

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

The 117th meeting of the State Level Environment Impact Assessment Authority was convened on 22.01.2013 at 10.30 AM 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. Personal hearing of Case No. 444/09

2. Following cases received from SEAC have been considered and the details of the receipt of the recommendations & record from the office of SEAC is as follows:

S No	Case No.	No. & date of latest SEAC meeting in which case was recommended	Date of receipt of SEAC minutes in SEIAA	Date of receipt of records in SEIAA office
1.	804/2012	111 th SEAC meeting dtd 05.12.2012	18.12.2012	21.12.2012
2.	809/2012	111 th SEAC meeting dtd 05.12.2012	18.12.2012	21.12.2012
3.	890/2012	111 th SEAC meeting dtd 05.12.2012	18.12.2012	21.12.2012

3. Following case have been considered and the details of the receipt of the additional information from PP is as follows :

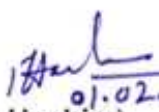
S. No	Case No.	No. & date of SEIAA meeting in which add. information was asked	Date of issue of minutes of SEIAA meeting	Date of Recpt. of last inform.
1.	45/2008	108 th SEIAA meeting dtd 01.10.2012	07.10.2012	07.12.2012
2.	512/2010	110 th SEIAA meeting dtd 16.10.2012	22.10.2012	04.01.2013
3.	631/2011	111 th SEIAA meeting dtd 23.10.2012	31.10.2012	29.12.2012
4.	637/2011	115 th SEIAA meeting dtd 17.12.2012	22.12.2012	04.01.2013

4. Policy decision for mining cases below 5 ha -Reconsideration.

5. Case No. 444/09, Prior Environmental Clearance for Township Project "Modern city" Indore at village Sonwaya, Tehsil Mhow by Amrapali Homes Project Pvt. Ltd. C-56/40, Sector-62, Noida-U.P.

- i. The case was discussed in 115th SEIAA meeting dt. 17.12.2012 and it was recorded thatii. As per decision in 74th SEIAA meeting a show cause notice was served to PP vide letter no. 997/EPCO-SEIAA/12 dtd 13.02.12 stating the following facts :-
- a. It is observed that you have submitted letter issued to EE, Maintenance Division no. 2 Indore Municipal Corporation, Musakhedi, Indore dtd 11.12.09 ; which was enclosed as annexure of your covering letter dtd 19.12.09 addressed to Secretary, SEAC.
- b. Executive Engineer, Municipal Corporation, Indore vide letter no. 8054 dtd 02.09.11 informed that M/s Amarpali Modern City at village Sonwaya, Tehsil Mahw, District Indore, MP has submitted letter dtd 11.12.09 which has not been issued by Indore Municipal Corporation hence the said letter is fictitious. Following this a letter was sent to EE Municipal Corporation, Indore (vide letter no. 542 dtd 04.10.11) to verify the facts again. EE, MC, Indore (vide letter no. 8869 dtd 20.10.11) confirmed that the office of Indore Municipal Corporation has not issued any water supply related letter dtd 11.12.09. The letter is fictitious.
- c. Thus through your letter dtd 19.12.09 addressed to Secretary, SEAC is prima facie found fictitious. Hence, a show cause notice is hereby served to you that why not prior EC (vide this office letter no. 344 dtd 30.08.10) issued to you be cancelled.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

- iii. In response to show cause notice PP has submitted reply (vide letter dtd 03.03.12) stating that We have submitted only one letter address to Executive Engineer, Municipal Corporation, Indore vide letter no. 7709/ITS/EE/Div.02 /2008 and we deeply regret that such fictitious letter as mentioned above has been received by you and it is in your file in the above case and at the same time we are not aware such fictitious letter"
- iv. The letter was sent to SEAC (vide letter no. 1343 dtd 26.03.12) for comments on Proponent reply dtd 03.03.12 submitted against the show cause notice. SEAC in its 93rd meeting dtd 10.04.12 considered the case and it is recorded that "vide their reply the Proponent have revealed their innocence in the matter. However, it is also a fact the said papers has been received in SEAC." It was further decided by SEAC that PP be asked to submit status of the project with respect to stage of construction, status of registration / transfer of houses / plot to various purchasers and how water supply being maintained in the project for various dwellers if any.
- v. Further in SEAC 109th meeting dtd 06.11.12 it is recorded that "... the project has already been completed and 25 families are residing in the said township Permission from CGWA has been obtained (letter dtd 03.12.11) for abstraction 240 cum / day of ground water. "
- vi. It was decided that in view of para 8 (vi) of EIA Notification dtd 14.09.2006 "Deliberatecancellation of prior Environmental Clearance already granted in such ground shall be decided by the regulatory Authority after giving a personal hearing to the applicant, and following the principle of natural justice. A registered letter be sent to PP for personal hearing on 22.01.2013 at 11.00 AM before the Authority at SEIAA office. Research and Development Wing Madhya Pradesh Pollution Control Board Paryavaran Parisar, E-5. Arera Colony Bhopal-4620 16.
- vii. According to Para 8 (vi) of EIA Notification dated 14.09.2006 the cases relating to cancellation of EC are to be decided by SEIAA on principle of natural justice and a personal hearing is to be given to the PP in whose favour EC has been issued. There is no provision to obtain recommendation / views of SEAC in deciding cancellation of EC. In future no such case should be sent to SEAC. It is to be noted that the Member Secretary (in-charge) has disagreed to include this para in the minutes because the reply submitted by PP against show cause notice was sent to MS, SEAC to give comments on PP's reply as the above said letter (EE, Municipal Corporation, Indore dtd 11.12.09) was received in SEAC office. Hence, dissent of Member Secretary (in-charge) is hereby recorded.
- viii. The office will ensure that SEIAA meeting is held on 22.01.13 and in that this case shall be considered along with other cases if any."
- ii. Shri Prem Mishra, Director Amrapali Homes Pvt. Ltd. Indore project was present on 22.01.2013 for personal hearing before SEIAA at Bhopal.
- iii. The case was discussed and it was noted that :-
 - a. As per the (letter No. nil dtd.04.08.2009 & Form-1) authorized signatory in project is Shri Anil Kumar Sharma.
 - b. The show cause notice reply submitted by PP vide letter dtd 30.03.12 is signed by Shri Prem Mishra who is not authorized signatory.
 - c. Personal hearing is not possible as Shri Prem Mishra did not have any authority letter from the company.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


1.2.2013
(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

d. It was decided that PP be given another date for public hearing and a registered letter be sent to PP for personal hearing on 28.02.2013 at 11:00 AM before the authority of SEIAA office at Research and Development Wing, Madhya Pradesh Pollution Control Board, Paryavaran Parisar, E-5, Arera Colony, Bhopal – 462016

e. The SEIAA meeting will be held on 28.02.2013 and this case shall be considered along with other cases.

