- Similar questions have been considered in the judgment passed today in Second Appeal No. 750/2003 challenging the order dated 03.06.2000 passed by the Collector, Katni and it has been held that the suit land for which the mining lease has been granted to the respondent/plaintiff is not a part of forest land and similar substantial questions of law have been answered against the appellants and appeal has been dismissed, therefore, this matter is also covered by the judgment passed in Second Appeal No. 750/2003. Therefore, all the substantial questions of law are answered against the appellants and the appeal filed by the appellants is dismissed."

- (4). On the basis of above facts the authority decided to write a letter to the Collector, Katni asking him to provide the information whether any SLP has been filed in the Hon'ble Supreme Court or any stay has been obtained against above said order dated 11.10.2013 of Hon'ble High Court. The copy of the letter should be endorsed to the PP also.
12. **Case No. 486/09** - Prior Environmental Clearance for Limestone Mine, Village-Bhatia, Tehsil-Maihar, District-Satna (M.P.) mining lease area 18.27 ha. for Production capacity 20,000 TPA
13. **Case No. 482/2009**, Prior Environmental Clearance for Limestone Mine, Village-Bhatia, Tehsil-Maihar, District-Satna (M.P.) mining lease area 10.472 ha, Production capacity 20,000 MT/Y.


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14. **Case No. 200/2008:** Prior Environmental Clearance for Stone Mine with Crusher(Opencast Manual Method) in an area of 11.54 ha. at Village-Nayagaon Lakheri, Teh-Rajnagar, Dist-Chhatarpur for production capacity of 800 m3 per year
15. **Case No. 914/2012-** Prior Environmental Clearance for Stone Boulder Quarry (Manual/ Semi Mechanized Method) in an area of 2.0 ha. for production capacity of 40,000 m3 per year at Khasra No. 590 at Village-Rabadiya, Tehsil-Tonkhhurd Distt.-Dewas (M.P.)
16. **Case No. 1124/13-** Prior Environmental Clearance for Clay Mine (Manual Method) in an area of 1.214 ha. for production capacity of 5,00,000 m3 per year at Khasra No. 16/2/1 at Village-Pipalkhiriya, Tehsil-Raisen, Distt.-Raisen(MP)

It was decided that above five (5) cases (no. 486/2009, 482/2009, 200/2008, 914/2012 & 1124/2013) shall be discussed in the next / subsequent SEIAA meeting.

Meeting ended with a vote of thanks to the Chair


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Member Secretary


(Shri H.S.Verma)
Member


(Shri Waseem Akhtar)
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