

Minutes of the 73rd Meeting of SEIAA dated 30-11-2011

The 73rd meeting of the State Level Environment Impact Assessment Authority was convened on 30.11.2011 at 02.30 P.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:-

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|---|--------------------|------------------|
| 1 | Shri M. Hashim | Member |
| 2 | Shri Manohar Dubey | Member Secretary |

1. **Case No. 153/2008**, Prior Environmental Clearances for laterite, yellow ochride, manganese, red oxide, red ochride & fire clay mining in 48.562 ha at Village Jhinna Teh- Dhimmerkhera, Distt- Katni M.P. by M/s Shukdeo Prasad Goenka C/o Goenka Bhawan, Station Road, Katni M.P.

The case was discussed in 64th SEIAA meeting dtd. 04.08.11 and it has been recorded that " 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. "


Before this the case was discussed in 58th SEIAA meeting dtd. 16.05.11 and it has been recorded that "In this reference the DFO, Katni (vide letter No Draftsman/2718, Katni dtd. 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.


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A copy of the letter should be sent to Principal Secretary, Forest, GoMP and concerned DFO."

The Authority scrutinized the documents submitted by the PP vide their representation dtd. 16.09.11 and 05.11.11. The order dtd 28-10-2011 passed by the Court of Forest Settlement Officer (वन व्यवस्थापन अधिकारी) / Sub Divisional Officer (Revenue) in case no. - 01/A-19(04)/2010-11 of Sukhdev Prasad Goenka and S. Ankun v/s Govt. of MP, Divisional Forest Officer, Katni was examined in depth and it was found that Khasra No. 507 has been excluded from the forest.

The other Khasra Nos. viz. 346, 362, 374, 376, 360, 361, 359, 373, 378 & 375, were further examined in the light of the letter (vide no. F-25/51/2005/10-3 Bhopal dtd. 21.08.06) issued to Collector, Katni by the Forest Deptt. Govt. M.P. in another case and the letter provided by the DFO, Katni (vide no. Manchitrakar/2718, Katni dtd 21.04.11).

The Authority also examined the decision of the Hon'ble High court, Indore Bench (writ petition no. 3861/2010, O) filed by Ambalal VS State of MP and others enclosed by PP. The Authority found that the decision of the Hon'able High Court has no bearing in this case.

In the light of above mentioned facts it was decided by the Authority that PP should submit a joint report and map showing revenue land and forest land of the total area included in the mining lease. Both these should be signed by the Collector and DFO, Katni. PP should also submit a letter from the DFO, Katni indicating the distances of the Reserve and Protected Forests, if any, from the boundary of the area included in the mining lease. It was also decided to write to DFO and Collector, Katni to provide the above-mentioned information to the Proponent within one month.

Case No. 171/2008, Prior Environmental Clearances for Quart Deposit mining in 12.00 ha at Dargawan Teh-Tikamgarh, Distt-Tikamgarh M.P. by Dragawan Quarts Deposit Near Chhoti Devi Temple Tikamgarh.

The case was discussed in 69th SEIAA meeting dtd. 05.10.11 and it has been recorded that " *The Authority scrutinized the EIA summary and found satisfactory. The Authority found that the Khasra Panchsala and distance of the proposed site from inter state boundary is not given.*

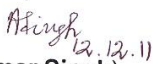
It was decided by the Authority that the Proponent should be asked to provide the following information/ documents within one month;

- i *Latest certified copies of the Khasra numbers for which mining lease is granted.*
- ii *Certificate/ letter issued by Collector, Tikamgarh, mentioning distance of the project area from inter state boundary. The Collector may also be directed to provide the same to the PP."*

The Authority examined the letter (no. 11/mining/3-06/2011/1767 Tikamgarh dtd. 16.11.11 of the mining officer of the office of the Collector, Tikamgarh submitted by the proponent vide their letter no. nil dtd. 20.11.11. It was found that the proposed mining lease area is 12 km & 130 km from the boundary of


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Lalitpur and Jhansi Districts of U. P., respectively. Thus the SEIAA has jurisdiction. The Authority also examined the ownership of the land Khasra (No. 993/2) included in lease and mining lease document and found these satisfactory. In the light of above and recommendation of the SEAC, the Authority decided to accord prior Environmental Clearance for the proposed project.

