

Minutes of the 88th Meeting of SEIAA dated 03.04.2012

The 88th meeting of the State Level Environment Impact Assessment Authority was convened on 03.04.2012 at 02.30 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 Sharad Kumar Jain Member Secretary (In-charge)

1. **Case No. 09/2008**, Prior Environmental Clearance for white clay, ochre & laterite mine in an area of 15.30 ha for production capacity 14,000 TPA at village Khomarha, tehsil Amarpatan, district Satna by M/S K L Agrawal, VPO, Jaitwara, Satna, MP.

The case was discussed in 50th SEIAA meeting dtd. 22.02.11 and it has been recorded that "The above case was considered in the 76th meeting of SEAC and recommended for Prior Environmental Clearance.

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 detailed 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.


Secondly, the project proponent has not submitted an attested/notarized copy of mining lease, hence it was decided by the Authority to write to the Project Proponent to submit above document duly attested/notarized. It was also observed by the Authority while scrutinizing the documents submitted by Project Proponent that distance of forest boundary from the mining lease area is just 100 mt. Hence it was decided to issue a letter to Project Proponent to obtain Forest NOC issued by the Competent Authority as per the Forest Deptt. circular No. F5/16/81/103 dated 27th August 2008."

The Authority examined Khasra details and found that Khasra Panchsala of 766/3 have not been submitted by the PP. Besides this, 8 Khasra nos. (viz. 754, 755, 756/1, 756/2, 757, 758, 759/1, 759/2) belong to tribal persons. As per section, 165 of the Land Revenue Code, the tribal land can not be given without the permission of the Collector. The Authority decided that the proponent should submit permission from the Collector, Satna in this regard within one month and copy of this letter should be endorsed to the Collector, Satna for providing information to the PP. Beside, this PP should also submit Khasra Panchsala of Khasra No. 766/3 within one month.

As per NOC given by DFO, Satna, the distance of the proposed area is 100 m from the forest boundary. The lease has been granted on 21.07.1998 for 20 years period. Thus, the mining lease is old and no NOC from the PS, Forest is required as per the decision taken in 77th SEIAA meeting dtd 07.01.2012.

The public hearing was examined by the Authority and found no adverse remarks. The plantation program was also found satisfactory.


(Sharad Kumar Jain)
Member Secretary


(M. Hashim) 8.4.2012
Member


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2. **Case No. 23/2008**, Prior Environmental Clearance for lime stone and dolomite mine an area of 17.07 ha for production capacity 3.00 lakhs TPA at village Bistara, tehsil Vijayraghgarh, district Katni by M/s N M Dubash stone and lime Co, Pvt. Ltd. Raghogarh, district Katni, MP.

The case was discussed in 44th SEIAA meeting dtd. 14.12.10 and it has been recorded that "The above case was rejected by the Authority earlier. The Project Proponent has requested to reconsider the proposal and grant the Prior Environmental Clearance.

Since the EIA notification of 14th September, 2006 of Ministry of Environment and Forests does not contain a provision of review by the Authority hence no further action is required in this case."

Before that, the case was discussed in 25th SEIAA meeting dtd. 04.12.09 and it has been recorded that " The project proponent requested to reconsider his case making a submission that he has submitted a NOC from DFO because at the time of lease renewal in the year 2000 the DFO was competent to issue NOC in all the cases. The committee headed by collector in such type of cases was constituted on 7 th October 2002. The Govt. issued new instructions on 27 th August 2008 wherein a committee headed by Principal Secretary, Forest granted permission in such cases. The existing mining lease of the above case is up till year 5 th September 2020.

SEIAA decided to take an opinion of mining deptt. whether such type of mines located within 250 mts from the forest boundary need a fresh NOC from the current committee headed by the Principal Secretary, Forest Deptt., before taking a final decision in this case."

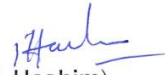
Before that, the case was discussed in 19th SEIAA meeting dtd. 02.09.09 and it has been recorded that "it was noticed that the mining lease area is located between 105 to 245 mts from forest boundary. As per the Govt.of M.P. Forest Deptts order no F/5/16/81/103 dt 27/8/08, mines located within a distance of 250 mts from the forest boundary requires clearance from a committee headed by the Principal Secretary, Govt. of M.P., Forest Deptt. Since the project proponent has not submitted a NOC issued by the above committee, SEIAA decided to reject the case on the above ground."

