

State Level Environment Impact Assessment Authority, Rajasthan
Main Building, Room No. 5221, Secretariat, Jaipur
E-mail: seiaaseiaa2018@gmail.com Phone no. 0141-2227838

F1(4)/ SEIAA/SEAC- Raj./Sect/Cat.1(a). B1(681)/15-16

Dated:- 18.1.2019

Sh. Shatish Chaudhary, S/O Sh. Satyaveer Singh,
Plot No. 26, Harish Chandra Nagar, Bulandshahar, 203001
E mail: satishjat@hotmail.com

Sub.: Cancellation of Environmental Clearance granted by SEIAA vide letter no. F1(4)/ SEIAA/SEAC- Raj./Sect/Cat.1(a). B1(681)/15-16 dated 20.02.2015 for Sandstone mine Plot No.3, ML No. 11/12, Area 4 Ha. Khasra No. 543, 544, 545, 547, Village Sirrond, Teh. Rupbas, District Bharatpur, Raj. with production capacity of 1,31,270 Tons per annum.

Ref.: This Office Show Cause Notice dated 5.11.2018 and your reply dated 10.12.2018 to the notice.

1. Whereas the Environment (Protection) Act, 1986, (herein after referred to as the Act) was enacted by Parliament for protecting and improving the environment and matters connected therewith.
2. And, whereas the provisions of clause (v) of sub-section (2) of section 3 of the Act empower the Central Government to take measures for restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carry out, subject to certain safeguards.
3. And whereas the Central Government, in exercise of the powers conferred upon it under the Act issued the Environment Impact Assessment Notification (herein after referred to as EIA Notification) on 14.09.2006 which came into force with immediate effect.
4. And whereas you, vide letter dated 20.1.2014, made an application under the provisions of EIA Notification, to the State Level Environment Impact Assessment Authority (herein after referred to as SEIAA) for obtaining Prior Environmental Clearance for Sandstone mine Plot No. 3, ML No. 11/12, Area 4 Ha. Khasra No. 543,544,545,547, Village Sirrond, Teh. Rupbas, District Bharatpur, Raj. with production capacity of 1,31,270 Tons per annum.
5. And whereas the application seeking EC was accompanied with Form-1, Prefeasibility Report, and approved mining plan etc.
6. And whereas in the Section III relating to Environment Sensitivity of item no. 9 of Appendix 1 in Form -1 you have stated 'NO' against the information sought relating to areas protected under international Conventions, National or Local legislation for their ecological, landscape, cultural or other related values.
7. Whereas you, at the end of Form-1, had given the following undertaking:

"I hereby give undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that

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if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given if any to the project will be revoked at our risk and cost”

8. And whereas the State Level Expert Appraisal Committee (SEAC) relying upon the information submitted by you in your application Form-1, made recommendations to the State Level Environment Impact Assessment Authority (SEIAA) for grant of EC.
9. And whereas the SEIAA, on the basis of recommendations of the SEAC, accorded EC to your project vide letter dated 20.02.2015.
10. And whereas, the SME, Bhratpur, vide letter dated 28.6.2018 informed the SEIAA that the mining lease of Satish Chaudhary is located at a distance of 250 mts from the Bandh Baretha wild life sanctuary.
11. And whereas, the State Government in exercise of the powers conferred upon it under section 18(1) of the Wild life Protection Act, 1972, declared Bandh Baretha area as Wild Life Sanctuary vide notification dated 5.10.1985.
12. And whereas you have deliberately concealed the material information that your mining lease M.L. No. 11/12 was situated at a distance of 250 mt. from the boundary of Bandh Baretha Wild life Sanctuary, from SEIAA with a view to obtain prior environmental clearance.
13. And whereas the provisions of para 8(vi) of the EIA Notification provide that deliberate concealment and or submission of false or misleading information of data which is material to screening or scoping or appraisal or decision on the application, shall make the application liable for rejection and cancellation of prior environmental clearance granted on that basis.
14. And whereas the Hon'ble Supreme Court in the matter of TN Godavarman vs UOI and ors. And Goa Foundation vs UIO and Ors has directed that the grant of temporary working permits should not result in any mining activities within the safety zones around the National Park or Wild life Sanctuary as an interim measure. And that one Km safety Zone was to be maintained subjected to the orders that may be made in IA No. 1000 in Jamua Ramgarh Sanctuary.
15. And whereas the operation of your mine is in contravention of the provisions of the EIA Notification and in violation of the directions passed by the Hon'ble Supreme Court in the above mentioned matters.
16. And whereas in view of the violations of the EIA Notification mentioned herein above, a Notice was given to you calling upon to be present before the Authority at on 10.12.2018 at Aravali Bhawan, Jhalana Dungri, Jaipur and to show cause as to why the EC granted to you vide letter dated 26.10.2016 be not canceled. However, you did not appear before the authority at the assigned time and place. Nonetheless, a reply dated 10.12.2018 was received from you by the Authority.
17. And whereas, your reply does not explain as to why you did not furnish information that your mining lease fell at a distance of 250 mts. from the boundary of Bandh Baretha Wild Life Sanctuary. Your Contention that you have approved mining lease, valid Consent to Establish and Consent to operate, approved Eco Friendly mining plan is of no consequence. The draft notification dated 31.5.2018 of the MoEF& CC relied upon by you is of no assistance to you for the reason that in the notification, village Sirrondh has been shown as the area coming under Eco