6. **Case No. 804/2012**, Prior Environmental Clearance for Affordable Housing at Maharshi Patanjali Vinayak Nagar at Khasra No. 490, 491 village Gondarmau, Tehsil Huzur, District Bhopal, MP by Mr. P. C. Chaudhary, Executive Engineer, Bhopal Development Authority, Bhopal (BDA), Pragati Bhawan, Press Complex, MP.

i. The case was discussed in 104th SEAC meeting dated 30.09.2012 and 111th SEAC meeting dated 05.12.2012 it is recorded that... "Committee decided to recommend the case for grant of prior EC subject to the six special conditions."

ii. The case was examined and it was found that Bhopal Development Authority, MP has proposed affordable housing in partnership under JNNURM Scheme (Phase-I) and propose to construct LIG & EWS units (1088 nos), shops, community centre, Anganwadi etc. at Maharshi Patanjali, Vinayak Nagar, Gondermau, Tehsil Huzur, District Bhopal.

iii. As per SEAC meeting minutes and Form-1 the Khasra mentioned are 436, 490 & 491 and the total land area proposed for the project is 5.50 ha but as per PP letter no. 05/EE-4/ BDA/13 dtd 04.01.13 the total project area is 5.55 ha. Only Khasras numbers 490 and 491 are part of the project. As per the Khasra Panchsala 2011-2012 submitted by PP along with the letter dtd. 04.01.2013 land details are as follows :

क्र.	फार्म-1 में उल्लेख किये गये		टी एण्ड सी पी में		खसरा पांचशाला	स्वामित्व (खसरा
	खसरा नं.		उल्लेखित खसरा नं.		वर्ष 2011-12	पांचशाला अनुसार)
	खसरा नं.	रकबा	खसरा नं.	रकबा	खसरा नं.	रकबा है.
1	490		490		490	8.438
2	491		491		491	7.568

The Govt. of MP Department of Housing & Environment vide letter no. F-3/19/2008/वत्तीस dtd 11.02.2008 has reserved the land area 28.03 acres bearing Khasra no. 436, 490 & 491 at village Godarmau to Bhopal Development Authority for "आवास युक्त झुग्गी मुक्त योजना" subject to allotment by Revenue Department. The land was reserved for two years i.e. upto 11.02.2010 and vide letter dtd 23.08.2011 allotment was extended for two years i.e. upto 11.02.2012 and again vide letter dated 07.07.2012 it has been extended upto 11.02.2014. It was noted that the PP has submitted the true copies of Khasra Panchsala which does not bear signature of any revenue officer. No Paper has been submitted by PP intimating the transfer of this Govt. land by the Revenue Deptt to the BDA for this project. The PP shall start work once the land is transferred to it and possession is handed over.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

- iv. The permission from T & CP District Bhopal, Sehore (issued vide no. 1505/G-08/एल.पी./धारा 27-28/नगरानि/जि.का./2011 dtd 01.10.2011 and map) was found satisfactory. As per the approval the land use of the proposed project site is residential, the maximum height is 12 m + stilt parking, the total land area is 5.55 ha. The total built up area proposed by PP is 49783.76 sqmt. (Form-1), and is between 20,000 sqmt. & 1,50,000 sqmt. hence the project comes under 8 (a) category of schedule of EIA Notification 2006.
- v. The SEAC in its 111th meeting imposed a condition that fresh water requirement will not exceed 495 KLD but PP him self has proposed water requirement as follows :-
1. Total water requirement -495.67 KLD.
 2. Fresh water requirement -339.542 KLD.
 3. Recycle water requirement -156.128 KLD.

After discussion it was decided that fresh water demand should not exceed 339.542 KLD. In Form-1 pp proposed water supply will be from ground water however later PP has opted to meet the water demand from Municipal supply (104th SEAC minutes dtd 30.09.2012). so it is decided that PP should use water from Municipal corporation of Bhopal and should not use ground water. PP should also submit permission from Nagar Nigam, Bhopal for supply of 339.542 KLD of water as soon as he gets it.

- vi. As per Gol office memorandum dtd 07.02.2012 regarding guidelines for high rise building the fire fighting NOC, road width and distance of fire station conditions are applicable to buildings more than 15 m. It was noted that the maximum height proposed is 12 m. The front road width is 24 m and internal roads are 6 m wide. As per the Concept Plan submitted by PP, the fire fighting provisions are as per National Building code of India Part IV (clause 8.1 to 8.15) and propose to provide the access /exit, corridor, stair case width, ventilation, emergency power supply, static water tank, stationery fire pump, Automatic Sprinklers system, wet riser, Hose Boxes, Fire Hose, Hose Reel, Automatic fire detection system, portable, fire extinguishers, yard hydrants etc as per the prescribed norms of NBC.
- vii. PP has provided parking space of 20462.20 sqmt to accommodate 48710.96 two wheelers which is satisfactory.
- viii. It was noted that generation of 0.633 TPD of MSW is reported and it was decided that PP should ensure safe storage, transport and disposal of Municipal Solid Waste generation.
- ix. The Authority accepted the recommendation of 111th SEAC meeting dated 05.12.2012 and decided to accord Prior Environmental Clearance for Affordable Housing at Maharshi Patanjali Vinayak Nagar at Khasra No. 490, 491 village Gondarmau, Tehsil Huzur, District Bhopal, MP by Mr. P. C. Chaudhary, Executive Engineer, Bhopal Development Authority, Bhopal (BDA), Pragati Bhawan, Press Complex, MP with six special conditions of SEAC and SEIAA conditions mentioned in point no. iii, v & viii above.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member

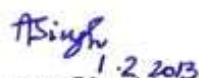

1.2.2013
(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

7. **Case No. 809/2012-** Prior Environmental Clearance for Stone/ Boulder Quarry "Shivpuri Dewas Road Project NH - 3" in an area of 4.0 ha. for production capacity 5 Lakhs MT/annum at Village-Awan, Tehsil-Raghogarh, Distt. Guna (M.P.) by Hi-Tech Rock Products & Aggregates Ltd. ECS Division- C-17, Ground floor, Vaishali Marg, Vaishali Nagar, Jaipur-302021 Rajasthan.
- The case was discussed in 103rd SEAC meeting dtd. 12.09.2012 & 111th SEAC meeting dated 05.12.2012 and recommended in 111th SEAC dtd. 05.12.2012. It is recorded that..... " Based on the submission of supporting documents and presentation made by the PP the committee has recommended for grant of prior EC to the project subject to the following 9 special conditions."
 - It was noted that PP has applied in **Form-1** for Stone/Boulder Quarry (Mechanized) in an area of 4.0 ha. for production capacity of 5.0 lakh MT/annum at survey no. 1150/1/A, at village Awan, Tehsil Raghogarh, District Guna. It is found that PP has submitted the notarized copy of the office of Tehsildar, Tehsil Raghogarh, District Guna vide L.No. Q/Ri-1/2012/379 dated 20.06.2012 wherein Temporary permission for the mining has been recommended. It was also noted that SEAC in its 111th meeting dated 05.12.2012 has remarked that PP has proposed the lease period for 3 years which should be limited to 2 years.
 - It was found that as per information given by the PP in **Appendix-1** (approved in 107th meeting of SEIAA dated 17.09.2012), duly certified by DFO & Tehsildar, the Interstate Boundary and National Park/Sanctuary are not within 10 Km. radius. Hence, General Conditions are not attracted.
 - It was noted that as per **Appendix-I**, certified by the Tehsildar, there is no habitation/settlement at the distance of 500 m. from the mining site. Regarding blasting it was noted that blasting will be done during mining for which SEAC has recommended that blasting will be done only in day time between 13 to 14 hours.
 - The Environmental Management Scheme (EMS) submitted by the PP as a part of **Appendix-II** was examined and found that PP has proposed some reclamation and plantation scheme which seems very sketchy. While discussing the issue it was observed that there is a provision in the Minor Mineral Rules 1996 (**Chapter VIII, Protection Of Environment, Rule 48**) that the holder of the quarry shall submit a scheme on environmental management in Form-XIX for progressive reclamation, rehabilitation of land disturbed by the quarrying operation, plantation of trees etc., to the Collector or any officer authorized by him within a period of 60 days of the execution of quarry agreement.
 - In context of above and to ensure the timely and proper implementation of the EMS it was decided that collector will get a detailed EMS from PP and approve it before granting mining lease or permit.
 - Collector or any officer authorized by him will ensure the implementation of the EMS accordingly.



