

Minutes of the 76th meeting of State level Environment Impact Assessment Authority, Jharkhand held on 31st July and 01st August, 2019.

The 76th meeting of the State Level Environment Impact Assessment Authority (SEIAA) was convened on 31st July and 01st August, 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 76th SEIAA meeting was as follows:-

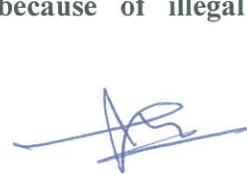
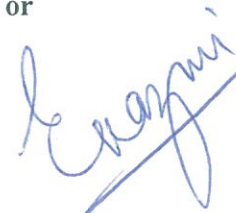
1. SEIAA considered the recommendations made by SEAC in its 74th meeting held on 10th, 11th and 12th July, 2019 for grant of Environmental Clearance to the following projects.

- i. Chito Stone Deposit of M/s Harshraj Mining LLP (Shri Abhishek Kumar), Vill. : Chito, Tehsil : Patratu, Ramgarh (3.205 ha).

It was decided to grant Environmental Clearance to the above mentioned project proposal with the conditions recommended by SEAC alongwith following additional conditions as decided by SEIAA in its 65th meeting held on 07.01.2019 in the light of Hon'ble NGT order dated : 13.09.2018 and MoEF & CC, O.M. dated : 12.12.2018 as recommended by SEAC:-

- 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.



- ii. Proposed 1x 30 MW Coal based Captive Power Plant within Existing 4.6 MTPA Cement Grinding Unit of M/s Nuvoco Vistas Corporation Ltd at Vill. : Jojobera, P.O. :Rahargora, Dist. : E. Singhbhum, Jharkhand.

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

- iii. "Ashiana Aditya" of M/s Ashiana Housing Ltd, Vill. : Asangi, Tehsil :Adityapur, Dist. : Saraikela, Jharkhand.

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

- iv. Mandramo Stone Mine of M/s Baba Stone, Vill. : Mandramo, P.O : Bagodar, Dist. : Giridih, Jharkhand (1.40 ha).

It was decided to grant Environmental Clearance to the above mentioned project proposal with the conditions recommended by SEAC alongwith following additional conditions as decided by SEIAA in its 65th meeting held on 07.01.2019 in the light of Hon'ble NGT order dated : 13.09.2018 and MoEF & CC, O.M. dated : 12.12.2018 as recommended by SEAC:-

- 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.
- v. Upgradation of technology at existing standalone Cement Grinding Unit of M/s Dalmia Cement (Bharat) Ltd. at Bokaro Industrial Area, Balidih, Bokaro, Jharkhand.

The Authority examined the recommendations made by SEAC along with the previous Environmental Clearance granted vide letter no. EC/SEIAA/2016-17/1997/2017/295, dated 08.12.2018 to the said project and EIA notification, 2006

and it was observed that project proponent has not submitted the compliance report which is the mandatory provisions of Environmental Clearance conditions X(v) as well as EIA notification, 2006. The ministry of Environment, Forest and Climate Change, Govt. of India has laid down the provision vide S.O. 1533 (E) dated 14th September, 2006 (under para 10(ii)) which is quoted as under:-

Quote:

“It shall be mandatory for the project management to submit half yearly compliance reports in respect of the stipulated prior Environmental Clearance terms and conditions in hard and soft copies to the regulatory authority concerned on 1st June and 1st December of each calendar year”.

SEAC, Jharkhand did not seek the compliance report before recommending the said project, hence after full deliberations on the fact mentioned above it was unanimously decided that after submission of compliance to the stipulated conditions of Environmental Clearance, the present recommendation of SEAC will be considered.

- vi. **New All India Institute of Medical Science (AIIMS) of M/s National Building Construction Corporation Ltd (NBCC) at Vill. : Utimpur, Sultanpur and Rampur, Thana : Deoghar, Dist. : Deoghar, Jharkhand.**

The Authority considered the recommendations made by SEAC in word and spirit and after full deliberations it was unanimously decided that the recommendation made by SEAC in this regard is final.

2. Discussion on matter related to 75th meeting of SEAC held on 24th, 25th and 26th July, 2019.

- i. **Regarding review of EC granted earlier, without getting proper clearance from NBWL / SBWL.**

- a. The Authority examined the recommendations made by SEAC in the light of 75th meeting of SEIAA held on 04.07.2019 and it was observed that SEAC, Jharkhand has recommended that EC of the said 37 projects out of 40 projects be kept in abeyance as per provisions of E (P) Act, 1986.