Case No. 178/2008, Prior Environmental Clearances for 135 MW Thermal Power Plant at Vill- Niwari Teh-Gadarwara Distt-Narsinghpur by M/S Guracharan Singh, Director BLA Power Pvt Ltd 84, Mokal Chamber III Nariman point, Mumbai

The revised prior Environmental Clearance was issued vide letter no. 575/EPCO-SEIAA/11 dtd 23.03.11. As per condition no. 5 has been mentioned that production capacity is 2 x 45 MW.

As per condition no 6 of the EC dtd. 23.03.11 it has been mentioned that "PP shall obtain permission from SEIAA before planning for remaining 1 x 45 MW unit along with land ownership documents (12 acres) for the same.

The Project Proponent (vide their letter no. BLA / Power/ Gadawara / EC /45 MW / Unit-3/1382 dtd. 20.10.11) has proposed plans for setting up of remaining third unit (1 x 45 MW), thus enhancing the capacity from 90 MW (2 x 45) to 135 MW (3 x 45).

The Proponent has submitted documents like Rin Pustika of Khasra Nos involved, Khasra Panchsala, purchase deed and order related to diversion of land from SDO (Revenue), Gadawara for additional area of 11.266 acres involving Khasra Nos 245/1, 245/2, 305/4, 246/1, 247/1, 303/2. Thus the total land available is 120.185 acres. The Proponent has also submitted status of the Compliance Report against conditions given earlier (vide their letter No. BLA / Power / Newari / SEIAA / 1794 dtd. 16.10.11). The Authority examined above mentioned documents and found satisfactory. The Authority decided to grant permission for prior Environmental Clearance.

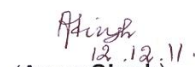
Case No. 179/2008, Prior Environmental Clearances for Bhaswahi clay and laterite mine in 30.394 ha at village Bhaswahi, Teh- Vijayaraghavgarh, Katni-M.P. by M/s Brij Kishore Bhargava Bhaswahi, Teh-Murwara Distt-Katni M.P.

The case was discussed in 50th SEIAA meeting dtd. 20.02.11 and it has been recorded that "The Authority while scrutinizing the documents observed that EIA submitted by the proponent is very general, not project specific. Hence it was decided to write to the proponent to resubmit detail EIA by 30th June 2011 which should be specific to the project. Anticipated impact and pollution control measures should be in measurable term and exact time lines of mitigative measures should be clearly mentioned.

Secondly, the project proponent has not submitted an attested/ notarized copy of mining lease, hence it was decided to ask the project proponent to submit above document duly attested/ notarized and latest certified copy of Khasra."


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The revised EIA report has been examined by SEAC again in 80th SEAC meeting dtd. 03.09.11 and it has been recorded that *"The submitted revised EIA have been scrutinized as per Notification and are being forwarded to SEIAA with earlier recommendation unaffected."*

The Authority scrutinized revised EIA and found that an area of 1.434 ha has been proposed for phased green belt plantation. An area of 28.87 ha will be afforested at end of the mine. Out of this 14.44 ha will be covered during 21-29th year. Besides this plantation shall be carried out in 11 ha area during 11-20th year. The Authority also scrutinized mining lease document and found that mining lease has been sanctioned for 20 years starting from 17.05.96. Thus, the remaining period is 5 years. Therefore, the Authority was the opinion that it is not feasible to carry out plantation as above with in such short time. Therefore, the Authority decided that plantation should be carried out at least in 10 ha within the remaining five years.

The Authority also examined Khasra Nos. and found that Khasra Nos. 2191 & 1891 are private land. The Authority decided to write a letter to Collector, Katni to clarify under which rule mining lease is granted on private persons land.

Case No. 192/2008, Prior Environmental Clearances for lime stone mining in 7.50 ha at Vill- Kosdana Teh- Gandhewani Distt- Dhar M.P. by Nilesh Upadhyay S/o Shri Ramesh Chandra Upadhyay college road, Distt- Jhabua M.P.

