

## Minutes of the 41<sup>st</sup> SEIAA Meeting held on 29<sup>th</sup> July, 2010

The 41<sup>st</sup> meeting of the State Level Environment Impact Assessment Authority was convened on 29<sup>th</sup> July, 2010 at 4.00 P.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. Prabhatam Infrastructure Ltd Rastriya tower 38, Rewa.-Jhansi Road, New Delhi, Group housing cum commercial complex at Khasra No.483/1, 484, 485, 486, 488, 490 village Khajuri Kala and Khasra No.156, 133 Village Hataikheda Raisen Raod Bhopal (M.P.) T. Plot Area- 86,682.94 sq.m .**Case no. 40/2008**

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

SEIAA while scrutinizing the documents observed that the copy of the building permission has not been submitted. Regarding water supply, the letter issued by Bhopal Municipal Corporation merely states that required water supply will not be made available to the Project Proponent currently, but as and when the Narmada water supply scheme and pipe line laying project under JNNRUM is executed, the water shall be made available.

SEIAA decided that it is not feasible to grant Prior Environmental Clearance to the above project at present date. Hence it stands rejected. However the Proponent is free to re-apply after clearing the above lacunae.

Sd/-  
**(Ashok Shah)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
**(Subroto Banerji)**  
Chairman

2. M/s S.B. Granites Ltd.,6/4, Apex Mall, Lalkothi, Tonk Road, Jaipur (Rajasthan)-302 015, Silpatpura Granite mine 5.0 ha. Production of Granite 12307 cum/Y (32000 T/Y), Village-Silpatpura, Tehsil-Laundi, Distt--Chhatarpur-M.P. **Case no. 422/2009.**

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

SEIAA while scrutinizing the documents observed that the photocopy of the Forest NOC has been submitted by the Project Proponent, while an attested/notarised copy of the same is required.

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

3. M/s S.B. Granites Ltd.,614, Apex Mall, Lalkothi, Tonk Road, Jaipur, (Rajasthan)-Silpatpura Granite mine 7.0 ha. Production of Granite 10000 cub per Annum, Village Silpatpura, Teh- Laundi, Distt-Chhatarpur-M.P. **Case no. 423/2009**

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

SEIAA while scrutinizing the documents observed that the photocopy of the Forest NOC has been submitted by the Project Proponent, while an attested/notarised copy of the same is required.

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

4. M/s Ushma Technologies Pvt Ltd, 301, Ever shine mall, Malad Vivek Road, Malad (West) Mumbai, Drug manufacturing Industrial area, Pithampur Distt-Dhar-M.P. **Case no. 493/2009**

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

The Authority while scrutinizing the documents felt that the Project Proponent may be asked to submit the following:-

- i. Emergency Disaster Management Plan prepared by the Proponent duly approved by the Director Industrial Health & Safety.

Sd/-  
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Member Secretary

Sd/-  
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Member

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Chairman

- ii. Copy of the agreement between Project Proposal and TSDF Authorities to dispose off the various hazardous waste generated by the proposed unit.
- iii. Details of the provisions made by the proponent regarding Public Liability Insurance Act.

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

5. M/s Granite India, Gupta complex, Near Bus stand, Distt- Chattarpur-M.P), Production of Granite for proposed quarry C 10.0 ha. at village Silpatpura, Distt- Chhatarpur-M.P. **Case no. 456/2009**

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

SEIAA while scrutinizing the documents observed that the photocopy of the Forest NOC has been submitted by the Project Proponent, while an attested/notarised copy of the same has to be submitted.

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

6. Jaipuria Leo Software & Systems Pvt Ltd, Plot No. F-4(A) MIDC Industrial Area, Hingna Road, Nagpur (M H), Manganese ore mines 6-159 ha. At Jarah, Mohgaon Teh-Katangi, Distt- Balaghat-M.P. **Case no. 237/2008**

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

The Authority while scrutinizing the documents observed that the location of the mine is very close to the school building and the road passing by. It was also raised during the public hearing that some of the houses are located very close to the mining area. The Addl. Distt, Magistrate mentioned in the Public Hearing report that the Expert Committee should look in to the matter and find some specific solution to the above issue. But no such solution has been proposed by the SEAC.

Hence SEIAA decided not to accept the recommendation of SEAC and reject the above case.

Sd/-  
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Member

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Chairman

7. M/s Murlidhar minerals, Malegaon, Sausar, Chhindwara-M.P., Malegaon dolomite mine 10.00 hect 20000 TPA at village- Malegaon, Teh-Sousar, Distt-Chhindwara **Case no. 299/2009**

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

The Authority while scrutinizing the documents observed that a photocopy of the Forest NOC has been submitted. The distance of the mining lease area from the interstate boundary has not been indicated.

Hence it was decided to send the case back to SEAC for reconsideration to obtained an attested/notarized copy of the Forest Deptt. NOC and also specify the distance of mining lease area from inter state boundary.

