

## Minutes of the 40<sup>th</sup> SEIAA Meeting held on 1<sup>st</sup> July, 2010

The 40<sup>th</sup> meeting of the State Level Environment Impact Assessment Authority was convened on 1<sup>st</sup> July, 2010 at 11.30 A M at the Authority's office in M.P. Pollution Control Building, Paryavaran Parisar, Bhopal chaired by Shri Subroto Banerji, Chairman SEIAA.

The following members attended the meeting:-

1. Shri M. Hashim, Member
2. Shri Ashok Shah, Member Secretary

### (A) Cases recommended for Prior Environmental Clearance

1. Shri Ganesh Acid Chemical (P) Ltd, Ward No-1, Mishra Nagar, Waraseoni, Distt-Balaghat-M.P., Borikheda manganese deposit, 5.977 hact. at village Borikehda, Teh- Katangi, Distt-Balaghat-M.P, **Case no. 271/2009**.

The above case was recommended by SEAC for grant of Prior Environmental Clearance.

The Authority while scrutinizing the documents submitted by the project proponent, observed that the Forest Deptt. NOC does not specify the distance of mining lease area from the protected areas under Wildlife Protection Act 1972 and from inter state boundary.

Hence it was decided to send the case back to SEAC for reconsideration on the above ground.

2. Shri B V Reddy Director, Betul Non-Conventional Energy Pvt Ltd, E-6/63, Arera colony, Bhopal-M.P, 10 MW Biomass based power plant, Mandavi Near Sehra, Atner Road, Betul-M.P., **Case no.297/2009**.

The above case was recommended by SEAC for exemption as the above case is a bio-mass based power project having a capacity of less than 15 MW.

It was decided by the SEIAA to ask for a commitment letter from the project proponent stating that the auxiliary fuel will not be used more than 15%. The same has been submitted by the proponent.

SEIAA accepted the recommendation of SEAC and decided to exempt the above case.

Sd/-  
(Ashok Shah)  
Member Secretary

Sd/-  
(M. Hashim)  
Member

Sd/-  
(Subroto Banerji)  
Chairman

3. Shri Vinod Kumar Agarwal Civil lines, Mandla M.P., Dolomite mines 6.81 ha. village Kakaiya Teh. Bichhiya, Distt. Mandla -M.P. **Case no 47/2008**

The above case was recommended by SEAC for grant of Prior Environmental Clearance.

The Authority while scrutinizing the documents submitted by the project proponent, observed that some of the Khasras are located within 250 m from the forest boundary. The copy of the recommendation of the competent authority constituted in such type of cases by the Govt.of Madhya Pradesh has not been submitted by the proponent.

Hence the Authority decided to send the case back to SEAC for reconsideration on the above ground.

4. Smt. Indra Devi Garg, Legal Heir of Late Shri Giriraj Garg, Balaji Handloom,. Saraswati Shishu ke Samne, P.O. & Distt- Morena (M.P). – Bankuri Red Ochre Mine- 12.0 Ha. Capa. – 5000 TPA at Village- Bankuri, Tehsil-Karahal, Distt- Shoepur- M.P **Case No. 98/2008**

The above case was recommended by SEAC for grant of Prior Environmental Clearance.

The Authority while scrutinizing the documents submitted by the project proponent, observed that the distance of mining lease area from the forest boundary has not been mentioned. The old NOC's attested copy has been produced. The distance from protected areas has been mentioned as more than 10 kms.

Hence it was decided to send the case back to SEAC for reconsideration to obtain specific distance of mining lease area from the forest boundary.

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5. Shri Sharda Prasad Jaiswal C/o Kawsji ward, Vivekanand chowk, Katni M.P., Bauxite, Laterite & fireclay mine 5.901 Hact. Village- Mohla Teh- Sihora Distt-Jabalpur-M.P. , **Case No.190/2008**

The above case was recommended by SEAC for grant of Prior Environmental Clearance.

The Authority while scrutinizing the documents observed that a photo copy of the Forest Deptt. NOC has been submitted. While it was decided by the Authority to get an original/attested copy of the NOC.

Hence it was decided to send the case back to SEAC for reconsideration on the above grounds.

6. Smt. Sangeeta Sharma, C/o Shri Rakesh Sharma, Plot No. 6019, Byramji Town, Nagpur, M.H, Manganese core- mine 7.114 hact. at Vill-Palaspasi, Teh: souner, Distt-Chhindwara M.P. **Case no. 151/2008.**

The above case was recommended by SEAC for grant of Prior Environmental Clearance.

The Authority while scrutinizing the documents observed that the distance of mining lease area from protected areas under Wildlife protection Act 1972 has been given but the distance of mining lease area from forest and interstate boundary has not been specified.

Hence it was decided to send the case back to SEAC for reconsideration on the above ground.

