

GOVERNMENT OF TELANGANA
ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (For.I) DEPARTMENT

Letter.No.460/For.I(1)/2019

Dated:14.10.2020.

From
The Special Chief Secretary to Government,
EFS&T Department, Telangana Secretariat,
Hyderabad.

To
The Inspector General of Forests,
Government of India,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi - 110 003. (w.e.)

Sub:- F(C) Act, 1980 – Diversion of **162.45 Ha** of forest land in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for grant of Mining lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancherial District in favour of M/s. Singareni Collieries Company Limited, Srirampur Area, Mancherial District - Furnishing of additional information - Regarding.

- Ref:-
1. From the PCCF (HoFF), T.S. Hyd. Lr.No.9917/2017/FCA-1/PS, Dt.24.01.2019.
 2. Govt. Lr.No.460/For.I (1)/2019, Dt:13.02.2019.
 3. From the Dy. Inspector General of Forests, GoI, MoEF&CC, New Delhi, F.No.8-06/2019-FC, Dt.04.07.2019.
 4. Govt. Memo No.460/For.I(1)/2019, Dt.10.10.2019.
 5. From the PCCF (HoFF), T.S., Hyd. Lr.No.9917/2017/FCA1/PS, Dt:23.08.2019.
 6. Govt. Lr.No.460/For.I (1)/2019, Dt.27.12.2019.
 7. From the PCCF (HoFF), T.S., Hyd. Lr.No.9917/2017/FCA-1/PS, Dt:05.08.2020.
 8. Govt. Lr. No.460/For.I (1)/2019, Dt.26.09.2020.
 9. From the PCCF (HoFF), T.S., Hyd. Lr.No.9917/2017/FCA-1/PS, Dt:08.09.2020.

I am directed to forward the additional information in respect of the proposal for diversion of **162.45 Ha** of forest land in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for grant of Mining lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancherial District in favour of M/s. Singareni Collieries Company Limited, Srirampur Area, Mancherial District, as reported by the Principal Chief Conservator of Forests (HoFF), Telangana State, Hyderabad in the letter 9th cited, for taking necessary further action in the matter.

Yours faithfully,

for SPECIAL CHIEF SECRETARY TO GOVERNMENT.

Copy to:

- The Additional Principal Chief Conservator of Forests (Central), Government of India, Ministry of Environment & Forests, Regional Office (Southern Zone), Panagal Building, 8th floor, Saidapet, Chennai – 600 015 (w.e.)
- ✓ The Principal Chief Conservator of Forests (HoFF), Telangana, Hyderabad.
- The Chairman & Managing Director, Singareni Collieries Company Limited, Singareni Bhavan Red Hills, Hyderabad.
- Sc.



fca-1
Dcf cwl
DS
20/10/20.
fca-6
DCFCIT

**GOVERNMENT OF TELANGANA
FOREST DEPARTMENT**

From
Smt. R.Sobha, IFS.,
Principal Chief Conservator of Forests
& Head of Forest Force, (FAC)
Telangana State, "Aranya Bhavan",
Saifabad, **Hyderabad - 500004.**

To
The Spl Chief Secretary to Government,
Forests Department,
Telangana State,
"Aranya Bhavan",
Saifabad, **Hyderabad - 500004.**

Ref.No. 9917/2017/FCA-1/PS Dated:08.09.2020.

Sir,

Sub: TSFD - F(C) Act, 1980 - Diversion of 162.457 Ha of forest land in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for grant of Mining lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancherial District in favour of M/s. Singareni Collieries Company Limited, Srirampur Area, Mancherial District - **Additional Information Sought during FAC, GoI, MoEF & CC, New Delhi held on 18.08.2020- Information Furnished** - Regarding.

Ref:

1. CF & FDPT, Kawal TR, Nirmal Rc.No. 3644/2017/D2, Dt: 10.01.2019.
2. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 24.01.2019.
3. State govt Ir.No.460/For.I(1)/2019, Dt:13.02.2019.
4. GoI, MoEF& CC, New Delhi F.No.8-06/2019-FC, Dt:04.07.2019.
5. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt:16.07.2019
6. Director (Planning & Projects), Ref.No. CRP/EST/F/508, Dt: 02.08.2019.
7. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 23.08.2019.
8. GoTs, EFS&T(For.I) Dept Lr.No.460/FOR.I(1)/2019, Dt:27.12.2019.
9. GoI, MoEF& CC, New Delhi F.No.8-06/2019-FC, Dt:30.12.2019.
10. GoI, MoEF& CC, New Delhi F.No.8-06/2019-FC, Dt:20.02.2020.
11. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 11.03.2020.
12. General Manager (Estates), SCCL, Bhadradi Kothagudem District, Ref.no.CRP/EST/F/508/398, Dt:20.05.2020.
13. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 08.06.2020 & 18.06.2020.
14. CF & FDPT, Kawal TR, Nirmal Rc.No. 3644/2017/D2, Dt: 12.05.2020 & 16.06.2020.
15. General Manager, SCCL, SriRampur Area, Mancherial District, Ref.No.SRP/EST/F/15/2020/273, Dt:03.08.2020.
16. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 05.08.2020.
17. Director (Operations), SCCL Ref.no. CRP/EST/F/508/758 Dt: 02.09.2020.

Kind attention is invited to the reference cited.

Vide ref 17th cited, the Director (Operations), SCCL has submitted the additional information as sought **during FAC, GoI, MoEF & CC, New Delhi held on 18.08.2020** for further consideration of the proposal. The information furnished as follows:

Point No.I :- Information regarding Mining Leases:

M/s.SCCL has submitted that the proposed area for diversion (162.45 Ha.) is falling in 3 mining leases, details of which are as follows:

Sl. No	Name of Mining Lease	Total area of lease Ha		Area in the proposed diversion	MOEF Reference & date	Validity period	
		RF	Non RF			From	To
1	North Godavari ML	1118.18	3375.89	45.22 Ha.	8-5/1988-FC 04.02.2013	22.05.2010	21.05.2030
2	Sri Rampur ML	266.85	672	11.13 Ha.	8-56/91-FC (Pt) 12.02.2005	28.06.2008	27.06.2038

3	Indaram ML	929.29	1170.71	106.10 Ha.	8-1/2000- FC 28.11.2001	24.07.2000	23.07.2020
	Total :	2314.32	5218.6	162.45			

Further , the M/s.SCCL has informed that the renewal application under F(C)Act for Indaram Mining Lease for a further period of 20 years was submitted by the GM, Mancherial vide reference SRP/EST/M/3/2018/223 Dt.23.07.2018 (well before two years from the date of expiry of lease) to the Principal Chief Conservator of Forests, Telangana, and it was also forwarded to the Field Officers of the Forest Department vide PCCF Ref.No-9982/2018/FCA-1/PS (1) Dt.18.08.2018 for further processing and submission.

The renewal application under MMDR Act, was also submitted to the Assistant Director of Mines & Geology, Mancherial vide letter dated 08.04.2019. Presently it is under Consideration with Director (Mines & Geology). However, the mining lease permission can be issued only after renewal permission under F(C)Act is issued. This is possible after proposal for renewal is forwarded by the Forest Department, the proposal was submitted two years prior to expiry of permission.

As per the Rule 24A of Mineral Concession Rules-1960 (MCR- 1960) if the user agency has submitted application for renewal before 12 months and orders are not passed, the Lease Period will be considered as Deemed extended till approved by the State Govt. Hence the validity of Indaram Mining Lease will be up to 2040 after approval of Renewal.

Following is the provisions under Rule-24A of Mineral Concession Rules-1960:

24A. Renewal of mining lease :- (1) An application for the renewal of a mining lease shall be made to the State Government in Form J, at least twelve months before the date on which the lease is due to expire, through such officer or authority as the State Government may specify in this behalf.

(6) If an application for renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the State Government passes order thereon.

However, the recent amendment of Mineral Concession Rules made on 29.05.2020, Rule 24A states that,

(2) If an application for renewal of a mining lease is made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a period of Two years or till the State Government passes order thereon, whichever is earlier.

After grant of renewal of Indaram Mining permission under F(C)Act, the proposals will be submitted as and when required for other two leases both under F(C)Act, as well as MMDR Act, well before the time required under these provisions.

In present case, the minimum lease period is for North Godavari Mining Lease is earliest i.e 21.05.2030. Hence, applicability of renewal under the F(C)Act will be co-terminus with this lease. The SCCL will abide by such provisions and stipulations when made in the approval order under F(C)Act.

Point No..2 Mining Plan:

M/s.SCCL has submitted that the Mining Plan including Mine Closure Plan of Srirampur Opencast mine-II expansion was approved by Ministry of Coal Vide letter dated 21.08.2017. As per the approved Mining Plan the project area is 1604.11 Ha including the proposed area of 162.45 Ha forest land. The details of project extent, land already

acquired/Diverted and to be acquired/ diverted as per approved Mining Plan as shown below:

Sl. No	Description	Extent (Ha)		
		FL	NFL	Total
1	Land already acquired / diverted	113.93	1277.52	1391.45
2	Balance land to be diverted/ acquired	162.45	50.21	212.66
3	Total extent of SRP OC -II expansion as per Approved Mining Plan	276.38	1327.73	1604.11

Sl. No	Description	RF Area lease wise		
		FL	Name of the Mining Lease	Extent (Ha.)
1	Land already acquired / diverted	113.93	NGML	13.1
			SRP	100.83
2	Balance land to be diverted/ acquired	162.45	NGML	45.22
			SRP	11.13
			IML	106.1
3	Total extent of SRP OC -II expansion as per Approved Mining Plan	276.38	NGML	58.32
			SRP	111.96
			IML	106.1

As evident, the proposed area sought for diversion is covered in approved Mining Plan and Mine closure plan. Copy of approved Mining Plan including Mine closure plan was already submitted. However, a copy of approval letter is enclosed. Some of the areas which are not covered under Mining Plan are the areas where exploration is in the process and new projects are under formulation. As and when exploration will be completed new proposals will be submitted for obtaining approval for mining plan.

The mining plan, name of mines in the lease and mining lease wise area details are furnished in Annexure –I & II.

Point No.3 EC Violations:

M/s.SCCL has informed that the Singareni Collieries Company Limited (SCCL) is presently operating 27 Underground mines and 19 Open cast mines in Telangana State and the annual production for the year 2020-21 has been set 70 MT.

The coal produced from SCCL mines is being supplied to mainly Thermal Power Plants like NTPC, APGENCO, TSGENCO, MAHAGENCO, KPCL etc., in order to meet the power requirement of Southern States and thereby reducing burden on Forex reserves due to import of Coal.

However, the SCCL has exceeded coal production capacity in 18 mines against the EC limit, without exceeding the area, as such treated as violations under provisions of the Environmental Protect Act. However, sufficient control measures were taken to control the pollution and the monitoring results show that the pollution load has not exceeded.

The SCCL has taken steps to obtain revised Environmental Clearances for all these projects to get the violation regularized. As such has submitted Affidavits to MOEF&CC, GoI, in accordance with the orders of the Hon'ble Supreme Court of India, dated 02.08.2017 in WP Civil (114/2014) in the matter of common cause Vs Union of India and Others.

The Environment Appraisal Committee (Violation) of MoEF & CC, GoI, considered these proposals and issued ToRs. Now, SCCL is in process of obtaining Environment Clearance duly initiating action for credible action, conducting public hearing and submitting EIA & EMP to the MoEF & CC. The details of ToRs and the present status of the 18 violation Mines are furnished in Annexure-III.

Further informed that that the existing Srirampur Open cast -II Project is not in the above list of 18 violation mines.

Keeping in view of large demand for Coal for power generation in Telangana State and due to closer of Mines, SCCL, has proposed this expansion Project by annexing the dip side property to the existing SRP OC-II. Thereby, increasing the rated capacity of 2.5 MTPA to 3.5 MTPA with total project extent of 1604.11 Ha. Accordingly, SCCL, obtained Terms of Reference (ToR) for expansion of the project from 2.5 MTPA to 3.5 MTPA, vide MoEF & CC Lr.No. J-11015/212/2007-1A.II(M) dated.02.02.2018.

Point No.4: Request to continue the status of CPSU to SCCL:

M/s.SCCL has submitted that the Ministry of Environment & Forests vide letter MOEF letter No. 11-423/2011-FC, dated 31.01.2013 has accorded status of CPSU to the SCCL for the purpose of creation of Compensatory Afforestation in respect of the proposals seeking prior approval of Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for coal mining and allied activities of SCCL as provided under F(C) guidelines No. 3.2 (ix) (a) (copy enclosed).

This provision is helping to improve the degraded RF land. Moreover, since 2003 attempts were made to search for alternate land for CA even under land bank. But bigger chunks of land more than 2 Ha suitable for CA were not available, as such this provision was accepted by the GOI.

Before grant of CPSU status, the diversion of forest land used to take 6-7 years, mainly delay in acquisition of suitable non forest land for CA land. Further, there is lot of degraded forest land available for development under this provision and it will improve the degraded forests in the State and requested to continue this provision.

In view of the above, the State Government are requested to submit the information to GoI, MoEF & CC, New Delhi for consideration of this proposal.

Encl: As above.

Yours faithfully,

Sd/-R.Sobha

Prl. Chief Conservator of Forests(FCA)&
Prl. Chief Conservator of Forests.
(Head of Forest Force) (FAC)

Advance Copy submitted to the Director General of Forests & Special Secretary to the Govt, MoEF & CC, GoI, Indira Paryawarana Bhawan, Jorbagh Road, New Delhi - 110003 for information and necessary action.

Advance Copy submitted to the Inspector General of Forests (FC), MoEF & CC, GoI, Indira Paryawarana Bhawan, Jorbagh Road, New Delhi - 110003.for favor of information.

Copy to the General Manager, M/s Singareni Collieries Corporation Limited, Yellandu for information.

Copy to the Chairman and Managing director, SCCL, Red Hills, PB.No. 18,Khairatabad PO, Hyderabad -500004 for information.

Copy to the Conservator of Forests & Field Director Project Tiger, Kawal-TR, Nirmal for information.

//t.c.b.o//

alau
10/9/2020

for *[Signature]* *10/9/2020*
Superintendent

**GOVERNMENT OF TELANGANA
FOREST DEPARTMENT**

From

Smt. R.Sobha, IFS.,
Principal Chief Conservator of Forests
& Head of Forest Force, (FAC)
Telangana State, "AranyaBhavan",
Saifabad, **Hyderabad.**

To

The Spl. Chief Secretary to Government,
Environment, Forests, Science & Technology
Department,
Telangana State,
Hyderabad.

Ref.No. 9917/2017/FCA-1/PS Dated: 23.08.2019.

Sir,

Sub:- TSFD - F(C) Act, 1980 - Diversion of 162.457 Ha of forest land in IndaramRF, Mancheril Range of Mancheril Forest Division in Mancheril District for grant of Mining lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancheril District in favour of M/s. Singareni Collieries Company Limited, Srirampur Area, Mancheril District - **Additional Information Sought by GoI, MoEF & CC, New Delhi - Information Furnished - Regarding.**

Ref:-

1. CF & FDPT, Kawal TR, Nirmal Rc.No. 3644/2017/D2 dt: 10.01.2019.
2. PCCF Rc.No. 9917/2017/FCA-1/PS dt: 24.01.2019.
3. State govt Ir.No.460/For.I(1)/2019 dt:13.02.2019.
4. GoI, MoEF & CC, New Delhi F.No.8-06/2019-FC dt:04.07.2019.
5. PCCF Rc.No. 9917/2017/FCA-1/PS dt: 16.07.2019
6. Director (Planning & Projects) ref.no. CRP/EST/F/508 dt: 02.08.2019.

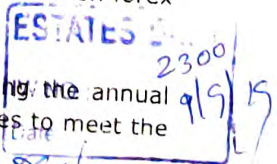
Vide ref 6th cited, the GoI, MoEF & CC, New Delhi has informed that the SIR of said proposal has been received from RO, Chennai with the remarks of ADG(Central), RO, Chennai and further informed that before the instant proposal is further considered in the ministry, the State government is requested to provide para-wise comments on the remarks of ADG(Central), RO, Chennai.

Accordingly, vide ref 6th cited, the M/s.SCCL has furnished para wise comments on the remarks of ADG(Central), MoEF & CC, Chennai which are as follows:

M/s Singareni Collieries Company Limited(SCCL), is a Government company jointly owned by Government of Telangana and Government of India and is largely seen as a responsible company towards compliance to various laws of Forestry and Environment. Though, the compliance towards conditions imposed in forestry diversions is more or less satisfactory but off late it is seen that company is violating the provisions of environment clearances. The violation pertains to increase in production more than the stipulated in environment clearance granted to various projects. The matter was brought to their notice and as well as Ministry from time to time. In fact during the appraisal of one project of diversion of 285.44 ha of forest land in Lankapalli RF of Khammam Division of Ministry has sought over for all compliance of the SCCL and nominated a committee comprising of ADGF(C), RO(SEZ), Chennai and Shri. Sandeep Sharma, AIG of the Ministry and the report was also submitted to the Ministry at that time.

Reply: M/s. Singareni Collieries Company Limited (SCCL) has stated that it is presently operating 30 underground mines and 18 opencast mines in Telangana State and the annual production for the year 2019-20 has been set at 70 MT. The coal produced from SCCL mines is being supplied to mainly Thermal Power plants like NTPC, APGENCO, TSGENCO, MAHAGENCO, KPCL etc., in order to meet the power requirement of southern states and thereby reducing burden on forex reserves due to import of coal.

M/s.SCCL further stated that it is having plans of enhancing the annual coal production by opening new mines / expansion of existing mines to meet the



demand for coal and is in the process of obtaining Environmental Clearance for such mines. Earlier the SCCL has exceeded the coal production capacity in (18) mines, however all control measures were taken to ensure pollution loads are not exceeded and as such treated these proposals as violation cases. The SCCL has submitted affidavits for 18 violation mines on 04.03.2019 and 07.03.2019 as required as MoEF & CC issued notification vide.S.O.No.804 (E), dated 14th March, 2018. The EAC (Violation) of MoEF & CC, Govt. Of India considered these proposals and recommended for issue of ToR to all these proposals. Accordingly, till now ToRs have been issued for the following projects (copies enclosed). The ToRs of remaining projects are under progress.

S.No	Name of the Project	MoEF&CC Lr.No. and date of issue of ToR
1	GDK-1&3,GDK-2&2A and GDK-5 Inclines.	F.No.23-78/2018-IA(III), dt:26.06.2018.
2	Godavarikhani-7 Life Extension UG Coal Mine	F.No.23-72/2018-IA(III), dt:13.05.2018.
3	IK- 1A Incline UG Coal Mine	F.No.23-79/2018-IA(III), dt.04.04.2019.
4	RK-8 Incline UG Coal Mine	F.No.23-70/2018-IA(III), dt.13.05.2019.
5	VK-7 Incline UG Coal Mine	F.No.23-73/2018-IA(III), dt.19.06.2018
6	Jalagam Vengala Rao Opencast -I Expansion Project.	F.No.23-77/2018-IA(III), dt.08.08.2019

M/s.SCCL further stated that existing Srirampur Opencast -II project located in Srirampur village of Mancherial Mandal and District of Telangana state is not in the above list of 18 mines. The Environmental Clearance for this project was granted by MoEF & CC for a rated capacity of 2.5 Mtpa vide letter No. J-11015/212/2007-1A.II(M), dated 11/7/2008 (copy enclosed). The coal extracted from this project is supplied to Thermal power plants. In view of large demand of coal for power generation in Telangana State, SCCL proposed for expansion of the project by annexing the dip side property to the existing SRP OCP-II, thereby increasing the rated capacity from 2.5 Mtpa to 3.5 Mtpa in 1604.11 ha. Accordingly SCCL obtained Terms of Reference (ToR) for expansion of the project from 2.5 MTPA to 3.50 MTPA vide MoEF&CC reference No.J-11015/212/2007-IA.II(M), dt.02.02.2018(copy enclosed) under the name of SRP OC- II Expansion Project and MoEF & CC will be requested for issue of revised EC (3.5 Mtpa). For this expansion, diversion of 162.45 ha of forestland in Indaram RF is required. The Environment conditions stipulated in EC conditions of SRP OC-II are being complied without any violation.

2. As The Hon'ble Supreme Court has viewed the violations very seriously in WP(Civil) No.114/2014 in the matter of Common Cause Versus Union of India and others, it is seen that the project authorities in its 4 existing projects appears to have submitted one undertakings saying that they will not repeat any such violations in future.

Reply: M/s. SCCL has stated that it has submitted affidavits for all 18 violation mines to MoEF & CC with an undertaking as all the statutory requirements and final judgement of Hon'ble Supreme Court dated 2nd August 2017 in W.P. No. 114/2014 in the matter of 'Common Cause vs Union of India & Others' shall be complied and with a further commitment of such violation will not be repeated in

future on 04.03.2019 and 07.03.2019. As there is no violation neither under E(P) Act, 1986 nor under F(C) Act, 1980 for SRP OC-II expansion project.

