

## Minutes of the 80<sup>th</sup> meeting of State level Environment Impact Assessment Authority, Jharkhand held on 25<sup>th</sup> September, 2019.

The 80<sup>th</sup> meeting of the State Level Environment Impact Assessment Authority (SEIAA) was convened on 25<sup>th</sup> September, 2019 in the office of SEIAA, Ranchi. The meeting was chaired by Shri S.E.H. Kazmi, Chairman, SEIAA, Jharkhand. The attendance in the meeting was as follows:-

1. Shri S.E.H. Kazmi, Chairman, SEIAA, Jharkhand, Ranchi.
2. Shri Kamlesh Pandey, Member Secretary, SEIAA, Jharkhand, Ranchi.
3. Shri S. C. Narayan, Member, SEIAA, Jharkhand, Ranchi.

The decisions taken in the 80<sup>th</sup> SEIAA meeting are as follows:-

### 1. Discussion on matter related to:-

#### i. DSR related matter – regarding.

The Authority examined the recommendations made by SEAC and it was observed that SEAC has confined on its earlier recommendations which was communicated to SEIAA through 70<sup>th</sup> meeting held on 29-30.04.2019.

The Chairman, SEAC through his remarks requested to make following insertion/corrective observation in the matter of DSR:

*“Conditional EC subject to compliance of the requirements of sustainable sand mining Guidelines - 2016 of MoEF & CC is recommended”.*

Shri Bhanu Kumar Advocate, Jharkhand through his legal opinion provides following observation.

*“In the present case since notification dated – 25.07.2018 and 15.01.2016 are supplemental to each other and both are in pari materia and because operation of notification dated 15.01.2016 has suspended by order of Hon’ble NGT and role of DEIAA and DEAC is eclipsed, notification dated 25.07-2018 also remain suspended and cannot be acted upon”.*

Hence after full deliberation on the facts mentioned above it was unanimously decided that remarks of Chairman, SEAC is impleaded as a conditions of Environmental Clearance for sand mining projects and at the same time it is was also decided that the clarification on applicability of DSR should be sought from MoEF & CC for which Member Secretary, SEIAA has already written a letter no. 482, dated 24.09.2019 to Joint Secretary, MoEF & CC for necessary clarification.

#### ii. Kawabar Stone Mine Project of Sri Binod Kumar, Vill. : Kawabar, Dist. : Koderma (0.81 ha).



The Authority examined the recommendations made by SEAC wherein SEAC has resolved that the decision taken by SEAC earlier stands valid.

In the aforesaid matter Shri Bhanu Kumar, Advocate, Jharkhand High Court through his legal opinion provides following observations.

*“Since decision dated 07.05.2013 and 24.09.2013 taken by SEIAA, Jharkhand has been reviewed and revisited by SEIAA vide its meeting dated 14.11.2015 and 27.05.2015 respectively, resultantly decision taken by SEIAA, Jharkhand on 14.11.2015 and 27.05.2015 will operate with prospective effect”.*

“The Environmental Clearance was accorded by then SEIAA vide letter no. EC/SEIAA/2015-16/1481/2015/2253 date 30.12.2015 on the basis of recommendations of then SEAC in tune with decision taken in meeting dated 14.11.2015 and 27.05.2015. Hence present distance criteria cannot operate with retrospective effect, it was also acknowledged that this project is out of ESZ of Koderma Wildlife Sanctuary which was duly notified by MoEF & CC Govt. of India vide SO 2895 (E) dated 09.08.2019”, which has also been clarified/authenticated by Divisional Forest Officer Wildlife, Hazaribagh vide his letter no. 1970, dated 18.09.2019”.

Hence after full deliberation on the facts mentioned above it was unanimously decided that:

1. The project proponent should be directed to submit compliance report of stipulated conditions of Environmental Clearance to regulatory authority.
- iii. Dharguli Stone Mine of M/s Balaji Enterprises of Shri Jitendra Yadav at Vill. : Kalichatan, Thana : Bagodar, Dist. : Giridih (4.47 ha).**

The Authority examined the recommendations made by SEAC wherein SEAC has recommended that the project proponent has violated the provisions of Forest (Conservation) Act, 1980. The said act of violation would attract penal provisions of Forest (Conservation) Act & Rules.

The Chairman SEAC through his remarks make following observation:

*“Competent authority may take appropriate action.”*

Hence, after full deliberations it was unanimously decided that SEIAA, Jharkhand is agreed with the observation made by Chairman SEAC and decides to:

1. Environmental Clearance should be withdrawn with immediate effect.
2. The proceeding of SEAC should be forwarded to DFO, Hazaribagh East Division for appropriate action.



iv. **Bricks Clay Mining of M/s 555 Bricks (Prop : Shri Jitendra Singh) at Vill. : Japakona-Kumbharband, P.S. : Simdega, Dist. : Simdega (1.00 ha).**

This matter pertains to DFO Simdega letter no. 1217 dated 23.05.2019 in which he has informed that the said project is situated at 400 mtrs. from boundary of Palkot Wildlife Sanctuary. Therefore, he has requested to withdraw the Environmental Clearance since the said project comes under ESZ.