The information with regard to said 40 projects were sent by JSPCB vide letter no. B-1286, dated 13.12.2018 to SEIAA thereafter, the matter was referred to SEAC vide this office memo no. 338, dated 29.12.2018 and letter no 104, dated 01.03.2019. SEAC, Jharkhand has made the recommendation vide 72nd meeting of SEAC held on 27th – 30th May, 2019 that the earlier granted Environmental Clearance of all said 40 projects be put on abeyance which were considered in 75th meeting of SEIAA held on 04th July, 2019 and



after detail deliberations on the recommendations, SEAC was directed to ascertain the distance of said 40 projects from the boundary of protected area/ESZ from concerned wildlife DFO's and project proponents but SEAC has not sent any authenticated certificate/letter issued by concerned DFO's wildlife regarding the distance of project from the boundary of protected area/ESZ which is essential for appropriate action..

SEAC did not take cognizance of the advice to procure or provide the reports related to distance from the boundary of protected area/ESZ in all said 40 projects from concerned wildlife DFO's to SEIAA. Therefore, after full deliberations it was unanimously decided to authorise Member Secretary, SEIAA to procure the reports related to distance from the boundary of protected area/ESZ from concerned Wildlife DFO's in said 40 projects as well as the report sought by SEAC by SEAC from project proponents to be submitted to the Authority within 15 days.

- b. The reference letters with regard to legal opinion of Shri Bhanu Kumar, Advocate has not been made available to SEAC is not true because the reference letter of Shri Bhanu Kumar, Advocate has all ready been sent to Member SEAC through file no. 1481 on dated 16.07.2019. However, it is again being forwarded the said letters to SEAC.

ii. JSMDC Ltd. letter no. 1062, dated 06.07.19 regarding method of mining for sand projects of JSMDC Ltd.

The Authority considered the recommendations made by SEAC and it was observed that SEAC, Jharkhand is the technical body and in its opinion it has been illustrated that SEAC requires clarification regarding method of mining for width more than or less than 100 meter from MoEF & CC. Therefore, SEAC, Jharkhand is being advised to seek technical clarification from the MoEF & CC.

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

The Authority examined the recommendations made by SEAC alongwith deliberations on the site Inspection report which conducted by Dr. B. K. Tewary and Shri U. P. Sing. Member, SEAC, Jharkhand as well as an application dated – 24.12.2015 of project proponent with regard to correction of plot no. in issued Environmental Clearance.

The records available in the file which indicates that project proponent has submitted the first proposal alongwith scrutiny fee for grant of Environmental

Clearance on 10.07.2015 and all the certificates furnished with application shows that Environmental Clearance is to be issued for plot no. 3/1129(P) and 284/1(P) (Gram Sabha, CO Certificate, DFO Certificate, DMO (contiguous) Report). In Form-1 the Plot No. – 3/1119(P) has been mentioned in place of Plot No. 3/1129(P).

Without considering these facts during the appraisal of proposal by SEAC (31st meeting part-D held on 03-06 August, 2015), the recommendation for grant of Environmental Clearance has been forwarded for the plot no. mentioned in Form-1. Accordingly, Environmental Clearance was issued vide letter no. EC/SEIAA/2015-16/861/2015/1555 dated 09.09.2015 by SEIAA (37th meeting held on 04th September, 2015) on the basis of recommendation of then SEAC. Meanwhile the tenure of then SEIAA and SEAC, Jharkhand ended on 26.12.2015. Therefore, the prayer made by project proponent vide letter dated 24.12.2015 was forwarded to SEAC with regard to correction in Environmental Clearance.

The new SEIAA and SEAC was constituted by Ministry of Environment, Forest and Climate Change, Govt. of India vide S.O 3415(E) dated 09.11.2016. Therefore, through very first meeting of SEIAA and SEAC, Jharkhand held on 25.11.2016, the application of the project proponent, revised (Form-1, PFR, AMP) and said file had been transferred to SEAC for appropriate recommendation.