In view of the above, the State government are requested to submit the remarks/information for onward transmission to GoI, MoEF & CC, New Delhi for consideration of this proposal.

Encl: As above.

Yours faithfully,

Sd/- R.Sobha

Prl. Chief Conservator of Forests(FCA)

&

Prl. Chief Conservator of Forests.

(Head of Forest Force) (FAC)

Copy to the General Manager, M/s Singareni Collieries Corporation Limited, Yellandu for information.

✓ Copy to the Chairman and Managing director, SCCL, Red Hills, PB. No. 18, Khairatabad PO, Hyderabad -500004 for information.

Copy to the DIGF, MoEF & CC, GoI, Chennai, Regional Office(SEZ), 1st & 2nd Floor, HEPC building, Cathedral Garden road, Nungambakkam - 600034.

//true copy//

P. Sreenivasulu
For Prl. Chief Conservator of Forests.

Xavier
26/8/19.

No.J-11015/212/2007-IA.II (M)
Government of India
Ministry of Environment, Forest & Climate Change
IA-II (Coal Mining) Division

Indira Paryavaran Bhawan
Jorbagh Road, N Delhi-3
Dated: 2nd February, 2018

To,

The Director (Planning & Projects)
M/s The Singareni Collieries Company Ltd (SCCL),
Kothagudam Collieries (PO)
Bhadradi - 507101 (Telangana)

Email: gm_env@scclmines.com, env_crp@scclmines.com

Sub: Expansion of Srirampur Opencast Coal Mine-II from 2.50 MTPA to 3.50 MTPA by M/s The Singareni Collieries Company Limited located in District Mancherial (Telangana) - Terms of Reference - reg.

Sir,

This has reference to your letter No.CRP/ENV/A/488A/539 dated 9th December, 2017 along with online proposal No. IA/TG/CMIN/71556/2017 dated 12.12.2017, and subsequent letters dated 04.01.2018, and 11.01.2018 on the above mentioned subject.

2. The Ministry of Environment, Forest and Climate Change has considered the application. It is noted that the proposal is for grant of terms of reference (ToR) to the project for expansion of Srirampur Opencast Coal Mine-II from 2.50 MTPA to 3.50 MTPA by M/s The Singareni Collieries Company Limited with increase in ML area from 707.63 ha to 1604.11 ha located in District Mancherial (Telangana).

3. The proposal was considered by the Expert Appraisal Committee (EAC) in the Ministry for Thermal & Coal Mining Projects in its 24th meeting held on 11th January, 2018. The details of the project, as per the documents submitted by the project proponent, and also as informed during the meeting, are reported to be as under:-

- (i) Earlier, the project for its capacity of 2.50 MTPA was accorded EC vide letter dated 11th July, 2008.
- (ii) The latitude and longitude of the project are 18° 48' 02" to 18° 51' 18" (North) and 79° 28' 46" to 79° 31' 44" (East) respectively.
- (iii) Joint Venture: There is no Joint Venture
- (iv) Coal Linkage :Basket linkage
- (v) Employment generated/to be generated: Direct 437, Outsourcing employees 750
- (vi) Benefits of the project: In addition to direct employment, indirect employment in contractual works, improvement in educational, transport, medical and other facilities, the proposal is to bridge the gap between coal demand and supply by extending the existing opencast projects
- (vii) The total land area is 1604.11 ha. Mining lease area as per approved Mining Plan is 1604.11ha. The land usage of the project will be as follows:



Pre-Mining:

Sl. No.	Type	Area in ha
1.	Forest Land	276.38 Ha
2.	Agricultural Land	1161.05 Ha
3.	Grazing Land	60.23 Ha
4.	Barren Land	41.91 Ha
5.	Built up area	39.15 Ha
6.	Water bodies	20.15 Ha
7.	Roads	5.24 ha

Post- Mining:

Sl. No.	Type	Total Area (ha)	Agricultural (ha)	Plantation (ha)	Water Body (ha)	Public/ company use
1	Excavation/Quarry Area:					
	(a) Backfilled Area	286.68		286.68		
	(b) Excavated Void	360.74			360.74	
		647.42		286.68	360.74 *	
2	Top Soil Dump including BC Soil storage dump yard	25.63	6.26	19.37		
3	External Dump	518.72		518.72		
4	Safety Zone /Rationalisation area:					
	(a) Safe barrier & Drain along the Quarry	94.68	5.92			64.66
	(i) Roads					9.53
	(ii) Garland drains				9.57	
	(iii) Settling ponds				5.00	
	(b) Safe barrier & Drain along the Ext dump :	183.00	159.16			
	(i) Roads					9.35
	(ii) Garland drains				10.49	
	(iii) Settling ponds				4.00	
		277.68	165.08		29.06	83.54
5	Road & Infrastructure area (Service Buildings and CHP)	13.23	13.23			
7	Embankment (Protection Bund along Godavari)	15.99		15.99		
8	Green Belt	52.00	52.00			
9	Others (Railway line)	53.44				53.44
Grand Total		1604.11	236.57 *	840.76 *	389.80	136.98

Note - Actual area of plantation is 1077.33 ha, out which 236.57 ha of land shall be reclaimed for agricultural use, and balance area of 840.76 ha will be left as plantation area.

SKD

- (viii) Total geological reserve is 136.59 MT. The mineable reserve 109.27 MT, extractable reserve is 86.41 MT. The per cent of extraction would be 63.26 %.
- (ix) The coal grade is G-9. The stripping ratio is 9.98 cum/tonne. The average gradient is 1 in 5.8. There will be 10 seams with thickness ranging upto 5.28 m.
- (x) Total estimated water requirement is 1508 m³/day. The level of ground water ranges from 1.24 m to 10.17 m.
- (xi) The method of mining would be Opencast.
- (xii) There is one external OB dump with Quantity of 233.36 M.Cu.m of OB, 3.09 M.Cu.m. Top Soil in an area of 518.72 ha with height of 90 m above the ground and one internal dump with Quantity of 503.67 Mm³ in an area of 286.68 ha.
- (xiii) The final mine void would be in 360.74 ha with depth of 350 m. Backfilled quarry area of 286.68 ha shall be reclaimed with plantation. A void of 360.74 ha with depth of 350 m is proposed to be converted into a water body.
- (xiv) Ambient air quality data of winter (December, 2014 – February, 2015) has been documented and the results are within the prescribed limits.
- (xv) The life of mine is 22 Years.
- (xvi) Transportation: Coal transportation in pit through trucks from face to surface, surface to siding through trucks from pit head CHP to Area CHP, loading at siding a separate siding for dispatch of coal through rail is under construction.
- (xvii) There is R & R involved. Four villages namely Tallapalli, Singapur, Guttadaripalli and Dubbapalli, which are falling within the Project Area, have to be evacuated. About 1209 PDF's and 653 PAF's belonging to these four villages have to be rehabilitated.
- (xviii) Cost: Total capital cost of the project is Rs. 272.73 Crores. CSR Cost Rs. 5/- per tonne of coal production. R&R Cost 72.13 Crores. Environmental Management cost Rs. 4.80 Crores.
- (xix) Water body: River Godavari is flowing in Northwest-Southeast direction on the South side of the mining lease area.
- (xx) Approvals: Application is being submitted to State Ground Water Department for ground water clearance. However, ground water clearance is existing for SRP OC – II. Feasibility report has been approved in the SCCL Board of Directors meeting held on 04.11.2016 at Hyderabad. The mining plan and mine closure plan of the proposed project was approved by MoC, Gol Vide Lr. No. 13016/1/2017-PCA, dated 21st August 2017.
- (xxi) Wildlife issues: There are no national Parks, wildlife sanctuary, biosphere reserves found in the 10 km buffer zone.
- (xxii) Forestry issues: Total forest area involved for mining is 276.38 ha.
- (xxiii) Total afforestation plan shall be implemented covering an area of 840.76 ha at the end of mining. Green belt over an area of 52 ha. Density of tree plantation 2500 trees/ ha of plants.
- (xxiv) There are no court cases/violation pending with the project proponent.

4. The Expert Appraisal Committee (Coal Mining sector) in its 24th meeting held on 11th January, 2018 has recommended the proposal for grant of Terms of Reference. Based on recommendations of the EAC, the Ministry of Environment, Forest and Climate Change hereby accords terms of reference to the project for expansion of Srirampur Opencast Coal Mine-II from 2.50 MTPA to 3.50 MTPA by M/s The Singareni Collieries Company Limited with increase in mine lease area from 707.63 ha to 1604.11 ha located in District Mancherial (Telangana), and for preparation of EIA/EMP reports with public consultation, subject to compliance of all terms and conditions as specified/notified in the standard ToR applicable for opencast coal mines, along with the additional conditions as under:-

- For proper baseline air quality assessment, adequate monitoring stations as per the extant guidelines/norms, in the downwind areas need to be set up and included in the air quality modelling.



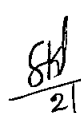
- Ecological restoration and mine reclamation plan to be prepared with local/native species found in the area.

4.1 General Conditions

- (i) All documents should be properly indexed, page numbered.
- (ii) Period/date of data collection should be clearly indicated.
- (iii) Authenticated English translation of all material provided in Regional languages.
- (iv) After the preparation of the draft EIA-EMP Report as per the aforesaid TOR, the proponent shall get the Public Hearing conducted as prescribed in the EIA Notification 2006 and take necessary action for obtaining environmental clearance under the provisions of the EIA Notification 2006.
- (v) The letter/application for EC should quote the MOEF file No. and also attach a copy of the letter prescribing the TOR.
- (vi) The copy of the letter received from the Ministry on the ToR prescribed for the project should be attached as an annexure to the final EIA-EMP Report.
- (vii) General Instructions for the preparation and presentation before the EAC of ToR/EC projects of Coal Sector should be incorporated/followed.
- (viii) The aforesaid TOR has a validity of **three** years only.
- (ix) Grant of ToR does not necessarily mean grant of EC.
- (x) Grant of ToR to the present project does not necessarily mean grant of ToR/EC to the captive/linked project.
- (xi) Grant of ToR to the present project does not necessarily mean grant of approvals under the Forest (Conservation) Act, 1980 or the Wildlife (Protection) Act, 1972.
- (xii) Grant of EC is also subject other circulars issued under the EIA Notification 2006, which are available on the MOEF website: www.envfor.nic.in

5. You are required to submit the final EIA/EMP prepared as per ToRs to the Ministry within 3 years as per this Ministry's O.M. No.J-11013/41/2006-IA. II (I) dated 8th October, 2014 for considering the proposal for environmental clearance.

6. The consultants involved in the preparation of EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/Laboratories including their status of approvals etc. vide Notification of the MoEF dated 19th July, 2013.


 2/2/2018
(S K Srivastava)
Scientist E

Copy to:

1. The APCCF, Regional office, MoEF&CC, 1st and 2nd Floor, Handloom Export Promotion Council, Cathedral Garden Road, Nungambakkam, Chennai - 34
2. The Member Secretary, Telangana State Pollution Control Board, Paryavaran Bhawan, A-3 Industrial Estate, Sanatnagar, Hyderabad - 500038

Proposals submitted as per provisions of notification vide S.O. S.O.804(E) dated 14.03.2017 - reg.

sk.smree66@nic.in

Fri 05-01-2018 13:28

To:gm_env <gm_env@scclmines.com>;

Cc:monitoring-ec@nic.in <monitoring-ec@nic.in>; sk.smree66@nic.in <sk.smree66@nic.in>; rosz.bng-mef@nic.in <rosz.bng-mef@nic.in>; ts_ms_pa1@pcb.ap.gov.in <ts_ms_pa1@pcb.ap.gov.in>; directormines@gmail.com <directormines@gmail.com>; prlsecy_efst@telangana.gov.in <prlsecy_efst@telangana.gov.in>;

F.No.- 3-50/2017 IA.III-Pt

Government of India

Ministry of Environment, Forests and Climate Change

(Impact Assessment Division)

Indira Paryavaran Bhawan

Jor Bagh Road, Jor Bagh

New Delhi-110003

Dated: 05 Jan 2018

To,

The Singareni Collieries Company Limited
Telangana

Sub: Your proposal no. IA/TG/CMIN/64671/2017 dated 13 May 2017 applied for Terms of Reference/ Environmental Clearance as per provisions of notification vide S.O. S.O.804(E) dated 14.03.2017 involving violation of the EIA Notification, 2006 - reg.

Sir,

The Ministry of Environment, Forest and Climate Change has issued a Notification vide S.O.804(E) dated the 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise the projects, which have started the work without taking prior environmental clearance in terms of the provisions of the Environment Impact Assessment (EIA) Notification, 2006. Such cases have been termed as cases of violation of the said Notification.

2. You have submitted the online proposal to this Ministry on 13 May 2017 for the Terms of Reference/Environmental Clearance to your coal/non coal mining project in pursuance of the Ministry's Notification dated 14th March, 2017 meant for the projects involving violation of the EIA Notification, 2006.

3. Meanwhile, Hon'ble Supreme Court in their judgment dated 2nd August, 2017 in WP No 114/2014 in the matter of 'Common Cause Vs Uol' has interpreted the section 21(5) of the Mines and Minerals (Development and Regulation) [MMDR] Act, 1957, and held that wherever violations were carried out with regard to the Water (Prevention and Control of Pollution) Act 1974, the Forest (Conservation) Act 1980, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986, 100% cost/value of the illegally mined mineral needs to be compensated by the mining entity/project proponent.

4. In compliance of the orders of the Hon'ble Supreme Court, you are required to first approach the Mines and Geology Department of the State Government for certification regarding payment of 100% cost of illegally mined mineral to the State

Government in terms of the section 21(5) of the MMDR Act, 1957. The amount so payable to the State Government for the ore/mineral, would inter-alia, account for the mining operations in violation of the following:-

- without Environmental Clearance (EC), or in excess of the quantity approved in EC,
- without Consent to Operate (CTO) or in excess of the quantity approved in CTO and
- without Mining Plan/Scheme of Mining or in excess of the quantity approved in Mining Plan/Scheme of Mining.
- without Forest Clearance.
- any other violation.

5. In view of the above, you are hereby directed to obtain the No Objection Certificate from the Mines and Geology Department of the State Government, in respect of settlement of all the amount payable against the identified violations (mentioned in para 4 above), in terms of provisions under section 21(5) of the MMDR Act, 1957, and as observed and directed by the Hon'ble Supreme Court in their judgment dated 2nd August, 2017.

6. The proposal for consideration of ToR/EC in pursuance of the Notification dated 14th March, 2017 shall be taken up for further action, after submission of the required certification from the State Government.

Yours Sincerely,
S. K. Srivastava
Member Secretary
EAC, (Coal Mining)

Copy To,

1. The Member Secretary, State Pollution Control Board
2. The Director, Department of Mines and Geology, State Government
3. The Additional Principal Chief Conservator of Forests (C), Regional Office, Ministry of Environment, Forest and Climate Change
4. The Principal Secretaries, Forest Department

Note: ***This is an automatically generated email, please do not reply***



The Singareni Collieries Company Limited

(A Government Company)

CIN : U10102TG1920SGC000571

Regd. Office:

Kothagudem Collieries (PO) - 507 101,
Bhadradri Kothagudem District
Telangana, India.

Director (P&P) : 08744 - 242602
GM (CP&P) : 08744 - 243108
GM (ENV) : 08744 - 243059
Fax : 08744 - 244115 / 242724
e-mail : env_crp@scclmines.com
Website : www.scclmines.com

Ref.No. CRP/ENVIA/534/178

Date: 31.03.2018

To
Sri S. K. Srivastava,
Member Secretary,
EAC (Coal Mining),
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhavan, Jor Bagh,
New Delhi-110003.

Sir,

Sub: **Consideration** of this representation for **10 proposals** applied for grant of ToRs/ECs as per provisions of notification S.O. 804(E) dated 14th March, 2017 involving violation of the EIA notification, 2006 – Request to **withdraw the notices** issued for these proposals and with request to **grant** ToRs/ECs - Reg.
Ref: F.No.350/2017 IA.III Pt, dated 05.01.2018.

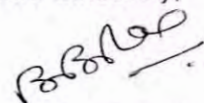
With reference to the above, SCCL submits that:

1. The Singareni Collieries Company Limited (SCCL) is a Government coal mining company jointly owned by the Government of Telangana and Government of India on a 51:49 equity basis. SCCL is a Government Company with independent Board of Directors.
2. The Board was appraised of all the proposals seeking EC and actions were initiated accordingly from time to time for approval of the competent authority.
3. Coal production was to be continued from these projects pending the approval of EC in view of rapid increase in demand of coal in general, and by the power sector in particular in the larger interest of the economy as per the directives of the Government.
4. At no point in time, these projects have exceeded the pollution load and all the pollution parameters were within the CPCB prescribed standards in view of the mitigation measures taken by the Project Proponent.
5. Also, neither State Pollution Control Board nor the MoEF&CC (RO) have pointed out about the pollution levels nor the mines were given the notices for stopping the production at any point in time.
6. SCCL has been monitoring the environmental parameters on regular basis through their own monitoring stations as well as by EPTRI.
7. All the monitoring reports were being furnished to respective authorities.
8. Even the Mining Leases were renewed by the State Authorities from time to time.

9. However, there has been some gap in obtaining the clearances timely due to the procedures involved.
10. Out of these 20 cases we have already submitted 10 proposals covering 12 mines and 8 are under submission requesting for ratification of EC to MoEF&CC with reference to their notification dated 14th Mar, 2017 and 16th March, 2018.
11. SCCL never violated the provisions of Section 21 of MMDR Act and never was penalized under Section 21(5).
12. SCCL has been paying royalties and other levies as per the legal provisions of MMDR Act, 2015 and Mineral Concession Rules, 2016 on coal being produced from these mines regularly.
13. SCCL did not violate any of the lease conditions and production was continuing as per the provisions of approved Mining Plans.
14. The judgement of Hon'ble Supreme Court considered cases of violation by various mining lessees of iron ore and manganese ore in the state of Odisha and the judgement is confined to the parties in the said WP.
15. Further, in another case the Hon'ble Supreme Court vide its orders dated 16.11.2017 in SLA 34811/2013 for Rajasthan Bajri and Sand Mines matter have never imposed any penalty but ordered for "restraining Mining Operations and matter is dispassionately considered by the MoEF&CC and an environmental clearance is granted or rejected".
16. The statutory clearances are independent of legal proceedings and linking project Environment Clearance with NOC requirement is misinterpretation of the orders of the Hon'ble Supreme Court by the MoEF&CC, GoI.
17. The violations committed under EP Act/ Notification shall be penalized under the same Act but cannot be insisted by MoEF&CC for payment under Section 21(5) of MMDR Act, 1957 for violation of EIA Notification, 2006.

In view of the above circumstances, the Member Secretary, MoEF&CC is requested to process the proposal for consideration of pursuance of notification No. S.O.804(E) dated 14.03.2017 and S.O.No.1030(E), dated 08.03.2018 issued by MoEF&CC and may request the MoEF&CC to withdraw the notice issued by interpreting and linking of violation of Environment (Protection) Act, 1986 with action under Section 21(5) of the MMDR Act, 1957.

Yours Sincerely,



Director (Planning & Projects)

Cc: The Member Secretary, TSPCB
The Director, DMG, TS
The Addl. PCCF, RO, MoEF&CC, Chennai
The Principal Secretary, TS Forest Department
Advisor (Coal)

GOVERNMENT OF TELANGANA
DEPARTMENT OF MINES AND GEOLOGY::HYDERABAD

Letter No.5928/R1-1/2018.

Dated:14.05.2018.

From
Sri B.R.V.Susheel Kumar, B.E.,(Mining)
Director of Mines & Geology,
8th Floor, B.R.K.R. Bhavan,
Tank Bund, Hyderabad-500 063.

To
The Member Secretary,
EAC (Coal Mining)
Thermal & Coal Mining Projects,
Ministry of Environment, Forest &
Climate Change, Indira Paryavaran
Bhavan, Jor Bagh, New Delhi - 110003.

Sir.

Subj:-Direction of the Hon'ble Apex Court Judgment dated 02.08.2017 in W.P.(C) No. 114/2014 etc., to raise demand and collect price of the Mineral as compensation against mine owners for mining and dispatch of mineral(s) without possessing EC(10) Notices issued to M/s.Singareni Collieries Company Limited (A State Government Company)-Sustenance of such notices issued for settlement in terms of Section 21(5) of MMDR Act 1957Request to consider issue of ToR/EC for pending applications-Regarding.

