

Dalmia Bharat Sugar and Industries Limited

[Formerly : Dalmia cement (Bharat) Limited]
SALEM - 636 012 TAMILNADU

SL:MM:26150.
Date: 20-Sept -2022.

The Member Secretary (Non Coal Mines),
IA-Division, Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003.

Dear Sir,

- Sub: Grant of Environment Clearance for Mining Magnesite and Dunite Minerals over an extent of 449.364 Ha in Chettichavadi Village, Salem District, Tamil Nadu.
- Ref: 1) Our proposal No-IA/TN/MIN/241375/2018.
2) TOR dated 5th Feb 2021.
3) 43rd EAC Minutes of Meeting Held on 14th to 15th Dec 2021
4) Our representation thro' letter no: SL: MM: 26150. dt.31.01.2022, in light of observation in 43rd EAC Minutes of Meeting Held on 14th to 15th Dec 2021.
5) 46th EAC Minutes of Meeting Held on 15th Feb 2022 to 17th Feb 2022.
6) Our revised remediation plan and EMP Budget vide our letter dated 11.03.2022. in light of observation in 43rd EAC Minutes of Meeting Held on 14th to 15th Dec 2021.
7) Our representation letter dated 18.4.2022.
8) Our representation letter dated 20.5.2022.
9) Our representation letter dated 31.8.2022.

This has reference to your query dated 12.09.2022 in Parivesh portal on our proposal No-IA/TN/MIN/241375/2018. Our respectful submissions in respect of the same are as under:

1. In this regard we would like to invite your kind attention to our above submissions on record in respect of submission of valid mining lease documents. In light of observations of EAC in its 43rd meeting held on 15th Dec 2021 to move an application for removal of the condition of Valid Mining Lease Documents, we had already submitted our letter/application dated 31.1.22 praying to grant EC without insisting for valid mining lease document, we along with said letter had already furnished Hon'ble Madras High Court order dated 11.01.2022 in our W.P. No-29275 of 2016 directing us to first obtain EC, to enable State Mining Dept. to consider renewal/subsistence of mining lease.


2. It is a well settled position of law that grant of EC is a pre-requisite for renewal of mining lease / grant of mining lease or for starting/expansion of any project which requires Environmental Clearance and not vice-versa. Hence EC may be granted to us without insisting to first produce valid mining lease document. Tamilnadu State Mining Dept. is also reluctant to issue valid mining lease document in absence of EC.
3. We had also submitted all other information and documents as required by EAC from time to time for grant of EC including revised remediation plan and EMP budget vide our letter cited under reference no-6.
4. Our EC Application is being considered under MOEF Notification No. SO 804 (E) dated 14th March 2017, (Violation Cases) according to which proceedings for alleged violation of environmental laws are independent of grant of EC and EC cannot be withheld on account of such previous violations /during pendency of proceedings for such alleged violation(s). Hence, pendency of court cases against the Project cannot be construed as bar for grant of EC.
5. Further Hon'ble Supreme Court of India in the matter of M/s. Pahwa Plastics Pvt Ltd & Anr. (Vs) Dastak NGO & Ors, (C.A.4795 of 2021., Order dated 25.03.2022) where grant of EC was being considered under *Violation Category* has observed that grant of EC cannot be denied for want of technical reasons.

In view of the forgoing, we request that EC may be granted to us. An opportunity of hearing may also be given to us in this regard.

Thanking You.

Yours Faithfully,
For Dalmia Bharat Sugar & Industries Ltd,




P.G. Kalidass, 20.9.22
Agent & Supdt of Mines,
Pattichavadi Jaghir Magnesite & Dunite Mines,

Mobile: 8072430915.