(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

- viii. The Authority accepted the recommendation of 111th SEAC meeting dtd 05.12.2012 and decided to accord Prior Environmental Clearance for Stone/ Boulder Quarry for "Shivpuri Dewas Road Project NH - 3" in an area of 4.0 ha for production capacity of 5 Lakhs MTA, for the lease period of 2 years at survey no. 1150/1/A at Village-Awan, Tehsil-Raghogarh, Distt. Guna (M.P.) by Hi-Tech Rock Products & Aggregates Ltd. ECS Division- C-17, Ground floor, Vaishali Marg, Vaishali Nagar, Jaipur-302021, Rajasthan.
- ix. The PP will submit the approved copy of the EMS to the SEIAA office within 15 days of its approval from the collector.
8. **Case no. 890/2012** - Prior Environmental Clearance for Stone/ Boulder Quarry "Harda-Betul Roads Project" in an area of 1.126 ha. for production capacity of 145000 m³ per year at Village Danwada, Tehsil Khidkiya Distt. Harda, M.P. by M/s BVSR Harda-Betul Roads Project Pvt. Ltd. 8-2-686/B/11/6/1, Plot No. 9 Road No. 12, Banjara Hills, Hyderabad- 500034.
- i. The case was discussed and recommended in 111th SEAC meeting dated 05.12.2012. It is recorded that....." *Based on the submission of supporting documents and presentation made by the PP the committee has recommended for grant of prior EC to the project subject to the following 9 special conditions.*"
- ii. It was noted that PP has applied in **Form-1** for Stone/Boulder Quarry (Semi-mechanized) in an area of 1.126 ha. for production capacity of 1,45,000 m³ per year at survey no. 101/1, 101/2, at Village Danwada, Tehsil Khidkiya Distt. Harda. The PP has submitted the notarized copy of the office of Collector, Harda vide L.No. 7920/Khanij/2012 dated 14.08.2012 wherein Temporary permission for the mining has been recommended. It was also noted that SEAC in its 111th meeting dated 05-12-2012 has mentioned the period of mining for 2 years.
- iii. It was noted that as per information given by the PP in **Appendix-1** (*approved in 107th meeting of SEIAA dated 17.09.2012*), duly certified copy by DFO & Tehsildar, the Interstate Boundary and National Park/Sanctuary are not within 10 Km. radius. Hence, General Conditions are not attracted.
- iv. It was noted that as per **Appendix-I**, certified by the Tehsildar, there is no habitation/settlement at the distance of 500 m. from the mining site. Regarding blasting it was noted that blasting will be done during mining for which SEAC has recommended that blasting will be done only in day time between 13 to 14 hours.
- v. The Environmental Management Scheme (EMS) submitted by the PP as a part of **Appendix-II** was examined and found that PP has proposed some reclamation and plantation scheme which seems very sketchy. While discussing the issue it was observed that there is a provision in the Minor Mineral Rules 1996 (**Chapter VIII, Protection Of Environment, Rule 48**) that the holder of the quarry shall submit a scheme on environmental management in Form-XIX for progressive reclamation, rehabilitation of land disturbed by the quarrying operation, plantation of trees etc., to the Collector or any officer authorized by him within a period of 60 days of the execution of quarry agreement.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


1.2.2013
(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

- vi. In context of above and to ensure the timely and proper implementation of the EMS it was decided that collector will get a detailed EMS from PP and approve it before granting mining lease or permit.
 - vii. Collector or any officer authorized by him will ensure the implementation of the EMS accordingly.
 - viii. The Authority accepted the recommendation of 111th SEAC meeting dtd 05.12.2012 and decided to accord Prior Environmental Clearance for Stone Stone/ Boulder Quarry using crusher in an area of 1.126 ha for production capacity of 1,45,000 m³ per year, for the lease period of 2 years at Village Danwada, Tehsil Khidkiya Distt. Harda (M.P.) by M/s BVSR Harda Betul Road Projects (P) Ltd., 8-2-686/B/11/6/1, Plot No. 9 Road No. 12, Banjara Hills, Hyderabad- 500034.
 - ix. The PP will submit the approved copy of the EMS to the SEIAA office within 15 days of its approval from the collector.
9. **Case No. 45/2008**, Prior Environmental Clearance for Mall Multiplex at old MPSRTC Workshop, Khasra No. 524, 525, 529, 530 & 531 Race Course Road, Gwalior (M.P.) by M/s Girija Colonizer Shri Promod Maheswari, General Manager, Special Project, Dwarka Sadan, Bhaskar Lane, Jayandra Ganj, Gwalior (MP).
- i. The case was discussed in 4th SEAC dtd. 30.05.2008 and recommended in 101st SEAC dtd. 22.08.2012 & 108th SEIAA dtd 01.10.2012 and it was recorded that "
 - i. The case was examined and it was noted that the case was discussed in 4th SEIAA meeting dtd 16.10.08. The case was returned to SEAC for want of permission from Central Ground Water Board for abstraction of ground water and building permission from Municipal Corporation, Gwalior, MP. Thereafter, PP vide letter dtd 19.07.12 submitted the information.
 - ii. The case was discussed in 101st SEAC meeting dtd 22.08.2012. it is recorded that ".....PP has submitted a permission from CGWA for abstraction of 40 KLD ground-water and letter of intent from Gwalior Municipal Corporation for supply of 200 KLD water. As all other aspects of the project have already been examined by the SEAC in the earlier meetings as referred above, committee decided to send back the case to SEIAA with earlier recommendation for grant of prior EC subject to the 8 special conditions."
 - iii. The case was examined in depth and it was noted that the PP has not submitted the following information :
 - i. Notarized copy of land ownership documents and latest notarized copy of Khasra Panchsala .
 - ii. PP has submitted copy of the planning permission from Town & Country Planning, Gwalior (vide letter no. 754 dtd 30.05.08), however the map approved by T & CP is not submitted. Hence, PP should submit notarized copy of map approved by T & CP, Gwalior.
 - iii. PP has submitted the building permission from Nagar Palik Nigam, Gwalior (vide letter no. 425/2008 X 3 /3 dtd 10.09.08), however the map approved by Nagar Palik Nigam, Gwalior is not submitted. Further it was also observed that the permission is old (2008) the validity of the said permission is over. Hence, PP should submit renewed building permission along with the maps.
 - iv. It is noted that the total water requirement is 309 KLD out of which 126 KLD is recycled water and the fresh water requirement is 183 KLD. In this regard Central Ground Water Board has given permission for extraction of 40 KLD ground water vide letter no. 2268 dtd 17.09.10. Gwalior Municipal Corporation has given letter of intent for supply of 200 KLD water to PP (vide letter no. 202 dtd 07.08.12). Hence PP should submit clear NOC from Nagar Nigam, Gwalior regarding the water supply.
 - v. As per office memorandum (no. 21-270/2008-IA.III dtd 07.02.2012) of MoEF, GoI and MP Bhumi Vikas Niyam, 2012 PP has not submitted the details of width of the roads with respect to height of the building, location of fire station, NOC from the Fire Deptt. PP should also submit MOS, car parking details etc.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

vi. PP has submitted application in old format and this has since been revised. He should submit application in the format prevailing now.

vii. The NOC from the local Fire Station as has been prescribed in the circular of Ministry of E & F, Gol mentioned in sub clause 'e'.