52. km

Sensitive Zone of Bandh Baretha Wild Life Sanctuary. The Notification further says that the mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated 4.8.2006 in the matter of TN Godavarman V/s UOI in WP (C) No. 202/95 and order dated 21.4.2014 in the matter of Goa Foundation V/s UOI, in Writ Pet. (C) No. 435/2012. The Hon'ble Supreme Court in Goa Foundation Case has reiterated its earlier stand taken in TN Godavarman case that there can be no mining within a distance of 1 Km from the boundary of Sanctuaries and National Parks. The position in the final Notification of the MoEF& CC dated 26.12.2018 remains the same as it was in the draft notification dated 31.5.2018 as regards coverage of village Sirrondh in the eco sensitive zone. Furthermore, the NGT in its judgment dated 25.9.2018 has also placed reliance on the law declared by the Hon'ble Supreme Court in TN Godavarman and Goa Foundation cases.

18. And whereas, this Authority, after thoughtfully considering the complete record of the case and the reply submitted by you, is of the firm opinion that you have concealed material facts and furnished false and misleading information in order to wrongfully obtain Environmental Clearance for the project in question.

Therefore, this authority, in view of above observations, hereby cancels Environmental Clearance granted by it vide letter dated 20.2.2015 for Sandstone mine Plot No. 3 ,ML No. 11/12, Area 4 Ha. Khasra No. 543, 544, 545, 547, Village Sirron, Teh. Rupbas, District Bharatpur, Raj. Please be informed that any grievance, if any, against this order is challengeable before the National Green Tribunal under section 16 of the National Tribunal Act, 2010.

(Shikha Mehra)
Member Secretary,
SEIAA

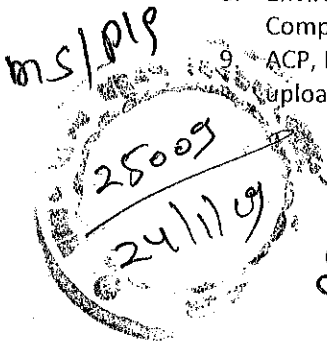
Dated:18.01.2019

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Copy to following for information and necessary action:

1. Secretary, Ministry of Environment, Forest & Climate Change, Govt. of India Paryavaran Bhawan , Jor Bagh Road, Aliganj, New Delhi -10003.
2. Pr. Secretary, Environment Department, Rajasthan, Jaipur
3. Shri R.K Meena, Chairperson, SEIAA, Rajasthan, B- 75 Shankar Vihar, 50 Feet Gaitore Road, SawaiGaitor , Jaipur -302017
4. Dr. Anil Kumar Goel, I.F.S. (Retd.), F2/1, Forest Colony, Sector 4, Jawahar Nagar , Jaipur.
5. Member Secretary, Rajasthan State Pollution Control Board, Jaipur for information & necessary action and to display this sanction on the website of the Rajasthan Pollution Control Board, Jaipur
6. Member Secretary, SEAC Rajasthan.
7. The CCF, Regional Office, Ministry of Environment & Forests, RO(CZ), Kendriya Bhawan, 5th Floor, Sector 'H' , Aliganj, Lucknow - 226 020.
8. Environment Management Plan-Division, Monitoring Cell, MoEF, Paryavarn Bhavan, CGO Complex, Lodhi Road, New Delhi - 110003.
9. ACP, Department of Environment, Government of Rajasthan, Jaipur with the direction to upload the Copy of this E.C. on the website.

Shim
M.S. SEIAA (Rajasthan)



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11/2/19 07/02/19
ACP

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सदस्य सचिव