The SEAC, Jharkhand vide 67th meeting held on 25th - 27th February, 2019 (after 26 month) has recommended to issue the corrected EC specifying the Khata No. 25, Plot No. 3/1129(P) and Khata No. 14, Plot No. 284/1. The recommendations of SEAC was considered in 68th meeting of SEIAA held on 19th and 23rd March, 2019 through which SEAC is requested to examine whether the project proponent has made any mining activity at proposed land.

In pursuance of 68th meeting of SEIAA held on 19th and 23rd March, 2019. The member, SEAC **Dr. B. K. Tewary** and **Shri U.P. Singh** has conducted the site inspection on 16.06.2019 and report was placed before SEAC which communicated through Member Secretary, SEAC letter no. 155, dated 17.07.2019 and 75th meeting of SEAC held on 24th – 26th July, 2019 and SEAC has expressed their view:-

- a. Project proponent has done mining activity on plot no. 3/1129(P) and 284/1.
- b. The mining activity is unscientific.

After full deliberations, it was unanimously decided that show cause notice will be issued to project proponent and ask to submit the reply on the concern expressed by SEAC.

3. SEIAA considered the recommendations made by SEAC in its 75th meeting held on 24th, 25th and 26th July, 2019 for grant of Environmental Clearance to the following projects.

- i. Pali Stone Deposit of Smt. Lalita Devi, Vill. : Pali, Taluka : Patratu, Dist. : Ramgarh (0.87 Ha).
- ii. Thakur Nahan Stone Mines of M/s Arun Construction & Golden Company at Vill. : Thakur Nahan, P.S. : Poraiyahat, Dist. : Godda (2.29 Ha).
- iii. Lakhibad Stone Mine of M/s Lakhinarayan Stone Works at Vill. : Lakhibad, P.O. : Ranga Mission, P.S. : Gopikandar, Dist. : Dumka (1.53 Ha).

It was 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 65th meeting held on 07.01.2019 in the light of Hon'ble NGT order dated : 13.09.2018 and MoEF & CC, O.M. dated : 12.12.2018 as recommended by SEAC:-

- 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-IM 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.

4. SEIAA considered the recommendations made by SEAC in its 75th meeting held on 24th, 25th and 26th July, 2019 for grant of ToR to the following projects.

- i. Sherua Sand Ghat in the river bed of Sakari river of M/s JSMDCLtd., Vill. : Sherua, Tehsil : Gawan, Dist. : Giridih (19.47 ha).
- ii. Kobna Dumrikala Sand Ghat in the river bed of Lilajan of M/s JSMDCLtd., Vill : Kobna Dumrikala, Tehsil : Hunterganj, Dist. : Chatra (Kobna : 13.84 ha + Dumrikala : 8.80 ha = 22.64 ha).

It was decided to grant ToR to the above mentioned project proposals with the conditions recommended by SEAC alongwith following additional conditions as decided by SEIAA in its 65th meeting held on 07.01.2019 in the light of Hon'ble NGT order dated : 13.09.2018 and MoEF & CC, O.M. dated : 12.12.2018 as recommended by SEAC:-

- 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. SEIAA considered the recommendations made by SEAC in its 75th meeting held on 24th, 25th and 26th July, 2019.

- i. Expansion of Coke Oven Plant of M/s Amit Coke Industries at Vill. : Gahira, Dhanbad.

The Authority examined the recommendations made by SEAC whereby SEAC has recommended to reject and delist the above project proposal as per provision of MoEF & CC OM No. J-11013/5/2009-IA-II (Part) dated 30.10.2012. Hence, it was unanimously decided that the recommendation of SEAC in this regard is final.

6. Decision on matter related to:-

- i. Bricks Clay Mining for M/s 555 Bricks of Shri Jitendra Singh at Vill – Japka-kona-Kumbharband, P.S.- Simdega, Dist – Simdega, Jharkhand (1.00 Ha) .

The Authority has received the complaint made by Divisional Forest Officer, Simdega vide letter no. 1217 dated 23.05.2019 whereby it was informed that the said project lies within 400 meter from Palkot Wild Life Sanctuary.