- Ref:- 1.This Office Lr.No. 11681/P/2017, dated 09.02.2018.
2.This Office Lr.No. 11681/P/2017, dated 07.03.2018.
3.Lr.No.CRP/ENV/A/534/178, Dt:31.03.2018 from M/s.Singareni Collieries Company Ltd addressed to Member Secretary, MoEF, GoI under a copy to the Director of Mines & Geology, Telangana State.
4.Lr.No.1173/M.I(1)/2018-1, Dt:06.04.2018 from Principal Secretary to Govt., Industries & Commerce Dept., Govt. of Telangana addressed to the Secretary, Ministry of Mines, GoI.

* * * * *

I invite kind attention to the subject and in continuation to the reference under 2nd cited, It is submitted that the Member Secretary, MoEF&CC, New Delhi while issuing the notice to M/s.Singareni Collieries Company Ltd under reference 3rd cited with a copy marked to the under signed; directed the lease holder to obtain No Objection Certificate from the Mines and Geology Department of the State Government, in respect of settlement of all amount payable against the identified violations (as per orders dated 02.08.2017 of the Hon'ble Supreme Court in W.P.No. 114 of 2014), in terms of provisions under Section 21(5) of MMD&R Act, 1957 against the violation of EIA Notification, 2006, so as to process the proposal for consideration of ToR/EC in pursuance of notification dated 14.03.2017 and informed that the application of the lease holder shall be taken up for further action, only after submission of required certification from the State Government.

In this regard, it is submitted that the Hon'ble Apex Court orders dated 02.08.2017 is related to major minerals and particularly applicable to existing Mining Leases of Iron Ore and Manganese Ore of the parties to the W.P. in Odisha State. Further, the Section 21(5) of MMD&R Act, 1957 shall have to be read with sub-sections preceded and cannot be isolated while imposing penalty under the said section for violation of committed under different Act/Rules and Section 21(5).

The penalty clause as per Section 21(5) is to be understood and read with Section 21(1) for which a penal clause is incorporated in Section 21(2) of MMDR Act 1957. The penal clause 21(5) is also to be read with Section 21(3), 21(4) & (4A) of MMDR Act 1957. All these sub-sections are related to the mineral extracted either without granting of mining lease or mineral extracted from outside the mining lease area granted in favour of the mining lease holder.

As per the above M/s SCCL have not committed any violation under Section 21(5) of MMDR Act, 1957.

It is therefore to conclude that Section 21(5) of MMDR Act 1957 is meant for the extraction of mineral from the land as explained above.

Further, for the violations committed under EPA Act/ Notification shall be penalized under the same Act, but cannot be insisted by MoEF for payment under Section 21(5) of MMDR Act, 1957 for violation of EIA Notification, 2006. The same was held by the Hon'ble High Court of Jharkhand in its order dated 28.11.2014 in W.P.(C).No. 2364 of 2014 stated that the conditions laid down under Office Memorandum dated 12.12.2012 in paragraph No. 5(i) and 5(ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon'ble High Court further ruled that the proposal for environment clearance must be examined on its merits independent of any proposed action for alleged violation of the environmental laws.

Through S.O.No.804(E), Dt:14.03.2017, the MoEF&CC issued notification for procedure to be adopted for the projects or activities which are in violation as on date of the said notification and inserted clause for the project proponent to submit a Bank Guarantee equivalent to the amount of remediation plan and Natural and community Resource augmentation plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of Environmental Clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

Through S.O.No.1030(E), Dt:14.03.2017, the MoEF&CC issued another notification for amendment of S.O. 804(E), dated 14.03.2017 by dispensing with the requirement of notice referred in clause (a) of sub-rule(3) of Rule 5 of Environment (Protection) Rules, 1986 (29 of 1986) regarding inviting objections and suggestions from persons likely to be effected thereby, in public interest.

It is pertinent to mention that previously also the MoEF&CC has issued notices to the lease holders under Section 15 & 19 of EPA, 1986 who had committed violations thereunder and requested the lease holder to file case before the concerned District Magistrate/Collector; used to process the application of the said lease holder for grant of Environment Clearance.

Keeping in view the aforesaid facts, concluding the violations and penalties to be imposed read with the Hon'ble Supreme Court orders, Dt:02.08.2017, the State Government vide reference 4th cited addressed the Secretary, Ministry of Mines, GoI under a copy to the Member Secretary, MoEF&CC, GoI which is enclosed and is self explanatory.

As the matter stood thus, the Singareni Collieries Company Ltd vide reference 3rd cited (copy enclosed for kind reference) has addressed the Member Secretary, EAC (Coal Mining), MoEF&CC, GoI under a copy to the undersigned while enclosing (10) notices issued pertaining to applications filed for ToR/EC as per the provisions under S.O.804(E), Dt:14.03.2017 involving violation of the EAI Notification, 2006 with reference to mining leases for coal. In the said notices, the MoEF&CC, GoI directed the Singareni Collieries Company Ltd to obtain 'no objection certificate' from Mines & Geology Dept., of the State Government in respect of settlement of all the amount payable against the identified violations in compliance to the orders of the Hon'ble Supreme Court in terms of provisions under Section 21(5) of the MMDR Act 1957.

The details of notices issued to M/s.Singareni Colliers Company Ltd are as given under:

S. No	SCCL proposal No. for EC pertains to ML for Coal	Notice No. & Date from MoEF&CC
1	IA/TG/CMIN/66253/2017, Dt:17.07.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
2	IA/TG/CMIN/68359/2017, Dt:11.09.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
3	IA/TG/CMIN/65156/2017, Dt:03.06.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
4	IA/TG/CMIN/65213/2017, Dt:06.06.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
5	IA/TG/CMIN/65432/2017, Dt:15.06.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
6	IA/TG/CMIN/65753/2017, Dt:29.06.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
7	IA/TG/CMIN/66047/2017, Dt:10.07.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
8	IA/TG/CMIN/66088/2017, Dt:11.07.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
9	IA/TG/CMIN/64766/2017, Dt:26.05.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018
10	IA/TG/CMIN/64671/2017, Dt:13.05.2017	F.No.3-50/2017 IA.III-Pt, Dt:05.01.2018

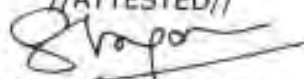
In the aforementioned reference M/s.Singareni Collieries Company Ltd have requested the Member Secretary, MoEF&CC to process the proposal for consideration or pursuance of notification S.ONo.804(E) dated 08.03.2018 & S.O.No.1030(E), dated 08.03.2018 issued by MoEF&CC and to withdraw the notice issued by interpreting and linking of violation of Environment (Protection) Act 1986 with action under Section 21(5) of MMDR Act 1957 for which it is agreed to.

In view of the above and in the light of Lr.No.1173/M.I(1)/2018-1, Dt:06.04.2018 from Principal Secretary to Govt., Industries & Commerce Dept., Govt. of Telangana addressed the Secretary, Ministry of Mines, GoI under a copy to the Member Secretary, MoEF&CC, GoI, I request the Member Secretary, MoEF&CC to process the proposals of M/s.Singareni Collieries Company Ltd for consideration of ToR/EC of pending applications under reference in pursuance of Notification No.S.ONo.804(E), Dt:08.03.2018 & S.O.No.1030(E), Dt:08.03.2018 duly withdrawing the notices issued to the company by interpreting and linking of violation of Environment (Protection) Act, 1986 with action under Section 21(5) of the MMD&R Act, 1957.

This may be treated as 'No Objection Certificate' issued by the undersigned for processing of the applications pending as regards M/s.Singareni Collieries Company Ltd before MoEF&CC, GoI.

Encl: (As above)

Yours faithfully
Sd/- B.R.V. SUSHEEL KUMAR
Director of Mines and Geology

//ATTESTED//


DIRECTOR OF MINES AND GEOLOGY

Copy submitted to the Principal Secretary to Govt. & CIP, Industries & Commerce Department for favour of kind information.
Copy submitted to the Secretary, Ministry of Coal, Shastry Bhavan, New Delhi 01.
Copy submitted to the Special Chief Secretary, Forest Dept. Government of Telangana.
Copy submitted to the Member Secretary, Central Pollution Board Control Board, Parivesh Bhavan, East Arjun Nagar, Delhi-110 032.
Copy submitted to the Member Secretary, State Pollution Board, Sanath Nagar.
Copy submitted to Additional Principle Chief Conservator of Forest (C) Regional office, Ministry of Environment Forest and Climate Change.
Copy submitted to the Chairman & Managing Director, M/s.Singareni Collieries Company Ltd for favour of information.
Copy submitted to Joint Secretary, Ministry of Environment and Climate Change, GoI, J-305, 3rd Floor, Jai Block Indira Pariyavaran Bhavan- 110003.
Email ID:jsadmn_mef@gov.in.

GOVERNMENT OF TELANGANA
DEPARTMENT OF MINES AND GEOLOGY::HYDERABAD

Letter No.11681/P/2017

Dated:14.06.2018

From
Sri B.R.V.Susheel Kumar, B.E.,(Mining)
Director of Mines & Geology,
8th Floor, B.R.K.R. Bhavan,
Tank Bund, Hyderabad - 500 063.

To
The Prl. Secretary & CIP,
Industries & Commerce Dept.,
2nd Floor, D-Block,
Secretariat, Hyderabad.

Sir.

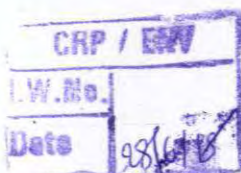
Sub:-Consideration of Mining Proposals involving violation of the EIA Notification, 2006 under the provisions of S.O. 804(E), dated 14.03.2017 and subsequent amendments for ToR/EC - Office Memorandum dated 30.05.2018 of MoEF&CC - Stand of the Department - Regarding.

Ref:- 1. Govt. Lr.No.1173/M.I(1)/2018-1, dated 06.04.2018 addressed to the Secretary, MoM, GoI.
2. Office Memorandum F.No. 3-50/2017-IA.III(Pt.) dated 30.05.2018 of MoEF.

I invite kind attention to the subject and references cited and submit that through the reference 1st cited the Govt. addressed letter to Secretary, MoM, GoI requesting to consider the above stand and communicate the same to the Member Secretary, MoEF&CC with a request to process the proposals for consideration of ToR/EC and EC be issued on pending applications of the lease holder in pursuance of notification S.O. No. 804(E), dated 14.03.2017 and S.O.No.1030(E), dated 08.03.2018 issued by MoEF&CC and requested the MoEF&CC to withdrawn the notices, which are issued to the lease holders by interpreting and linking of violations of EPA with action under Section 21(5) of MMD&R Act, 1957.

Through the reference 2nd cited, the MoEF&CC issued Office Memorandum dated 30.05.2018 reiterating Hon'ble Supreme Court orders dated 02.08.2017 and included the following additional conditions in ToRs/ECs to be issued for mining projects under provisions of S.O.804(E), dated 14.03.2017 and subsequent amendments:

- i. The project proponent shall give an undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August,2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors, before grant of ToR/EC. The undertaking *inter-alie* include commitment of the PP not to repeat any such violation in future.
- ii. In case of violation of above undertaking, the ToR/EC shall be liable to be terminated forthwith.
- iii. The Environmental Clearance will not be operational till such time the Project Proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August,2017 in Writ Petition (Civil) No.114 of 2014 in the matter of Common Cause versus Union of India and Ors.



Gen/Environment

- iv. State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.

In this connection, for the conditions mentioned in (i) to (iii) above, it is submitted that the Hon'ble Apex Court orders dated 02.08.2017 is related to major minerals and particularly applicable to existing Mining Leases of Iron Ore and Manganese Ore of the parties to the W.P. in Odisha State. Further, the Section 21(5) of MMD&R Act, 1957 shall be read with sub-sections preceded and cannot be isolated while imposing penalty under the said section for violation of committed under different Act/Rules and Section 21(5) it is not applicable for minor minerals.

Under Para 227 of the Hon'ble Supreme Court order dated 02.08.2017 states that "with regard to setting up of an Expert committee presided over by a retired Judge of this court to identify the lapses that have occurred over the years that have enabled rampant illegal and unlawful mining in Odisha and to recommend preventive measure not only to the State of Odisha but generally to all other States where Mining Activities are proceeding on large scale, for the present we pass no direction with regard to any investigation by the CBI".

From the above, it is evident that the Hon'ble Supreme Court Order is applicable only to the parties mentioned the said writ petition from Odisha State.

The conclusions made out of findings by the Hon'ble Supreme Court reflected in the operative portion of the order and the direction is strictly to the parties mentioned the said writ petition and there is a specific direction to Chief Secretary of Odisha to implement the order.

Hence, these orders cannot be applicable to other than the parties mentioned in the writ petition and more so cannot be construed that the direction to all lease holders in the Country. The notices which are being issued by the MoEF to all the existing leases/applicants are un-tenable and misrepresenting and misinterpreting Hon'ble Supreme Court orders.

With regard to condition no. (iv) of the Office Memorandum, it is submitted that when the orders of the Hon'ble Supreme Court dated 02.08.2017 in Writ Petition (Civil) No. 114 of 2014 are very specific and pertains to strictly to the parties mentioned the said writ petition, stopping the commencement of mining operations till the compensation paid by the Project Proponent through their respective department of Mines & Geology is untenable.

The Hon'ble Supreme Court in the matter of Rajasthan Bajri and Sand Mines in SLA 34811/2013, vide its orders dated 16.11.2017 have never imposed any penalty but ordered for "restraining Mining Operations and matter is dispassionately considered by the MoEF&CC and an environmental clearance is granted or rejected".

Thus, the statutory clearances are independent of legal proceedings and linking project Environment Clearance with NOC requirement is misinterpretation of the orders of the Hon'ble Supreme Court by the MoEF&CC, GoI.

Further, as per Section 15 of MMD&R Act, 1957, the State Government is empowered to make rules in respect of Minor Minerals including fixing and collection of rent, royalty, fees, dead rent, **finer** or other charges and the time within which and the manner in which these shall be payable. Hence, for the violations committed by the minor mineral lease holders shall be penalized and collect fines under minor mineral rules framed by the respective States, but not under rule 21(5) of MMD&R Act, 1957.

For the violations committed under EPA Act/ Notification shall be penalized under the same Act, but cannot be insisted by MoEF for payment under Section 21(5) of MMD&R Act, 1957 for violation of EIA Notification, 2006. The same was held by the Hon'ble High Court of Jharkhand in its order dated 28.11.2014 in W.P.(C).No. 2364 of 2014 stated that the conditions laid down under Office Memorandum dated 12.12.2012 in paragraph No. 5(i) and 5(ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent.

The Hon'ble High Court further ruled that the proposal for environment clearance must be examined on its merits independent of any proposed action for alleged violation of the environmental laws

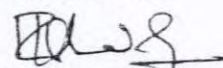
Therefore, the office Memorandum dated 30.05.2018 is not tenable under Law for including of additional conditions in ToRs/ECs to be issued for mining projections under provision of S.O.804(E), dated 14.03.2017 and subsequent amendments for the simple reason of the Hon'ble High Court of Jharkhand order dated 28.11.2014 in W.P.(C).No.2364 of 2014 mentioned supra.

In view of the above circumstances, the Govt. is requested to communicate the same to the GoI, MoM with a request to Member Secretary, MoEF&CC to withdraw the Office Memorandum dated 30.05.2018, as it is untenable and misinterpretation of the orders of the Hon'ble Supreme Court dated 02.08.2017 in Writ Petition (Civil) No. 114 of 2014.

Further it is requested that the Member Secretary, Ministry of Environment, Forest and Climate Change (MOEF&CC), through MoM, to process the proposals for consideration of ToR/EC and E.C. be issued on pending applications of the lease holders in pursuance of Notification No.S.O.No.804 (E) dated 08.03.2018 & S.O. No. 1030(E), dated 08.03.2018 issued by Ministry of Environment, Forest and Climate Change (MOEF&CC), without giving any cognizance to the Office Memorandum F.No.3-50/2017-IA.III(Pt.) dated 30.05.2018 of MoEF.

Yours faithfully
Sd/- B.R.V. Susheel Kumar
Director of Mines & Geology

// Attested //


for Director of Mines and Geology

Copy of letter sent
by DMG to GoI on the
issue of Affidavit
As per

cc to
Adv. Gen.
GM-Mum/GM-SF
GM-PP
GM-Env.

F. No.Z-11013/22/2017-IA.II (M)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-3

Dated:16th March, 2018

OFFICE MEMORANDUM

Sub: Compliance of the order dated 14th March, 2018 of Hon'ble High Court of Judicature at Madras in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017 - reg.

The Ministry has issued a Notification number S.O.804(E) dated 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one-time opportunity to submit the request in this regard within 6 months.

2. Pursuant to the Ministry's Notification number S.O.1030(E) dated 8th March, 2018 regarding consideration of proposals by the Expert Appraisal Committee or the SEAC/SEIAA depending upon the categorization of projects/activities (A or B) listed in the schedule to the Environment Impact Assessment Notification, 2006, the Ministry has issued Office Memorandum on 15th March, 2018 (copy enclosed) to operationalize the same.

3. Hon'ble High Court of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017, has directed as under:

"24. In this view of the matter, considering that sub-clause (i)(d) of Stage III of paragraph 7(i) of parent notification as contained in item No. 8(a) of the Schedule being housing projects, we deem it necessary to clarify that projects and project proponents falling under category alone shall be governed by the 'public consultation' clause in the parent notification.

25. With regard to the prayer of MOEF for extension of time for submission of proposals by project proponents, we are of the view that it will serve the ends of justice if time is extended by 30 (thirty) days from the date of delivery of this order in open court."

4. In view of the above orders of Hon'ble High Court, following directions are being issued for compliance with immediate effect: -

- i. The project proponent, who have not submitted the proposals within six months window i.e. up to 13th September, 2017 in pursuance of this Ministry's Notification S.O.804 (E) dated 14th March, 2017, are required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.

- ii. (The project proponent, who have submitted the proposals on the Ministry's portal after 13th September, 2017, are also required to submit the proposals afresh within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.
- iii. The projects/activities pertaining to all sectors, shall be considered as per the directions of Hon'ble High of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017.
- iv. The directions issued vide this Ministry's OM dated 15th March, 2018 shall continue to apply.
5. This issues with approval of the competent authority.


(Sharath Kumar Pallerla)
Scientist F/Director

To,

1. The Chairman of all the SEAC/SEIAA of States/UTs
2. The Member Secretary of all the SEAC/SEIAA of States/UTs

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS for Environment, Forest and Climate Change
3. PPS to Secretary (EF&CC)
4. PPS to AS (AKJ)/AS (AKM)
5. PS to JS (GB)/JS (JT)
6. All officers in LA Division
7. Website, MoEF&CC
8. Guard File

F. No.Z-11013/22/2017-IA.II (M)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-110003

Dated: 15th March, 2018

OFFICE MEMORANDUM

Sub: Implementation of Notification S.O.1030 (E) dated 8th March, 2018 - reg.

The Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior environmental clearance to the projects/activities listed in the schedule to the said Notification. These projects/activities have been categorized under category 'A' or 'B' and require appraisal and approval by the respective regulatory authorities at the Central/State level.


2. The Ministry has issued a Notification number S.O.804(E) dated 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one-time opportunity to submit the request in this regard within 6 months.

3. In order to streamline and expedite consideration of proposals, it has now been decided that the projects/activities covered under category 'B', shall be considered by the SEAC/SEIAAs in the respective States/UTs. The Ministry has issued another Notification number S.O.1030 (E) dated 8th March, 2018, amending the Notification dated 14th March, 2017 to that extent.

4. In order to operationalize the Notification number S.O.1030 (E) dated 8th March, 2018, following directions are being issued for compliance with immediate effect: -

- i. The proposals received up to 13th September, 2017 on the Ministry's portal, shall be considered by the EAC or the SEAC/SEIAA in the respective States/UTs, as the case may be, in order of their submission.
- ii. All the proposals of category 'B' projects/activities pertaining to different sectors, received within six months only i.e. up to 13th September, 2017 on the Ministry's portal, but yet not considered by the EAC in the Ministry, shall be transferred online to the SEAC/SEIAAs in the respective States/UTs.
- iii. The proposals submitted directly for consideration of EC (in place of ToR), shall also be considered on the same lines, in order of their submission on the Ministry's portal.
- iv. All the projects of category 'B' pertaining to different sectors, although considered by the EAC in the Ministry and accorded ToR, shall be appraised for grant of EC by the SEAC/SEIAAs in the respective States/UTs.

- v. All projects/activities of all sectors, shall be required to adhere to the directions of Hon'ble Madras High Court vide order dated 13th October, 2017 while upholding the Ministry's Notification dated 14th March, 2017.


