

## Minutes of the 76<sup>th</sup> Meeting of SEIAA dated 15-12-2011

The 76<sup>th</sup> meeting of the State Level Environment Impact Assessment Authority was convened on 15.12.2011 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 |

1. **Case No 437/2009**, Prior Environmental Clearance of Lime Stone & Dolomite mine in 5.97 ha for production capacity of 13,000 TPA at Baragaon Teh-Barwara Distt- Katni-M.P by M/s Ashok Goenka Station Road Distt-Katni M.P.

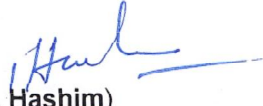
*The case was discussed in 81st SEAC meeting dtd. 12.10.11 and it has been recorded that " This is a new mine. Open cost and manual type of mining is proposed. The mining lease has been renewed by Govt. of M. P. for 20 years from 01.12.2005 to 30.11.2025 involving Khasra No. 111/2, 118 & 119 in 5.97 ha area. The ownership status indicate that it is private / govt. waste land. The forest boundary is 3 km while that of Bandhavgarh National Park is 50 km from the site. PP has submitted EIA report Khasra Panch Shala, mining lease agreement approved mining plan copy of NOC from DFO, copy of executive summary and revised EMP / DMP. Public hearing was conducted on 07.05.2010 at mine premises a total of 19 people attended the public hearing. Major public opinion in favour of project. "*

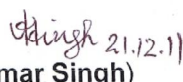
It has been mentioned that after deliberations, the EMP proposed by the PP appears to be satisfactory. Based on the information provided and presentation before the committee, the case has been recommended for prior EC with five special conditions. The Authority examined the proposed plantation as mentioned in EIA and found it satisfactory. The public hearing was also found satisfactory. The Authority also examined the land records and it was revealed that application is related to Ashok Goenka while Santosh Kumar Mehar S/o Shri Ashok Kumar has been mentioned in Rin-Pustika. Thus there is difference in the name. Therefore, the Authority decided that justification should be obtained by the Project Proponent within one month in this regard.

2. **Case No 506/2010**, Prior Environmental Clearance M/s Deepmala Infrastructure Ltd, CBD Project Site, Opp. Tinshed South T T Nagar, Bhopal-M.P., Development of Central Business District in South T. T. Nagar, Bhopal, Residential building shopping mall, office complex and hotel, total area 60234 sq.mt. built-up area 141449.05 sqmt.

*The case was discussed in 71st SEIAA meeting dtd. 09.11.11 it has been recorded that " The Authority scrutinized documents related to tripartite agreement signed amongst Government of Madhya Pradesh and Madhya Pradesh Housing Board and M/S Deepmala Infrastructure Pvt. Ltd. (Developer) for development of Central Business District south T. T. Nagar submitted by the Proponent earlier and also the lease deed document submitted by the Proponent on dtd. 23.09.2011 and found satisfactory.*

  
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Member Secretary

  
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However, it was revealed that the information provided by the Proponent relating to water requirement is 760 Cum/day. Against this, the proponent has submitted NOC for ground water withdrawal from CGWA for 228 Cum/day. Rest of the water requirement will be met from Municipal Corporation, Bhopal (BMC). The PP has submitted letter from Municipal Corporation, Bhopal (vide no. 476/N.Ya (Drav) N Ni. Bhopal dtd. 07.02.07). The Authority observed that commitment for clear cut water supply has not been mentioned in the BMC letter. Similarly the PP has also not submitted building permission. Hence the Authority decided to write a letter to PP to submit following documents by 15.12.2011 :-

- a Clear cut commitment for Narmada water supply from Municipal Corporation, Bhopal.
- b Building permission."

In response to 71<sup>st</sup> SEIAA meeting dtd. 09.11.11 decision the Proponent has submitted following clarification letters which have been scrutinized by the Authority :

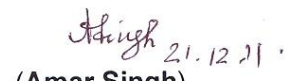
- (i) About supply of Narmada water from Bhopal Municipal Corporation and building permission (vide their letter no. DIPL/ 11 -12 /BPL/109 dtd. 17.11.11) ensuring that they will submit copy of building permission plans to SEIAA office as and when they get them approved from BMC.
- (ii) Another letter of the Proponent (vide their letter no. DIPL/ 11 -12 /BPL/113 dtd. 24.11.11) enclosing copy of assurance letter from Water Works Deptt., BMC vide no. 199/ ज.का.विभाग/2011 dtd. 23.11.11 and M P Housing and Infrastructure Board letter no. 238 / तकनीक शाखा/मं./2011 dtd.23.11.11 enclosing copy of minutes of the meeting dtd. 30.08.07 organized by Housing and Environment Dept., GoMP regarding re-densification scheme of CBD, South T. T. Nagar, Bhopal in which point no. 4 (B) mentioned BMC letter no. 476 dtd. 07.02.07 assuring water supply to CBD project from Narmada Project.