It was decided that PP should submit the above information latest by 30.11.12. *

ii. The case was discussed in depth and it was noted that :

- a. In form – I twelve Khasra nos. have been mentioned where as in T&CP approval (vide letter no. 754/03580/NaGraNi/2008 dtd 30.05.08) 15 Khasras are mentioned. PP has submitted Khasra Panchshala for 12 Khasra only and rest have not been submitted. It was decided that PP should submit the notarized copy of latest Khasra panchsala for the remaining 03 Khasras 519, 520 & 521 & explain the difference.
- b. The planning permission accorded by T&CP (vide letter no. 754/03580/NaGraNi/2008 dtd 30.05.08) is for the year 2008 which is valid for 3 years. It was decided that PP should submit its present status.
- c. The PP has submitted building permission issued vide letter no. 425/2008/3/3/Bhawan Shakha/661 dtd 31.10.12.
- d. The total water requirement is 309 KLD out of this fresh water requirement is 183 KLD and recycled water is 126 KLD and is found satisfactory. In this regard the Central Ground Water Board (vide letter No. 2268 dt. 17.09.2010) has given permission of 40 KLD. PP has submitted a NOC from EE W. Supply, Nagar Nigam Gwalior (letter no. 202 dtd 07.08.2012) for supply of 2.00 lacs LPD (200 KLD) subject to the consent of PP to pay on commercial rates for which PP vide letter 26.11.12 has given the consent to EE Water Resource Department. It was decided that PP should meet entire water demand through the Municipal Supply and there should be no extraction of ground water.
- e. Regarding fire fighting PP has submitted NOC from Nagar Nigam, Gwalior (vide letter Mo. 374 dt. 26.11.2012). The nearest fire station is 1 km and is found satisfactory.
- f. The information submitted by PP regarding parking for 291 ECS was examined and it was decided that PP should submit the details of parking provision as per the MP Bhumi Vikas Niyam, 2012.
- g. As per office memorandum, MoEF, Gol dtd 07.02.12 for building up to 18-30 m height the minimum road width is 15 m while desirable road width is 18 m. PP should submit the details of width of front internal road approaching the building as per MoEF, Gol dated 07.02.2012 and MPBV Rules 2012.

iii. PP should submit the information pertaining to point no. ii (a, b, f & g) above by 15.03.2013.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

10. Case No. 512/2010, Prior Environmental Clearance for Hospital & Medical College in an area of 25 acres (10.130 ha) (total 26 Khasras) at village Inayatpur, Tehsil Huzur, Bhopal by M/s Advance Medical Science & Education Society, 136, N.H.5, Railway Road, NIT, Faridabad, U.P.

- i. The case was discussed in SEAC meeting 51st dtd. 23.03.2010, 52nd dtd. 26.04.2010, 56th dtd. 25.05.2010, 87th dtd. 07.01.2012, 93rd dtd. 10.04.2012 and recommended in 95th dtd. 08.05.2012 & in SEIAA meeting 97th dtd. 20.06.2012 & 110th dtd 16.10.2012 and it was recorded that "ii. In response to above queries information submitted by PP vide letter no. nil dtd 14.08.2012 was examined and it is noted that as per the land ownership documents and notarized copy of Khasra Panchsala (2011-2012) submitted by PP the land is in the name of Vice President Advance Medical Science And Education Society and details are as follows :

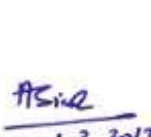
S. No	Khasra No.	Area in ha	S.No	Khasra No.	Area in ha	S.No	Khasra No.	Area in ha
1	15	0.080	9	121	0.620	18	133	0.120
2	16	0.440	10	122	0.690	19	134	0.900
3	32	0.090	11	123	0.940	20	135	0.330
4	112	0.170	12	124	0.910	21	136	0.080
5	113	0.240	13	125	0.470	22	137	0.360
6	116	0.580	14	126	0.200	23	138	0.290
7	117	1.030	15	127	0.470	24	139	0.160
8	120	0.260	16	128	0.460	25	147/2	0.040
			17	129	0.130	26	148	0.070
	Total							10.130*

- ii. The notarized copy of T & CP approved layout plan is satisfactory.
- iii. It is noted that the total water requirement is 554 KLD. The fresh water requirement is 364 KLD and recycled water is 190 KLD. As recommended by SEAC (95th SEAC meeting dtd 08.05.12) the total fresh water demand should not exceed 364 KLD. PP has submitted NOC from CGWA for 309 m³/day (letter no. 21-4 (123)/NCR/CGWA/2011-4091 dtd 10.07.2012) is satisfactory. The NOC from Kolar Nagar Palika (letter no. 4037/Na.Pa.P/2012 Kolar dtd 07.01.2012) submitted by PP is very general. PP is directed to submit NOC from Municipal Council, Kolar for the remaining quantity of water also. The NOC should clearly specify the quantity of water that would be supplied to PP.
- iv. The proposal of disposal of Bio-Medical waste through Bhopal incinerator is satisfactory.
- v. The maximum height of building is 18 m. As per T & CP approved map submitted by PP front road width of 12 m, Front MOS 15 m and side and rear MOS 6 m are satisfactory and are in conformity with the MP Bhumi Vikas Niyam 2012 rule 2 of rule 42 for building upto 18 m height. PP should ensure that these norms are followed during project execution.
- vi. PP has not submitted fire fighting NOC. PP is directed to submit fire fighting NOC from the nearest local fire station as per the Gol office Memorandum No.21-270/2008-IA III dtd 07.02.2012.
- vii. The PP has provided parking of 484 ECS against 432 ECS as per the Town & Country Planning approval (vide letter no. 159/ LP/85/16 (Ka) Na. Gra. Ni./Ji.Ka./2008-09 dtd 16.04.2009). As per the norms prescribed in rule 84 - appendix I 1 (I-3) of the MP Bhumi Vikas Niyam, 2012. The parking should be as follows : -

Car parking & space (as per MPBV Rules 2012 for	Req. as per MPBV Rules 2012 for	As per approval of T & CP	Proposed by PP
Norms (built up area per car)	Total built up area		
@ 150 sqm resi. (for pop. 5 to 3.0 lacs)	99694 sqmt		141
@ 125 sqm for Inst. (medical)	27961 / 150 = 186		343
Total ECS	71733 / 125 = 574	432	484
	760		


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

Parking area @ rate of • Basement – 35 sqmt per car • Stilt – 30 sqmt. Per car • Open – 25 sqmt. Per car Total	19000 sqmt.	10800sqmt.	12100sqmt
Car parking & space (as per MPBV Rules 2012 for	Req. as per MPBV Rules 2012 for	As per approval of T & CP	Proposed by PP
Norms (built up area per car)	Total built up area 99694 sqmt 27961 / 150 = 186		141 343
@ 150 sqm resi. (for pop..5 to 3.0 lacs) @ 125 sqm for Inst. (medical) Total ECS	71733 / 125= 574 760	432	484
Parking area @ rate of • Basement – 35 sqmt per car • Stilt – 30 sqmt. Per car • Open – 25 sqmt. Per car Total	19000 sqmt.	10800sqmt.	12100sqmt

PP should submit all above informations by 31.12.2012."

- ii. In response to queries the information submitted by PP vide letter dtd 04.01.2013 was examined in depth and it is noted that :-
 - a. The total water requirement is 554 KLD. The total fresh water requirement is 364 KLD & recycled water is 190 KLD. As per 95th SEAC meeting recommendation dtd 08.05.12 the total fresh water demand should not exceed 364 KLD. The NOC from CGWA for 309 m³/day (letter no. 21-4 (123/NCR/CGWA/2011-4091 dtd 10.07.12) was discussed in 110th SEIAA meeting and found satisfactory. The NOC for 60 KLD (letter No. 3325/Ja pra shaka dt. 02.01.13) issued by Municipal Council Kolar. It was decided that PP should meet the entire water supply from Nagar Palika Municipal Supply and there should be no extraction of ground water.
 - b. The fire fighting NOC from Nagar Palika Kolar, Bhopal (vide letter No. 3324 / fire shakha dt. 02.01.2013) is found satisfactory.
 - c. The parking details submitted by PP for 19,000 sqmt (760 ECS) was examined & found satisfactory as per MPBV Rules 2012.
 - d. It was decided that in principal the authority agrees to accord prior environmental clearance however, as discussed in 97th SEIAA meeting it is a case of violation of EIA notification hence PP should first submit a resolution passed by its Board of Director within 60 days as per requirement of office memorandum J-11013/41/2006 IA dt. 12.12.2012 clearly mentioning that it shall not repeat further any violation of EIA notification 2006 of the MoEF, GOI.
 - e. Also State govt. may be informed to take action for the period of violation as per provision of office memo No. J-11013/41/2006-1A II(1) dt. 12.12.2012 of Ministry of Environment & Forest sub Para ii & iii of Para 5.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

