

Minutes of the 64th Meeting of SEIAA dtd 04-08-2011

The 64th meeting of the State Level Environment Impact Assessment Authority was convened on 4th August, 2011 at 10.30 A.M 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. The cases discussed in previous SEIAA meetings with reference to general conditions of EIA notification, 2006, cases related to item 8 of the Schedule


The office memorandum no. J.11012/5/2010-IA-II (I) dtd. 24.05.2011 issued by MoEF, GoI was discussed in the 60th SEIAA meeting dtd 14-6-11. The following has been recorded:-

- I The contents of above Office Memorandum are being reproduced- "In continuation to Ministry of Environment and Forests Office Memorandum of even no. dated 28th April, 2011, it is to clarify that the building and construction sector projects, item 8(a) and township and area development projects, item 8(b) of the EIA Notification, 2006 as amended on 4th April, 2011 do not attract the general conditions. Hence, Building and Construction projects and Township and Area Development projects would continue to remain as category 'B' irrespective of their location with respect to identified critically polluted areas. Such projects would continue to be appraised by the respective SEIAAs".
- II In para 2 of EIA notification 2006 schedule has been mentioned. Category A projects are to be considered by MOEF, GOI, while category B projects are to be considered by SEIAA. The schedule has 5 columns. In column 3 details of the activity/projects are mentioned which are to be decided by MOEF. Similarly, activity/projects mentioned in column 4 are to be decided by SEIAA. Column 5 has details of conditions if any applicable to the project/activity. Two types of conditions are mentioned in this column. One, is 'General Condition' and other is 'Specific Condition'.
- III Against the entry 8(a) and 8 (b) in the schedule there is no mention in the column no.5 if 'General Condition' shall be applicable to these. The General Condition starts as "Any project or activity specified in Category 'B' will be treated as Category A....." in the schedule just below entries of activities/projects.

The 'General Condition' also provides 4 special areas to which it is attracted. One of these is Critically Polluted Areas as notified by the Central Pollution Control Board from time to time.
- IV Chairman's, considered view is that entries in the column 5 of schedule are of general nature and the contents of general condition are of special nature. Special provisions override the general provisions. According to the 'General Condition' all category- B projects will be treated as category- A if they are located in critically polluted areas, declared by Central Pollution Control Board.
- V Chairman was of the view that the clarification issued by the Ministry in the above Office Memorandum is in-consistent with the provision of 'General Condition'. The projects/ activities mentioned at s.no. 8(a) & 8(b) of the schedule located in 4 special areas provided in the 'General Condition' can be considered and decided by SEIAA only when 'General Condition' is duly amended and it is provided that " Any project or activity specified in


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category B except at s.no. 8(a) & 8(b) -----". Thus there will be consistency in column '5' & in, 'General Condition'. Without this amendment in the 'General Condition'. SEIAA has no jurisdiction to decide grant of Prior EC to projects/ activities mentioned at s.no 8(a) & 8(b) located in critically polluted area.

VI Chairman suggested that these should be brought to the notice of MOEF, GOI to withdraw their above office memorandum and to make amendment as suggested in sub para (6) in the 'General Condition'.

VII Member and Member Secretary, SEIAA were of the opinion that the office memorandum dtd 24-05-11 issued by the ministry has given clarification. Therefore, the building and construction sector projects, item 8 (a) and township and area development projects, item 8 (b) of the EIA notification, 2006 as amended on 4th April, 2011 do not attract the general conditions. Such projects would continue to be appraised by the respective SEIAAs. However, the Chairman SEIAA did not agree with the opinion of the Member Secretary & Member SEIAA based on the Office Memorandum of MOEF, GOI dt 24-05-2011 and the facts mentioned above.

Thus decision was taken on majority basis for examining the cases as per office memorandum dtd 24-5-11.

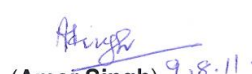
Accordingly the minutes of the meeting was sent to the ministry (vide SEIAA letter No. 260/EPCO/SEIAA/aa dtd. 05.07.11) as per established procedure. Subsequently a letter was also sent to the Secretary MoEF (vide a letter no. 285/EPCO/ SEAAA/11 dtd 20-7-11) by the Chairman SEIAA mentioning to withdraw their above office memorandum and to make amendment as suggested in sub para (6), in the 'General Conditions' as per decision taken in the point no. 3 (VI) of 60th SEIAA meeting dtd 14-6-11. However, the reply is still awaited.