7. Shri Rakesh Sharma, 357, Byramji town, Nagpur M H, Dolomite mine 5.639 hact. Vill- Malegaon, Teh- Sausar, Distt. Chhindwara M.P. **Case no 157/2008.**

The above case was recommended by SEAC for grant of Prior Environmental Clearance.

The Authority while scrutinizing the documents observed that in the Forest Deptt. NOC the distance of mining lease area from the interstate boundary has not been specified.

Hence it was decided to send the case back to SEAC for reconsideration on the above grounds

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8. Shri Shantilal Singhvi, Director M/s Vinayak Natural Stone Pvt Ltd, Chamber No. 5, Room No.3, 32/379, Opposite Gogunda House, L.N. Mishra Marg (Detya Mgri), Udaypur (Rajasthan), Marble mine 42.515 hact. at near village- Dinarikhamaria, Teh- Majholi, Distt-Jabalpur M,P, **Case no. 241/2008**

The above case was recommended by SEAC for grant of Prior Environmental Clearance.

The Authority while scrutinizing the documents observed that the mining lease area is falling within 250 m from forest boundary.

Govt. of Madhya Pradesh constituted a committee headed by the Chairman, Zila Panchyat to issue NOC in such type of cases. The Distt. Collector and the DFO were member of the Committee. In this particular case it is mentioned in the EIA report Annexure-2, chapter 9 that, the Chairman, Zila Panchayat did not attend the meeting after receiving the meeting notice. Hence the meeting was convened by the Distt. Collector, DFO and Dy. Director, Mining Deptt. Jabalpur.

The above officers recommended the case for sanction of mining lease.

The SEIAA does not accept the recommendation of the committee, because it was not properly constituted. The public representative can not be substituted by a Govt. official without the orders of the Competent Authority i.e. the State Govt.

Hence SEIAA decided to reject the case on the above ground.

9. Chirayu Hospital & Medical College, Bhaisakhedi, Indore Road, Bhopal-M.P., Office Address- Chirayu Hospital, 6, Malipura, Bhopal-M.P., The proposed site, earmarked for development of hospital and medical college at Bhaisakhedi, Indore Road, Bhopal-M.P, **Case no 494/2009.**

The above project was recommended by SEAC for grant of Prior Environmental Clearance.

The Authority while scrutinizing the documents submitted by the project proponent observed the following things.

- i. The project is proposed at village – Bhaisakhedi on Indore Road, Bhopal

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- ii. The proponent was allotted an area of 31.90 acre vide Govt.of M.P., Revenue Deptt. Order no.F-6-274/2008/7/Nazul dt. 30/08/2008 for construction of Medical College and Hospital.
- iii. Out of the above land the land use of 24.40 acres of land was changed from Agriculture to public and semipublic, vide a gazette notification dated 30/01/2009.
- iv. It was observed that the remaining land of 7.5 acres (31.90 – 24.40) allotted to the Project Proponent on which a Plantation was done by a Govt. Agency and was existing, has also been handed over to the proponent.
- v. The Authority observed from the SEAC's report that the Project Proponent started the Construction work at site before obtaining Prior Environmental Clearance from the Authority.
- vi. The Proponent has submitted an affidavit stating that they shall either return 7.5 acres of land which has plantation, to the Govt. of Madhya Pradesh if asked for, or, the Proponent shall maintain it as a green belt. The Authority decided to accept the first condition of return of 7.5 acres of Plantation Land to the State Govt.
- vii. The Project Proponent has submitted a decided case from the Internet of M/s Brightways Housing and Land Development Pvt, Ltd, New Delhi, whereby the concerned SEIAA in a case of already constructed and operational Office Cum Shopping Complex, after considering different aspects and SEAC's recommendations, has accorded Environmental Clearance to the project, while also deciding to initiate Legal Action under the Provisions of the Environment Protection Act, 1986 against the Project Proponent for such violation.

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Since it was a case of violation of the EIA notification of 14, September, 2006, the Authority decided to get an opinion from the Regional Office of the Ministry of Environment & Forests, Govt.of India, to the effect that since the Project Proponent had already started construction at site, whether such a case could be considered for grant of Prior Environmental Clearance.

A reply received from the Director, Regional office, MoEF Bhopal states that such types of case are to be dealt with according to Section 19 of the Environment Protection Act 1986 and the provisions of EIA notification of September 2006. The Authority accordingly decided to report the matter U/S 19 of the Environment Protection Act for Legal Action to the State Govt. while deciding to accord Environmental Clearance under the EIA notification of 14<sup>th</sup> September, 2006.

The Authority accepted the Recommendation of SEAC and also took the following decisions.