SEIAA, Jharkhand vide its letter no. 272, dated 17.06.2019 had issued the show cause notice to the PP and ask to explain why granted Environmental Clearance to the said projects, shall not be withdraw with immediate effect.

The project proponent has submitted the reply vide its letter dated 15<sup>th</sup> July, 2019 which was made available to SEAC as per the decision taken in 76<sup>th</sup> meeting held on 31<sup>st</sup> July and 1<sup>st</sup> August, 2019.

Ministry of Environment, Forest and Climate Change, Govt. of India vide its notification SO – 2897 (E) dated 09.08.2019 has made the final notification of Eco Sensitive Zone (ESZ) of Palkot Wildlife Sanctuary.

As per the aforesaid notification the Village – Japakona (i.e. project) comes under the bounding of ESZ of Palkot Wildlife Sanctuary. Since the Brick Clay Mining is a mining activity (minor minerals) which is prohibited activity and it cannot be allowed to continue.

The SEAC has recommended that Environmental Clearance should be withdrawn with immediate effect. Hence, after full deliberation it was unanimously decided that recommendation made by SEAC in this regard is final and accordingly Environmental Clearance should withdrawn with immediate effect.

v. **The decisions taken in the 80<sup>th</sup> SEIAA meeting on the observation of Chairman SEAC :-**

Chairman, SEAC has pointed out the functioning of SEAC and highlighted the role and responsibilities of SEAC.

It is often seen that SEAC, Jharkhand is working beyond the powers conferred in the EIA notification, 2006. SEAC has also been instructed / directed by the SEIAA in this regard earlier on different occasions.

SEIAA agreed with the observation of Shri K. P. Bhawsinka, Chairman, SEAC. Therefore, it was unanimously decided that in future SEAC, Jharkhand should not act beyond the powers conferred in EIA Notification, 2006.

2. SEIAA considered the recommendations made by SEAC in its 78<sup>th</sup> meeting held on 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> September, 2019 for grant of Environmental Clearance to the following projects.

- i. Karnodih Stone Deposit of Sri Saroj Kr. Mehta, Vill. : Karnodih, Tehsil :Saria, Dist. : Giridih (1.133 ha). (Proposal No. : SIA/JH/MIN/37985/2019).
- ii. Jitpur Stone Mine of M/s Ran Enterprises (Prop. : Sri Amit Kumar), Vill. : Jitpur, P.O. : Dharampur, Thana : Gopikandar, Dist. : Dumka (2.65 Ha). (Proposal No. : SIA/JH/MIN/39835/2019)
- iii. Pokharia Stone Mine of Sri Pratyusdhar Jha, Vill. : Pokharia, P.O. : Benagaria, P.S. : Shikaripara, Dist. : Dumka (2.31 Ha). (Proposal No. : SIA/JH/MIN/40679/2019)
- iv. Bahirgram Stone Mine of M/s Rohit Rajdev & Mohit Rajdev, Vill. : Bahirgram, P.O. & P.S. : Pakur, Dist. : Pakur (0.44 Ha). (Proposal No. : SIA/JH/MIN/38115/2019)
- v. Aktadih Stone Mine Project of M/s Dilip Buildcon Ltd, Vill. : Aktadih, P.O. : Bagodar, Dist. : Giridih (0.80 ha). (Proposal No. : SIA/JH/MIN/30891/2019)
- vi. Chino Stone Mine Project of M/s Dilip Buildcon Ltd., Vill. : Chino, P.O : Dumri, Dist. : Giridih (0.67 ha). (Proposal No. : SIA/JH/MIN/38294/2019)
- vii. Jonkmari Stone Deposit of M/s Kashi Builders & Services Pvt. Ltd., Vill. : Jonkmari, P.S. : Jirwawadi, Dist. : Sahibganj (2.84 ha). (Proposal No. : SIA/JH/MIN/40002/2019)
- viii. Karmatand Stone Deposit of Sri Prabhash Anand, Vill. : Karmatand, Thana : Gandey, Dist. : Giridih (1.097 Ha). (Proposal No. : SIA/JH/MIN/38282/2019)
- ix. Sidhpahari Stone Mine of Sri Ram Sevak Yadav, Vill. : Sidhpahari, P.S. : Hiranpur, Dist. : Pakur (1.66 Ha). (Proposal No. : SIA/JH/MIN/41066/2019)
- x. Pahar Aamchuwa Stone Mine of Sri Mahesh Yadav, Vill. : Pahar Aamchuwa, P.O. : Pagdaha, P.S. : Shikaripara, Dist. : Dumka (1.81 Ha). (Proposal No. : SIA/JH/MIN/41374/2019)
- xi. Rehra Stone Mine of Sri Mukesh Kr. Singh, Vill. : Rehra, Tehsil : Chhatarpur, Dist. : Palamau (1.33 Ha). (Proposal No. : SIA/JH/MIN/37878/2019).
- xii. Kusum Ghati Stone Mine of M/s Vishnu Stone Enterprises, Vill. : Kusumghati, Thana : Shikaripara, Dist. : Dumka (1.84 Ha). (Proposal No. : SIA/JH/MIN/37978/2019).