The Authority has accepted recommendation of SEAC and decided to accord Prior EC to the proposed project mentioning special condition in EC letter :-

- i. The proposed project can extract only 228 cum / day of ground water for which CGWA has given NOC.
  - ii. The T & CP has approved for the built up area of 142778.43 sq m So Environmental Clearance will be limited for the same area i.e. 142778.43 sq m. The category of case changes from "8 (a)" to "8 (b)" if the built up area exceed 1,50,000 sq m. Therefore, Proponent should ensure that built up area does not exceed 142778.43 sq m. In case it exceeds the Proponent would again require prior EC as per EIA notification, 2006.
3. **Case No 543/2010**, Prior Environmental Clearance 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.

  
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The issue was discussed in 55th SEIAA meeting dtd. 28.03.2011 and it has been recorded that "The Authority while scrutinizing the documents observed that as per information provided by the Proponent in the presentation made before SEAC on 250510 the project site is 9 Km away from Indore Railway Station, which is critically polluted. The notification of MoEF, GOI dated 14th September 2006 mentions General Condition and according to it any project or activity specified in Category 'B' will be treated as Category 'A' if located in whole or in part within 10 km from the boundary of (ii) critically polluted areas as notified by CPCB from time to time. Hence, the project would be treated as Category 'A' and a decision for Prior Environmental Clearance could be taken by MoEF, GOI. The Authority decided to return the case along with all the documents to Project Proponent."

Further the case was discussed in 64th SEIAA meeting dtd. 04.08.2011 and it has been recorded that "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- .....

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.
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The Authority has scrutinized the documents and found that the proposed project is within the jurisdiction of SEIAA because it is about 10 km away from Indore city as mentioned in Conceptual Plan submitted by PP. The Authority has considered the recommendation of 81<sup>st</sup> SEAC meeting dtd. 12.10.11 and decided to accord Prior EC with subject to special conditions that PP should strictly follow the provisions as mentioned in point no. 3 of Office Memorandum issued by Ministry of Environment and Forest, Gol. Vide no. J-11013/5/2010 – IA. II (1) dtd. 31.03.2011 related to critically polluted areas; and MPPCB should monitor it.


4. **Case No. 555/2010** Prior Environmental Clearance, M/s Vineet Marbles Pradeep Jain, Paras marble 810, Nepier town Dr. Barat Road, Jabalpur-M.P.

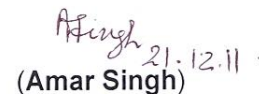
The issue was discussed in 67th SEIAA meeting dtd. 20.09.2011 and it has been recorded that " The Authority scrutinized the documents submitted by the PP vide letter no. nil dtd. 02.08.11 and found that mining lease and EIA documents are satisfactory. However, it was observed that copy of Khasra Panchshala has not been enclosed as mentioned in the letter. The PP has submitted only the notarized copy of Rin Pustika (ऋण पुस्तिका) and a map indicating 9 Khasra numbers.

The Authority decided that PP should submit latest Panch Shala Khasra for nine Khasra numbers within a period of one month. "

The Khasra Nos. provided by the PP (vide letter no. nil dtd. 26.11.11) was examined by the Authority and it was found that Khasra No. 23 is in the name of tribal person. The Authority also examined the consent letter submitted by PP in this regard. As per section 165 of the revenue code the tribal land can not be given without the permission of the Collector. The Authority decided

  
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that the proponent should submit permission from the Collector, Jabalpur in this regard within one month and copy of this letter should be endorsed to the Collector, Jabalpur.

5. **Case no 556/2010**, Prior Environmental Clearance M/s Vikas Marbles Pradeep Jain, 810, Nepier town, Jabalpur-M.P.

The issue was discussed in 67th SEIAA meeting dtd. 20.09.2011 and it has been recorded that " *The Authority scrutinized the documents submitted by the PP vide letter no. nil dtd. 01.08.11 and found that mining lease and EIA documents are satisfactory. However, it was observed that notarized or certified copies of Khasra has not been enclosed as mentioned in the letter. The PP has submitted only the notarized copy of Rin Pustika (ऋण पुस्तिका) and a map indicating 11 Khasra numbers.*

*The Authority decided that PP should be asked to submit latest Panch Shala Khasra for eleven Khasras numbers within a period of one month. "*

The Khasra Nos. provided by the PP (vide letter no. nil dtd. 26.11.11) was examined by the Authority and found these satisfactory. The Authority accorded prior Environmental Clearance for the proposed project.