(Sharath Kumar Pallerla)
Scientist "F" / Director

To,

1. The Chairman of all the SEAC/SEIAA of States/UTs
2. The Member Secretary of all the SEAC/SEIAA of States/UTs

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS for Environment, Forest and Climate Change
3. PPS to Secretary (EF&CC)
4. PPS to AS (AKJ)/AS (AKM)
5. PS to JS (GB)/JS (JT)
6. All officers in IA Division
7. Website, MoEF&CC
8. Guard File



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 723]

नई दिल्ली, मंगलवार, मार्च 14, 2017/फाल्गुन 23, 1938

No. 723]

NEW DELHI, TUESDAY, MARCH 14, 2017/PHALGUNA 23, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 मार्च, 2017

का.आ. 804(अ).—पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1705(अ) तारीख 10 मई, 2016, पर्यावरणीय अनापत्ति के निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन की प्रक्रिया को पूरा करने के लिए, जिनमें स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पर्यावरण संघात अधिसूचना 2006 के अधीन पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन किया है, द्वारा उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

2. और उक्त राजपत्र की प्रतियां जनता को 10 मई, 2016 को उपलब्ध करा दी गई थीं ;
3. और पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सभी सुझावों या आक्षेपों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है ;
4. पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अध्वधीन, अधिनियम की धारा 3 की उपधारा (1) के अधीन केंद्रीय सरकार को ऐसे सभी उपाय करने की शक्ति है, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार तथा पर्यावरण प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के प्रयोजनों के लिए आवश्यक और समीचीन समझती है ;
5. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 केंद्रीय सरकार को निदेश देने के लिए सशक्त करती है, जो इस प्रकार है "केंद्रीय सरकार किसी अन्य विधि में किसी बात के होते हुए भी, किन्तु इस अधिनियम के उपबंधों के अधीन रहते हुए इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कृत्यों के निर्वहन में किसी व्यक्ति, अधिकारी या प्राधिकरण को लिखित निदेश दे सकेगी और ऐसा व्यक्ति, अधिकारी या प्राधिकरण ऐसे निदेशों का अनुपालन करने के लिए आबद्ध होगा ;

6. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने उल्लंघन के मामलों में पर्यावरणीय अनापत्ति अनुदत्त करने के लिए प्रक्रिया स्थापित करने के लिए तारीख 12.12.2012 और तारीख 27.06.2013 को एक कार्यालय ज्ञापन जारी किया है ;

7. हिन्दुस्तान कापर लिमिटेड बनाम भारत संघ के मामले में 2014 की रिट याचिका (सिविल) सं0 2364 में माननीय झारखंड उच्च न्यायालय के तारीख 28 नवंबर, 2014 के आदेश के अनुसरण में माननीय न्यायालय ने यह अभिनिर्धारित किया कि तारीख 12 दिसंबर, 2012 के कार्यालय ज्ञापन के अधीन पैरा सं0 5(i) और पैरा सं0 5(ii) की शर्तें अवैध और असंवैधानिक थीं और न्यायालय ने यह और अभिनिर्धारित किया कि अभिकथित अतिक्रमण की कार्रवाई स्वतंत्र कार्यवाही और पृथक् कार्यवाही होगी और इसलिए पर्यावरण अनापत्ति के लिए प्रस्ताव पर विचार करने के लिए परियोजना प्रस्तावक के विरुद्ध कार्रवाई आरंभ करने की प्रतीक्षा नहीं की जा सकती। माननीय न्यायालय ने यह व्यवस्था और दी कि पर्यावरण अनापत्ति के प्रस्ताव की परीक्षा इसके गुणागुण, पर्यावरण विधियों के अभिकथित अतिक्रमण के लिए किसी प्रस्तावित कार्रवाई से मुक्त आधार पर की जानी चाहिए ;

8. और राष्ट्रीय हरित अधिकरण की प्रधान न्यायपीठ ने 2015 के मूल आवेदन सं0 37 तथा 2015 के मूल आवेदन सं0 213 में तारीख 7 जुलाई, 2015 के अपने आदेश द्वारा यह अभिनिर्धारित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 या पर्यावरण समाघात निर्धारण अधिसूचना, 2006 तथा तटीय विनियमन जोन अधिसूचना, 2011 के अतिक्रमणों वाले निर्देश के निबंधनों या पर्यावरण अनापत्ति या तटीय विनियमन जोन अनापत्ति के प्रस्तावों पर विचार के विषय पर तारीख 12 दिसंबर, 2012 और 24 जून, 2013 के कार्यालय ज्ञापन पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों को परिवर्तित या संशोधित नहीं कर सकते थे और अधिकरण ने उसे अपास्त कर दिया था ;

9. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को कतिपय प्रस्ताव, निर्देशों के निबंधनों और पर्यावरणीय अनापत्ति के लिए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन ऐसी परियोजनाओं के लिए प्राप्त हो रहे हैं, जिन्होंने स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पूर्व पर्यावरणीय अनापत्ति को प्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन कर दिया है ;

10. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने पर्यावरण की क्वालिटी के संरक्षण और उसमें सुधार के प्रयोजन के लिए और पर्यावरणीय प्रदूषण का उपशमन करने के लिए यह आवश्यक समझा कि वह सभी निकाय, जो पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पर्यावरण विनियम का अनुपालन नहीं कर रहे हैं, को समीचीन रीति में पर्यावरणीय विधियों की अनुपालना के लिए उसके अंतर्गत लाया जाए ;

11. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ऐसी परियोजनाओं और क्रियाकलापों को शीघ्रतम पर्यावरणीय विधियों की अनुपालना के अधीन लाना आवश्यक समझता है न कि उन्हें अविनियमित और बिना किसी जांच के छोड़ना, जो पर्यावरण के लिए अधिक नुकसानदायक होगा तथा इस उद्देश्य को अग्रसर करने के लिए भारत सरकार ऐसी सत्ताओं को, जो अननुपालक थे, अनुपालक बनाने के लिए समुचित रक्षोपायों के साथ पर्यावरणीय अनापत्ति प्रदान करना आवश्यक समझती है, प्रक्रिया ऐसी होनी चाहिए, जो पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों के उल्लंघन पर रोक लगाए, जिससे अननुपालना और अननुपालना के धनीय लाभ भयोपरित हों तथा पर्यावरण के नुकसान के लिए समुचित रूप से प्रतिकर हो ;

12. और माननीय उच्चतम न्यायालय ने इंडियन काउंसिल फार एन्वायरों-लीगल एक्शन बनाम भारत संघ (बिछड़ी गांव औद्योगिक प्रदूषण का मामला) में 13 फरवरी, 1996 को निर्णय देते समय विधि के सभी सुसंगत उपबंधों का विश्लेषण किया और यह निष्कर्ष दिया कि पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन नुकसानी की वसूली की जा सकती है (1996(3) एससीसी 212)। माननीय न्यायालय ने यह संप्रेक्षित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 केंद्रीय सरकार (या, यथास्थिति, उसके प्रतिनिधि) को “ऐसे सभी उपाय करने, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन समझे.....” अभिव्यक्त रूप से सशक्त करती है। धारा 5 केंद्रीय सरकार (या उसके प्रतिनिधि) को अधिनियम के उद्देश्यों को प्राप्त करने के लिए निदेश जारी करने की शक्ति प्रदान करती है। धारा 2(क), धारा 3 और धारा 5 में “पर्यावरण” की विस्तृत परिभाषा के अनुसार केंद्रीय सरकार को ऐसी सभी शक्तियां हैं, जो “पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन” हैं। केंद्रीय सरकार, ऐसे सभी उपाय करने और ऐसे सभी निदेश जारी करने के लिए सशक्त है, जो पूर्वोक्त प्रयोजन के लिए आवश्यक हो। इस मामले में उक्त शक्तियों के अंतर्गत गांठे कीचड़ को हटाने, उपचारिक उपाय करने और उपचारिक उपाय करने की लागत को उल्लंघन करने वाले उद्योग पर अधिरोपित करने की शक्ति भी है तथा इस प्रकार वसूल की गई रकम का, उपचारिक उपायों को कार्यान्वित करने के लिए उपयोग करना भी है। माननीय न्यायालय ने यह और संप्रेक्षित किया है कि उपचारिक उपायों को कार्यान्वित करने के लिए अपेक्षित लागत का उद्ग्रहण धारा 3 और धारा 5 में अंतर्निहित है, जिसे अत्यधिक विस्तृत और व्यापक भाषा में व्यक्त किया गया है। पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 और धारा 5 जल और वायु अधिनियमों के अन्य उपबंधों के अतिरिक्त सरकार को ऐसे सभी निदेश करने के लिए और ऐसे सभी उपाय करने के लिए सशक्त करते हैं, जो “पर्यावरण” के संरक्षण और संवर्धन के लिए आवश्यक या समीचीन हों, जिस अभिव्यक्ति को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 2(क) में अत्यधिक विस्तृत और व्यापक शब्दों में परिभाषित किया गया है। इस शक्ति के अंतर्गत किसी उद्योग कि निकट किसी क्रियाकलाप को प्रतिषिद्ध करने, उपचारिक उपायों को कार्यान्वित करने का निदेश देने और जहां कहीं आवश्यक हो, उल्लंघन करने वाले उद्योग पर उपचारिक उपायों

की लागत अधिरोपित करने की शक्ति भी है। प्रत्यर्थियों के उपचारिक उपायों की लागत की अदायगी के दायित्व का प्रश्न दूसरे दृष्टिकोण से भी देखा जा सकता है, जिसे अब सार्वभौमिक रूप से ठोस सिद्धांत के रूप में स्वीकार किया गया है, जैसे “प्रदूषणकर्ता संदाय करता है” का सिद्धांत। “प्रदूषणकर्ता संदाय करता है, सिद्धांत की यह मांग है कि प्रदूषण द्वारा कारित नुकसान को रोकने या उसका उपचार करने की वित्तीय लागत इस वचनबंध, कि जो प्रदूषण कारित करता है या ऐसे माल का उत्पादन करता है, जो प्रदूषण कारित करता है, के साथ होती है।”

13. (1) इसलिए अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि परियोजना या क्रियाकलाप या विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या क्रियाकलाप, जिनके द्वारा पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पूर्व पर्यावरणीय अनापत्ति अपेक्षित है भारत के किसी भाग में, यथास्थिति, केंद्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय सरकार या राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति प्राप्त किए बिना, जिसमें प्रक्रिया या प्रौद्योगिकी में परिवर्तन के साथ क्षमता में वर्धन या दोनों को शामिल किया गया है, को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा और उससे निम्नलिखित रीति में विनिर्दिष्ट प्रक्रिया के अनुसार व्यवहार किया जाएगा ;

(2) उस दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहां तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण संघात निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर अनुदत्त की जाएगी।

(3) उल्लंघन के मामलों में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के उपबंधों के अधीन संबंधित राज्य या राज्य प्रदूषण नियंत्रण बोर्ड द्वारा परियोजना प्रस्तावक के विरुद्ध कार्रवाई की जाएगी और इसके अतिरिक्त परियोजना को पर्यावरण अनापत्ति अनुदत्त किए जाने तक प्रचालन करने के लिए या अधिभोग प्रमाणपत्र जारी किए जाने के लिए अनुमति नहीं दी जाएगी।

(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित संबंधित क्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्याप्त पर्यावरणीय सुरक्षोपायों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भरणीय रूप से चलाया जा सकता है ; और उस दशा में जहां विशेषज्ञ मूल्यांकन समिति का निष्कर्ष नकारात्मक है, विधि के अधीन अन्य कार्रवाईयों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।

(5) उस दशा में जहां पूर्वोक्त उप पैरा (4) के बिन्दु पर विशेषज्ञ मूल्यांकन समिति के निष्कर्ष सकारात्मक हैं, इस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना तैयार करने के लिए समुचित निदेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय नुकसान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यायित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय नुकसान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्यक्ता अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।

(6) विशेषज्ञ मूल्यांकन समिति, पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उद्भूत आर्थिक फायदे की तत्स्थानी होगी।

(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने

से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।

14. ऐसी परियोजनाएं और क्रियाकलाप, जो इस अधिसूचना की तारीख को उल्लंघनकारी हैं, इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए आवेदन करने के पात्र होंगे और परियोजना प्रस्तावक इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए केवल इस अधिसूचना की तारीख से छह मास के भीतर ही आवेदन कर सकते हैं।

[फा. सं. 22-116/2015-आईए-III]

मनोज कुमार सिंह, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION**

New Delhi, the 14th March, 2017

S.O. 804(E).—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), *vide* number S.O. 1705(E), dated the 10th May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

2. And whereas, copies of the said notification were made available to the public on the 10th May, 2016;

3. And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government.

4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;

5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as “Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.

7. Whereas, the Hon’ble High Court of Jharkhand had passed an order dated the 28th November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *Versus* Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12th December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon’ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

8. And whereas, Hon'ble National Green Tribunal, Principal Bench *vide* its order dated 7th July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12th December, 2012 and 24th June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;

9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;

12. And whereas, Hon'ble Supreme Court in *Indian Council for Enviro-Legal Action Vs. Union of India* (the Bichhri village industrial pollution case), while delivering its judgment on 13th. February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures..... Hon'ble Court has further observed that levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures can also be

looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-

(2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.

(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

(6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

F. No. 3-50/2017-IA.III(Pt.)
Government of India
Ministry of Environment, Forest and Climate Change
(IA-III Section)

Indira Paryavaran Bhawan
Jor Bag Road, New Delhi – 3
Dated: 30th May, 2018

OFFICE MEMORANDUM

Sub: Consideration of mining proposals involving violation of the EIA Notification, 2006 under the provisions of S.O. 804 (E) dated 14.03.2017 and subsequent amendments for ToR / EC -regarding.

In order to regularize the projects involving violation of EIA Notification, 2006, the Ministry of Environment, Forest and Climate Change has issued a Notification number S.O.804(E) dated 14th March, 2017 and S.O. 1030 (E) dated 8th March, 2018 under the Environment (Protection) Act, 1986 to appraise the projects that have not taken prior environment clearance in terms of provisions of Environment Impact Notification, 2006 amended from time to time. Such cases have been termed as cases of violation of said notification.

2. Meanwhile, Hon'ble Supreme Court, vide judgment dated the 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. has passed a detailed order interpreting Section 21(5) of the MMDR Act and directing payment of 100% penalty for illegal mining operations with reference to the relevant statutes, which *inter-alia*, include the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Forest (Conservation) Act, 1980 and the Mines and Minerals (Development & Regulation) Act, 1957.

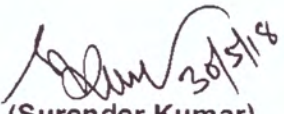
3. In pursuance of the Ministry's Notification referred to in para 1 above, the proposals involving violations of the EIA Notification, 2006 are to be appraised for grant of ToR/EC at the Central level or by the respective SEAC/SEIAA in different States/UT's levels depending upon the categorization of the project.

4. In pursuance of the above notifications, the ministry had invited proposals for regularization of violation during a specified time-window. Now, the Ministry has received a number of proposals for grant of Terms of Reference (ToR)/Environmental clearance(EC) to mining projects engaged in mining of major and minor minerals for regularization of the same.

5. In the above context, in order to additionally comply with the directions given by the Hon'ble Supreme Court as referred to in para 2 above, it has been decided to include the following additional conditions in ToRs/ECs to be issued for mining

projects under the provisions of **S.O. 804 (E) dated 14.03.2017** and subsequent amendments:-

- i. The project proponent shall give an undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. before grant of ToR/ EC. The undertaking *inter-alia* include commitment of the PP not to repeat any such violation in future.
- ii. In case of violation of above undertaking, the ToR/Environmental Clearance shall be liable to be terminated forthwith.
- iii. The Environmental Clearance will not be operational till such time the Project Proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors..
- iv. State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
6. The direction issued vide this Ministry's OM dated 15th March, 2018 and 16th March, 2018 shall continue to apply.
7. This issues with approval of competent authority.

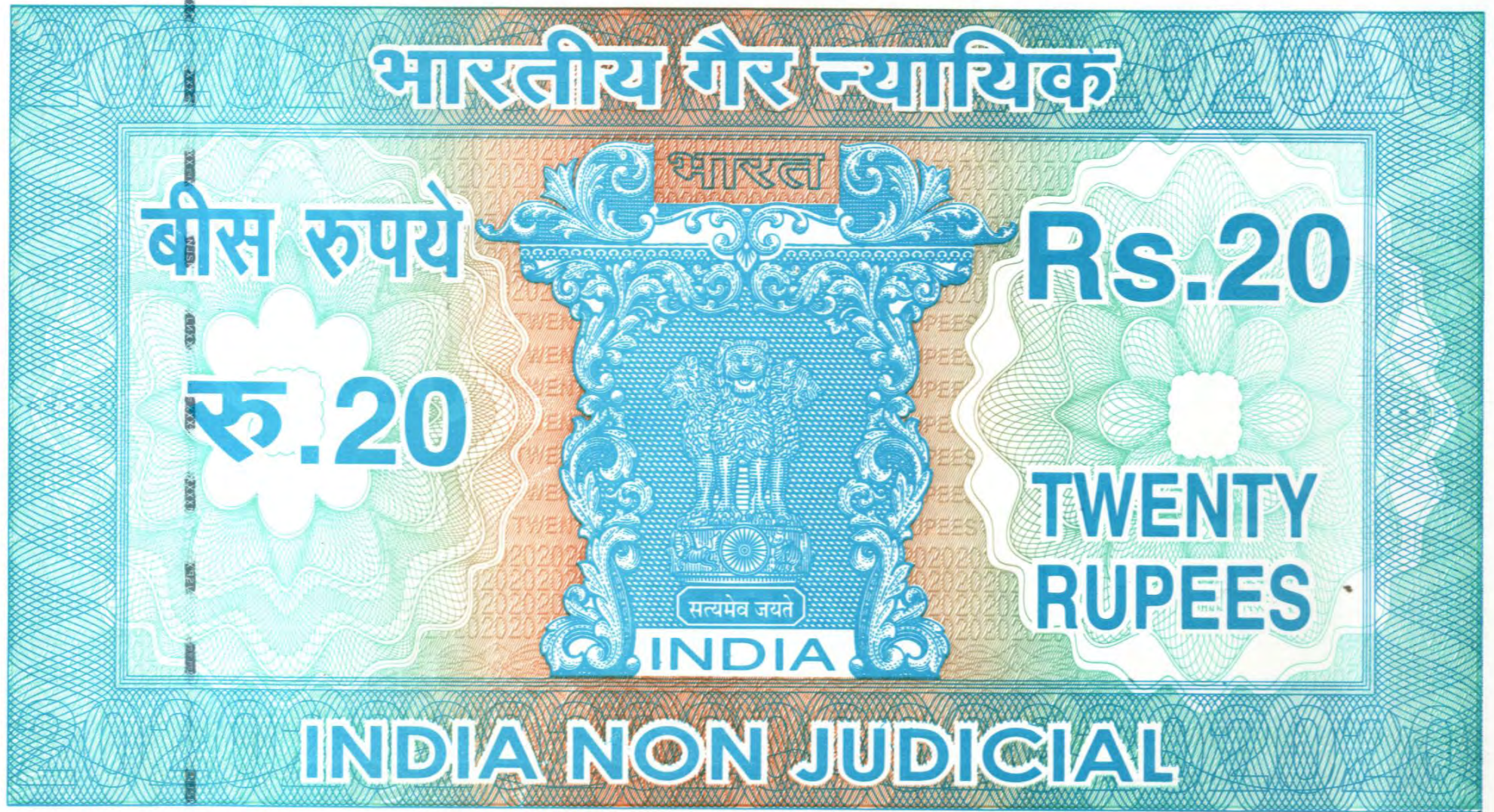

(Surender Kumar)
Advisor (IA)

To,

1. The Chairman of all the SEAC/SEIAA of States/UTs
2. The Member Secretary of all the SEAC/SEIAA of States/UTs

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS for Environment, Forest and Climate Change
3. PPS to Secretary (EF&CC)
4. PPS to AS (AKJ)/AS(AKM)
5. PS to JS (GB)/JS(JT)
6. All officers in IA Division
7. Website, MoEF&CC
8. Guard File



తెలంగాణ తెలంగాణ TELANGANA

Sl.No. 946, Dt. 28.02.2019
Sold To : S. SAMBAIAH. S/O. NARAYANA. R/O. GODAVARIKHANI
Form Whom : Self

B. Vasudeva Murthy
17AA 168508
B.VASUDEVA MURTHY
Licensed Stamp Vendor
R.No. 22-03-15/2018
D.No. 9-3-6/1, KOTHAGUDEM
Bhadradi Kothagudem Dist., Telangana
Cell : 9440369329

UNDERTAKING

I, S SAMBAIAH, Aged 56 years, S/o NARAYANA, R/o Godavarikhani, Project Officer of Cluster of GDK - 1&3, GDK - 2&2A and GDK - 5 Inclines Coal Mine Projects of SCCL, do hereby give an undertaking as under:-

1. That all statutory requirements and final Judgment of Honorable Supreme Court of India vide dated 02.08.2017 in WP (Civil) No- 114/2014 in the matter of Common Cause verses Union of India and others for Coal Mines shall be complied with. I further state that I shall not repeat any such violations in future.