8. M/s CLC Textile Park P Ltd, Shankar Nagar, Nagpur Road, Teh-Pandurna, Distt-Chhindwara-M.P., 10 MW Captive & Thermal Power Plant at village Hiwara, Teh-Pandurna, Distt- Chhindwara-M.P. **Case no. 475/2009**

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

The Authority while scrutinizing the documents observed that the Project Proponent has submitted a letter of commitment from AKVN, Jabalpur regarding supply of water to the proposed unit. It was decided by the Authority to writ to the AKVN, Jabalpur asking about their source of water.

Secondly, the Proponent has submitted a letter that the Forest Deptt. NOC shall be submitted to the Authority within a day.

It was decided by the Authority to keep the case pending till the next meeting.

9. Shri Aslam Ahmd S/o Late Shri Ishak Ahmad, R/o Mission Chowk, P O Katni, Bhatgawan Sunehra Limestone and dolomite deposit, Bhatgawan sunehra, Khasra No. 304, 319,320/1, 405, 398, 321, 320/3, 306, 297, 303 Teh- Murwara, Distt.Katni -M.P.(M.P.) Mining lease area: 25.19 Ha. and production capacity 4820 MT/Year. **Case no. 77/2008**

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

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The Authority while scrutinizing the documents observed that the Forest Deptt. NOC does not specify the distance of Mining Lease Area from the Protected Forest Areas under Wildlife Protection Act, 1972.

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

10. Shri Arif Ahmd S/o Late Shri Ishak Ahmad, R/o Mission Chowk, P O Katni, Bhatgawan Sunehra Limestone and dolomite deposit, Bhatgawan sunehra, Khasra No. 317, 209, 205, 210, 200, 204/1, 204/2 Mining lease area 9.35 ha. production capacity 25000 MT/Year. **Case no. 61/2008**

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

The Authority while scrutinizing the documents observed that the Forest Deptt. NOC does not specify the distance of Mining Lease Area from the Protected Areas under Wildlife Protection Act, 1972.

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

11. M/s Jaideep Ispat & Alloys Pvt Ltd Unit (II) 103, Laxmi Tower, 1st Floor 576 MG Road, Distt- Indore –M.P. Medium Scale Industries Rolling Mill Plot No. 808-E-Sector-3, Industrial Area, Pithampur, Distt-Dhar-M.P. **Case no. 473/2009**

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

SEIAA accepted the recommendations of SEAC and decided to accord the Prior Environmental Clearance to the above project.

12. Smt Ratna Mishra, C/o M/s CIMMCO, Gulab Rai Building, Opp-Nagar Nigam Office Katni- M.P. Limestone mine 5.89 hect. 5000 TPA at Rajawara, Teh- Vijay Raghogarh, Katni- M.P **Case no. 231/2008**

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

SEIAA accepted the recommendations of SEAC and decided to accord the Prior Environmental Clearance to the above project.

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Member

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Chairman

13. M/s Pinnacle D Dreams Orbit mall, A.B. Road, Indore –M.P., High rise residential complex at village Pipliya Kumar, Teh- & Distt- Indore-M.P. **Case no. 558/2010**

The SEAC has observed that the land and the various permissions are in the name of M/s Ashok Hi-tech Builders (P) Ltd, whereas the application for Prior Environmental Clearance has been filed by Shri Navin Garg, President, M/s Pinnacle D Dreams, Indore. Hence SEAC has decided to send the case back to SEIAA for rejection.

The Authority accepted the above recommendation of SEAC and decided to reject the case.

14. M/s Jai Bhawani Minerals, Shi Ashwani Gautam, B-6, New ACC Colony, Katni M.P., Tihari Laterite & fireclay deposit mine 7.37 ha. Teh-Bahoriband, Distt-Katni M.P. **Case No.125/2008**

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

SEIAA accepted the recommendations of SEAC and decided to accord the Prior Environmental Clearance to the above project.

15. Shri Shantilal Singhvi, Director, M/s Vinayak Natural Stone Pvt Ltd, Chamber No.5, Room No. 3, 32/379, Opposite Gogunda House, I.N. Mishra Marg (Detya Magri) Udaypur (Rajasthan) Marble Mine 42.515 ha. near village- Dinarikhamaria, Teh- Majholi, Distt-Jabalpur M,P, **Case No. 241/2008**

In the 40<sup>th</sup> SEIAA meeting it was decided by the Authority to reject the above case on the ground of not submitting a Forest Deptt. NOC issued by the competent Authority.

The Project Proponent applied to the Authority to reconsider his proposal submitting a photo copy of the minutes of meeting of the committee constituted by Govt. of Madhya Pradesh to issue NOC in the cases where the mining lease area is falling within 250 mts. from the forest boundary.

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Member

Sd/-  
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Chairman

The Proponent may be asked to submit attested/notarized copy of the above documents i.e. the minutes of the meeting giving clearance to the project along with the order issued if any there after.