**It has been decided to grant Environmental Clearance to the above mentioned project proposals with the conditions recommended by SEAC alongwith following additional conditions as decided by SEIAA in its 65<sup>th</sup> meeting held on 07.01.2019 in the light of Hon'ble NGT order dated : 13.09.2018 and MoEF & CC, OM dated 12.12.2018.**

- a. **Providing for EIA, EMP and therefore public consultation for all areas from 5 to 25 Ha falling under category B-2 at par with category B-1 by SEIAA/SEAC as well as for cluster situation wherever it is not provided.**
- b. **Form-1M be made more comprehensive for areas of 0 to 5 Ha by dispensing with the requirement for public consultation to be evaluated by SEAC for recommendation of grant of EC by SEIAA instead of DEIAA/DEAC.**
- c. **If a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior Environmental Clearance.**



- d. EIA and /or EMP be prepared for the entire cluster in terms of recommendations 5 (supra) of the guidelines for the purpose of recommendations 6, 7 and 8 thereof.
  - e. Revise the procedure to also incorporate procedure with respect to annual rate of replenishment and time frame for replenishment after mining closure in an area.
  - f. The MoEF & CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined- out areas along with the Net present value of Ecological services forgone because of illegal or unscientific mining.
3. SEIAA considered the recommendations made by SEAC in its 78<sup>th</sup> meeting held on 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> September, 2019 for grant of ToR to the following project.
- i. Expansion & Modernization Project of M/s Mongia Steel Ltd., Mouza : Dandidih (Burhiadih), Tehsil & Dist. : Giridih). (Proposal No. : Proposal No. : SIA/JH/IND/36503/2019).

**It was decided to grant ToR to the above mentioned project proposal with the conditions recommended by SEAC.**

4. SEIAA considered the recommendations made by SEAC in its 78<sup>th</sup> meeting held on 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> September, 2019.
- i. Fatehpur Stone Mine of M/s Mishra Stone Works, Vill. : Fatehpur, Tehsil : Hiranpur, Dist. : Pakur (3.37). (Proposal No. : SIA/JH/MIN/62472/2019).
  - ii. Belpahari Stone Mine of M/s Maa Durga Stone Works Product, Vill. : Belpahari & Beldiha, Tehsil : Hiranpur, Dist. : Pakur (12.15 Ha). (Proposal No. : SIA/JH/MIN/36399/2019).

**It was decided to grant ToR to the above mentioned project proposals with the conditions recommend by SEAC along with following additional conditions as decided by SEIAA in its 65<sup>th</sup> meeting held on 07<sup>th</sup> January, 2019 in the light of Hon'ble NGT order dated 13.09.2018 and MoEF & CC O.M. dated – 12.12.2018.**

- a. Providing for EIA, EMP and therefore public consultation for all areas from 5 to 25 Ha falling under category B-2 at par with category B-1 by SEIAA/SEAC as well as for cluster situation wherever it is not provided:
- b. Form-1M be made More comprehensive for areas of 0 to 5 Ha by dispensing with the requirement for public consultation to be evaluated by SEAC for recommendation of grant of EC by SEIAA instead of DEIAA/DEAC;
- c. If a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior Environmental Clearance.
- d. EIA and /or EMP be prepared for the entire cluster in terms of recommendations 5 (supra) of the guidelines for the purpose of recommendations 6, 7 and 8 thereof;



- e. Revise the procedure to also incorporate procedure with respect to annual rate of replenishment and time frame for replenishment after mining closure in an area:
- f. The MoEF & CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined- out areas along with the Net present value of Ecological services forgone because of illegal or unscientific mining

**5. Decision on matter related to:-**

**i. Regarding Electric Generator..**

Considering the uninterrupted supply of Electricity for SEIAA and SEAC Offices, it was unanimously decided to purchase an Electric Generator through GEMS.

**ii. Site Visit Report to Madhopur & Parodih Stone Mine of M/s Mahesh Kr. Verma & Others, Vill. : Madhopur & Parodih, Dhanwar, Giridih (0.52 ha).**

The project proponent has submitted the compliance of 76<sup>th</sup> meeting of SEIAA held on 31<sup>st</sup> July and 01<sup>st</sup> August, 2019 through his letter dated 18.09.2019.

Hence, after full deliberations it was unanimously decided that corrigendum should be issued in the light of recommendation made by SEAC through his 67<sup>th</sup> meeting held on 25<sup>th</sup> – 27<sup>th</sup> February, 2019.

**iii. Hon'ble NGT Order dated 23.09.2019 in OA 45/2019/EZ, R. K. Singh Vs Union of India & Ors - Regarding.**

The Authority considered the Hon'ble NGT order dated 23.09.2019 of above OA in letter and Spirit and after full deliberations it was unanimously decided that order dated 23.09.2019 of Hon'ble NGT and original application should be forwarded to CPCB for necessary compliance and same should be forwarded to SEAC for appropriate action.

**The meeting concluded with vote of thanks to the Chairman.**



**Member  
SEIAA**



**Member – Secretary  
SEIAA**



**Chairman  
SEIAA**