"ATTESTED"

V. Suresh Babu
V. SURESH BABU, B.A., L.L.B.,
ADVOCATE
KOTHAGUDEM - 507 101.
Bhadradi Kothagudem Dist. Telangana.
Ph : 08744-242363, Cell : 9493156577

Agent
AGENT
GDK 1 Group

2. That all statements made above are true and correct.

Sworn and signed on this the 01.03.2019 at Kothagudem

The deponent who is identified by

Sri V. Suresh Babu, Advocate,

Kothagudem affirm on oath that the statement made above are true to the best of his knowledge.

Deponent
AGENT
GDK 1 Group

Identified by me

G. S. Suresh

Notary Public

"ATTESTED"

[Signature] 1/3/19
Cell : 9440297344

D. RAJENDER

B.A., LL.B.,

ADVOCATE - NOTARY

H.No. 4-3-113, Prakash Nagar

KOTHAGUDEM - 507 101,

Khammam Dist.



Advocate

V. SURESH BABU, B.A., LL.B.,
ADVOCATE
KOTHAGUDEM - 507 101.
Bhadradi Kothagudem Dist. Telangana.
Ph : 08744-242363, Cell : 9493156577

3/23/2020

Jr. Civil Court, Godavrikhani
Case Details

Case Type	: CC - CALENDAR CASE	
Filing Number	: 331/2020	Filing Date: 23-03-2020
Registration Number	: 178/2020	Registration Date: 23-03-2020
CNR Number	: TSKA11-000385-2020	

Case Status

First Hearing Date	: 01st April 2020
Next Hearing Date	: 01st April 2020
Stage of Case	: SUMMONS
Court Number and Judge	: 3-1st Addl. Junior Civil Judge

Petitioner and Advocate

1) The Environmental Engineer, T.S Pollution Control Board, Regional Office, Ramagundam,(K. Ravidas)
Advocate- S.CHANDRA SHEKAR

Respondent and Advocate

- 1) The SCCL M. Suresh
2) A. Manohar

Acts

Under Act(s)	Under Section(s)
Environment (Protection) Rules	15

The details of ToRs and the present status of the 18 violation Mines.

Sl. No	Project	ToR Issued date	Present Status
1.	RG OC I Expansion Phase II (IA/TG/CMIN/64766/2017)	27.09.2019	Draft EMP under preparation
2.	Dorli Opencast – 1 Expansion (IA/TG/CMIN/66047/2017)	07.08.2019	Draft EMP under preparation
3.	Jalagam Vengala Rao OC – I Exp. (IA/TG/CMIN/66088/2017)	08.08.2019	EAC meeting for issue of EC held on 07.08.2020. Waiting for Issue of EC.
4.	Kasipet-1 Incline (IA/TG/CMIN/65753/2017)	27.09.2019	Draft EMP under preparation
5.	Jawahar Khani – 5 Opencast (IA/TG/CMIN/74333/2018)	27.09.2019	Draft EMP under preparation
6.	Goutham khani OC (IA/TG/CMIN/74139/2018)	21.10.2019	Draft EIA/EMP completed and submitted to TSPCB for conduct of PH. Awaiting for conduct of PH.
7.	Medapalli Opencast (IA/TG/CMIN/74390/2018)	22.01.2020	Draft EMP under preparation
8.	Vakilpalli UG Mine (IA/TG/CMIN/74123/2018)	22.01.2020	Draft EMP under preparation
9.	Ravindra Khani - 5 Incline (IA/TG/CMIN/74096/2018)	21.10.2019	Draft EMP under preparation
10.	Ravindra Khani - 6 Incline (IA/TG/CMIN/74182/2018)	23.10.2019	Draft EMP under preparation
11.	Kalyan Khani - 5 Incline (IA/TG/CMIN/74212/2018)	22.01.2020	Draft EMP under preparation
12.	Srirampur - 3&3A Incline (IA/TG/CMIN/74099/2018)	13.12.2019	Draft EMP under preparation
13.	Cluster of GDK 1&3, 2&2A and 5 Inclines (IA/TG/CMIN/66253/2017)	26.06.2019	EAC meeting for issue of EC held on 04.06.2020. Awaiting for Issue of EC
14.	Venkatesh Khani-7Incline (IA/TG/CMIN/65213/2017)	19.06.2019	Draft EIA/EMP completed and submitted to TSPC for conduct of PH. Awaiting for conduct of PH
15.	Ravindra Khani - 8 Incline (IA/TG/CMIN/64671/2017)	13.05.2019	Draft EMP under preparation
16.	Godavarikhani -7 LEP (IA/TG/CMIN/65156/2017)	13.05.2019	Draft EMP under preparation
17.	Indaram Khani -1A Incline (IA/TG/CMIN/68359/2017)	04.04.2019	Draft EMP under preparation
18.	Koyagudem OC-II		Reservation issue involved



**GOVERNMENT OF TELANGANA
FOREST DEPARTMENT**

From
Smt. R.Sobha, IFS.,
Principal Chief Conservator of Forests
& Head of Forest Force, (FAC)
Telangana State, "Aranya Bhavan",
Saifabad, **Hyderabad - 500004.**

To
The Spl Chief Secretary to Government,
Forests Department,
Telangana State,
"Aranya Bhavan",
Saifabad, **Hyderabad - 500004.**

Ref.No. 9917/2017/FCA-1/PS Dated: 05.08.2020

Sir,

Sub: TSFD - F(C) Act, 1980 - Diversion of 162.457 Ha of forest land in Indaram RF, Mancherla Range of Mancherla Forest Division in Mancherla District for grant of Mining lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancherla District in favour of M/s. Singareni Collieries Company Limited, Srirampur Area, Mancherla District - **Additional Information Sought by GoI, MoEF& CC, New Delhi - Information Furnished - Regarding.**

- Ref:**
1. CF & FDPT, Kawal TR, Nirmal Rc.No. 3644/2017/D2, Dt: 10.01.2019.
 2. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 24.01.2019.
 3. State govt Ir.No.460/For.I(1)/2019, Dt:13.02.2019.
 4. GoI, MoEF& CC, New Delhi F.No.8-06/2019-FC, Dt:04.07.2019.
 5. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt:16.07.2019
 6. Director (Planning & Projects), Ref.No. CRP/EST/F/508, Dt: 02.08.2019.
 7. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 23.08.2019.
 8. GoTs, EFS&T(For.I) Dept Lr.No.460/FOR.I(1)/2019, Dt:27.12.2019.
 9. GoI, MoEF& CC, New Delhi F.No.8-06/2019-FC, Dt:30.12.2019.
 10. GoI, MoEF& CC, New Delhi F.No.8-06/2019-FC, Dt:20.02.2020.
 11. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 11.03.2020.
 12. General Manager (Estates), SCCL, Bhadradi Kothagudem District, Ref.no.CRP/EST/F/508/398, Dt:20.05.2020.
 13. PCCF Rc.No. 9917/2017/FCA-1/PS, Dt: 08.06.2020 & 18.06.2020.
 14. CF & FDPT, Kawal TR, Nirmal Rc.No. 3644/2017/D2, Dt: 12.05.2020 & 16.06.2020.
 15. General Manager, SCCL, SriRampur Area, Mancherla District, Ref.No.SRP/EST/E/15/2020/273, Dt:03.08.2020.

Vide ref 10th cited, the GoI, MoEF & CC, New Delhi has sought additional information for further consideration of the proposal.

Accordingly, vide ref 12th and 15th cited, the M/s.SCCL and vide ref 14th cited, the Conservator of Forests & Field Director Project Tiger, Kawal TR, Nirmal has furnished information for the points (1), (2) and (3) as desired by the GoI, MoEF & CC, New Delhi which are furnished as follows, with remarks:

A. Soil Suitability Certificate of proposed Compensatory Afforestation.

Reply: The CF & FDPT, Kawal TR, Nirmal has reported (Copy Enclosed) that the FDO, Mancherla has submitted a Site Suitability certificate along with the



revised CA scheme for the identified degraded forest land for Compensatory Afforestation over 324.90 ha of double degraded RF in lieu of the forest land proposed for diversion. It is submitted that there is no change in CA DFL areas already furnished with the proposal.

Further, the FDO, Mancherial reported that the Compt. No. 691, 693, 698 of Indaram RF of Mancherial beat are having canopy density of 0.2 to 0.4 ha and the Compt. No. 687, 688, 689, 690 and 805 of Indaram RF & Indaram Ext RF of Venkatapur beat are having canopy density of 0.2 to 0.4 ha. Further, reported that, all the areas except Compt. No 687 & 690 of Venkatapur beat are in Degraded Forest Improvement Circle and Compt.No. 687 & 690 are included in "Conservation Working circle" of the working plan.

Further reported that out of the proposed area of 324.90 ha of degraded forest land, an area of 170 ha is suitable for raising plantations under Semi Mechanical Method and the total no. of plants proposed to be planted are 188870 Nos. The balance area of 154.90 ha is suitable for treatment under Assisted Natural regeneration (ANR) and planting 30980 No's of plants in large gaps (average 200 plants per ha). SMC works are proposed to be taken up in the entire area.

The revised CA scheme is prepared for an financial outlay of Rs.1789.765 lakhs with 10 years of maintenance for consideration.

B. Copy of approved Mining and Progressive Mine Closure Plan:

Reply: M/s SCCL has submitted a copy of Mine Plan (III Revision) and Mine Closure Plan of SRP OC-II Project (SRP OC-II Expansion Project) Srirampur, approved by Ministry of Coal, Gol vide Lr.No13016/1/2017-PCA, dtd.21.08.2017 which is enclosed.

C. Lease Period Details of the proposed diversion:

Reply: M/s SCCL has submitted that the proposed area of diversion is falling in 3 mining leases which are as follows:

S.No	Name of the Mining lease	Area in ha	G.O.No & Date	Validity Period	
				From	To
1.	North Godavari Mining lease	45.22	01, Dt.12.01.2015	22.05.2010	21.05.2030
2.	Sri Rampur Mining lease	11.13	42, Dt.11.02.2008	28.06.2008	27.06.2038
3.	Indaram Mining lease	106.10	15, Dt.23.01.2006	24.07.2000	23.07.2020
	Total:	162.45			

Further, reported that regarding Indaram Mining lease, M/sSCCL has applied for renewal of Indaram Mining lease on 06.04.2019 through online and submitted to the Asst. Director of Mines & Geology, Mancherial on 08.04.2019 and it is under consideration with Director (Mines & Geology Dept). As per the Rule 24A of Mineral

Concession Rules-1960 (MCR - 1960), the lease period will be considered as Deemed to be extended till approved by the State Government. The copies of G.Os issued by the State Government for the mining leases mentioned in the table, the copy of the application of SCCL to the Asst. Director of Mines & Geology, Mancheril and copy of MCR-1960 are enclosed as furnished by M/s SCCL.

In view of the above, the State government are requested to submit the information to GoI, MoEF & CC, New Delhi for consideration of this proposal.

Encl: As above.

Yours faithfully,

Sd/-R.Sobha

Prl. Chief Conservator of Forests(FCA)&
Prl. Chief Conservator of Forests.
(Head of Forest Force) (FAC)

Advance Copy submitted to the Director General of Forests & Special Secretary to the Govt, MoEF & CC, GoI, Indira Paryawarana Bhawan, Jorbagh Road, New Delhi - 110003 for information and necessary action.

Advance Copy submitted to the Inspector General of Forests (FC), MoEF & CC, GoI, Indira Paryawarana Bhawan, Jorbagh Road, New Delhi - 110003 for favor of information.

Copy to the General Manager, M/s Singareni Collieries Corporation Limited, Yellandu for information.

✓ Copy to the Chairman and Managing director, SCCL, Red Hills, PB.No. 18, Khairatabad PO, Hyderabad -500004 for information.

Copy to the Conservator of Forests & Field Director Project Tiger, Kawal-TR, Nirmal for information.

//true copy//

R. Sobha 05/08/2020

Prl. Chief Conservator of Forests.

Shauke
15/8/2020

P.V.N. SARMA, I.A.S.
Chairman & Managing Director



(A Government Company)

Phones : { Off : 229638
3393746
Grams : 'COAL MINES'
HYDERABAD
Telex : 0425-6321 SCHD IN
Fax : 040 - 3393746

Post Box No. 18, Khairatabad P.O.
Meher Manzil, Red Hills,
Hyderabad - 500 004. (A.P.)

Ref. No. CMD/PS/H/365

1st Sept., 1997

Dear Sir,

Sub: Providing Compensatory Afforestation on the double degraded forest land without insisting upon certificate from State Chief Secretary for the coal projects of Sinafreni Collieries Co. Ltd. - Applicability of revised forest guidelines to SCCL - Reg.

Ref: Inspector General of Forests, Govt. of India letter No.11-30/96-FC, dated 10-4-1997.

- :0: -

Kind attention is drawn to the decision to insert para 3.2 (viii) in the existing forest guidelines - providing compensatory afforestation on the double degraded forest land without insisting upon certificate from State Chief Secretary in lieu of forest land required for various Central Government/Sector Projects. This was necessitated because of various national important development projects in Central Sector are either getting delayed or remaining non-starter due to delay in getting forestry clearances for the sake of non-availability of non-forest land to be transferred to Forest Department towards compensatory afforestation in lieu of diversion of required forest land.

SCCL could collect a copy of the said revised guidelines which was communicated by Ministry of Environment & Forests, Government of India. vide reference cited to all the State Forest Secretaries. A copy of the said revised guidelines is enclosed for your kind perusal.

In this connection, this is to bring to your kind notice that SCCL is a 100% Government Public Sector Unit (51% by Govt. of A.P. and 49% by Govt. of India) engaged in strategic industry i.e., coal production. The Company is targetted to achieve a production schedule of 36 Million Tonnes during IX Plan which has been scaled down to 34.35 Million Tonnes, in view of delays experienced in the past in getting forestry clearances and subsequent approvals from GOI. Performance of subsequent plan periods also would depend upon forest land acquisition.

About 75% of coal mined by the Company goes to the Public Sector for generation of Electricity which is the backbone of the industry. A substantial part of the rest goes to cement and other industries. Thus, the Company serves vital infrastructural needs of the country.

It may be mentioned here that SCCL needs about 650 Ha. of forest land for various coal projects that will realise production during IX plan as detailed in the Annexure. For diversion of 650 Ha. forest land, SCCL requires equivalent extent of compensatory afforestation land for which SCCL is facing lot of difficulties in identification of suitable non-forest land and hence SCCL is not in a position to get the forestry clearance in time for its coal projects which would hamper production programme of SCCL in the coming years.

In the circumstances, it is requested that the matter may kindly be taken up with Ministry of Environment & Forests, Govt. of India to give applicability of the revised guidelines under para 3.2 (viii) to SCCL also. This will help SCCL in getting forestry clearances quickly and to implement the production programme as per schedule.

An early action in the matter would be much appreciated.

Yours sincerely,



(A.P.V.N. SARMA)

Encl: as above

Shri S. Narayan, IAS,
Secretary to Government,
Ministry of Coal,
Government of India,
Shastri Bhavan, NEW DELHI-110 001

Copy to: The Secretary, Ministry of Environment & Forests, Govt. of India,
New Delhi
The Secretary, Energy Department, Government of A.P., Hyderabad
Prl. Secretary, Environment, Forests, Science & Technology Dept.,
Govt. of Andhra Pradesh, Hyderabad.
The Prl. Chief Conservator of Forests, Govt. of Andhra Pradesh,
Hyderabad.

CC: CGM(CP&P) • X (w.e.)
GM(PP) • X

Dt. 16th Jan. 1998.

Dear Shri Prasad:

You will recall that a meeting had been held in the MOEF under the chairmanship of Addl. IGP (PC) to discuss various issues related to forestry clearance in respect of coal projects. We have since received the minutes of the said meeting. In terms of the decisions reached, Ministry of Coal is required to take follow up action in respect of a few issues.

2. One of the issues is regarding applicability of the guidelines issued by MOEF on 10.4.97 on compensatory afforestation. It will be recalled that MOEF had subsequently issued clarifications that these guidelines are applicable to central sector projects including coal companies under CIL. In the meeting held on 25.11.97, the representatives of MOC had spared no pains to clarify and justify that the said guidelines of 10.4.97 should be made applicable to SCCL. After due deliberations, it was decided that MOEF would consider the proposal, should MOC submit a formal proposal/request to them.

3. To refresh the discussions held in the MOEF in this context, I would like to inform you that SCCL is a joint venture of the State Govt. of Andhra Pradesh and ~~Central Government~~ Central Government and its administrative control rests with the former as it is a major share holder in this company. As it is, this company cannot be taken as a central sector project in the true sense of the term. This company is however, engaged in production of coal function which is also discharged by CIL and its subsidiaries in meeting the onerous responsibility of meeting the targetted coal production. SCCL play a very vital and crucial role in meeting the targetted coal requirements particularly of southern region comprising core sectors like power, cement etc., as also the non-core sectors. The responsibility cast on SCCL being the same as that of CIL for meeting the targetted coal production, it is only reasonable just and logical that this company should also be permitted to have the benefits flowing from the guidelines dated 10.4.97 of MOEF, as applicable to coal companies under CIL, so that the company can discharge its responsibilities effectively and efficiently. Further, while the administrative control of this coal company rests squarely with the State Govt. of AP because of holding majority shares in the company, the Govt. of India do participate in equity investment to the extent of 49% and also extends plan loan under the instrument of tripartite agreement entered into between the State Govt. of AP, SCCL and Govt. of India for its developmental activities. Under the provisions of this Tripartite Agreement, the Chairman cum Managing Director of this company is appointed by the State Govt. of AP in consultation with Ministry of Coal. This provides added justification that for all purposes, SCCL should be treated on par with the coal companies under CIL to qualify as Central Sector projects and the guidelines dt. 10.4.97 should be made applicable to this company also.

4. On the backdrop of these considerations, I am to request that the proposal of the Ministry of Coal that the guidelines issued by MOEF on 10.4.97 should be made applicable

..E..

to SCCL, may be given a favourable consideration. I shall be grateful if the Ministry of Coal is kept informed of the action having been taken in the matter.

With kind regards,

Yours sincerely,

Sd/-x x x

(N.N. Gaudin)

Shri A.S. Prasad,
Dy. Inspector General of Forests (FC),
Ministry of Environment & Forests,
Paryavaran Bhavan,
New Delhi.

//TRUE COPY//

N.T.SHANMUGAM
MINISTER OF STATE FOR COAL

New Delhi, the 30th August, 2000

Dear Shri Baalu,

As you are aware, coal continues to be the primary source of energy in the Indian context. Coal companies under the aegis of CIL and SCCL engaged in the mining of coal are clothed with the onerous responsibility of meeting the ever increasing targeted production of coal to meet the coal demands of various sectors of economy, particularly the core sectors like power, cement etc. In order to carry on mining activities, these companies have necessarily to acquire coal bearing lands on a large scale to set up their projects. More often than not, the lands so acquired involve diversion of forest lands. Before working such lands, forestry clearance under Forest (Conservation) Act, 1980 and environmental clearance under Environment (Protection) Act, 1986 are to be obtained from MOEF. These clearances have, however, not been obtained as planned. The result is that implementation of such projects have languished for a considerably long time, incapacitating the coal companies in meeting the targeted demand, in particular, and affecting various sectors of economy requiring coal in general.

2. I am given to understand that in the past Ministry of Coal had interacted with MOEF a number of times for simplifying the procedures laid down for these clearances under respective Acts to ensure availability of forestry and EMP clearance for coal projects in time.

3. In October, 1997, during review of performance of coal sector by the then Hon'ble Prime Minister, the problems encountered by the coal companies in acquisition of various lands were also discussed, and, as a follow up action, a meeting had been convened in MOEF on 25.11.1997 under the Chairmanship of Addl. IG (Forest) which was attended from the Ministry of Coal by the Adviser(P) and Joint Secretary and senior officers of coal companies of CIL and SCCL. Committee of Secretaries had also considered proposal of MOEF in regard to forestry clearance for proposals received under Forest (Conservation) Act and Environmental clearance and had made a number of recommendations from time to time. While MOEF have no doubt taken certain actions to cut down delays in according forestry / environmental clearance, yet coal companies continue to encounter delays in getting forestry / environmental clearance in respect of their projects.

4. MOEF have recently been supplied with the list of project proposals relating to CIL and SCCL that are pending with MOEF at various levels for forestry / environmental clearance. I enclose a copy of this Ministry's d.o. letter No.43011/11/98-CPAM dated 31.3.2000 alongwith enclosures for your information.