In the light of complaint received, a clarification was sought from project proponent by giving duly notice vide letter no. 272, dated 17.06.2019 of this office. The written reply was submitted by project proponent vide letter dated 15th June, 2019 which were put up before the SEIAA and after full deliberations it was unanimously decided that the complaint made by DFO, Simdega and reply

submitted by project proponent alongwith concerned file be transferred to SEAC for appropriate recommendation.

ii. **Dharguli Stone Mine of M/s Balaji Enterprises of Shri Jitendra Yadav at Village – Kalichatan, Thana – Bagodar, Dist – Giridih, Jharkhand (4.47 Ha).**

The Authority has received the complaint made by Divisional Forest Officer, Hazaribagh East Division vide letter no. 2305, dated – 09.07.2019 whereby DFO, Hazaribagh informed that on the basis of the fake signature of then Divisional Forest Officer, Hazaribagh East Division, the mining lease has been executed in favour of the said project in the light of the recommendation of then assistant Mining Officer, Giridih.

The Authority has issued the show cause notice to project proponent vide letter no. 318 dated 19.07.19 and project proponent has submitted the reply of show cause notice on 30.07.2019 which were put up before SEIAA and after full deliberations it was unanimously decided that the complaint made by DFO, Hazaribagh East Division and reply submitted by project proponent alongwith concerned file be transferred to SEAC for appropriate recommendation.

iii. **Dumraon Stone Deposit of Shri Rajesh Kumar Mehta at Village- Dumraon, P.S.- Ichak, Dist- Hazaribagh, Jharkhand (1.21 Ha).**

A complaint has been made by District Mining Officer, Hazaribagh vide memo no. 1946/एम० dated 22.10.2018 through which he has informed that the project proponent of said project has extracted extra minerals in respect of capacity mentioned in Environmental Clearance in fiscal year 2016-17 and 2017-18. Therefore, a written reply was received by giving duly notice to DMO, Hazaribagh and project proponent Shri Rajesh Kumar Mehta which was put up before 71st meeting of SEIAA through which Member Secretary, SEIAA was authorised to conduct hearing for collecting the proof and summary of report is given as under:

To verify the fact, a hearing was called, wherein District Mining Officer, Hazaribagh and project proponent Shri Rajesh Kumar Mehta were present and the evidence submitted by the both parties during the hearing is given as under:

District Mining Officer, Hazaribagh:- District Mining Officer, Hazaribagh has submitted that the project proponent has excavated 16017.8 tonne of stone boulder in year 2016-17 wherein permissible limit of Environmental Clearance is only 15271 tonne and in fiscal year 2017-18 the project proponent has excavated 16072 tonne in respect of permissible limit of Environmental Clearance is 15244 tonne.



Shri Rajesh Kumar Mehta (Project Proponent):- Project proponent has argued that the District Mining Officer, Hazaribagh has calculated the mineral by considering 25 cft=1 tonne but the actual weight of said minerals is 27 cft=1 tonne.

Therefore, to ascertain the fact Deputy Director, State Geological Laboratory, Hazaribagh was requested to examine the mineral in question. Chemical analysis was done by State Geological Laboratory, Hazaribagh and report has been sent by Deputy Director, State Geological Laboratory, Hazaribagh vide his letter no. 306, dated 04.05.2019. The same report has also been sent by District Mining Officer, Hazaribagh vide letter no. 420 dated 22.04.2019 through which it has informed that the weight of said minerals is 29.17 cft=1 tonne.

The detail of the calculation of mineral in question as well as the report of DMO, Hazaribagh and Environmental Clearance granted is as follow:-

Sl. No.	Fiscal Year	Quantum for extraction of minerals as per EC granted (Tonn)	As per Report of DMO, Hazaribagh quantum of extraction of minerals by project proponent (Tonn)	As per report of Deputy Director, State Geological Laboratory, Hazaribagh (Tonn)
1.	2016-17	15,271	16017.8	13718.56
2.	2017-18	15,244	16072	13714.42

The District Mining Officer, Hazaribagh has agreed to withdraw the charge framed by him and he has acknowledged that the project proponent has excavated the minerals within the limit of Environmental Clearance. Therefore, matter should be dropped now.

The Authority has considered the fact mentioned above and after full deliberations it was unanimously decided that the charge framed by District Mining Officer, Hazaribagh has not been proved. Hence, the information in this regard shall be communicated to the DMO, Hazaribagh and project proponent accordingly.

The meeting concluded with vote of thanks to the Chairman.



**Member
SEIAA**



**Member – Secretary
SEIAA**



**Chairman
SEIAA**

5