- (a) The Project Proponent shall be accorded Environmental Clearance on the conditions laid down by SEAC and accepted by the Proponent during presentation before SEAC, along with the following conditions/actions :-
- (b) The violation issue be reported to the Deptt. of Environment, Govt.of M.P. as per the Environment Protection Act, 1986. The Member Secretary, SEIAA has already reported the matter to the Deptt. of Environment, Govt. of M.P. on the basis of the report submitted by SEAC .The Authority's decision to forward the case for legal action U/S 19 of Environment Protection Act 1986, to the Govt. of M.P., Deptt. of Environment, should also be communicated separately.
- (c) The affidavit submitted regarding the 7.5 acres of Plantation land to be returned to the Govt. of M.P. may be recommended and forwarded to the State Govt.
- (d) The matter regarding allotment of 7.5 acres of Planation land be reported to the Chief Secretary, Govt. of M.P. for further necessary action.

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10. M/s Shukdeo Prasad Goenka, C/o Goenka Bhawan, Katni M.P. Laterite yellow ochre and manganese red oxide, red ochre mines fire clay 48.562 hect. Vill- Jhinna Teh- Dhimmerkhera, Distt- Katni M.P., **Case no 153/08**

The above case was recommended by SEAC for grant of Prior Environmental Clearance.

SEIAA while scrutinising the documents observed the following things:-

- (i) It appears from the records that M/s Shukdeo Prasad Goenka, was granted two mining leases, one at village Harraiya for lime stone and other at Village Jhinna for laterite, fireclay, iron ore and manganese. The Forest Deptt. raised an objection that the mines located in village Jhinna are on forest land and hence the Collector, Katni vide his order no. 2729/Khanij/2007 dt 30-06-07 stopped mining operations and ordered recall of transit passbooks issued.
- (ii) M/s Shukdeo Prasad Goenka, challenged the above order by filling a civil suit which was declared null and void by the judgment dt 09-09-2005.
- (iii) State Govt. filed an appeal in Hon'ble High Court against the above judgement and stopped issuing the transit passes to the proponent.
- (iv) M/s Shukdeo Prasad Goenka, filed a writ petition in the Hon'ble High Court for directing the State Govt. to issue pit passes. The writ petition was registered as W.P No.6539 of 2007, in which Hon'ble High Court passed an Interim Order on 12/07/2007 directing the state Govt. to issue transit passes in respect of Jhinna mine.
- (v) An Interim Order passed by the Hon'ble High Court on 2/7/2008 directing Department of Mining & Mineral Resources to issue instructions within one week from that date to the concerned Officers to close down all the remaining major minerals mines which have not obtained consent from the M.P. Pollution Control Board.
- (vi) Further The Hon'ble High Court passed an Interim Order in W.P. No 1574 of 2008, on 14/8/2008, for all mines to obtain clearance under EIA notification, operating without Prior Environmental Clearance.
- (vii) The project proponent has requested that since, the case pending before the Hon'ble High Court has issues related to the Forests Deptt., therefore he shall not be able to produce an NOC from that Deptt.

Sd/-

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(viii) As issue of illegal mining was raised against the project proponent but the Distt. Mining Officer has ruled out any such case of illegal mining registered against him as per the Govt. records.

The matter regarding grant of Prior Environmental Clearance was discussed in detail during the meeting but a consensus on the decision could not be arrived the Member Secretary differed from the opinions of the Chairman and the Member. The latter two, both held the same opinion.

Hence the opinion of the Chairman and Member is recorded as follows:-

They decided that SEIAA should apply before the Hon'ble High Court to be allowed to become intervener in w.p. no. 6539/2007 in respect of village Jhinna in Order dt 18-07-2007, whereby the respondents have been directed to issue transit passes to the petitioner, i.e. the Project Proponent in this case, as apparently there exists a difference of opinion between this order of the Hon'ble High Court and the Order passed on 02-07-2008 in PIL No. W.P.. No.1574/2008, whereby the Hon'ble High Court has directed the Department of Mining & Mineral Resources to issue instructions within one week from that date to the concerned Officers to close down all the remaining major minerals mines which have not obtained consent from the M.P. Pollution Control Board, as denial of Prior Environmental Clearance or grant thereof may not be in consonance with the situation.

The Chairman and the Member also observed while giving their opinion that certain lines/page of the Hon'ble High Court's Order in the operative paragraph were missing in the notarized version submitted by the Project Proponent. They both therefore decided that the Project Proponent be asked to submit a complete notarized copy of the order in W.P. No 6539/2007 issued on 18-07-07, so that they could incorporate all relevant material facts in their opinion.

The case may therefore be kept again in the next meeting.

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Member Secretary

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Member

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Chairman



The opinion of the Member secretary is recorded as follows:-

The Member Secretary observed that environmental clearance may not be issued in this case since. NOC from Forest Department regarding, whether the mine is in the forest area or not, is not clear.

**(B) Other Points**

A letter submitted by HEG Limited regarding expansion of graphite unit

Hindustan Electro Graphite submitted a letter giving details of their expansion plan. It is requested by them to know whether a prior environmental clearance is required or not for this proposed expansion.

It was decided by the Authority to get an opinion from the Regional office of MoEF by sending them the copy of the letter.

Meeting ended with a vote of thanks to the chair.

Sd/-  
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Member Secretary

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Member

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