Dy Secy (M)

list of proposals pending for MOEF clearance for
1.11.2000

5. In the review meeting taken by Secretary (Coal) on 17.4.2000 in respect of major coal projects costing Rs.100 crores and above, which was also attended, among others, by the representatives of MOEF, the issue relating to delay in implementation of coal projects on account of non-availability of forestry / EMP clearances in time was deliberated. Based on the decisions taken in the review meeting, MOEF have also been supplied with various problems affecting implementation of coal projects alongwith suggestions for their happy resolution. A copy of this Ministry's letter No.43011/11/98-CPAM dated 11.7.2000 alongwith enclosures is also enclosed.

6. One more issue which I would like to mention is regarding applicability of guidelines issued by MOEF on 10.4.1997 on the subject of compensatory afforestation for central sector projects. In the meeting held in MOEF on 25.11.97, a request was made on behalf of Ministry of Coal that the said guidelines should be made applicable to SCCL too. It was decided that MOEF would consider the proposal, should MOC submit a formal proposal / request in this regard to them. A formal request was made to MOEF vide d.o. letter dated 16.1.98. A reply has been received from MOEF in April, 2000 informing that relaxation of compensatory afforestation given to central sector projects vide their letter dated 10.4.97 would be considered in favour of SCCL only if MOC certifies that SCCL is a public sector undertaking. This Ministry has reportedly explained the position again on 29.5.2000. A copy of this letter is enclosed. As SCCL like any other coal company is engaged in mining activities and plays a vital and crucial role in meeting the targeted coal requirement, particularly of the southern region, I would like to request you kindly to issue necessary directives to treat the projects of SCCL as central sector projects at par with projects of CIL so as to enable it to enjoy the benefits flowing from MOEF's letter dated 10.4.97.

7. I would also request that the various issues raised by the coal companies which are causing delays in implementation of coal projects and consequently hampering coal production, may be given due consideration. Also, appropriate direction may be passed to accord forestry / EMP clearances for coal projects which are pending for such clearances at various levels (a list of such projects has already been supplied to MOEF) on urgent basis.

8. I would be happy to come over and discuss these issues at your convenience. I would request for a line in reply.

With regards,

Yours sincerely

(N. T. SHANMUGAM)

Shri T. R. Baalu,
Minister of Environment & Forests,
Govt. of India,
New Delhi.



The Singareni Collieries Company Limited

(A Government Company)

Singareni Bhavan, Red Hills,
P.B. No. 18, Khairatabad (P.O.)
Hyderabad-500 004, A.P., India

Regd. Office :
Kolhagudem Collieries-507 101
Khammam District : Andhra Pradesh

Ref.No. CMD/PS/H/210

September 12, 2007

The Spl. Chief Secretary to Government,
Energy Department,
Government of Andhra Pradesh,
HYDERABAD.

Sir,

Sub: Request to treat Singareni Collieries Company Limited (SCCL) on par with Coal Companies under Coal India Limited as Central Power Sector Project (CPSU) for the purpose of applicability of guidelines 3.2 (ix) under F(C) Act – Reg.

- Ref:
1. Our Lr.No.CMD/PS/H/267, Dated 17.07.2006.
 2. Our Lr.No.CMD/PS/H/145, Dated 11.07.2007.
 3. Spl. Chief Secretary to Government, Energy Department, letter No. 6363/Power-1(2)-2007 dated 30.08.2007.

Kind attention is invited to the reference cited above.

1. I wish to state that the State Government in their letter 3rd cited above informed that there is no provision in the Forest (Conservation) Act for State Public Sectors/ Joint Sectors of State and Central Government, for payment of double the amount of afforestation charges in lieu of identification of land for Compensatory Afforestation (CA) and sought the proposal with full justification from SCCL (copy enclosed).
2. Justification to treat Coal Mining Projects of SCCL on par with CPSUs for the purpose of availing the benefit of MoEF guidelines No. 3.2 (ix), is furnished below:
 - a) SCCL is a joint-venture Government Company under the administrative control of Government of Andhra Pradesh. Government of Andhra Pradesh (GoAP) holds 51% of equity. Government of India (GoI) holds 49% of equity.

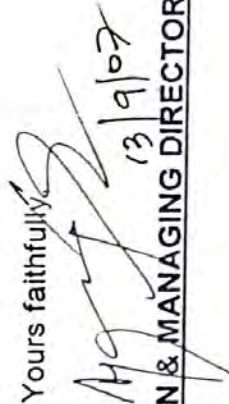
- b) Coal is listed in First Schedule (Part A) of Mines & Minerals (Development and Regulation) Act, 1957. Under this Act, the grant of Mining Lease operation and regulation of Coal Mines is governed by the Central Government.
- c) Coal deposits are site specific. The deposits are usually associated with forest land.
- d) The Coal production and linkages are decided by a working group constituted by Ministry of Coal for every plan period. About 70% of coal produced by SCCL is supplied to power utilities which is shared among various States. It is obligatory on the part of Company to abide by the commitments as assigned to it by the Central Government. Apart from this, the wages are also settled at national level for all coal companies under National Coal Wage Agreements.
- e) Projects costing more than Rs.100 crores also need to obtain approval from the Ministry of Coal and Public Investment Board etc. The progress of the projects is periodically reviewed by Ministry of Coal.
- f) Hence, the coal production, linkages, wages and regulation of Coal Companies are by and large administered by the Central Government either directly or indirectly.
- g) SCCL has targeted to produce 40.5 MT of Coal during 2007-08. The demand for coal on SCCL is 60 MT by the end of XII Plan period (2016-17). To meet the increasing demand, the Company is proposing to open 25 new coal mines up to end of XII Plan Period and requires about 12,000 Ha. of forest land.
- h) More than 90% of coal produced in the country is contributed by two major PSUs i.e. Coal India Limited (CIL) and SCCL.
- i) SCCL is at serious disadvantage on account of not being considered as Central Sector unlike CIL.
- j) SCCL is a State PSU but regulated by the Ministry of Coal, GoI for all practical purposes.
- k) If SCCL is not able to secure diversion of forest land for mining purposes, it would be difficult to achieve the targets set for XI and XII Five Year Plans and to contribute its share for the economic development of the nation.

1) Considering all the issues listed above, SCCL mining projects may be treated as Central Government Projects like CIL for the purpose of diversion of forest land and identification of CA land.

As we are already in the middle of first year of XI Plan Period (2007-08), it is requested to approve the draft Tripartite Agreement excluding Clause 6(d).

Meanwhile, incorporation of Clause 6(d) may be taken-up separately with the Ministry of Environment & Forests, and other relevant Ministries in Gol to accord the status of the Central PSU to SCCL to enable it to be eligible under the provisions of para 3.2 (ix) of the MoEF guidelines. On approval it can be appended to Tripartite Agreement at a later date.

Yours faithfully,


13/9/07
CHAIRMAN & MANAGING DIRECTOR

CC: The Secretary to Government of India,
Ministry of Coal, Shastri Bhavan,
Govt., of India, New Delhi.

: for favour of information

GOVERNMENT OF ANDHRA PRADESH
ENVIRONMENT FORESTS SCIENCE AND TECHNOLOGY DEPARTMENT

LETTER NO S832/For I (1)/2007-1

Dated: 18-9-2008

From

The Special Chief Secretary to Government,
E.F.S. & T Department,

A.P. Secretariat, Hyderabad

To

The Director General of Forests & Spl. Secy. to GOI,
Government of India, Ministry of Environment & Forests,
Paryavaran Bhavan, CGO Complex, Lodhi Road,
New Delhi.

Sir,

Sub: Request to treat Singareni Collieries Company Limited (SCCL) on par with Coal Companies under Coal India Limited as Central Power Sector Project (CPSU) for the purpose of applicability of guidelines 3.2 (ix) under Forest (C) Act, 1980- Reg.

Ref: 1 From C&MD, M/s. SCCL, Hyd. Lr.No.CMD/PS/H/210, dated: 12-2-2007.

I am directed to inform you that the Singareni Collieries Company Limited had been registered under Companies Act, 1956 with its registered office at Kothagudem Collieries, Khammam District, A.P. State. The SCCL is a Joint venture Government Company under the administrative control of Government of A.P. The Govt. of A.P. holds 51% of equity and Govt. of India holds 49% of equity.

2. The Coal is listed in First Schedule (Part A) of Mines & Minerals (Development and Regulation) Act, 1957. Under this Act, the grant of Mining lease operation and regulation of Coal Mines is governed by the Central Government. The coal deposits and site specific which are usually associated with forest land. The Coal production and linkages are decided by a working group constituted by Ministry of Coal for every plan period. About 70% of coal produced by SCCL is supplied to power utilities which is shared among various States. It is obligatory on the part of Company to abide by the commitments as assigned to it by the Central Government. Apart from this, the wages are also settled at national level for all coal companies under National Coal Wage Agreements.

3. It is also informed that Projects costing more than Rs 100 crores also need to obtain approval from the Ministry of Coal and Public Investment Board etc. The progress of the Projects is periodically reviewed by Ministry of Coal. Hence, the coal production, linkages, wages and regulation of Coal, Companies are by and large administered by the Central Government either directly or indirectly. Even though it is a State PSU but regulated by the Ministry of Coal, Govt. of India for all practical purposes.

4. The SCCL has informed that they have targeted to produce 40.5 MT of Coal during 2007-08. The demand for coal on SCCL is 60 MT by the end of XII Plan period (2016-17). To meet the increasing demand, the Company is proposing to open 25 new coal mines up to end of XII Plan Period and requires about 12,000ha. of forest land. More than 90% of coal produced in the country is contributed by two major PSUs i.e. Coal India Limited (CIL) and SCCL. If SCCL is not able to secure diversion of forest land for mining purposes, it would be difficult to achieve the targets set for XI and XII Plans and to contribute its share for the economic development of the nation.



ESTIMATES DIVISION

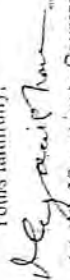
NO. 2558

DATE 24/9/08

5. Hence, the SCCL has requested to treat the SCCL mining projects as Central Government Projects like Coal India Limited for the purpose of diversion of forest land and identification of Compensatory Afforestation land.
6. As per para 3.2 (i) Compensatory Afforestation shall be done over equivalent area of non-forest land. As per para 3.2-ix (a)- Compensatory Afforestation may be raised on degraded forest land twice in extent of forest area being diverted in respect of Central Government/Central Government Undertaking Project.
7. The SCCL is a joint-venture Government Company under the administrative control of Government of Andhra Pradesh. Even though it is working the administrative control of State Govt., the coal production, linkages, wages and regulation of Coal Companies are by and large administered by the Central Government either directly or indirectly. More than 90% of coal produced in the Country is contributed by two major PSUs i.e. Coal India Limited (CIL) and SCCL.
8. The demand for coal on SCCL is 60 MT per year by the end of XII Plan Period (2016-17). To meet the increasing demand, the Company is proposing to open 25 new coal mines up to end of XII Plan Period and requires about 12,000 ha. of forest land. Hence, the SCCL has to find out 12,000 ha. of non forest land for C.A. purpose in the state. Since, it is Govt. Sector, the State Government has to provide 12,000 ha. of Govt. land for C.A. purpose.
9. In this connection, it is informed that the Government of A.P. have given top most priority for construction of Irrigation Project under Jalayagnam. Most of the projects are required forest land for these projects in the State for which the State Government is providing Government land for Compensatory Afforestation Purpose. More over the State Government is also distributing lakhs of acres of Government land to the landless poor people for upliftment of their economical position. These priorities of State Government are well known in the country.
10. Under these above circumstances and since, the SCCL require nearly 12,000 ha. of forest land for mining purpose to open the new mines, it is very difficult to the State Government to provide suitable Govt. land for C.A. purpose and purchase of required private land for Compensatory Afforestation purpose is not economically viable in the interest of Public Sector. Therefore identification of Govt. land for C.A. purpose by the SCCL is very difficult and time consuming as such getting of forest clearance under F (C) Act, 1980 will be delayed. Hence, the commencement of the project will be affected and it reflects the production of targeted coal.

In view of the above, I am directed to request you consider the request of M/s. SCCL duly treating the SCCL as Central Government Projects like Coal India Limited for the purpose of diversion of forest land and identification of Compensatory Afforestation land as per para 3.2-(ix) (a) of Forest (C) Act, and guidelines.

Yours faithfully,


For Special Chief Secretary to Government.

Copy to:
The Energy Department.
The Principal Chief Conservator of Forests, Hyd.
The M/s. SCCL, Hyderabad.



श्री. बालकृष्णन
C. BALAKRISHNAN
सचिव
Secretary

Tel. No. : 23381578
23381579
Fax No. : 23381578
E-mail : secy.moc@nic.in

सचिव, मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF COAL
श्री श्री शास्त्रीधरान

नई दिल्ली, दिनांक
New Delhi, Dated

No. 43C/12/14/2009-CPAM

12th November, 2009

Dear Shri Sharma,

This is in connection with the issue of treating M/s Singareni Collieries Company Limited (SCCL) a Government Company on par with companies under Coal India Limited (CIL) as a Central Public Sector Undertaking (CPSU) for the purpose of applicability of guidelines 3.2(ix) under FC (Act) 1980 on land for Compensatory Afforestation.

2. In this regard, it is stated that SCCL is a State Government PSU wherein the State Government and the Central Government hold equity in the ratio of 51% and 49% respectively. However, major activities such as its coal production, the Annual Plan, the Annual Action Plan and coal linkages are governed by this Ministry. All coal projects of SCCL are required to be appraised and approved by the Central Government though the Central Government have delegated certain financial powers to SCCL in line with other central PSUs. The wages of employees of SCCL are also on par with the National Coal Wage Agreement (NCWA). In order to meet the demand for coal, new mines have to be opened, for which forest land is required.

3. SCCL has informed that they are facing problems in getting compensatory afforestation land for their new projects in Madhra Pradesh and have requested that they be treated on par with the other Central Coal PSUs of CIL for the purpose of compensatory afforestation.

4. I shall be grateful if your Ministry could accordingly treat SCCL on par with the other CPSUs for the purpose of land for compensatory afforestation.

With regards,

Yours sincerely,

C. Balakrishnan
(C. Balakrishnan)

Shri Vijal Sharma,
Secretary,
Ministry of Environment & Forests,
Paryavaran Bhavan,
CGO Complex, Lodi Road,
New Delhi.

Shri Vijal Sharma
12/11/09

12/11/09
TAX



The Singareni Collieries Company Limited

(A Government Company)

Regd Office
Kolihagudem Collieries-507 101
Khammam District Andhra Pradesh
Ref No CMD/PS/H/ 388

Singareni Bhavan, Red Hills,
P B No 18, Khairatabad (P.O.)
Hyderabad-500 004 A.P. India
January 14th 2011

The Ptl. Secretary to Government,
Energy Department,
Government of Andhra Pradesh,
HYDERABAD.

Sir,

Sub - Request for issue of "Certificate of Non-availability of non-forest land for Compensatory Afforestation purpose - Reg
Ref - 1) MOEF letter No. 12-2/2000-FC, dated 01 03 2001
2) Advisor (Projects), MOC, letter No 43011/48/99-CPAM
dated 19 01 2005 (copy enclosed)
3) Special Chief Secretary, EFS&T Dept., letter No 5832/ For I (1) /2007-1, dated 18 09 2008 (copy enclosed)
4) MOC letter No. 43012/14/2009-CPAM, dated 12 11 2009 (copy enclosed)
5) Board Minute No. 499:5:3, dated 01 11 2010 (copy enclosed).

It is to submit that most of the new mines proposed are falling in RF land and as per guideline No 3.2.1 issued under Forest (Conservation) Act, it is essential to hand over equal extent of non-forest land to the Forest Department for Compensatory Afforestation purpose for diversion of forest land for non-forest purpose.

2. However, as per MOEF guidelines 3.2 (ix) (a), the requirement of identification of non-forest land for C.A. is relaxed for the Central Public Sector Undertakings (CPSUs) and instead they can pay charges for raising afforestation in double the extent of degraded forest land. Further, as per guideline No. 3.2 (v), double the C.A. charges are also accepted in the cases where non-forest lands are not available for C.A. and a certificate to that effect is issued by the State Chief Secretary.

3. In view of the above, at the request of SCCL and on the recommendation of Ministry of Coal, the matter relating to treating SCCL on par with CPSUs for the purpose of identification of equal extent of non-forest land for C.A. for Coal Mining Projects of SCCL was discussed in the Inter Ministerial Group meeting held on 24.01 2001 and as per the Minutes of the meeting, the request of SCCL was discussed and clarified that as per Forest (Conservation) Act, 1980 and guidelines there on, the request can not be agreed to.

4. The matter was again discussed during the detailed Review on Coal Industry held on 31.10.2004 chaired by Hon'ble Prime Minister. Further, Advisor (Projects), Ministry of Coal, vide letter dated 19.01.2005 informed that it is not possible to treat SCCL on par with CPSUs and therefore advised to obtain a Certificate from State Government about the non-availability of non-forest land for C.A. purpose.

5. The SCCL had taken up the issue of identification of Revenue land with various District Collectors in the State for allotment of required non-forest land for C.A. purpose from the identified Land Bank. However, with the efforts made in the last 4 to 5 years, SCCL could identify about 3,000 Ha. only which has already been

tagged to different Coal Mining Projects. The prospects of further identification of suitable non-forest land appears to be not bright as most of the lands though available on record are either encroached or assigned to land less poor or not suitable for Compensatory Afforestation.

6. In this connection, it is to submit that SCCL is targeted to produce 51.30 Million Tonnes of coal during 2010-11. The demand for coal on SCCL is 60 Million Tonnes by the end of XII Plan. To meet the increasing demand, the Company is proposing 25 new mining projects upto XII Plan period which requires about 12,000 Ha of forest land for which equal extent of non-forest land is to be identified.

7. Recently, at the request of SCCL, the State Government (EFS&T Department) vide letter 3rd cited recommended to MOEF to consider the request of SCCL treating it as Central government projects like Coal India Limited for the purpose of diversion of forest land and identification of Compensatory Afforestation land as per para 3.2 (ix) (a) of Forest (Conservation) act, and guidelines.

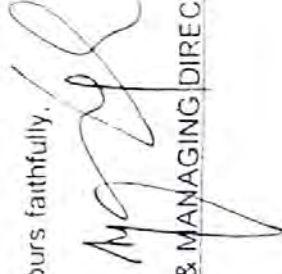
8. The Secretary, Ministry of Coal, vide letter 4th cited has also recommended to MOEF to treat SCCL on par with the other Central Coal PSUs of CIL for the purpose of Compensatory Afforestation. The matter was discussed in the FAC meeting, but the request of SCCL was not agreed to.

9. As the State Government has been assigning Govt. land on a large scale to land less poor and also in view of requirement of vast extents of forest land for Irrigation Projects, the possibility of getting suitable Government non-forest land for C.A. for the Coal Mining Projects of SCCL on large scale may not be possible due to which the grounding of the Coal Mining Projects of SCCL would be delayed resulting in escalation of Project costs and non-availability of required coal for Power Generation and other industries in the State.

10. To overcome the above problem, SCCL approached its Board for according approval to acquire private lands for handing over to Forest Department towards Compensatory Afforestation. The Board discussed the matter in its meeting held on 01.11.2010 and advised to take up the matter with State Government and then come to Board, if necessary.

11. In view of the above and as suggested by Ministry of Coal and Board of Directors of SCCL, it is requested to kindly arrange to take up the matter with Chief Secretary to issue a Certificate of Non-availability of non-forest land for the Coal Mining Projects of SCCL as provided under MOEF guideline No. 3.2 (v) so that SCCL can pay the charges for raising afforestation in double the extent in degraded forest land as is the case with CPSUs and submit applications quickly for diversion of forest land without waiting for identification of required non-forest land for C.A.

Yours faithfully,



CHAIRMAN & MANAGING DIRECTOR

PANKAJ DWIVEDI, IAS.,
Chief Secretary to Government



HYDERABAD.
Off : +91-40-2345 2620
+91-40-2345 5340
Fax : +91-40-2345 3700
Res : +91-40-6454 1563
e-mail : cs@ap.gov.in

Non-Availability of Compensatory Afforestation land Certificate

This is to certify that Singareni Collieries Company Limited, which is a Government Company, having 49% share of Government of India and 51% share of Government of Andhra Pradesh, has informed that big chunk of land is not available for Compensatory Afforestation (CA) purpose in the State of Andhra Pradesh. This issue has been verified from the District Collectors and it was confirmed that bigger chunk of land which is contiguous to the forest and suitable for CA is not available.

Hence, this is to certify that revenue land suitable for CA purpose in big chunk is not available in the State. With this certificate the proposal of Singareni Collieries Company Limited may be considered on par with the Government of India proposals wherein the SCCL will pay the cost towards raising of CA in twice the area of degraded forest land in the State.