In view of the office memorandum no. J.11012/5/2010-IA-II (I) dtd. 24.05.2011 issued by MoEF, Gol and majority decision of the 60th SEIAA meeting dtd 14-6-11, the following 16 cases have to be reconsidered according to the instructions issued by the MoEF, Gol relating to the critically polluted areas: -

S. No	Case Nos.	Project Name & Details	SEIAA Meeting Nos. & date	SEIAA Meeting Decision
1	567/ 10	Shri Bhupesh Sanghvi, Director, M/s Raju Hoarding Pvt Ltd, 15-16, Jawahar Marg, Indore-M.P., The residential complex (Sanghvi-Residency) at village -Bicholi Mardana, Teh-&Distt-Indore-M.P.	53rd dtd. 16.03.11	The Authority, decided to close the case and return application along with document to the concerned Project Proponent immediately.
2	569/10	M/s Ashoka Hi-Tech Builders, Pvt Ltd, 501, Corporate house, 6th Floor, 169, RNT, Marg-Indore-M.P., Highrise residential complex at village- Pipalya Kumar, Teh. & Distt-Indore-M.P.	do	do
3	578/10	M/s Trikaya cultivations	do	do


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(Amar Singh) 9.8.11.
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		Pvt Ltd, C/o M/s Equinox reality & Infrastructure Pvt Ltd, Tower-1, 5th Floor, Equinox Business park Pvt Ltd, Office Bandra Kurla Complex, LBS Marg Kurla (west), Mumbai -400070, Residential colony at village- Bilauji, Teh- Waidhan, Distt- Singrauli-M.P.		
4	580/ 10	Employees State Insurance Corporation, Regional office, Nanda Nagar, Indore-M.P., Proposed ESIC Hospital and college building at Nanda Nagar, Indore-M.P.	do	do
5	228/ 2008	Wonderland Real Estate Pvt Ltd 6 th Floor, Treasure Island - II, Tukoganj, Main Road, Indore M.P Residential Township project at village Rangwasa, Indore- M.P.	54th dtd. 21.03.11	The Authority decided to close the case and return all the documents along with the application to the Project Proponent.
6	497/ 2010	Shri Ashish Modi, Director M/s Milan Realities 2006 Oasis Trade centre, 20/22, Yeshwant Niwas Road, Indore-M.P. High-rise multi stories residential project at village-Bicholi Mardana, Indore-M.P.	do	The Authority decided that the project would be treated as Category 'A' and a decision for Prior Environmental Clearance will be taken by MoEF, Gol. In view of MoEF, Gol notification dtd. 14.09.06 (as above) the Authority decided to close the case and return all the documents along with application to Project Proponent.
7	543/ 2010	Mr. Umesh Linani Director 55-Shanti Niketan, near Bombay Hospital, Distt- Indore-M.P. High rise residential group housing at village Niparia, Teh.& Distt- Indore-M.P.	55th dtd. 28.03.11	The Authority decided to return the case along with all the documents to Project Proponent.
8	614/ 2010	M/s J K M Projects Pvt Ltd C/o J K Investment Pvt Ltd MR- 10, Neeer Toll Tax Booth Hotel-Sheraton, Distt- Indore-M.P. Prem Shanti	do	The Authority decided to return the case along with all the documents to Project Proponent.


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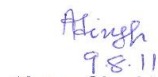

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		"Residency Construction Project" at village Kumerdi-Teh-Sanwer Distt-Indore-M.P.		
9	495/ 2010	M/s Saicharan properties Ltd, 101, Kalptaru Synergy, Opp. Grand Hyatt, Santacruz (E), Mumbai- 400 055 Commercial building of plot no. 27, at Yash Niwas Road, Indore-M.P.	56th dtd. 07.04.11	<i>The Authority decided to return the application along with all the documents to the Project Proponent.</i>
10	230/ 2008	M/s Indore Entertainment World Pvt Ltd, 6 th Floor, Treasure Island - II, Tukoganj, Main Road, Indore M.P. Residential Township project at Kanadia, Indore- M.P.	57th dtd. 28.04.11	<i>The Authority decided to return the case along with all the documents to Project Proponent.</i>
11	477/ 2009	Shri Nimish Arora, Director M/s Aarone Developers Pvt Ltd 6 th Floor, Office Tower, Select City Walk A-3, District Centre Saket, New Delhi- 110 017 "County Walk" Area Development Project at Village- Zalariya, Plot Area 80.811 ha. Distt-Indore.(M.P)	do	<i>The Authority decided to return the case along with all the documents to Project Proponent.</i>
12	229/ 2008	M/s Twenty first century Developers Pvt Ltd. 6 th Floor, Treasure Island - II, Tukoganj, Main Road, Indore M.P. Residential Township project at village Bijalpur, Indore- M.P.	54th dtd. 21.03.11	<i>The Authority decided to withdraw Prior Environmental Clearance letter and decided to return all the document along with application to Project Proponent.</i>
13	468/ 2009	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.	58th dtd. 06.05.11	<i>The Authority decided that, the project would be treated as Category 'A' and a decision for Prior Environmental Clearance could be taken by MoEF, Gol.</i>