The distance of the mining lease area ranges from 105 to 245 m from the forest boundary. As per decision of 77th SEIAA meeting dtd 07.01.2012, no NOC from the PS, Forest is required relating to mining lease area sanctioned before 29.08.2008 (vide no. F-5/16/81/10-3 Bhopal dtd 29.08.08). From the ToR issued by SEAC it seems that mining lease have been sanctioned in the year 2005. Therefore, the Authority decided that the NOC from PS, Forest is not required with reference to location of the mining lease area from the forest boundary.

The Authority also examined the plantation program and found it satisfactory. The public hearing was also scrutinized and it was found that there is no adverse issue.

The Authority found that Khasra no. and mining lease have not been submitted by the PP. It was also found that the distance of the Protected Areas (viz. National Park and Sanctuaries) from the proposed site is also not available. Similarly an undertaking by PP regarding owning of the content of the data and


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its originality is not available. Therefore, the Authority decided that PP should submit the following documents within one month :-

- i. Latest Khasra Panchsala of the Khasra involved for mining activities and also notarized copy of the mining lease area.
 - ii. A letter from Divisional Forest Officer, Katni indicating distance of the mining lease area from the Protected Areas (viz. National Park and Sanctuaries).
 - iii. A certificate owning of the content of the data and its originality.
3. **Case No. 175/2008**, Prior Environmental Clearance of manganese ore mine in area of 8.11 ha for production capacity 1,000 TPA at village Jagantola, tehsil Baihar, district Balaghat, MP by Raghuvir Ferro Alloy Pvt Ltd, Industrial Area Urla, Raipur Chhattisgarh.

The issue was discussed in 69th SEIAA meeting dtd. 05.10.11 it has been recorded that "The Authority scrutinized the letter (no. Manchitra /2447, Balaghat dtd. 21.10.2011) received from DFO, North Forest Division, Balaghat and it was found that Khasra no. 9/1 is adjacent to compartment no. 1796 and Khasra no. 8/2 is within 250 m from compartment no. 1802. The other letter (No. Manchitra/1013, Balaghat dtd. 16.08.2005) written by DFO, North Forest Division, Balaghat to Collector, Balaghat indicates that Khasra No. 8/2, 10/1, 10/2 are within 250 m from the forest compartment boundaries. The scrutiny of the Khasra details revealed that lease has been granted on the private land. No records related to distance of the proposed mining area to the inter state boundary is available in the record.

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

- i. The NOC from the Committee constituted under PS, Forest (vide number F-5/16/81/10-3, Bhopal dtd. 27.08.08). The letter should be endorsed to PS, Forest, Bhopal.
- ii. Certificate/ letter issued by Collector, Balaghat, mentioning distance of the project area from inter state boundary. The Collector may also be directed to provide the same to PP.


It was also decided to write to the Collector, Balaghat to provide the rule under which mining lease on private land is given to Project Proponent."

The Authority examined the mining lease and found that the mining lease has been sanctioned from 07.05.2008 to 06.05.2028. As per decision taken in 77th SEIAA meeting dtd 07.01.2012, no NOC from the PS, Forest is required if the mining lease have been sanctioned before 29.08.2008 (vide letter no. F-5/16/81/10-3, Bhopal dtd 29.08.08). Therefore, the Authority decided that the NOC from PS, Forest is not required in this case with reference to location of the mining lease area from the forest boundary.

It was also found that a letter from the Collector, Balaghat has not been submitted by the PP indicating the distance of the mining area from the interstate boundary. The Authority decided that a letter should be sent to PP for submitting a certificate from Collector, Balaghat indicating distance of the mining


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lease area from the interstate boundary. The copy of this should be sent to the Collector, Balaghat for providing the information to the PP.

The Authority also examined the Khasra nos. and found that Khasra No. 10/1 & 10/2 belong to Gond tribe. As per section, 165 of the Land Revenue Code, the tribal land can not be given without the permission of the Collector. The Authority decided that a letter should be sent to Collector, Balaghat whether permission from the Collector, Balaghat has been given as per section, 165 of the land revenue code for Khasra Nos. 10/1 & 10/2 belonging to Gond tribes ? The information should be submitted within one month.


It was also noted that PP has not submitted a certificate owning the content of the data and its originality. The public hearing was also examined and it was found that the nearest village is located 1.0 km. However, a few people have raised doubt that blasting may affect their buildings. In this reference, PP has mentioned that nonal blasting shall be carried out. The Authority also examined plantation program and found that plantation has been proposed in 1.85 ha area during the lease period. The Authority decided that the following information may be submitted by the PP within one month :-

- i. A certificate owning of the content of the data and its originality.
- ii. A brief about nonal blasting technique for reducing impact of blasting on human habitations.
- iii. A revised yearly plan for plantation for increasing the area for 1.85 ha to about 2.5 ha at the end of the mining lease period.