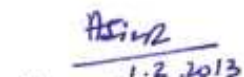
Minutes of the 117th Meeting of SEIAA dated 22.01.2013

11. **Case No. 631/2011**, Prior Environmental Clearance for Group Housing Project "Chinar Dream City" at Village Ratanpur Sadak, Narela Hanumant, Tehsil Huzur, District Bhopal, (MP) by M/S Chinar Reality Pvt. Ltd. Director Shri Sunil Moolchandani, Chinar House No. 231, Zone-II, MP Nagar, Bhopal (MP)-462011.
- i. The case was discussed in SEAC meeting 79th, 81st, 87th, 89th and recommended in 93rd dtd. 10.04.2012 and in SEIAA meeting 94th dtd. 30.05.2012 & 111th dtd 23.10.2012 and it was recorded that " The land ownership record was examined and found that as per Khasra Panchsala 2011-12 submitted by PP the land details are as follows :

ग्राम रतनपुर सड़क		
खसरा न.	रकबा	स्वामित्व
1051	0.200	रमेश कुमार भावनानी आ. लक्ष्मणदास भावनानी भूमि स्वामी
1052	0.210	रमेश बशरह नं. 1051
1053/1	0.440	रमेश बशरह नं. 1051
1053/2	0.460	रमेश बशरह नं. 1051
1054/2	0.800	पिनन चावला, दर्शन चावला पुत्रगण रामूमल चावला भूमि स्वामी
1055/2	0.112	रोशन चावला आत्मज रामूमल चावला पिनन चावला आ. रामूमल चावला भूमि स्वामी
1055/3	0.200	रमेश कुमार भावनानी आ. लक्ष्मणदास भावनानी भूमि स्वामी
1059/1	0.860	रमेश बशरह नं. 1051
1059/2	0.810	रमेश बशरह नं. 1051
1060	0.700	रमेश बशरह नं. 1051
1061	0.710	पिनन चावला, दर्शन चावला पुत्रगण रामूमल चावला भूमि स्वामी
1062	0.400	रमेश बशरह नं. 1051
1063	0.270	रमेश बशरह नं. 1051
1064	0.380	रमेश बशरह नं. 1051
1065	0.210	रमेश कुमार भावनानी आ. लक्ष्मणदास भावनानी भूमि स्वामी
1070	0.060	रमेश बशरह नं. 1051
1071	0.060	रमेश बशरह नं. 1051
1073	0.070	रमेश बशरह नं. 1051
1074	0.070	रमेश बशरह नं. 1051
1075	0.110	रमेश बशरह नं. 1051
1096	0.200	रमेश बशरह नं. 1051
कुल- 21	7.332 हे.	
ग्राम नरेला हनुमंत सिंह		
209	0.820	रोशन चावला पु. रामूमल चावला रमेश कुमार पु. लक्ष्मणदास भूमि स्वामी
210	0.140	रोशन चावला बशरह नं. 209
211	0.130	रोशन चावला बशरह नं. 209
212	0.130	रोशन चावला बशरह नं. 209
213	0.140	रोशन चावला बशरह नं. 209
214	0.140	रोशन चावला बशरह नं. 209
215	0.140	रोशन चावला बशरह नं. 209
216/1	0.400	श्रीमती शीतल देवी पति रमेश कुमार भावनानी भूमि स्वामी
216/2	0.420	श्रीमती शीतल देवी पति रमेश कुमार भावनानी भूमि स्वामी
217	0.140	श्रीमती शीतल देवी बशरह नं. 216/1
218	0.140	श्रीमती शीतल देवी बशरह नं. 216/1
219	0.140	श्रीमती शीतल देवी बशरह नं. 216/1
220	0.400	श्रीमती शीतल देवी बशरह नं. 216/1
221	0.400	श्रीमती शीतल देवी बशरह नं. 216/1
222	0.220	श्रीमती शीतल देवी बशरह नं. 216/1
223	0.200	श्रीमती शीतल देवी बशरह नं. 216/1
कुल -16	4.100 हे.	


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

It was also noted that there is a registered Joint Venture Agreement, executed on 13.07.2009 in between Shri Ramesh Kumar Bhawnani & Others "Owners" (First Party) and M/s Chinar Realty Ltd. Bhopal through its Directors Shri Gopi Chand Moolchandani & Others "Developers" (Second Party), for above mentioned survey numbers to develop a residential colony over the said land by the Developer.

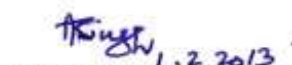
- ii. The proposed project is a residential building. As per T&CP approved plan vide Endt. No. 422/LP 12/Dhara/16/Jika/ Na.Gra.Ni./2010 dtd 14.05.10 the total land area is 11.362 ha. and built-up area is 99,710.98 sq m, which is < 150000 sq m. Thus project comes under category 8(a) of the schedule.
- iii. The permission for ground water abstraction of 411 KLD from CGWA (vide No. 21-4(132)/NCR/CGWA/2012-4384 dated 29.08.2012) obtained by the PP was examined and it was noted that the fresh water requirement is 467 KLD and the SEAC in its 93rd SEAC meeting dated 10.04.2012 recommended that fresh water demand shall not go beyond 571 KLD and quantity of sewage should not exceed 629 KLD. It was noted that there is disparity on the demand side and availability of water. In view of above it was decided the SEAC should be asked the basis of recommendation regarding fresh water demand and disparity thereof. The letter should be sent to MS, SEAC with endorsement to the PP.
- iv. Regarding NOC for fire fighting it was noted that the PP vide No. nil dated 21.07.2012 has submitted the fire tender movement plan but he has mentioned that the project site is located in Gram Panchayat area, therefore, fire fighting NOC is not required. It was decided that the PP should be asked to provide the fire fighting NOC from the competent authority and the letter should be Endt. to the Commissioner, BMC Bhopal.
- v. The maximum height of building is 18 m. The road width (ROW) is 66 m. front MOS is 12 m. and side & rear MOS is 6 m. as per T&CP, Bhopal Endt No. 422/LP 12/Dhara/16/Jika/ Na.Gra.Ni./2010 dated 14.05.2010 and PP L.No. nil dated 27.07.2012. The PP should ensure to implement the norms prescribed in sub rule 1 of Rule 42 of MP Bhumi Vikas Niyam 2012 for building up to 18 m. height, as has been provided in the Table No. 4.
- vi. The PP has provided parking of 965 ECS against 494 ECS as per T&CP approval (Vide No. 422/LP12/Dhara/16/Jika/Na.Gra.Ni./ 2010 dated 14.05.2010). It was decided that PP should make the provision of car parking as per norms prescribed for residential building in rule 84 appendix I- 1&2 of Bhumi Vikas Niyam 2012 (1 ECS per 100 sqm of built-up area for residential area).

It was decided that information should be submitted by 31-12 -2012.

