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Ministry of Environment, Forest & Climate Change, Govt. of India.

J&K UT LEVEL EXPERT APPRAISAL COMMITTEE (JKEAC)

Department of Ecology, Environment & Remote Sensing

SDA Housing Colony, Bemina, Srinagar, Kashmir

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MINUTES OF MEETING

MINUTES OF 106TH MEETING OF THE JK EXPERT APPRAISAL COMMITTEE HELD ON 30TH OF JANUARY, 2023 VIA VIDEO CONFERENCING

In pursuance of meeting notice issued vide No: EAC/JK/23/14598-14617 dated: 24/01/2023, the 106th Meeting of JK Level Expert Appraisal Committee (JKEAC) was held on 30th of January, 2023 at 11 A.M. via video conferencing. The following attended the meeting:-

No.	Name	Designation
1	Mr. S.C. Sharma, IFS(Rtd.)	Chairman
2	Mr. M.A Tak, IFS(Rtd.)	Member
3	Engineer B.B. Sharma	Member
4	Prof. Anil Kr. Raina	Member
5	Mr. Irfan Yasin	Member
6	Mr. A.R.Makroo	Member
7	Mr.Humayun Rashid	Secretary

The Secretary, JKEAC welcomed the Chairman, Members of the JK Expert Appraisal Committee, project proponents and the consultants.

The meeting proceeded as per following sequence: -

Agenda No.1 to Agenda No.6: Grant of Terms of Reference in favour of mining block no. 5/9- with area:9.52 Ha, Block-5/11 with area 8.59 ha, Block-5/12 with area 6.29 ha in Katharwali Khad, Block 61(5/36) with area 5.28 ha at Chauki Chaura downstream Chagial Bridge; Block 58(5/33) with area 9.66 ha at Khourwali Khad downstream Khour Bridge and Block-5/13 with area 8.69 ha at Khatharwalli Khad Upstream, Manah Khathar bridge, Village- Manoa, Tehsil-Akhnour, District-Jammu, J&K U.T respectively.

Deliberations:

- Mr. Barinder Singh Chaudhary represented the project proponents of the above mining blocks while as Ms Anjali represented the consultant M/S Vitasta Enviro Services Pvt. Ltd. Before the consultant could give any presentation, JKEAC members asked her as to why she had applied for ToRs as fresh cases when the ECs stand already granted for specified period with an option to seek extension within the validity period of two years subject to conditions of the ECs so granted by JKEIAA earlier on the recommendation of this forum.
- Ms Anjali presented the copy of Govt. order No. 76-JK(FST) of 2020 dated 09/07/2020 and contended that Amendment dated 28/03/2020 issued by the MoEF&CC under No. S.O.1224(S)referred to in the said Govt. order provided a mechanism where under the new lessee shall be deemed to have valid EC vested with the previous lessee for a period of two

years from the date of commencement of new lease or till the new lessee obtains fresh EC whichever is earlier.

- c) However, the Committee was of the opinion that, in the present cases, the ECs stand already vested in the name of the new lessees who, as per the conditions of the ECs, are supposed to apply for extension after following due process as underlined in the conditions of the ECs so granted in the past. Members asked the Secretary, JKEAC to present the Minutes of Meeting of the JKEIAA where under the G.O. as referred herein above was deliberated.
- d) MoM of JKEIAA bearing No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 were presented and read out before the forum. It was found that JKEIAA had taken the following decisions in respect of all such cases :-

1. Where an EC stands already issued in favour of previous allottee, the same shall be valid in favour of the new allottee for a period of two years from the date of issue of Letter of Intent in favour of the new allottee during which time, the new allottee shall apply for fresh EC as per procedure.

2. Where the previous allottee had obtained TORs for preparation of Environmental Impact Assessment (EIA)/Environmental Management Plan (EMP) and had applied for Public Hearing but the Public Hearing Report (PHR) had not yet been issued, the new allottee shall apply for Public Hearing afresh, obtain Public Hearing Report and apply online on Environmental Clearance Portal at www.parivesh.nic.in for EC with all the prerequisite documents.