4. Case No. 179/2008, Prior Environmental Clearance for fire clay and laterite mine an area of 30.394 ha for production capacity of 60,000 tonnes / annum at village Bhainswahi, tehsil Murwara, district Katni, MP by Brij Kishor Bhargava Bhainswahi, tehsil Murwara, district Katni, M.P.

The case was discussed in 73rd SEIAA meeting dtd. 30.11.11 and it has been recorded that " 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. "


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The rules related to grant of mining lease on private land (other than tribal land) was discussed in depth in 78th SEIAA meeting dtd 11.01.2012 and it has been decided that PP should get the consent of the private land owners before execution of the mining operation and submit a copy of these to the office of the SEIAA.

Based on the above mentioned and recommendation of the 80th SEAC meeting dtd. 03.09.2011 and 76th SEAC meeting 07.01.11, satisfactory conditions of the documents and also the above mentioned rule, the Authority decided to accord Prior Environmental Clearance for fire clay and laterite mine an area of 30.394 ha for production capacity of 60,000 tonnes / annum at village Bhainswahi, tehsil Murwara, district Katni, MP by Brij Kishor Bhargava, Bhainswahi, tehsil Murwara, district Katni, M.P.

5. **Case No 243/2008**, Prior Environmental Clearance for stone mine in an area of 8.089 ha for production capacity 50,000 cum m/year at village Chandrapura, tehsil Murar, district Gwalior, M.P by M/s Emerald stone Industries Gwalior- M.P.

The case was discussed in 75th SEIAA meeting dtd. 14.12.11 and it has been recorded that " *The Authority examined the plantation plan and found that plantation shall be carried out in 0.9 ha area from 1st year to 10th year (i.e. within 10 years). However, as per the records related to presentation in SEAC, it has been mentioned that plantation shall be carried out in 2.83 ha by the end of the mining lease period. The Authority decided that the plantation should be carried out in 2.83 ha area as per their presentation in the SEAC meeting.*


The Authority examined and found that notarized latest Khasra Panchsala of the Khasra nos. involved has not been submitted by the Proponent. Similarly the summary of the EIA has also not been submitted by the Project Proponent. Therefore, the Authority decided that the PP should submit latest Khasra Panchsala of the five Khasra involved along with summary of the EIA within one month."

The Authority examined the Khasra Panchsala and found that the entire Khasra belongs to government land. The Authority also examined the summary of EIA and found it satisfactory.

Based recommendation of the 82nd SEAC meeting dtd. 13.10.2011 and 68th SEAC meeting dtd. 30.10.2010, satisfactory the documents, the Authority decided to accord Prior Environmental Clearance for stone mine in an area of 8.089 ha for production capacity 50,000 cum m/year at village Chandrapura, tehsil Murar, district Gwalior, M.P by M/s Emerald stone Industries Gwalior- M.P.

6. **Case No. 288/2009**, Prior Environmental Clearance for lime stone mine in an area of 12.594 ha for production capacity 20,000 MT / year at village Kharaundi, tehsil Maihar, district Satna by M/S Ghai Enterprises, Station Road PO Maihar, district Satna, MP.

The case was discussed in 65th SEIAA meeting dtd. 26.08.11 and it has been recorded that "*The Authority scrutinized the summary of the EIA, attested/notarized copy of*


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mining lease area and Khasra no. submitted by PP vide letter no. Nil dtd. 11.05.11 and it was observed that the proposed mining lease area consists of private and government lands. The Authority decided that a letter may be sent to Collector, Satna asking him under which provision the private land is given for the mining lease. The Collector, Satna may be requested to submit information 30.09.11."

The Authority examined the information submitted by Collector office, Satna (vide letter dtd 12.01.12) and found satisfactory. The Authority also examined the public hearing and observed that there are no adverse remarks. The yearly afforestation plan submitted by PP for 5.116 ha is also satisfactory. The Authority decided to grant Prior Environmental Clearance for Lime Stone mine in an area of 12.595 ha for production capacity 30,000 T / Year at village Kharaundi, Tehsil Maihar, District Satna by M/S Ghai Enterprises, Station Road P.O. Maihar, District Satna, MP based on recommendation of 76th SEAC meeting dtd 07.01.2012.