Sd/ xxxxxxxxxxxx
PANKAJ DWIVEDI

*Director General of Forests and Special
Secretary to Government of India,
Ministry of Environment & Forest, G.O.I.
Paryavaran Bhavan, CGO Complex, Lodhi Road
NEW DELHI – 110 003.*

Copy to:

1. Principal Secretary to Government, EFS&T Department.
2. Principal Chief Conservator of Forests, AP, Hyderabad.
3. Principal Secretary to Government, Energy Department.

PANKAJ DWIVEDI

2/2

ANIL CHANDRA PUNETHA, I.A.S.
Principal Secretary to Government



REVENUE DEPARTMENT

Room No. 609 L-Block 6th Floor
A.P. Secretariat, Hyderabad - 500 022
☎: Off. : +91-40-2345 2768
Fax: +91-40-2345 1836
e-mail : prlsearcy_rev@ap.gov.in

Letter No.7782/Assn.I(1)/2011-3. Dated 22.12.2011.

To
The Director General of Forests and
Special Secretary to Government,
Ministry of Environment & Forests,
Government of India,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, NEW DELHI 110 003.

Sir,

Sub: LANDS - "Non-availability Certificate of non-forest land for
Compensatory Afforestation purpose" In respect of Singareni Collieries
Company Limited - Regarding.

- Ref: (1) From the Chairman and Managing Director, Singareni Collieries
Limited, Singareni Bhavan, Red Hills, Hyderabad Letter No.
CMD/PS/H388, dated 14.01.2011.
- (2) From the Special Chief Secretary and Chief Commissioner of Land
Administration, AP Hyderabad Letter No. B1/1433/2011, dated
08.04.2011.

-:0:-

I am to inform that the Chairman and Managing Director, Singareni Collieries Company Limited, Hyderabad in the reference cited stated that as per guideline No. 3.2 (v) issued under Forest (Conservation) Act, double the compensatory afforestation charges are accepted in case where non-forest lands are not available for compensatory afforestation and a certificate to that effect is issued by the State Chief Secretary.

2. In the reference 2nd cited the Special Chief Secretary and Chief Commissioner of Land Administration, AP - Hyderabad has reported that if the Singareni Collieries Company Limited is willing to acquire 12,000 hectares of land for afforestation purpose, it should be allowed as the company has already found out from the District Collectors that non-forest government land is not available within the District.

3. The availability of non-forest land for compensatory afforestation has been verified from the District Collectors and it was confirmed that bigger chunk of land which is contiguous to the forest and suitable for CA is not available.

contd. 2.



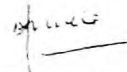
:: 2 ::

4. Hence, I herewith enclose the "Non availability of Compensatory Afforestation land Certificate" in respect of Singareni Collieries Company Limited issued by the Chief Secretary to Government and request you to issue necessary orders to the SCCL. Hyderabad.

Yours faithfully
Sd/ xxxxxx
(ANIL CHANDRA PUNETHA)

Copy to:

- The Principal Secretary to Government
E.F.S. & T Department.
- The Principal Chief Conservator of Forests,
A.P. Hyderabad.
- The Principal Secretary to Government,
Energy Department.
- ✓ The Chairman and Managing Director,
Singareni Collieries Company Limited,
Red Hills, Hyderabad.


(ANIL CHANDRA PUNETHA)

PANKAJ DWIVEDI, IAS.,
Chief Secretary to Government



HYDERABAD.

☎ : Off : +91-40-2345 2620
+91-40-2345 5340
Fax : +91-40-2345 3700
Res : +91-40-8454 1563
e-mail : cs@ap.gov.in

Non-Availability of Compensatory Afforestation land Certificate

This is to certify that Singareni Collieries Company Limited, which is a Government Company, having 49% share of Government of India and 51% share of Government of Andhra Pradesh, has informed that big chunk of land is not available for Compensatory Afforestation (CA) purpose in the State of Andhra Pradesh. This issue has been verified from the District Collectors and it was confirmed that bigger chunk of land which is contiguous to the forest and suitable for CA is not available.

Hence, this is to certify that revenue land suitable for CA purpose in big chunk is not available in the State. With this certificate the proposal of Singareni Collieries Company Limited may be considered on par with the Government of India proposals wherein the SCCL will pay the cost towards raising of CA in twice the area of degraded forest land in the State.

Sd/ xxxxxxxxxxxxx
PANKAJ DWIVEDI

*Director General of Forests and Special
Secretary to Government of India,
Ministry of Environment & Forest, G.O.I.
Paryavaran Bhavan, CGO Complex, Lodhi Road
NEW DELHI – 110 003.*

Copy to:

1. Principal Secretary to Government, EFS&T Department.
2. Principal Chief Conservator of Forests, AP, Hyderabad.
3. Principal Secretary to Government, Energy Department.

PANKAJ DWIVEDI
2/2

MINNIE MATHEW I.A.S.



HYDERABAD.

☎ : Off : +91-40-2345 2620

+91-40-2345 5340

Fax : +91-40-2345 3700

e-mail : cs@ap.gov.in

CHIEF SECRETARY

No.CRP/EST/C/005/ Dated: 03.11.2012

The Secretary,
Ministry of Environment & Forests,
Government of India,
Paryavaran Bhavan,
New Delhi.

Sir,

Sub: Diversion of forest land for Coal mining, providing of land for Compensatory afforestation, request of the Singareni Collieries Company (SCCL) to grant them CPSU status. Reg.

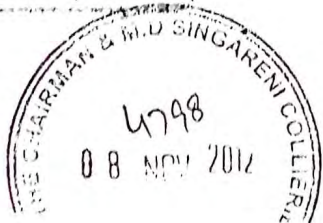
Ref: 1. C&MD, SCCL Lr.No-CMD/PS/H/77 Dt.12.05.12.
2. The Secretary, MOC, GOI Lr.No. 43012/14/2009-CPAM Dt.12.11.2009 & 13.06.12

In the reference 1st cited the Chairman & Managing Director, Singareni Collieries Company Limited (SCCL) has informed that SCCL is facing problems in identifying equal extent of non- forest land for C.A for submitting proposals for diversion of forest land for various priority coal projects and requested to accord CPSU status at par with other Central Power Sector undertakings.

The Secretary, Ministry of Coal vide letter 2nd cited has informed to Ministry of Environment & Forests that SCCL though a State PSU, major activities such as its coal production, Annual Plan, Annual Action Plan and Coal linkages are governed by Coal Ministry. All coal projects of SCCL are required to be appraised and approved by the Central

...contd..2..

STATES DEPT.
2717
12/11/2012



M.S. 44
10 NOV 2012

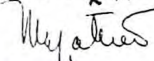
Government and the wages of employees of SCCL are also on par with the National Coal Wage Agreement (NCWA). In view of this the Secretary Coal, has recommended to treat SCCL on par with other CPSUs for the purpose of land for Compensatory Afforestation.

The C&MD, SCCL has also informed that, their linkages are not confined to the State of AP alone but supplying coal to NTPC, Maha Genco (State of Maharashtra), KPCL (State of Karnataka) among other consumers located outside the State. Thus, their operations are pan Indian and SCCL has requested to treat them at par with other CPSUs.

SCCL has been complying with the targets continuously given by GOI. But now, it is becoming increasingly difficult to achieve targets without opening new mines, because of non -availability of CA land and their inability in submission of proposal under F(C) Act for diversion of RF land. This failure may lead to deficit in coal supply and will adversely affect Government generators like NTPC, MahaGenco, KPCL besides APGENCO and bring about debilitating economic impact. Further SCCL is the only 100% owned Government Company in Coal Sector in India with 51% equity held by GOAP and 49% by GOI.

Under the circumstances, I request that the SCCL may be accorded status of CPSU for the purpose of compensatory afforestation.

Yours faithfully,



Chief Secretary

Government of Andhra Pradesh



N. KIRAN KUMAR REDDY

Hyderabad

**Chief Minister
Andhra Pradesh**

November 14, 2012

Dear Smt Jayanthi Natarajan ji,

As you are kindly aware, in the guideline for diversion of forest land for non-forest purpose at Para.3.2(v) a provision was made for diversion of forest land by paying twice the cost of Compensatory Afforestation (CA), if the user agency is Central Public Sector Undertakings (CPSU).

It has been informed that the Singareni Collieries Company Limited (SCCL) is facing problems in identifying equal extent of non-forest land for C.A for submitting proposals for diversion of forest land for various priority coal projects and has been requesting GOI to accord CPSU status at par with other Central Power Sector undertakings.

Further SCCL is the only 100% owned Government Company in Coal Sector in India with 51% equity held by GOAP and 49% by GOI. Further, although a State PSU, SCCL's major activities such as its coal production, Annual Plan, Annual Action Plan and Coal linkages are governed by Coal Ministry.

Linkages of SCCL are not confined to the State of AP alone but it is supplying coal to NTPC, Maha Genco (State of Maharashtra), KPCL (State of Karnataka) among other consumers located outside the State. Thus, their operations are pan Indian and there is considerable merit and equity in their requests to treat them at par with other CPSUs vis-à-vis Forest Conservation Act, 1980.

SCCL has been complying with the targets continuously given by GOI. But now, it is becoming increasingly difficult to achieve targets without opening new mines, because of non-availability of CA land and their inability in submission of proposal under F (C) Act for diversion of RF land. This failure may lead to deficit in coal supply and will adversely affect Government generators like NTPC, MahaGenco, KPCL besides APGENCO and bring about debilitating economic impact.

Ministry of Coal has also been requesting MoEF to treat SCCL on par with other CPSUs for the purpose of land for Compensatory Afforestation.

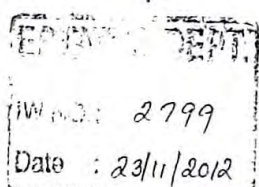
Under the circumstances, may I request that the SCCL may be accorded status of CPSU for the purpose of compensatory afforestation in public interest.

With regards,

DGN (E89)

Yours sincerely,

N. Kiran Reddy
(N.KIRAN KUMAR REDDY)



Smt. Jayanthi Natarajan,
Hon'ble Minister of State, Environment & Forests
Government of India
New Delhi.

Copy to: GNDCL

F. No. 11-423/2011-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road
New Delhi-110 003
Dated: 31st January, 2013

To

The Special Chief Secretary,
Environment Forests, Science and Technology Department,
Government of Andhra Pradesh,
Hyderabad.

Subj.: Diversion of forest land for coal mining, providing of land for Compensatory afforestation, request of Singareni Collieries Company Limited (SCCL) to grant them CPSU status-reg.

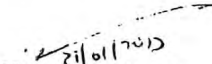
Sir,

I am directed to refer to the Chief Secretary, Government of Andhra Pradesh's D.O. No. CRP/EST/C/005 dated 03.11.2012 on the above-mentioned subject, wherein this Ministry was requested to grant the status of Central Public Sector Unit (CPSU) for the purpose of providing land for Compensatory afforestation in lieu of the forest land diverted in favour of Singareni Collieries Company Limited (SCCL) for coal mining and allied activities.

The matter has been examined in this Ministry. Keeping in view *inter alia* that the SCCL is a fully Government owned company with 51% equity held by the Government of Andhra Pradesh and the remaining 49% by the Government of India, the Central Government has decided to accord status of CPSU to the SCCL for the purpose of creation of compensatory afforestation in respect of the proposals seeking prior approval of Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land in their favour for coal mining and allied activities to be received by this Ministry in future.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

Yours faithfully,


(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy To:-

1. The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Hyderabad.

2. The Nodal Officer, Forest (Conservation) Act, 1980, Government of Andhra Pradesh, Hyderabad.
3. Regional Office (Southern Zone), Bangalore.
4. The Chairman and Managing Director, Singareni Collieries Company Limited, Hyderabad.
5. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
6. Director, Regional Office (Headquarters), Ministry of Environment & Forests, New Delhi.
7. Monitoring Cell, Ministry of Environment & Forests, New Delhi.
8. Guard file.

sl/-

(H.C. Chaudhary)

Assistant Inspector General of Forests

(4)

Annexure-I

Statement showing the details of Forest diversions identified CA land In degraded Forest land for double the extent and amount deposited.

Sn o	Area	Name of the Project	Diverted FL	Location of Degraded FL	Double the Degraded FL Extent	CA Charges Deposited (in Lakhs)
1	KGM	JVR OC-II	776.2	Madhira	1552.4	6979.910
2		Kistaram	285.44	Gubbagurthi, Annapureddyp alli, Lankapalli.	570.88	33705.265
3	Yellandu	Koyagudem OCP-II (Ph-II)	231.84	Dammapet	463.68	2240.00
4	Manuguru	Manuguru OCP-II Extn (Ph-II)	368.92	Bayyaram	738	4818.10
5	Mandamarri	SKLWP	4.828	Bellampalli	10	110.10
6	STPP	Laying of water supply pipeline	2.99	Kundaram	5.98	24.560
Total			1670.21 8		3340.94	47877.934

Annexure-II**Statement Showing the details of New projects to be grounded in next 5 years**

S.No	Project	Forest land required to be diverted (Approximate) (in Ha.)
1	SRP OC-II	162.45
2	KTK -3 UG Mine	83.143
3	Penagadapa	241
4	Tadicherla	1175.99
5	MVK OC	392.67
6	Goleti OC	612.896
7	Sravanapalli	877.5088
8	VK OCP	649.3014
9	Naini OC	783.275
10	Rompedu OC	106.304
11	Venkatapur OC	432.7511
12	KOC-III	694.159
13	KTK-5 Incline UG	198.78
Total (in Ha.)		6410.2283

GOVERNMENT OF TELANGANA
ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (For.I) DEPARTMENT

Letter No.460/FOR.I(1)/2019

Dated:27-12-2019.

From
The Special Chief Secretary to Government,
EFS&T Department,
Telangana State,
Hyderabad

To
The Inspector General of Forests,
Government of India,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi -110 003. (w.e.)

Sir,

Sub:- F(C) Act, 1980 - Diversion of 162.45 Ha of forest land in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for grant of Mining lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancherial District in favour of M/s. Singareni Collieries Company Limited, Srirampur Area, Mancherial District - Furnishing of additional information - Reg.

- Ref:- 1. From the PCCF (HoFF), T.S. Hyd. Lr.No.9917/2017/FCA-1/PS, Dt: 24.01.2019.
2. Govt. Lr.No.460/For.I (1)/2019, Dt:13.02.2019.
3. From the Dy. Inspector General of Forests, GoI, MoEF&CC, New Delhi, F.No.8-06/2019-FC, Dt.04.07.2019.
4. Govt. Memo No.460/For.I (1)/2019, Dt.10.10.2019.
5. From the PCCF (HoFF), T.S., Hyd. Lr.No.9917/2017/FCA-1/PS, Dt:23.08.2019.

I am directed to forward the additional information in respect of the proposal for diversion of 162.45 Ha of forest land in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for grant of Mining lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancherial District in favour of M/s. Singareni Collieries Company Limited, Srirampur Area, Mancherial District, as reported by the Principal Chief Conservator of Forests (HoFF), T.S. Hyderabad in the letter 5th cited, for taking necessary further action in the matter.

Yours faithfully,

for Special Chief Secretary to Government

Copy to:

- The Additional Principal Chief Conservator of Forests (Central), Government of India, Ministry of Environment & Forests, Regional Office (Southern Zone), Panagal Building, 8th floor, Saidapet, Chennai - 600 015
The Principal Chief Conservator of Forests (HoFF), Telangana, Hyderabad.
The Chairman & Managing Director, Singareni Collieries Company Limited, Singareni Bhavan Red Hills Hyderabad.

Director (P. Sc.)

(E.S.I.A.T.S. DEPT.)

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi- 1100 03

Dated: 11th September, 2020

To,
The Principal Secretary (Forests),
Department of Forests & Environment,
Government of Telangana,
Hyderabad.

Sub: Proposal for diversion of 162.45 ha of forest land in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for grant of Mining Lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancherial District in favour of M/s Singareni Collieries Company Limited, Srirampur Area Mancherial District.-reg.

Madam/Sir,

I am directed to refer to the State Government of Telangana's letter No.460/For. I (1)/2019 dated 13.02.2019 on the above-mentioned subject, seeking prior approval of Central Government under Section-2(ii) of the Forest (Conservation) Act, 1980 and to inform that proposal was considered by the Forest Advisory Committee (FAC), in its meeting held on 18th August 2020. Based on the recommendations of FAC, the Ministry has **deferred** the proposal with certain observations.

2. Accordingly, the State Government is requested to submit the following information/documents for further consideration of this proposal:

- i. The issue of different validity of mining leases constituting a single proposal was raised and clarification was sought on how to make a single FC approval co-terminus with three different lease periods. This issue was deliberated upon and PCCF (HoFF) conveyed that earliest expiry of the lease period out of three leases will be the period of diversion. The State Government may provide its comments/confirmation in this regard.
- ii. In light of the deliberations following additional clarifications/information need submission from the State Government:
 - a. Three separate kml files of proposed diversion as per forest areas involved in three mining leases;
 - b. Specific land use plan and mining plan for each constituent;
 - c. Status of realization of penalty as per specific instructions in WP114/2014 of Hon'ble Supreme Court in 'Common Cause' judgement in the instant matter;
 - d. Suitability of proposed Compensatory Afforestation sites shall also be provided.
3. Copy of the minutes of the meeting of the FAC may kindly be accessed at

<http://parivesh.nic.in>. State Government may furnish the above mentioned information/documents for further processing of the proposal under FCA, 1980.

Yours faithfully,

Sd/-

(Brijendra Swaroop)

Dy. Inspector General of Forests

Email: dyceo-ncampa@nic.in

Tel: 011- 24695355

Copy to:-

1. The PCCF (HoFF), Department of Forests, Govt. of Telangana, Hyderabad;
2. The Nodal Officer (FCA), Department of Forests, Government of Telangana, Hyderabad;
3. The Dy. Director General (C) Regional Office (SEZ), MoEF&CC, Chennai;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.

Singareni Collieries Company Limited

(A Government Company)

Registered Office

Kothagudem Collieries (P.O.)-507 101, Khammam Dist. Telangana State

CIN: U10102TG1920SGC000571

Estates Dept., Srirampur Area

PO:Srirampur Colony-504 303, Dist.Adilabad, Telangana State

Ref.No.SRP/EST/M/3/2018/ 224

Date:25.7.2018.

To

The Prl.Chief Conservator of Forests &

Head of Forest Force,

Telangana, Aranya Bhavan

Saifabad, Hyderabad – 500 004

Sir,

Sub:- TS –FCA – Application for 2nd renewal of Indaram Mining Lease over 929.29 Ha. of Forest land involving 15.18 Ha. for surface use in Compt.Nos from 699 to 703, 706 to 709 and 711 to 714 in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District in favour of M/s.Singareni Collieries Company Limited, Srirampur Area –Reg.

Ref:- 1.Our Lr.No.SRP/EST/M/3/2018/163 dt.28.05.2018.

2.PCCF Lr.No.9982/2018/FCA-1/PS, dt.13.6.2018.

3.Online proposal No.FP/TG/MIN/34878/2018

1. Kind attention is invited to the subject cited.

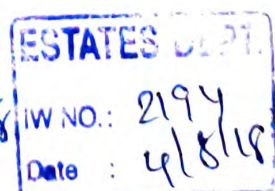
2. The Singareni Collieries Company Limited (SCCL) is a Government Company Jointly owned by Government of Telangana And Government of India. The activities of SCCL are spread over in Bhadradri Kothagudem, Khammam, Prof.Jayashankar Bhoopalpalli, Peddapalli, Mancherial & Kumarambheem Asifabad Districts of Telangana State. SCCL is presently producing about 60.0 Million Tonnes of Coal per annum from 29 Underground Mines and 19 Open Cast mines.'

3. It is to submit that to meet the ever increasing demand for Coal and the targets set by the Government of India time to time, SCCL has proposed to increase Coal production by opening new projects and expansion of existing mines.

4. SCCL submitted an application under Forest Conservation Ac, 1980 for 929.29 Ha. Forest land involving 15.18 Ha. surface use in Compartment Nos.699 to 703, 706 to 709 and 711 to 714 in Indaram Reserve Forest, Mancherial Range of Mancherial District for 2nd Renewal of Indarm Mining Lease.

A/Super

By Super

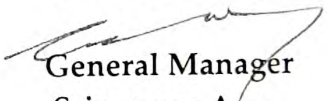


5. The present application is for 2nd renewal of Indaram Mining Lease over 929.29 Ha. of Forest land involving 15.18 Ha. for surface use in Compt.Nos from 699 to 703, 706 to 709 and 711 to 714 in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District. The proposed Forest area is surveyed by DGPS instrument and the surveyed Plan is authenticated by the O/o.PrI.Chief Conservator of Forests, (HoFF), Hyderabad vide letter No.FP/TG/MIN/34878/2018 dtd.21.7.2018. Copy of the letter dtd.21.7.2018 along with authenticated Plan is enclosed herewith. A part TOPO plan showing the proposed Forest land diversion and Co-ordinates obtained with DGPS is enclosed herewith.