3. Where the previous allottee had obtained TORs for reparation of EIA/EMP and had also obtained PHR, the new allottee shall directly apply for EC with all other statutory documents like; Approved Mining plan, Pre-feasibility Report/ EIA/EMP (as per requirement certifying its originality / ownership) including Public Hearing Report (PHR) of the previous allottee. The Expert Appraisal Committee shall appraise all such cases while considering the PHR of the previous allottee and make recommendation on the merits of individual cases for grant of EC with validity period of only 2 years. The EC so granted shall be extended only if the new allottee gets fresh Public Hearing (PHR) conducted for such projects by JKPCB within the 2 years of validity period of EC.

- e) JKEAC observed that the decision taken under para 3 supra clearly applies to all cases listed under agenda 1 to 6. Therefore, the representative of the PP and the consultant were informed that the listed cases cannot be treated as fresh cases as these pertain to leases under operation after issuance of ECs from time to time, which only require extension in validity subject to compliance of the conditions as laid down in all such environmental clearances and satisfactory replenishment reports.
- f) The JKEAC asked the consultant whether the Lease is still valid or it has expired and if it is still valid, what is the validity period of lease still left to execute the mining operations. At this she informed that the leases are still valid and presented the copy of lease deed of the first agenda which showed that the lease was for 5 years w.e.f **June 2021**.

Recommendations:

In view of the above deliberations, JKEAC recommended that the PPs may be asked to apply for extension of the earlier ECs in terms of Minutes of Meeting of JKEIAA issued vide No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 and further subject to compliance of all conditions of the previous ECs and satisfactory replenishment report formulated by G&M Dept. and adopted by JKEIAA.

The minutes were formulated online by the JK Level Expert Appraisal Committee (JKEAC) and are hereby issued with approval of the esteemed Chairman, JKEAC.



(Humayun Rashid)
S E C R E T A R Y
JKUT level Expert Appraisal Committee

NO:EAC/JK/23/14683-14695

Dated:03-02-2023

Copy by email to:

1. The Member Secretary, J&K Environment Impact Assessment Authority (JKEIAA), /PCCF/Director, Ecology, Environment and Remote Sensing, J&K Govt., Jammu for favour kind information.
2. Sh. S. C. Sharma, Chairman, J&K Expert Appraisal Committee, (JKEAC) 331 Shastri Nagar, Jammu-180004 for favour of kind information.
3. Sh. M.A Tak, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) 124 Mominabad (Near Jakfed), Anantnag Kashmir,-192101 for favour of kind information.
4. Sh. BrajBhushan Sharma, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) 278/2 Channi Himmat, Jammu for favour of kind information.
5. Professor Shakeel Ahmad Romshoo, Member, J&K Expert Appraisal Committee, (JKEAC) Department of Earth Sciences Kashmir University Srinagar-190006 for favour of kind information and necessary action please.
6. Sh. Abdul Rashid Makroo, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) H/No. 9 Lane No 11 Sector C, Gulshan Nagar Nowgam Bypass, Srinagar-190019 for favour of kind information please.
7. Professor ArvindJasrotia Member, J&K Expert Appraisal COMMITTEE, (JKEAC) 33/D Sainik Colony Jammu-180011 for favour of kind information please.
8. Dr.Ghulam Mohammad Dar, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Main Campus IMPA&RD, M.A Road, Srinagar-190001 for favour of kind information please.
9. Sh. IrfanYasin, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Bagh-e-Hyderpora, Bypass, Srinagar for favour of kind information please.
10. Professor Anil Kumar Raina, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Department of Environmental Science University of Jammu, Jammu-180006 for favour of kind information please.

11. Professor M. A. Khan, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Khan House, A-27 Milatabad, Peerbagh “B” Srinagar for favour of kind information please.
12. Dr.Falendra Kumar Sudan, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Professor Department of Economics University of Jammu, Jammu for favour of kind information please.
13. Sh. Sheikh Sajid, PA for information and with direction to upload the minutes on the environmental clearance portal at parivesh.nic.in.
14. Concerned File.