

No. J-11015/142/2016-IA.II (M)

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhavan,
Vayu Wing, 3rd Floor, Aliganj,
Jor Bagh Road, New Delhi-110 003

Dated: 20th June, 2018

To,

Shri Subhash Chand Mukesh Chand

Station Road, Bayana,
District - Bharatpur
Rajasthan - 321401

Sub.: Expansion of production capacity of Silica sand and Masonry stone mine of M/s Shubhash Chand Mukesh Chand from 25000 TPA of Silica sand to 21,50,000 TPA (Masonry Stone -17000TPA with 2,00,000 TPA in crushed form & Silica sand-4,50,000TPA) and installation of primary (2 Nos.) & Secondary crushers (2 Nos) in M.L area of 124.63 Ha located at village -Bhondagan and Jagivanpur, Tehsil-Weir District -Bharatpur Rajasthan-Prescribing TOR as per provisions of this Ministry's Notification S.O.804 (E) dated 14th March, 2017.

Sir,

This refers to your proposal for consideration in terms of the provisions of this Ministry's Notification S.O.804 (E) dated 14th March, 2017 for prescribing terms of reference (ToRs). The Ministry has issued a Notification vide S.O. 804 (E) dated 14th March, 2017 for appraisal of projects for grant of Terms of Reference / Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance, or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006.

2. The Proposal was considered by the Expert Appraisal Committee, constituted in the Ministry for appraisal of the proposals for ToR/EC in pursuance of the Ministry's Notification dated 14th March, 2017, in its meeting held during **June 13-14, 2018**. The Proposal was forwarded by the Expert Appraisal Committee (non-coal mining sector) to this Committee, constituted for dealing the cases of violations.

3. The project involves Expansion of production capacity of Silica sand and Masonry stone mine by M/s Shubhash Chand Mukesh Chand from 25000 TPA of Silica sand to 21,50,000 TPA (Masonry Stone-17000 TPA with 2,00,000 TPA in crushed form & Silica sand-4,50,000 TPA) and installation of crushers in M.L. area of 124.63 Ha, located at village Bhondagan and Jagivanpur, Tehsil-Weir District Bharatpur, Rajasthan.

4. The said project/activity is covered under category A of item 1 (a) of the Schedule to the EIA Notification, 2006, and requires prior EC from the MoEF&CC based on the appraisal by Expert Appraisal Committee.

5. The mining project is in operation by taking EC from MoEF&CC, vide letter no. J-11015/75/2004-IA-II (M) on 21.10.2005. The consent to operate taken from the Rajasthan State Pollution Control Board is presently valid up to 30.06.2018.

6. The proposal for EC application was initially submitted to non-coal mining sector in the Ministry. This Committee observed that EC proposal of M/s Subhash Chand Mukesh Chand was considered in the sectoral EAC (Non Coal mining sector) meeting held during 14-15th May 2018 wherein it is noted that the PP has violated the provisions of E(P) Act, 1986. Sectoral EAC then deferred the proposal with the recommendation to appraise this proposal by the violation committee constituted under the violation notification dated 14.03.2017. Hence project was appraised by the committee dealing the proposals of the violations.

7. The Committee after detailed presentation by project proponent deliberated on the conditions of violations in the existing EC as well as proposed expansion considered the project for admitting to this committee for both violation as well as expansion. The Committee also deliberated on observations raised by sectoral committee and also complaint received from known and unknown sources including the one received on 13.06.2018.

8. The proponent appraised the Committee about the facts, admitted excess production of overburden (OB) and also indicated measures being taken for proper mining, issues flagged by PH and improvement in general environmental conditions through technology and good management practices.

9. The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and **recommended** for issuing the **Term of Reference for undertaking EIA and preparation of Environment Management Plan (EMP)** as follows:

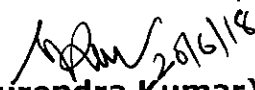
- (i). The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate for expansion project to be issued till the project is granted EC for the expansion.
- (ii). The project proponent shall be required to submit a bank guarantee as per provisions of the Notification dated 14.03.2017 equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
- (iii). Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.