- ii. In response to the above queries information submitted by PP vide their letter No. NIL dt. 28.12.2012 was examined and it is noted that the fresh water demand is of 411 KLD. It was decided that as submitted by PP the fresh water requirement should not exceed 411 KLD as against the condition of fresh water quantity (571 KLD) approved by SEAC (93th SEAC meeting dtd 10.04.12). In view of vicinity of the project area to the Bhopal township regarding the source of water it was decided that PP should be asked why Municipal Water is not being used for the project and PP should submit details of efforts made by him regarding Municipal Water Supply.
- iii. It was noted that regarding fire fighting NOC, PP has submitted copy of application submitted to Bhopal Municipal Corporation. It is decided that PP should submit clear fire fighting NOC from the Bhopal Municipal Corporation or competent authority.
- iv. It was decided that PP should submit the above information by 15.03.2013.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

12. **Case No. 637/2011**, Prior Environmental Clearance for 1106 Residential Units, Club, Shopping Arcade, DB City Project total area 106821.00 sq.m. and total built up area 126495.78 sq.m. in 50 khasras at village Mehra, Tehsil & District Gwalior, MP by M/s Bhaskar Housing Development Co. Pvt. Ltd., 1st Floor, Hotel Gwalior Regency, Link Road, Gwalior, MP.

i. The case was discussed in SEAC meeting 80th dtd. 03.09.2011, 85th dtd. 13.12.2011, 90th dtd. 02.03.2012 and recommended in 93rd dtd. 10.04.2012 and SEIAA meeting 94th dtd. 30.05.2012, 100th dtd. 18.07.2012, 103rd dtd. 17.08.2012, 105th dtd. 12.09.2012, 111th dtd. 23.10.2012 & 115th dtd. 17.12.2012 and it has been recorded that ".....In response to queries made in 110th & 111th SEIAA meeting dtd.16.10.12 and 23.10.12, the information submitted by PP vide letter dtd 20.11.12 and 05.12.12 and letter dtd 24.11.12 from Collector Gwalior received in SEIAA office on 26.11.12, 06.12.12 and 29.11.12 respectively were examined and it is noted that :-

- a. Regarding joint legal entity for Khasra No. 612, 706 & 708 PP vide letter dtd 20.11.12 has clarified that "the total land of said Khasra is 2.195 ha out of which 0.967 ha belongs to Bhaskar Housing Development Co. Pvt. Ltd. it. As we have planned only for land (0.967 ha) from Khasra in our project from Khasra no. 612, 706 & 708 and balance land in the name of Bhura Singh, Raghuvir Singh, Betal Singh all S/o Ram Singh, Mu. Vidhya Bai W/o Late Shri Ram Singh area is not related with our project."
- b. PP has submitted that "Khasra no. 642 mentioned in the minutes of meeting is not related with the project. " It was decided that correction may be done accordingly.
- c. Regarding mention of "सीलिंग प्रकरण में लंबित" in column 12 (कैफियत) of Khasra Panchsala submitted earlier by PP vide letter dtd 21.09.12, PP has submitted notarized copy of Collector office letter no. 102/reader/नभूसा/2012 dtd 22.11.12 and letter no. 100/reader/ नभूसा /2012 dtd 22.11.12 in which it is mentioned that "आवेदक के आवेदक का परीक्षण किया गया। यह सही है कि विषयांकित सर्वे क्रमांक की भूमि अतिशेष घोषित नहीं हुई है, तथा नगर भूमि सीमा निरसन अधिनियम के प्रभावी होने से अब सीलिंग प्रकरण नहीं चलाया जा सकता। तदनुसार विषयांकित प्रविष्टि को विलोपित किया जाना उचित है, जिसकी नियमानुसार कार्यवाही करें"
- d. Further vide letter dtd 05.12.12 has submitted notarized copy of Khasra Panchsala 2012-2013 mentioning "सीलिंग प्रकरण विलोपित किया गया" in column 12 of Khasra Panchsala. It is noted that this clarified the situation.
- e. Regarding parking space the submission of PP (vide letter dtd 20.11.12 point no. 3) that Bhumi Vikas Adhinyam 2012 does not apply as permission was taken in 2008, 2009 & 2010 is not acceptable to Authority and PP is directed to strictly adhere to the norms as per the Rule 84 (1) appendix 1-1of MP Bhumi Vikas Niyam 2012 i.e.1 ECS per 100 sqmt. of built up area (refer point no. v) of 111th SEIAA meeting dtd 23.10.12 and provide parking space accordingly for 1265 ECS.
- f. Regarding complaint pertaining to violation of EIA Notification PP has informed that construction activity has already been stopped as per instruction of SEIAA. Collector, Gwalior vide letter no.Q/Nazul/ Misc./2012 dtd 24.11.12 received in SEIAA office dtd 29.11.12 it has been informed that "Halka Patwari has reported on 24.11.12 that the construction work has been stopped long time before. No construction is going on presently on the said land."

It was decided that in principle Authority agrees to issue prior EC. PP should submit a resolution passed by Board of Directors within 60 days i.e. by 28.02.2013 as per requirement of office memo J-11013/41/2006-1A dtd 12.12.2012 clearly mentioning that it shall not repeat further any violation of EIA Notification, 2006 of the Ministry of Environment & Forest, Govt. of India.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


1.2.2013
(Amar Singh)
Chairman

- ii. In response to the above PP has submitted (vide letter dt. 04.01.2013) the certified copy of resolution passed in the meeting of Board of Directors of M/s Bhaskar Housing Development Company Private Ltd. held on 02.01.2013 at registered office of the company. The resolution is as follows:-

"The Chairman informed the Board that during the course of obtaining necessary clearance and compliance under / of provisions of Environment (Protection) Act and rules and regulation framed there under for the purpose of "D B City Gwalior" project of the company, the company received one letter No. 1892/SEIAA/12 dt. 31st December 2012 from Member Secretary, State Environment Impact Assessment Authority, M.P. by which the said authority called upon the company to fulfill the requirement of office memo no. J-11013/41/2006-1A dt. 12th December 2012 read with EIA Notification, 2006 as amended, of the Ministry of Environment & Forest, Government of India.

The letter No. 1892/SEIAA/12 dt. 31.12.2012 and copy of the Office Memo No. J-11013/41/2006-1A dt. 12.12.2012 is being placed before the board, which is initialed by the Chairman for the purpose of identification.

The matter was discussed and then it was:-

"RESOLVED THAT in compliance of office Memo No. J-11013/41/2006-1A dt. 12.12.2012 read with EIA Notification, 2006, as amended, of the Ministry of Environment & Forest, Government of India, the consent of Board of Directors of the company, be and is hereby accorded that the violation made by the company for obtaining the environment clearance of "DB City Gwalior" project, the company will not be repeated any further violation of Environment (Projection) Act and rules and regulation framed for the said project, the violation which are duly noted by the board".

FURTHER RESOLVED That Shri Mayank Garg, Director of the company be and is hereby authorized on behalf of the company to execute and submit the required documents, application, writings, reply to the concern Central / State Government Authorities and to do all such act, deeds and things, which are necessary in connection thereto".

- iii. The resolution submitted by PP was examined and found satisfactory. It was decided that :-

- (i) The authority accepted the recommendation of 93rd SEAC meeting dt. 10.04.2012 with 45 special conditions and decided to accord Prior Environmental Clearance for 1106 Residential Units, Club, Shopping Arcade, DB City Project total area 106821.00 sq.m. and total built up area 126495.78 sq.m. in 50 khasras at village Mehra, Tehsil & District Gwalior, MP by M/s Bhaskar Housing Development Co. Pvt. Ltd. 1st Floor, Hotel Gwalior Regency, Link Road, Gwalior, MP subject to following conditions:-

- a. Regarding parking space the submission of PP (vide letter dtd 20.11.12 point no. 3) that Bhumi Vikas Adhiniyam 2012 does not


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


1.2.2013
(Amar Singh)
Chairman

apply as permission was taken in 2008, 2009 & 2010 is not acceptable to Authority and PP is directed to strictly adhere to the norms as per the Rule 84 (1) appendix 1-1 of MP Bhumi Vikas Niyam 2012 i.e. 1 ECS per 100 sqmt. of built up area (refer point no. v) of 111th SEIAA meeting dtd 23.10.12 and provide parking space accordingly for 1265 ECS.

(Refer Case No. 637/2011 Point No. ii(e) of 115 SEIAA meeting dt. 17.12.2012)

- b. It was decided that since the Gwalior Municipal Corporation has agreed to provide the water supply hence, PP should fulfill his water demand from the Municipal water supply only and no water shall be extracted from the ground water source.