7. **Case No. 413/2009**, Prior Environmental Clearance for expansion of the manganese ore capacity from 8,000 TPA to 10,000 TPA and change in technology from open cast mine to under ground mine in area of 6.264 ha at village Jagantola, Tehsil Baihar, district Balaghat, MP by Hira Power and Steels Limited (formally Jain Carbides & Chemicals Ltd.) Plot No .557, 563,564 Urla Industrial Area, Raipur, CG.

The case was discussed in 78th SEIAA meeting dtd. 11.01.12 and it has been recorded that " The Authority examined the documents submitted by the PP (vide their letter no. nill dtd. 19.12.11 and letter no. HPSL/ MINE/ 11-12 /428 dtd. 02.01.12) and found that Kanha National Park / sanctuary / Biosphere Reserve is 30 km away and Wildlife Corridor Reserve is 35 km from the forest boundary. The Authority also examined Khasra Panchsala and found it satisfactory. The letter (No. F-5-16/1981/10-3, Bhopal dtd. 12.12.11) received from the Govt. of Madhya Pradesh Deptt. of Forest were also examined. It reveals that mining lease is old one and therefore there is no need for NOC from the Committee PS, Forest.

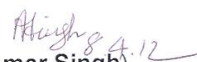
The Authority found that the interstate boundary has not been submitted by the PP. Therefore, the Authority decided that the PP should submit a letter from the Collector, Balaghat indicating distance of the mining area from the interstate boundary. It was also decided that Collector should be asked to provide the required information to the PP.

The notarized copy of the Prior Environmental Clearance letter issued by Ministry of Environment and Forest (letter no. J-11015/212/2006-IA-II (M) dtd. 27.09.2007) was examined by the Authority and it was found that Prior Environmental Clearance has been granted in 6.264 ha area for the production capacity of 8,000 Tonnes per annum based on open cast mining method. The Form- I, ToR issued by SEAC were also examined by the Authority and it was found that PP has applied for 10,000 Tonnes per annum capacity afresh on the same mining area and accordingly ToR has been issued by SEAC. Thus it is evident that it is a case of enhancement of production from 8,000 Tonnes per annum to 10,000 Tonnes per annum along with change in mining methodology from open cast to under ground mining.

As per office memorandum vide no. J-11013/41/2006-IA.II (I) dtd. 01.07.2011 of Government of India, Ministry of Environment and Forests the Authority decided that PP should submit compliance report on Environment Clearance conditions. Beside this PP should submit an affidavit whether they have received any notice under section 5 of the EPA, 1986 or relevant sections of Air and Water Acts and their compliances. It was also decided that a letter should be


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sent to MP Pollution Control Board for submission of the compliance report under Air/ Water Pollution Control Acts. Similarly, a letter should also be sent to the Regional Office, Bhopal of the Ministry of Environment and Forests, Govt for comment on implementation of the compliance of the conditions imposed earlier by the Ministry vide letter dtd 27-09-07."


The Authority scrutinized the letter (no. 326/khali-2/12 Balaghat dtd. 24.01.12) of the office of the Collector (mining) Balaghat and found that Chhatisgarh state boundary is 109 km while that of Maharashtra state is 115 km from the proposed mining site. Thus, the SEIAA has jurisdiction.

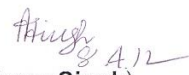
The Authority also examined the compliance report sent by MP Pollution Control Board (vide letter no. 878/mine/MPPCB/2012 Bhopal dtd 09.02.12) submitted under Air and Water Pollution Control Acts and found that PP is complying with consent conditions. Further, there is no legal case under water and air acts. The Authority also examined the letter (3-38/2007/ENV/203 dtd 14.02.12) received from the office of the regional office of the Ministry of Environment & Forests and found that production details from 2005 to 2011 were found within the limit. The Authority also examined the affidavit submitted by the PP and compliance status and found satisfactory.

Based on recommendation of the 82nd SEAC meeting dtd. 13.10.2011 and satisfactory conditions and documents, the Authority decided to accord Prior Environmental Clearance for expansion of the manganese ore capacity from 8,000 TPA to 10,000 TPA and change in technology from open cast to underground mine in an area of 6.264 ha at village Jagantola, Tehsil Baihar, district Balaghat, MP by Hira Power and Steels Limited (formally Jain Carbides & Chemicals Ltd.).

Meeting ended with a vote of thanks to the Chair.


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Member


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