- (iv). Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- (v). The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants
- (vi). The Project Proponent shall give an undertaking by way of affidavit as per Ministry's OM dated 30.05.2018 to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. before grant of ToR/ EC. The undertaking inter-alia include commitment of the PP not to repeat any such violation in future. In case of violation of above undertaking, the ToR/Environmental Clearance shall be liable to be terminated forthwith.
- (vii). Since Public Hearing (PH) has already been conducted on 22/03/2017 covering all the issues given in the earlier ToR for expansion proposal, committee felt that one time PH as per the order of Hon'ble high court of Madras has already taken care and hence repeated PH is not required for this instant proposal.
- (viii). PP shall submit the action taken report on non-compliance of the earlier EC as observed by the report of the Regional Office of the MoEF&CC, Lucknow.
- (ix). Pragmatic environment management plan to address management of high quantity increase in OB, impact on hydrology, impact of change in land use pattern due to change in mining lease area, social economic impact including employment generation direct/indirect, corporate environmental responsibility (CER) and mine remediation plan.
- (x). Certification for production details since inception of mines from Mines and Geology department of Rajasthan.
- (xi). Ground water withdrawal clearance from CGWA, if any.
- (xii). Submission of copy of process layout with proper mass balance.
- (xiii). Impact on traffic management plan due to transport because of increase in OB, pollution due to transportation which will increase enormously because of increase in mineral and OB.
- (xiv). DGMS permission letter for mining.
- (xv). Submission of copy approved mining plan.
- (xvi). PP shall submit the revised EIA/EMP report which inter-alia includes all the above points as deliberated by the Committee.
- (xvii). Fund allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/2017-IA.III dated 1st May, 2018 for various

activities therein. The details of fund allocation and activities for CER shall be incorporated in EIA/EMP report.

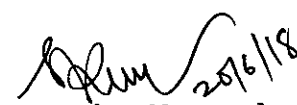
10. This issues with approval of the competent authority.

Yours faithfully,


(Surendra Kumar)
Advisor/Scientist 'G'
Tele-fax: 24695304

Copy to:

- 1). **The Principal Secretary**, Department of Environment, Government of Rajasthan, Secretariat, Jaipur, Rajasthan [**Request to take necessary action as mentioned above**]
- 2). **The Chairman**, Central Pollution Control Board, Parivesh Bhawan, CBD-Cum-Office Complex, East Arjun Nagar, New Delhi-110 032.
- 3). **The Chairman**, Rajasthan State Pollution Control Board, 4, Institutional area, Jhalana, Doongri, Jaipur, Rajasthan.
- 4). **The Secretary**, Department of Mines & Geology, Government of Rajasthan Secretariat, Jaipur, Rajasthan.
- 5). **The Secretary**, Department of Forest, Government of Rajasthan, Secretariat, Jaipur, Rajasthan.
- 6). **The Additional Principal Chief Conservator of Forests**, Ministry of Environment, Forest and Climate Change, Regional Office (CZ), Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow - 226020.
- 7). **The Member Secretary**, Rajasthan State Pollution Control Board, 4, Institutional area, Jhalana, Doongri, Jaipur, Rajasthan.
- 8). **The Controller General**, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur - 440 001
- 9). **The District Collector**, District **Bharatpur**, State of Rajasthan.
- 10). **Guard File.**
- 11). **MoEFCC website.**


(Surendra Kumar)
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8. The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006.

9. The Committee has also, inter-alia, recommended that the **State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate for expansion project to be issued till the project is granted EC for the expansion.**

10. In view of the above, it is requested to take action against the project proponent under the provisions of section 19 of the Environment (protection) Act, 1986 for violation of the EIA Notification, 2006.

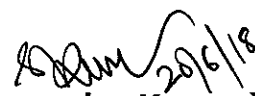
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- 4). **Shri Subhash Chand Mukesh Chand**, Station Road, Bayana, District – Bharatpur, Rajasthan – 321401
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- 6). **MoEFCC website.**


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