Refer Case No. 637/2011 Point No. iii of 103 SEIAA meeting dt. 17.08.2012)

- c. It was decided that the minimum road width of the internal front road should be 24 m and front M.O.S. 12 m and side & back MOS 7.5 M, as per MP Bhumi Vikas Niyam- 2012.

(Refer Case No. 637/2011 Point No. iv of 103 SEIAA meeting dt. 17.08.2012)

- iv. The details of the project proponent and a copy of the commitment etc. mentioned will be put on the website of SEIAA .
- v. Also the State govt. may be informed to take action as per provision of office memo No. J-11013/41/2006-1A II(1) dt. 12.12.2012 of Ministry of Environment & Forest sub Para ii & iii of Para 5.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

13. Policy decision for mining cases minor minerals below 5 ha-Reconsideration.

1. राज्य पर्यावरण प्रभाव निर्धारण प्राधिकरण की 107वीं बैठक दिनांक 17.09.2012 में 5 हे. से कम क्षेत्रफल के गौण खनिजों के चिन्हांकन तथा पर्यावरण अनुमति जारी करने की संक्षिप्त प्रक्रिया निर्णय लिया गया था एवं प्रदेश के अधोसंरचना विकास (भवन तथा सड़क निर्माण इत्यादि) में गौण खनिजों को, प्रदेश के विकास में आने वाली अड़चनों तथा पर्यावरणीय पहलुओं का ध्यान रखते हुए SEIAA की 107 वीं बैठक मध्यप्रदेश गौण खनिज नियम 1996 की अनुसूची-2 के अंतर्गत चिन्हित 6 गौण खनिजों को पर्यावरणीय अनुमति के लिए B-2 श्रेणी के अन्तर्गत रखा गया था।
2. इस संदर्भ में खनिज संसाधन विभाग का पत्र दिनांक 02.11.2011 एवं 08.01.2013 तथा MP-SEAC की बैठक दिनांक 05.11.2012 पर विचार किया गया।


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member

3. SEAC ने भी अपनी बैठक दिनांक 5.11.2012 में अनुशंसा की है कि

It is reiterated that

- a. All the Cases with Mining Lease Area (MLA) less than 5 Ha. but not fulfilling the condition's stated in para 8 of the policy, may be classified as category "B-1" and may be processed as per EIA Notification (EIA & Public Hearing).
- b. All the cases, irrespective of the mined mineral and duration of lease, fulfilling the conditions stated in Para 8 of the policy, may be classified as category 'B-2' & may be processed without EIA & Public Hearing for the following reasons;
 - i) The process of getting EC is time consuming. Getting TOR requires 60 days, preparation of rapid EIA requires 4-6 months, conducting of Public Hearing requires 45 days and processing of EC requires 105 days as per EIA Notification. It adds up to more than one year. Small entrepreneurs may not be involved in this one year long process. For very small projects such exercise may not add significantly to the quality of decision/ grant of EC.
 - ii) Besides, the entire process of hiring of consultant, preparation of EIA, conducting of Public Hearing is cost effective & small entrepreneur may not afford it.

4. राज्य शासन ने अपने पत्र दिनांक 18.1.2013 में यह अनुरोध किया है कि

- a. मध्यप्रदेश गौण खनिज नियम 1996 की अनुसूची-1 उल्लेखित खनिजों तथा केशर द्वारा गिट्टी निर्माण, फर्शी, पत्थर आदि की उत्खनन प्रक्रिया अनुसूची-2 में उल्लेखित खनिजों के समान है, अतः अनुसूची-1 में दर्शित खनिजों को भी बी-2 श्रेणी के अन्तर्गत रखे जाने का अनुरोध किया है।
- b. उल्लेखनीय है कि प्रदेश में चल रहे विकास कार्यों में गौण खनिज की नितांत आवश्यकता होती है और उसमें विशेष रूप से अनुसूची-1 के क.6 में उल्लेखित यांत्रिकी क्रिया द्वारा गिट्टी बनाने के लिए पत्थर खनिज मुख्य है। राज्य पर्यावरण प्रभाव निर्धारण प्राधिकरण की 107 वीं बैठक में यह तथ्य सामने आया था कि तब तक सिया में प्राप्त आवेदनों में से लगभग 60 प्रतिशत आवेदन बोल्टर (पत्थर) खनिज के हैं।
- c. इस खनिज को बी-1 श्रेणी में कर देने से ऐसी खदानों को पर्यावरणीय अनुमति प्रदान करने में समय लग रहा है, जिससे खनिज की उपलब्धता बाजार में कम हो गयी है तथा यह खनिज अत्यधिक मंहगे हो गये हैं जिससे विकास कार्य व्यापक रूप से प्रभावित हो रहा है।

5. विचारविमर्श के दौरान महाराष्ट्र, उत्तर प्रदेश, आंध्रप्रदेश एवं अन्य राज्यों द्वारा 5 हे. से कम क्षेत्रफल में खनन प्रकरणों पर लिये गये निर्णयों, एवं इ.आइ.ए. नोटिफिकेशन-2006 तथा माननीय उच्चतम न्यायालय के I.A. Nos. 12-13 of 2011 in Special Leave Petition (C) No. 19628-19629 of 2009 Deepak Kumar etc. (Petitioners) versus State of Haryana and others etc. (Respondents) निर्णय दिनांक 27.02.2012 का अध्ययन किया गया। माननीय उच्चतम न्यायालय द्वारा पाया गया है कि छोटे आकार के गौण खनिज के माईनिंग प्रकरणों में "simpler but strict regulatory regime" होना चाहिये।

6. प्राधिकरण के सदस्य एवं सदस्य सचिव का SEAC के प्रस्ताव से अंशतः सहमत होते हुए अभिमत था कि चूंकि

1. इ.आइ.ए. नोटिफिकेशन-2006 के पैरा-4 के अनुसार विभिन्न परियोजनाओं एवं क्रियाकलापों का प्रवर्ग -A एवं प्रवर्ग B में वर्गीकरण, परियोजनाओं एवं क्रियाकलापों का मानव स्वास्थ्य एवं प्राकृतिक एवं मानव निर्मित संसाधनों पर पड़ने वाले प्रभाव पर आधारित है।


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member

2. इ.आइ.ए. नोटिफिकेशन-2006 के पैरा-7 के प्रक्रम-1 स्क्रीनिंग- प्रवर्ग 'B' की परियोजनाओं या क्रियाकलापों के मामले में संबंधित राज्य स्तरीय विशेषज्ञ आंकलन समिति (SEAC) यह तय कर सकती है कि परियोजना या क्रियाकलाप के लिए आगे पर्यावरणीय अध्ययन करना अपेक्षित है या नहीं। इ.आ.ए.ए. रिपोर्ट की अपेक्षा करने वाली परियोजना को B-1 तथा शेष को B-2 कहा जायेगा। B-2 श्रेणी के अन्तर्गत आने वाली परियोजनाओं या क्रियाकलापों के लिए इ.आ.ए.ए. रिपोर्ट की अपेक्षा नहीं होगी। मद 8(b) के सिवाय परियोजनाओं के बी-1 तथा बी-2 श्रेणी में प्रवर्गीकरण के लिये पर्यावरण और वन मंत्रालय समय-समय पर समुचित मार्गदर्शक सिद्धान्त जारी करेगा।
3. अनुसूची-1 में वर्णित खनिज क्र. 4, 5 एवं 6 जो निम्नांकित हैं: प्रदेश की अधोसंरचना विकास एवं निर्माण कार्य में उपयोग में आते हैं। यदि इनके 5 हेक्टेयर से कम के लीज क्षेत्र वाले मामलों को B-1 श्रेणी में लेकर पूर्व पर्यावरण स्वीकृति की विस्तृत प्रक्रिया अपनायी जाती है तो उसका विकास / निर्माण कार्य पर व्यापक प्रभाव पड़ेगा :-
 - a. भवन निर्माण सामग्री के रूप में उपयोग में लाये जाने वाले चूने के विनिर्माण के लिए भट्टी में जलाकर उपयोग में लिया जाने वाला चूना पत्थर।
 - b. फ्लेग स्टोन-प्राकृतिक परतदार पत्थर जिसका उपयोग फर्श, छत आदि के लिए तथा काटने और तराशने के उद्योग में उपयोग किया जाता है।
 - c. यांत्रिक क्रिया द्वारा गिट्टी बनाने के लिए पत्थर (अर्थात् क्रेशर के उपयोग हेतु)।
4. म.प्र. गौण खनिज नियम 1996 की अनुसूची-2 में उल्लेखित खनिजों की खनन प्रक्रिया अनुसूची-1 में उल्लेखित खनिजों तथा क्रेशर द्वारा गिट्टी निर्माण, फर्शी, पत्थर आदि के खनन की प्रक्रिया एक समान है।