6. **Case No 628/2011**, Prior Environmental Clearance M/s Paras Life styles Pvt Ltd E-2/69, Arera Colony Bhopal-M.P. High Rise Building Development Bawadia Kalan, Teh-Huzur Bhopal-M.P.

The case was discussed in 82<sup>nd</sup> SEAC meeting dtd. 13.10.2011 and recommended for Prior EC.

The Authority has gone through the documents submitted by PP. It is observed that water requirement will be met from ground water and municipal line. The PP has submitted NOC from CGWA for 400 cum / day. It was decided that a letter should be sent to PP to submit following information within one month :-

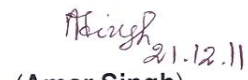
- Commitment letter from Municipal Corporation, Bhopal for water supply.
- Approved layout plan of the project from T & CP.

7. **Case No. 636/2011**, Prior Environmental Clearance Jhiti Iron ore and laterite mine in 27.05 ha at village Jhiti Teh-Sihora Distt- Jabalpur M.P. Enhancement of production 80,640 MT to 2.7 million tones by M/s Pacific Exports 11-12, Dune Market Jabalpur Road Bargawan, Distt-Katni-M.P.

The case was discussed in 80th SEAC meeting dtd. 03.09.2011 and it has been recorded that "*application was submitted by PP for grant of Prior EC for the proposed expansion from 80,640 MTA to 27,00,000 MTA within same mining lease area. The EC was granted by MP, SEIAA for production capacity of 80,640 MTA (vide letter dtd. 19.06.2011). During presentation it was revealed that PP has already enhanced production capacity without obtaining prior EC. It was revealed that MP PCB has found the PP violating environmental laws and has filed a case against the PP in the court. As the matter is subjudice the committee recommended for rejection of the case. "*

  
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The Authority scrutinized representation of the PP (dtd. 17.10.11, 25.10.11 and 11.11.2011). The Authority also examined the prior EC letter dtd. 16.06.2011 issued by the office of SEIAA earlier for project proposal of 80640 MTA. The documents were produced by the office of the SEIAA sent by the Mineral Resource Deptt. GoMP in connection with investigation report of the committee submitted on 28.06.2011. This is regarding excess mining against approved quantity and it was also taken into account by the Authority. Member Secretary, SEIAA also informed that letters (vide no. 816/ EPCO-SEIAA/ 11 dtd. 02.12.11) have been sent to the Principal Secretary, GoMP, Housing and Environment, MS, MPPCB and Regional Office of the Ministry of Environment and forest for taking action in this regard as per clause 19 (cognizance of the offences) of the EPA, 1986.

As per enclosure of the representation of the PP, the Regional Officer, Jabalpur (vide their letter no. 7894, Jabalpur dtd 12-01-2011) has directed Scientist MPPCB, Jabalpur to file the case in the court. Accordingly MPPCB filed a case in the court of First Class Judicial Magistrate, Sehora, Jabalpur dtd nil (MPPCB VS MS Pacific Exports and others) against violation of the Air & Water Pollution Control Act, 1981 & 1974 respectively. The same was also examined by the Authority. In addition to this the Authority also examined the consent letters related to Air and Water issued by MPPCB dtd. 14.01.2011.

Para 7 of EIA notification dated 14.09.2005 was duly considered. At the stage of screening or scoping application can be rejected by SEIAA on the recommendation of SEAC. In screening SEAC has to scrutinize if EIA report is to be produced or not. Under scoping, SEAC is to finalize ToR for the preparation of EIA report. It is un-disputed that the project is of B 1 category. The reasons given by SEAC in their meeting dated 03.09.11 are not related to screening stage. Screening has been clearly defined in Para 7 (I) - stage (1) of this notification. Hence, the recommendation is not legally tenable. Secondly the ToR is to be issued within 60 days from the date of the receipt of the Form 1 by SEAC.

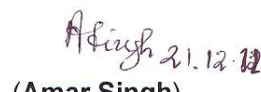
The example related to letter issued to State Mining Corporation, Bhopal on 26.09.11 by the Ministry of Environment and Forests with reference to excess exploitation without obtaining prior environmental clearance thereby violating the provisions of the EP Act 1986, was also discussed by the Authority.

In the light of the above mentioned facts the Authority decided not to accept the recommendation of the SEAC at this stage. The SEAC should determine ToR according to the provision of Para 7 (II) stage (2) of the EIA notification dated 14.09.06.

*Meeting ended with a vote of thanks to the Chair.*

  
(Manohar Dubey)  
Member Secretary

  
(M. Hashim)  
Member

  
(Amar Singh)  
Chairman