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14	444/ 2009	Amrapali Homes Project Pvt. Ltd C-56/40, Sector-62, Noida-U.P. Township Project Modern city Indore Proposed Township project at vill-Sonwaya, Teh-Mhow, Distt-Indore-M.P.	do	<p>The Authority decided that, Prior EC issued by the Authority vide EC letter No 344-45/ EPCO/ SEIAA dt 30-08-10 stands withdrawn.</p> <p>The Proponent shall stop construction work and will obtain prior EC from MoEF, Gol.</p>
15	283/ 2009	M/s Shanti realty Pvt Ltd 3, Janki Nagar, Annex A.B. Road, Indore – M.P. Highrise 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	do	<p>The Authority decided that, Prior EC issued by the Authority vide EC letter No 313-14/EPCO/SEIAA dtd 12-08-2010 stands withdrawn. The proponent shall stop construction work immediately & seek prior EC from ministry of Environment and Forest, Gol. It should be informed accordingly.</p>
16	44/ 2008	M/s Parsvnath Developers Ltd, New Delhi Residential Township "Parsvnath City" phase-I at village Raukhedi Teh. Sanwer, Distt. Indore,	56th dtd. 07.04.11	<p>Hence it was decided by the authority to write to:</p> <ul style="list-style-type: none"> ➤ Project proponent to submit information as per Form 1 of notification dated 1.12.2009 of MOEF, GOI by 31.05.11 ➤ Collector, Indore to know distance of the project area (M/s Parsvnath City" phase-I at village Raukhedi, Teh. Sanwer, Distt. Indore) from Indore Municipal Corporation limit. ➤ Joint Director, Industrie, Indore to know distance of proposed project, (M/s Parsvnath City phase-I at village Raukhedi Teh. Sanwer, Distt. Indore) from Industrial Area, Sanwer Road, Indore


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B. The Cases related to Mining

1. Case No-510/2010

M/s J.K. Minerals, Main Road Distt-Balaghat-M.P., Manganese ore mine at vill- Sonewari Range, Teh- Waraseoni, Distt-Balaghat-M.P. Manganese ore mine

The case was discussed in 52nd SEIAA meeting dt 8-3-11 and it has been recorded that " The Authority while scrutinizing the documents observed following issues .

- i. Executive summary of EIA is not Submitted.
- ii. Attested/notarized copy of Mining Lease and latest copy of Khasra.

Hence it was decided by the Authority to write to the Project Proponent to submit above mentioned documents by 31st May, 2011.

Secondly Authority also observed that mining lease area is falling within forest chamber no.464,466,467, 468. Hence it was decided to write to PCCF mentioning references of NoC from DFO, Balaghat, whether the project require NOC from Gol , as per Forest Conservation Act, 1980. Copy of the letter forwarded to Mineral Resource Deptt. and project Proponent to reply to the query by 30.04.11. "

In follow up of SEIAA decision a letter was sent to the proponent vide letter no. 57/EPCO-SEIAA/11 dtd. 15.04.11 while letter to DFO Balaghat with copy to mineral resource department was not sent as the proponent has submitted vide their application dtd. 23.03.2010 received in SEIAA office on 06.04.11 notarized copy of all the information as per minutes placed on SEIAA website.


The Authority scrutinized documents submitted by the proponent. It is found that the mining lease area is within forest area hence Khasra No. of the land is not required. The original letter from DFO Balaghat vide no. Draftman/24/Balaghat dtd. 01.01.2011 mentioned that the mining lease area of 33 ha. is located at Baraseoni range of Balaghat division. As per this letter the mining area is more than 50 km away from Kanha Tiger Reserve and more than 32 km away from Pench Tiger Reserve.

