

Minutes of the 443rd Meeting of SEIAA dated. 13.06.2017

The 443rd meeting of the State Level Environment Impact Assessment Authority was convened on 13.06.2017 at the Authority's Office in Environmental Planning and Co-Ordination Organization (EPCO), Paryavaran Parisar, Bhopal. The meeting was chaired by Shri Waseem Akhtar, Chairman, SEIAA. The following members attended the meeting:-

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|----|-------------------|------------------|
| 1 | Shri H.S. Verma | Member |
| 2. | Shri Anupam Rajan | Member Secretary |

REVIEW OF DEIAA CASE :-


Petitioner : Vidyanath Sapera S/o Shri Moonganath, Aged 53 yrs., Occupation-Business R/o Vill Shankarpur, Dist-Gwalior (MP)

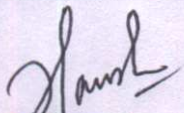
Respondent: DEIAA through – Its Chairman and Collector, Dist-Gwalior (MP)

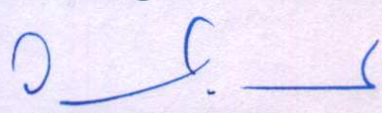
1. Hon'ble High Court Gwalior Bench in its order dtd. 09.05.2017 and 25.05.2017 on the petition filed by Mr. Vidhyanath Sapera has directed SEIAA to decide a review petition to be put up by petitioner before them. The petitioner has submitted a review petition on 25.05.2017 before SEIAA and consequently the petitioner was invited for hearing on 13.06.2017 after calling for the record from DEIAA Gwalior.
2. Petitioner Mr. Vidhyanath Sapera was heard today in the light of the directions given by the Hon'ble High Court, Gwalior Bench arising out of order dtd. 19-01-2017 passed by DEIAA Gwalior rejecting the EC application of the petitioner, which was duly recommended by DEAC Gwalior, which is reproduced below :-

जिला स्तरीय पर्यावरण समाघात प्राधिकरण (DEIAA), ग्वालियर की बैठक दिनांक 19.01.2017 के कार्यवाही विवरण के सरल क्र. 3 में श्री विद्यानाथ सपेरा के प्रकरण पर चर्चा के दौरान यह तथ्य प्रकाश में आया है कि ग्राम जखौदा स्थित फर्शी पत्थर खदानों की आड़ में वन/राजस्व क्षेत्र में अवैध उत्खनन किया जाना परिलक्षित हुआ है साथ ही पट्टेदारों द्वारा कूटरचित दस्तावेजों के माध्यम से अवैध उत्खनित खनिज का परिवहन भी किया गया है। तदनुसार वन क्षेत्र अवैध उत्खनन/परिवहन की संभावना को ध्यान रखते हुये उपरोक्त प्रकरणों में पर्यावरण स्वीकृति नहीं दिये जाने के संबंध में निर्णय लिया गया है।

3. As per the Notification dtd. 14.09.2006 issued by the MoEF & CC Govt. of India, it is amply clear that DEIAA shall normally accept the recommendation of DEAC. In cases of disagreement, DEIAA shall request DEAC to reconsider their recommendations after giving reasons of disagreement. Thereafter, DEAC shall consider the observation of DEIAA and furnish their views within a stipulated period. It is discretionary on the part of DEIAA to take a final decision after the considering the views of


(Anupam Rajan)
Member Secretary


(H.S. Verma)
Member


(Waseem Akhtar)
Chairman

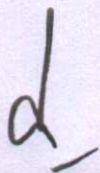
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DEAC. From the record it was revealed that DEIAA Gwalior has not followed this procedure and acted unilaterally in reaching a conclusion.

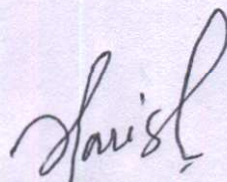
4. It is therefore necessary on the part of DEIAA Gwalior to review and reassess the procedure according to the Notification of MoEF & CC. DEIAA Gwalior is advised to review their decision of non issuance of EC on the grounds which are not in consonance with the environmental considerations and as per Section 8 of the Notification dtd. 14.09.2006 revert to DEAC for reconsideration of their recommendations after conveying the reasons of disagreement. They are free to take a final decision after receiving the views of DEAC.

Copy to Chairman DEIAA and Petitioner.

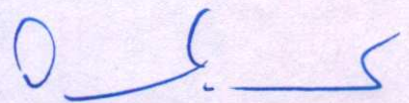
Meeting ended with a vote of thanks to the Chair.



(Anupam Rajan)
Member Secretary



(H.S. Verma)
Member



(Waseem Akhtar)
Chairman