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

16. M/s Shukdeo Prasad Goenka, C/o Goenka Bhawan, Station Road, Katni M.P., Laterite yellow ochre and manganese red oxide, red ochre mines fire clay 48.562 hact. Vill- Jhinna Teh- Dhimmerkhera, Distt- Katni M.P. **Case no. 153/2008.**

The Project Proponent was asked to submit a fresh attested copy of the interim order passed by the Hon'ble Court. The same has been submitted by the Proponent. Since during the discussion in the 40<sup>th</sup> meeting a consensus could not be arrived, the Member Secretary differed from the opinions of the Chairman and the Member. The latter two held the same opinion. Hence the opinion of the Chairman and the Member is recorded as follows:-

We agree only partially with the opinion of the Senior Advocate in page 2 para 5 of his opinion dated 18<sup>th</sup> May 2010 that the consideration of Prior Environmental Clearance is/was not under challenged in any of the cases pending before or decided by the Hon'ble High Court restraining SEIAA from processing the case for grant of EC, and that SEIAA is free to decide the matter.

However, because as per the provisions of EIA notification dated 14.09.2006 (issued by MoEF) para 2, since no construction work or preparation of land can be started before obtaining a Prior Environmental Clearance, the SEIAA can normally either deny or grant Prior Environmental Clearance, before work is started at site. However in this matter in the process of litigation, after the Collector's order on the DFO's recommendation stopping mining operation and recall of transit passbooks issued, was stayed by the Hon'ble High Court Interim Order in W.P No.6539 dt 12/07/2007, the Proponent was held entitled for issuance of transit passes till his mining lease was in existence.

Sd/-  
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Member Secretary

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**(M. Hashim)**  
Member

Sd/-  
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Chairman

Here it is pertinent to mention that the mining lease is in existence till 20<sup>th</sup> February 2014, thus enabling the petitioner to continue mining and use pit passes without the SEIAA taking a decision in this case, till that date.

Therefore, the SEIAA while considering grant of EC, does not have the right to deny Prior Environmental Clearance while the aforesaid Hon'ble High Court's Interim Order is in force.

We may therefore approach the Hon'ble High Court to become intervener and in the W.P. be impleaded in case W.P. No. 6539 of 2007, to remove this anomaly and also to plead in this case that it should be brought within the ambit of all other mining cases of the State, in which the Hon'ble High Court in W.P. no. 1574 of 2008 has decreed that all mines require Prior Environmental Clearance for operation. We may further plead before the Hon'ble High Court for a decision on ownership dispute of the mining area between the Revenue and Forest Departments pending before it in the same W.P.

17. M/s Shanti realty Pvt Ltd, 3, Janki Nagar, Annex-A.B. Road, Indore – M.P., High-rise multi storied residential project of M./s Shanti Realty Pvt Ltd at Village Nipaniya, Indore – M.P. Khasra No. 45/1, 45/2, 45/3 & 47/1 **Case no.283/2009**

It was decided in the 38<sup>th</sup> SEIAA meeting held on 22-06-10 that clarification regarding the location of the above project within the critically polluted areas notified in the MoEF's memorandum may be sought from the Regional Officer, M.P. Pollution Control Board Indore.

A reply received from Regional Officer, M. P. Pollution Control Board specifies that the location of the above project does not fall within the critically polluted areas of Indore notified in the MoEF's Memo.

Hence SEIAA accepted the recommendation of SEAC and the reply from M.P. Pollution Control Board, Indore and decided to accord Prior Environmental Clearance to the above project.

Sd/-  
**(Ashok Shah)**  
Member Secretary

Sd/-  
**(M. Hashim)**  
Member

Sd/-  
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Chairman



18. M/s Divya Dev. Developers Pvt. Ltd, 205, Apollo Arcade, 1/2, Old Palasia, Distt- Indore-M.P., Apollo DB City, Township Project at village Nipanya, Distt- Indore-M.P. **Case no 468/2009.**

It was decided in the 38<sup>th</sup> SEIAA meeting held on 22-06-10 that clarification regarding the location of the above project within the critically polluted areas notified in the MoEF's memorandum may be sought from the Regional Officer, M.P. Pollution Control Board Indore.

A reply received from Regional Officer, M. P. Pollution Control Board specifies that the location of the above project does not fall within the critically polluted areas of Indore notified in the MoEF's Memo.

Hence SEIAA accepted the recommendation of SEAC and the reply from M.P. Pollution Control Board, Indore and decided to accord Prior Environmental Clearance to the above project.

**(B) Other point**

1. Right to Information

A letter received from Govt. of Madhya Pradesh forwarding a letter from the Citizen Forum expressing concern over the proposed Five Star Hotel by M.P. State Tourism Deve.Corp. Ltd at Bhadbhada, Bhopal.

The Authority was of the view that since no application for Prior Environmental Clearance for the above project has come to the Authority, the Govt. of M.P. may be informed accordingly.

- i. At the end of the 41<sup>st</sup> SEIAA meeting the Chairman instructed to hold another meeting on 30<sup>th</sup> July 2010 at 11.30 A.M. for finalizing the minutes of the 41<sup>st</sup> SEIAA meeting.

Meeting ended with a vote of thanks to the chair.

Sd/-

**(Ashok Shah)**  
Member Secretary

Sd/-

**(M. Hashim)**  
Member

Sd/-

**(Subroto Banerji)**  
Chairman