The MoEF vide their F. No. 8-12/2000-FC dtd. 15.02.2000 has granted approval under Forest Conservation Act 1980 for renewal of mining lease over 33 ha forest land. In continuation of clearance given by Gol the government of Madhya Pradesh Deptt. of Forest vide their letter no. F/5/36/99/10/3, Bhopal dtd. 28.02.2000 has also provided permission for renewal of mining lease area on the forest land.

The Authority also scrutinized executive summary of EIA report and found satisfactory. The public hearing report of the proposed project is also favourable. The Authority accepted the recommendation of SEAC and decided to accord Prior EC to the project.



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2. Case No-153/08

M/s Sukhdeo Prasad Geonka, C/o Geonka Bhawan, Station oad, Katni, M.P Laterite yellow ochre and manganese red oxide, red ochre mines fire clay 48.562 ha, village-Jhinna, The. Dheemerkhera, Distt- Katni, M.P.

The case was discussed in 58th SEIAA meeting dtd. 16.05.11 and it was recorded that "In this reference the DFO, Katni (vide letter No Draftsman/2718, Katni dt 21-04-11) has informed that proposed Mining lease area (48.562 ha) is within 250 m from the Forest boundary. Out of the total area 21.85 ha falls under Orange forest category. The lease area is 100 km from Protected Area viz., Bandhavgarh National Park.

As per Forest Deptt. GoMP (letter No. F-5/16/81/10-3 dt 29-08-2008) the mining lease area lying within 250 m from the forest boundary requires NOC from the committee constituted under Principal Secretary, Forest. Further a part of the area also falls under the category of Orange forest area.

In view of above it is not possible for the Authority to take decision on Prior Environmental Clearance. Accordingly it was decided by the Authority to inform the Project Proponent to get recommendation from the committee constituted under Principal Secretary, Forest for the mining lease area falling within 250 m area from the forest boundary and also getting NOC from Forest Deptt/Govt. of India for the mining lease area categorized as Orange forest area. A copy of the letter should be sent to Principal Secretary, Forest, GoMP and concerned DFO."

The proponent has submitted notarized copy of sanction lease deed and order of State Government, Deptt. of Forest dtd. 2006 and other orders.

The Authority again scrutinized the documents submitted by the proponent vide their letter no. nil dtd. 07.06.2011. The Authority found the documents submitted by the proponent that the enclosures including circular of the State Govt. Deptt. of Forest of 2006 does not help any more. Hence it was decided by the Authority that the decision taken in 58th SEIAA meeting will remain unchanged.

3. Case No – 299/09

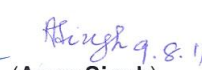
M/s Murlidhar Minerals, Malegaon, Sausar, Chhindwara-M.P., Malegaon Dolomite mine 10.00 ha, 20000 TPA at vill.- Malegaon, Teh-Sousar, Chhindwara

The case was again examined in 63rd SEIAA meeting dtd. 20.07.11 and it has been recorded that "The Authority examined the case based on representation given by the proponent on 30.05.11. The Authority observed that Collector, Chhindwara has not provided the distance of the mining area from inter-state boundary as per letter written by MS, SEIAA dtd 9-6-11 based on the decision of 58th SEIAA meeting dtd 16.05.11. The Authority examined two documents submitted by Project Proponent namely his affidavit and certificate issued by Nayab Tehsildar, Saunsar dtd 07.08.10.

It is found that the certificate issued by Nayab Tehsildar, Saunsar, bears no dispatch number as it is mandatory for any official communications. It says distance of 23 km from interstate border while, as per affidavit submitted by Project Proponent the distance is 12 km. This creates doubt. So, the Authority decided that certificate be got from office of the


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Collector. The authority also decided that Member Secretary, SEIAA not only send a DO letter to expedite the information but also make a phone call to the Collector, Chhindwara. "

The Authority scrutinized the letter received from the Assistant Mining Officer of the Office of the Collector Chhindwara sent to SEIAA office through fax (vide their letter no. 5795/Mining Division/Mining/2001 dtd. 22.07.10.), it has been mentioned that the mining area is 23 km from the inter state boundary on Satnur, Songa, Malegaon Road. The Authority has also observed that there is no adverse remark indicated in the public hearing report.

The Authority accepted the recommendation of SEAC and decided to accord Prior EC to the project.

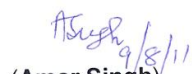
Meeting ended with a vote of thanks to the Chair



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