अतः अनुसूची 1 के उपरोक्त खनिज क्रमांक 4, 5 एवं 6 का सामान्यतः वर्गीकरण 107 वीं बैठक में निर्धारित मापदण्डों के आधार श्रेणी B-2 में कर, पूर्व पर्यावरण स्वीकृति प्रदान करने हेतु संक्षिप्त प्रक्रिया अपनायी जाये। प्रकरण विशेष में पर्यावरण पर प्रतिकूल प्रभाव पड़ने वाली संभावनाओं के आधार पर SEAC प्रकरण का वर्गीकरण बदल सकती है।

आवेदकों को आवेदन के साथ मध्यप्रदेश गौण खनिज नियम 1996 के नियम 48 में प्रस्तावित पर्यावरण प्रबंध स्कीम (पर्यावरण प्रबंधन योजना) प्रस्तुत करना होगी।


सदस्य एवं सदस्य सचिव के अभिमत से प्राधिकरण अध्यक्ष सहमत नहीं हैं -


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member

Dissenting decision of Chairman

7. The Govt. of MP have framed MP Minor Mineral Rules, 1996 (which shall be referred as Rule in short hereafter). In the schedule -I of this Rule certain minor minerals have been specified and in schedule-II other minor minerals have been specified. In the Rule 22 period of lease has been prescribed. In the 107th meeting of the Authority held on 17.09.2012 mention has been made in the para 6 regarding the period of lease for different minor minerals. In the para-7 of the proceeding 6 minor minerals mentioned in Schedule-II were identified for



1.2.2013
(Amar Singh)
Chairman

Minutes of the 117th Meeting of SEIAA dated 22.01.2013

which prior EC is to be granted after following the short procedure of B-2 category i.e. without issuing ToR, without getting EIA Report prepared and without public consultation. All these minor minerals have lease period of two years only. These included Sand, Bajri, stone boulder etc. This decision was taken unanimously. The reason was that on an average 50% availability of these items would have been reduced if the procedure prescribed for the B-1 category was followed i.e. if ToR was to be issued, EIA Report was prepared and public consultation was to be held for the mining projects of minor minerals less than 5 ha. It is also made clear that in the original EIA Notification dtd 14.09.2006 issued by the MoEF, Gol EC was not required (major and minor minerals both) if lease area was less than 5 ha.

According to Para 7 of EIA Notification dtd 14.09.2006 only MoEF, Gol can issue guidelines according to which State Expert Appraisal Committee (SEAC) can decide whether B-1 procedure is to be followed or B-2 procedure is to be followed. Due to the compelling circumstances Authority decided to issue such guide lines in 107th SEIAA meeting dtd 17.09.2012.

8. The Hon'ble Supreme Court of India have passed order on 27 Feb. 2012 in. I.A. Nos. 12-13 of 2011 in Special Leave Petition (C) No. 19628-19629 of 2009 (Deepak Kumar etc. petitioners Versus State of Haryana and others etc. .. Respondents). In the para – 19 of this order it has been directed that prior EC is needed in mining of minor minerals if the area is less than 5 ha. Hon'ble Court have not directed that such prior EC is required for mining of major minerals if the lease area is less than 5 ha. The reasons are mentioned in different paragraphs of this order for selecting minor minerals. They have relied on the report of the group constituted by MoEF, Gol which submitted the report in March 2010 relating to the Environmental Aspects of Quarrying of Minor Minerals. In the para – 18 of this judgment they have directed***"State Governments ad UTs also should take immediate steps to frame necessary rules under section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendation of MoEF in its Report March 2010 and model guidelines framed by the Ministry of Mines, Govt. of India."***
9. It is evident that contrary to the common perception it has been found that mining of minor minerals causes considerable damage to the environment because the rules framed by the State Governments are not adequate. In the ***report of the group*** mentioned in the earlier paragraph recommendations have been made regarding the minimum area of lease, period of lease and preparing mining plan etc. for the minor minerals. The Ministry of Mineral Resources , Gol have framed model rules for the mining of minor minerals incorporating all these recommendations and have circulated to the State Governments for the needful. The Hon'ble Supreme Court in their judgment dtd 27.02.2012 in the Para-17 have directed to the State Governments to give effect to these recommendations within a period of six months and submit compliance report in the Hon'ble Supreme Court.
10. Member and Member Secretary have decided in para-6.3 of point no. 13 of this minutes relating to these three minor minerals mentioned at s.no. 4, 5 and 6 of schedule - I of the Rule to be considered as B-2 category for grant of prior EC.


1.2.2013
(Amar Singh)
Chairman


Minutes of the 117th Meeting of SEIAA dated 22.01.2013

In the Rule 22 the lease period has been mentioned for the items 4 & 6 of schedule-I and this is ten years. In the Rule 7 along with some other minerals lease period has been fixed for the item no. 5 of schedule -I and this period is ten years. Considering this lease period one can conclude that only on an average 10% of the existing mine leases complete the prescribed period of the lease and 90% of existing leases are still in operation. Hence, the supply of these three minor minerals is reduced only by 10% on an average in one year period. Now prior EC is to be considered for the new cases of these three minor minerals by adopting the procedure prescribed for the B-1 category i.e. by issuing ToR, preparation of EIA and public consultation in my considered view. This is the main reason of my dissenting decision. Secondly, if mining operations are carried out for ten years then there will be considerable potential impact on natural resources, and this is important factor for the categorization of project and category.

11. The Mineral Resource Department in their letter no. 287/ 1753/ 2012/12/1 dtd 18.01.2013 have requested in the para-4 that for the minor mineral mentioned at S. No. 6 of Schedule - I may be granted prior EC for two years only. In the para-9 of the EIA Notification 14.09.2006 issued by the MoEF, Govt provision has been made regarding the validity of the EC. I am quoting the relevant provision regarding the mining projects

"..... project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects"

The project life of mining activity for major minerals is calculated on the basis of the mining plan. The maximum lease period for the major mineral is thirty years. As discussed in the earlier paragraphs there is no provision to prepare mining plan for minor minerals in the Rule at present. Hence, the project life for the minor mineral will be the period of lease. Since item no. 6 of Schedule – I stone for making gitti by mechanical crushing (i.e. use of crusher) has ten year lease period hence the validity of the EC will be ten years and this cannot be reduced to two years as requested by the Department.

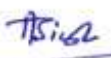

1.2.2013
(Amar Singh)
Chairman

इस तरह बिन्दु क्रमांक 13 की कंडिका 6 के अनुसार बहुमत के आधार पर निर्णय लिया गया है। सर्वसम्मति निर्णय न होने के कारण इस संबंध में EIA Notification Dated 1-12-2009 SO 3067 (E) के अनुसार मिनट्स की प्रति पर्यावरण एवं वन मंत्रालय को भेजी जाये।

Meeting ended with a vote of thanks to the Chair.


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


1.2.2013
(Amar Singh)
Chairman