The case was discussed in 35th SEIAA meeting dtd. 12.05.10 and it has been recorded that *"It was decided that the SEAC may be asked to send the case back to SEIAA after getting the requisite information from project proponent at an earliest."* It is further to mention here that the case was discussed in 20th SEIAA meeting dtd. 05.09.09 and it has been recorded that *"SEIAA while scrutinizing the records observed following points:*


- (i) *The forest NOC submitted in case no 131/2008, Shri Ashwin Purendra Singh Chandel, 15, Sardar Patel Marg, Alirajpur P.O, Jhabua M.P., BehadawaDolomite mine 8.34 ha, 4000 TPA at VillBehadawa, TehAlirajpur, DisttJhabua M.P and case no 192/ 2008, Nilesh Upadhyay, S/o Shri Ramesh Chandra Upadhyay college road, DisttJhabua M.P. Lime stone mine 7.50 hact. at VillKosdana, TehGandhewani DisttDhar M.P. do not reveal the distance between forest boundary and mining lease area.*


Hence, it was decided that these two cases may be sent to SEAC for reconsideration on the above ground.

- (ii) *Authority also observed that public hearing report submitted by the Distt Collector and his representatives in all the seven cases are neither focused nor to the point. He has not expressed his clear opinion in the report. In some cases the views of the project proponent on the objections raised by people have also not been recorded. Hence, it was decided that a clarification as above should be sought from the respective Distt. Collector regarding pubic hearing reports in all the above seven cases by the Authority.*

The information provided by DFO, Dhar regarding distances of the mining lease area examined by the SEAC again in 80th SEAC meeting dtd. 03.09.11


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and it has been recorded that "The mining area does not falls under Wild Life Act 1972. Therefore the Committee again recommends for prior EC".

The Authority examined the distances submitted by DFO vide their letter no. Manchirtrkar /11 /5218 dtd. 19.08.11 and found that the nearest forest boundary is 3 km from the mining area. The Panpura (Sardarpur Sanctuary) is 75 km and Dinosaur National Park (Padalya) is 27 km from the mining area. Thus, the Authority has the jurisdiction. The Authority also examined clarification submitted by Collector, Dhar (vide DO No. 226/Mining/2010 dtd. 23.03.2010) regarding public hearing and found satisfactory. The Authority decided to accord prior Environmental Clearance.

Case No. 202/2008, Prior Environmental Clearances for bauxite, laterite and clay mine in 7.46 ha at Padwar, Bahuriband, Katni M.P. by M/s Shiv Shakti Trading Co. Padwar, Bahuriband, Katni M.P.

The case was discussed in 50th SEIAA meeting dtd. 20.02.11 and it has been recorded that " The Authority while scrutinizing the documents observed that EIA submitted by the proponent is very general, not project specific.

Hence, it was decided to write to the proponent to resubmit detail EIA by 30th June 2011, which should be specific to the project. Impact and suggestive measures should be quantifiable and exact time lines of mitigative measures should be clearly mentioned.

It has been observed by the Authority that the Project Proponent has not submitted certified/notarized copy of transfer of land included in the Mining Lease from Smt Aruna Devi Bajaj to the Project Proponent and latest certified copy of Khasra. Hence it was decided to write to Project Proponent to submit certified / notarized copy of these documents"


The revised EIA report has been examined by SEAC again in 80th SEAC meeting dtd. 03.09.11 and it has been recorded that "The submitted revised EIA have been scrutinized as per Notification and are being forwarded to SEIAA with earlier recommendation unaffected."

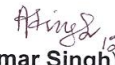
The Authority scrutinized revised EIA and found that the proposed Green Belt cover including Green Belt is 2.46 ha. The Authority also scrutinized mining lease document and found that mining lease has been sanctioned for 20 years starting from 01.10.93 to 30.09.2013. Thus, the remaining period is 2 years only. Therefore, the Authority decided that total plantation including the plantation carried so far should be at least 2.50 ha within remaining two years period of the lease.

The Authority also examined Khasra No. and transfer of mining lease from Smt. Aruna Devi Bajaj to Shri R. S. Sharma Proprietor of Shivshakti Trading Company. The Authority decided to accord Prior Environmental Clearance for the proposed mining lease.

Meeting ended with a vote of thanks to the Chair.


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