6. The application has been uploaded in online (in Form-**B**) for prior approval under Section 2 of F © Act, 1980 vide reference 3rd cited and herewith submitted Part-1 duly filled in Eight (8) sets.

7. Therefore, it is requested to kindly arrange to process and forward the application to the Government of India through the Government of Telangana for prior approval for 2nd renewal of Indaram Mining Lease over 929.29 Ha. of Forest land involving 15.18 Ha. for surface use in Compt.Nos from 699 to 703, 706 to 709 and 711 to 714 in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for a period of 20 years.

Yours faithfully


General Manager
Srirampur Area.

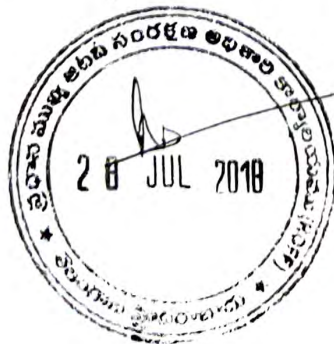
Encl: As above (8) sets.

CC to: The District Forest Officer, Mancherial
The Forest Divisional Officer, Mancherial.

} - for favour of information please

NOO: GM(Estates), GM(P&P),
GM(Env.), PO,SRP.OCP-II
ASO(Survey),SRP.

} - together with a copy of application for information and office record please.



F. No. 8-5/1988-FC (pt.)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
Dated: 4th February, 2013

To

Principal Secretary to the Government,
Environment, Forests, Science & Technology Department,
Andhra Pradesh Secretariat,
Hyderabad.

Sub: Diversion of 1105 ha. forest land in favour of M/s. Singareni Collieries Company Limited for underground coal mining in Indaram Reserved Forest of Mancherla Division in Andhra Pradesh, in third renewal of mining lease.

Sir,

I am directed to refer to the State Government of Andhra Pradesh's letter No. 4380/FOR.1(1) 2009 dated 23.05.2011 on the above-mentioned subject, wherein *inter alia* this Ministry was requested to delete/ modify certain conditions stipulated in the stage-I approval under the Forest (Conservation) Act, 1980 for the diversion of 1105 hectares of forest land in favour of M/s. Singareni Collieries Company Limited for underground coal mining in Indaram Reserved Forest of Mancherla Division in Andhra Pradesh, in third renewal of mining lease accorded by this Ministry vide letter of even number dated 23.12.2010, and to say that this Ministry has accepted the request made by the State Government of Andhra Pradesh to delete the conditions stipulated at sl. No. (vii), (viii) and (x) in para 2 of this Ministry's said letter dated 23.10.2010.

Similarly, this Ministry has also accepted the request of the State Government of Andhra Pradesh to amend the conditions stipulated at sl. No. (x) in para 2 of this Ministry's said letter dated 23.10.2010 as per details given below:

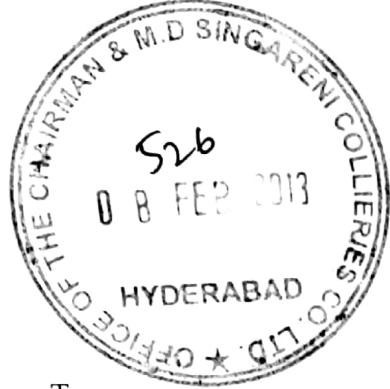
Condition stipulated	Amended condition
User Agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 m. from outer perimeter of the mining lease	User Agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located within the mining lease

Yours faithfully,

sd/-
(H. C. Chaudhary)
Assistant Inspector General of Forests

Copy to:-

- ✓ 1. The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Hyderabad.
2. The Nodal Officer, Office of the PCCF, Govt. of Andhra Pradesh, Hyderabad.
3. The Chief Conservator of Forests (Central), Bangalore.



F. No. 8-5/1988-FC (pt.)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
Dated: 4th February, 2013

To

Principal Secretary to the Government,
Environment, Forests, Science & Technology Department,
Andhra Pradesh Secretariat,
Hyderabad.

Sub: Diversion of 1105 hectares of forest land in favour of M/s. Singareni Collieries Company Limited for underground coal mining in Indaram Reserved Forest of Mancherial Division in Andhra Pradesh, in third renewal of mining lease.

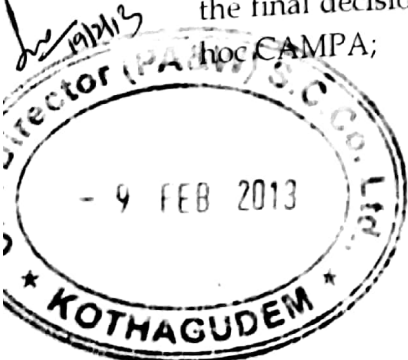
Sir,

I am directed to refer to the State Government of Andhra Pradesh's letter No. 4380/FOR.1(1) 2009-1 dated 24.07.2009 on the above-mentioned subject, wherein prior approval of the Central Government for the diversion of 1105 ha. forest land in favour of M/s. Singareni Collieries Company Limited for underground coal mining in Indaram Reserved Forest of Mancherial Division in Andhra Pradesh, in third renewal of mining lease, was sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, stage-I approval for diversion of the said forest land was accorded by the Ministry vide its letter of even number dated 23rd December 2010, subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the stage-I approval and has requested the Central Government to grant final approval.

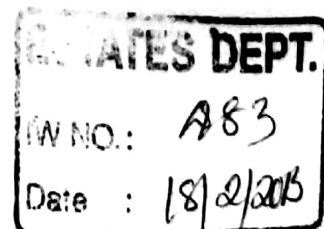
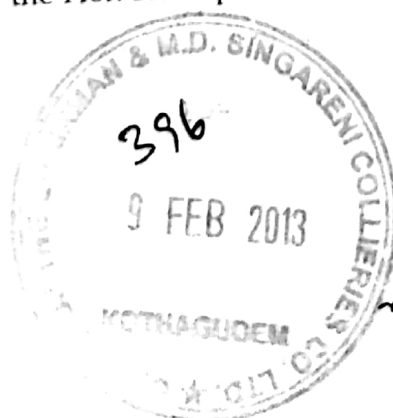
2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Andhra Pradesh vide letter No. 4380/FOR.I (1)/2009 dated 23.05.2011 and No. 4380/FOR.I(1)/2009 dated 16.11.2012, approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 1105 hectares of forest land in favour of M/s. Singareni Collieries Company Limited for underground coal mining in Indaram Reserved Forest of Mancherial Division in Andhra Pradesh, in third renewal of mining lease, subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) The State Government shall charge the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India and transfer the same to the ad-

hoc CAMPA;



NIR(PAW)



- (iii) The User Agency shall surrender the balance 685 hectare forest land located in the mining lease to the State Forest Department after its reclamation;
- (iv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (v) The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1957, or the Rules framed there under, subject to a maximum period of 20 years;
- (vi) User Agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located within the mining lease;
- (vii) The User Agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;
- (viii) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, Government of Andhra Pradesh and the Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (Southern Zone), Bangalore. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forests (Central) may recommend to the Ministry of Environment & Forests, suitable penal action to be taken against the proponent;
- (ix) No labour camp shall be established on the forest land;
- (x) The User Agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xi) The boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars *etc.*;
- (xii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xiii) User agency shall submit annual self-monitoring report, indicating status of compliance to the conditions stipulated in the approval, to the State Government and the concerned Regional Office of this Ministry; and
- (xiv) The State Government of Andhra Pradesh and the User Agency shall comply with any other condition that the Southern Regional Office of this Ministry, Bangalore and this

Signature

Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

- (xv) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

Yours faithfully,



(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Hyderabad.
2. The Nodal Officer, Office of the PCCF, Govt. of Andhra Pradesh, Hyderabad.
3. The Chief Conservator of Forests (Central), Bangalore.
- ✓ 4. The User Agency
5. RO (HQ), MoEF, New Delhi
6. Monitoring cell of the FC Section
7. Guard file.

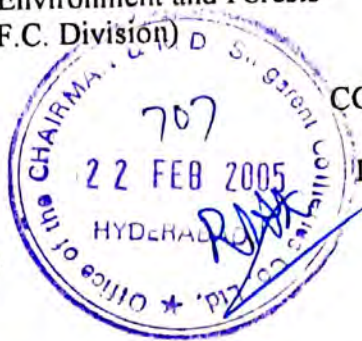


(H. C. Chaudhary)

Assistant Inspector General of Forests



F.No. 8-56/91-FC(Pt.)
Government of India
Ministry of Environment and Forests
(F.C. Division)



Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.
Dated: 12th February 2005.

To

The Principal Secretary (Forests),
Government of Andhra Pradesh,
Hyderabad.

Sub.: Diversion of forest land for mining lease in favour of M/s Singareni Collieries Company Limited (SCCL) in Indaram RF in Mancherial Division in Adilabad district of Andhra Pradesh.

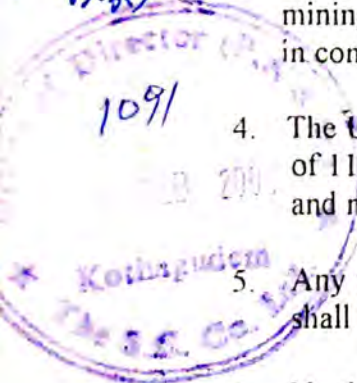
DIR(PAC)

Sir,

Kindly refer to the State Government's letters No. 26277/FOR.I/91-17 dated 05.11.1996 and No. 5661/FOR.I(1)/2004-1 dated 05.10.2004 on the subject mentioned above seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980. In this connection, I am directed to convey the approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 140.00 ha. of forest land for underground mining and 113.00 ha. of forest land (which is being used by the Company since 1979) for surface rights in favour of M/s Singareni Collieries Company Limited (SCCL) in Indaram Reserved Forests in Mancherial Division in Adilabad district of Andhra Pradesh for a period co-terminus with the mining lease granted under the relevant mining Act, subject to fulfilment of the following conditions:-

1. Legal status of the forest land shall remain unchanged.
2. (i) Penal Compensatory Afforestation shall be raised and maintained by the State Forest Department at the project cost.
(ii) The funds for Penal Compensatory Afforestation has been deposited by the User Agency in 2001. Since the afforestation has to be carried out on the ground now, the User Agency shall pay to the State Forest Department any additional amount required for the purpose due to increase in wage structure, etc.
3. The User Agency shall protect 140.00 ha. of the forest land diverted for underground mining by erecting stone wall/other suitable fence and carry out planting wherever required in consultation with the State Forest Department.
4. The User Agency shall plant suitable variety of native tree species all over the vacant area of 113.00 ha. (diverted for surface rights) in consultation with the State Forest Department and maintain it as green belt.
5. Any tree felling shall be done only when it is absolutely necessary and unavoidable, and shall be carried out under strict supervision of the State Forest Department.
6. No damage to the flora and fauna of the area shall be caused.
7. It shall be ensured that no labour-camps are set up inside the forest area.

AGM (F&S) 23/2
H.L. 23/2
Sd/- 23/2



2
STATES DEPT.
NO. 471
DATE. 25/2/2005

8. Coal shall be provided free of cost by the User Agency for bonafide personal use of the labourers to avoid any pressure on the adjacent forests.
9. The forest land shall not be used for any purpose other than that specified in the proposal.
10. Any other condition that the State Government and/or the CCF (Central), Regional Office, Bangalore, may like to impose from time to time for protection and improvement of flora and fauna in the forest area, shall also be applicable.

Yours faithfully,

(Sandeep Kumar)
Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad.
2. Nodal Officer, O/o the PCCF, Andhra Pradesh, Hyderabad.
3. The CCF(Central), Regional Office, Bangalore.
- ✓ 4. The CMD, Singareni Collieries Company Limited, PB No. 18, Khairatabad, PO Singareni Bhawan, Red Hills, Hyderabad-500004 (Andhra Pradesh).
5. RO(HQ)/Monitoring Cell, MoEF, New Delhi.
6. Guard file.

(Sandeep Kumar)
Assistant Inspector General of Forests

No. 8-1/2000-FC
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
Dated: 20.03.2002

To,

The Secretary(Forest)
Government of Andhra Pradesh
Hyderabad.

Sub: Renewal of mining lease in favour of M/s SCCL for under ground mining in Indaram Reserve Forest over 1070 ha. of forest land in district Adilabad, Andhra Pradesh.

Sir,

I am directed to refer to your letter No. 8211/For.I(1)/99-11 dated 29.01.2002 and the Ministry's letter of even No. dated 28.11.2001 on the above mentioned subject wherein approval was accorded to the proposal subject to certain conditions.

In partial modification of the letter mentioned above, the extent of forest land should be read as "1054.84 hectare" instead of 1070 ha. as the Ministry has already diverted 15.16 ha. forest land in favour of the user agency in the past. The error is regretted.

Yours faithfully

(R.K. GUPTA)
Asst. Inspector General Of Forests

Copy to,

1. PCCF, Govt. of Andhra Pradesh, Hyderabad.
2. Nodal Officer, O/O PCCF, Andhra Pradesh, Hyderabad.
3. CCF(Central), Regional Office, Bangalore.
4. M/s SCCL, Kothagudem Collieries, Bhadrachalam Road Railway Station, Andhra Pradesh-507101.

(R.K. GUPTA)
Asst. Inspector General Of Forests

IES DEPT.
D/1067
2/4/2002

**Government of India
Ministry of Mines**

MINERAL CONCESSION RULES, 1960

(As amended up to 26th July, 2012)

Issued by

**CONTROLLER GENERAL,
INDIAN BUREAU OF MINES,
NAGPUR**

October, 2012

Price: (Inland) Rs. 195.00; (Foreign) £ 2.53 or \$ 4.24

part of the area held under mining lease by a person other than the lessee, the State Government shall notify this fact by registered post/ Acknowledgement Due to the person who already holds mining leases for another mineral in the land applied for.

(5) (a) If on receipt of the information referred to in sub-rule (4), from the State Government, the lessee applies either for prospecting licence or mining lease for newly discovered mineral or minerals within six months from the date of communication of the information by the State Government, the lessee shall be preferred in respect of such grant.

(b) If the lessee fails to apply for prospecting licence or mining lease within six months, then this fact will be intimated to the applicant by the State Government and the State Government will consider the original application in accordance with the rules.

(6) Omitted.

24A. Renewal of mining lease :- (1) An application for the renewal of a mining lease shall be made to the State Government in Form J, at least twelve months before the date on which the lease is due to expire, through such officer or authority as the State Government may specify in this behalf.

¹[(2) The renewal or renewals of a mining lease granted in respect of a mineral specified in Part 'A' and Part 'B' of the First Schedule to the Act may be granted by the State Government with the previous approval of the Central Government.]

²[(3) The renewal or renewals of a mining lease granted in respect of a mineral not specified in Part 'A' and Part 'B' of the First Schedule to the Act may be granted by the State Government.]

³[Provided that before granting approval for second or subsequent renewal of a mining lease, the State Government shall seek a report from the Controller General, Indian Bureau of Mines, as to whether it would be in the interest of mineral development to grant the renewal of the mining lease.

Provided further that in case a report is not received from Controller General, Indian Bureau of Mines in a period of three months of receipt of the communication from the State Government, it would be deemed that the Indian Bureau of Mines has no adverse comments to offer regarding the grant of the renewal of mining lease.]

1. Substituted by G.S.R. 56 (E), dated 17.1.2000.

2. Ibid.

3. Inserted by G.S.R. 21(E), dated 11.1.2002.

(4) Omitted.

(5) Omitted.

(6) If an application for renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the State Government passes order thereon.

¹[(7) Omitted.]

(8) Notwithstanding anything contained in sub-rule (1) and sub-rule (6) an application for the first renewal of a mining lease, so declared under the provisions of section 4 of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, shall be made to the State Government in Form J before the expiry of the period of mining lease in terms of sub-section (1) of section 5 of the said Act, through such office or authority as the State Government may specify in this behalf :

Provided that the State Government may, for reasons to be recorded in writing and subject to such conditions as it may think fit, allow extension of time for making of such application up to a total period not exceeding one year.

(9) If an application for first renewal made within the time referred to in sub-rule (8) or within the time allowed by the State Government under the proviso to sub-rule (8), the period of that lease shall be deemed to have been extended by a further period till the State Government passes orders thereon.

²[(10) The State Government may condone delay in an application for renewal of mining lease made after the time limit prescribed in sub-rule (1) provided the application has been made before the expiry of the lease.]

24B. Renewal of a mining lease in favour of a person using the mineral in his own industry :- Every person who is holding a mining lease for a mineral which is used in his own industry shall be entitled for the renewal of his mining lease for a period not exceeding twenty years unless he applies for a lesser period.

Explanation :- "Own industry" means an industry of which the lessee is the owner or in which he holds not less than fifty percent of controlling interest.

³[**25.** Omitted.]

1 Omitted by G.S.R. 56 (E), dated 17.1.2000. 2. Substituted by G.S.R. 56 (E), dated 17.1.2000.
3. Omitted by G.S.R. 56 (E), dated 17.1.2000

MINERAL CONCESSION RULES, 1960

G.S.R. 1398, dated the 11th November, 1960 - In exercise of the powers conferred by section 13 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules, namely :-

CHAPTER I Preliminary

1. Short Title:- These rules may be called the Mineral Concession Rules, 1960.

²[2. Definitions. —(1) In these rules, unless the context otherwise requires,—

(i) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);

(ii) "block boundary" shall mean the geographical boundary of the coal or lignite block expressed by way of co - ordinates specified in the allocation order issued under section 11A of the Act or a notification of reservation issued under section 17A of the Act or vesting order or allotment order issued under the Coal Mines (Special Provisions) Act, 2015 (11 of 2015) or any other instrument or order issued under any other law in force entitling a person to carry out prospecting or mining operations;

(iii) "Form" means a form specified in Schedule I to these rules;

(iv) "geological report" means the detailed report prepared upon completion of prospecting operations in any area containing coal or lignite comprising of all geological, geophysical, exploration, core coal or lignite analysis, hydrological, geo-engineering and other information regarding exploration, location or proof of mineral deposits, acquired during the prospecting operations conducted in such area and includes drilling log;

(v) "illegal mining" means any reconnaissance or prospecting or mining operation undertaken by any person or a company in any area without holding a reconnaissance permit or a prospecting licence or as the case may be, a mining lease as required under sub-section (1) of section 4 of the Act.

Explanation. — For the purpose of this clause, —

(a) violation of any rules, other than the rules made under section 23C of the Act, within the mining lease area by a holder of a mining lease shall not include illegal mining;

¹ Substituted by G.S.R.56 (E), dated 17.1.2000.

² Substituted by G.S.R.331(E), dated 29.05.2020

¹[(6) The State Government shall examine an application for grant of mining lease and pass an order in writing for disposal of such application.”]

²**[24A. Renewal of mining lease.-** (1) An application for the renewal of a mining lease shall be made to the State Government in Form J, at least twenty four months before the date on which the lease is due to expire, through such officer or authority as the State Government may specify in this behalf:

Provided that in cases where the mining lease is due to expire on or before the 7th January, 2017, the application for renewal shall be made at least twelve months before the date on which the lease is due to expire.]

³[(2) If an application for renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a period of two years or till the State Government passes order thereon, whichever is earlier.”]

24B. Renewal of a mining lease in favour of a person using the mineral in his own industry :- Every person who is holding a mining lease for a mineral which is used in his own industry shall be entitled for the renewal of his mining lease for a period not exceeding twenty years unless he applies for a lesser period.

Explanation :- "Own industry" means an industry of which the lessee is the owner or in which he holds not less than fifty percent of controlling interest.

⁴[**25.** Omitted.]

25A. Status of the grant on the death of applicant for mining lease :-

(1) Where an applicant for a grant or renewal of mining lease dies before the order granting him a mining lease or its renewal is passed, the application for the grant or renewal of a mining lease shall be deemed to have been made by his legal representative.

(2) In the case of an applicant in respect of whom an order granting or renewing a mining lease is passed, but who dies before the deed referred to in sub-rule (1) of rule 31 is executed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

-
1. **Inserted by G.S.R.331(E), dated 29.05.2020**
 2. substituted by G.S.R. 710(E), dated 08.10.2014.
 3. **Inserted by G.S.R.331(E), dated 29.05.2020**
 4. Omitted by G.S.R. 56 (E), dated 17.1.2000



Google Earth Plan(KML) showing the part area
of Forest Land (162.45 Ha. Proposed diversion
for SRP OCP-II Expansion project) Covered in
Indaram Mining Lease

21/9

General Manager
Srirampur Area

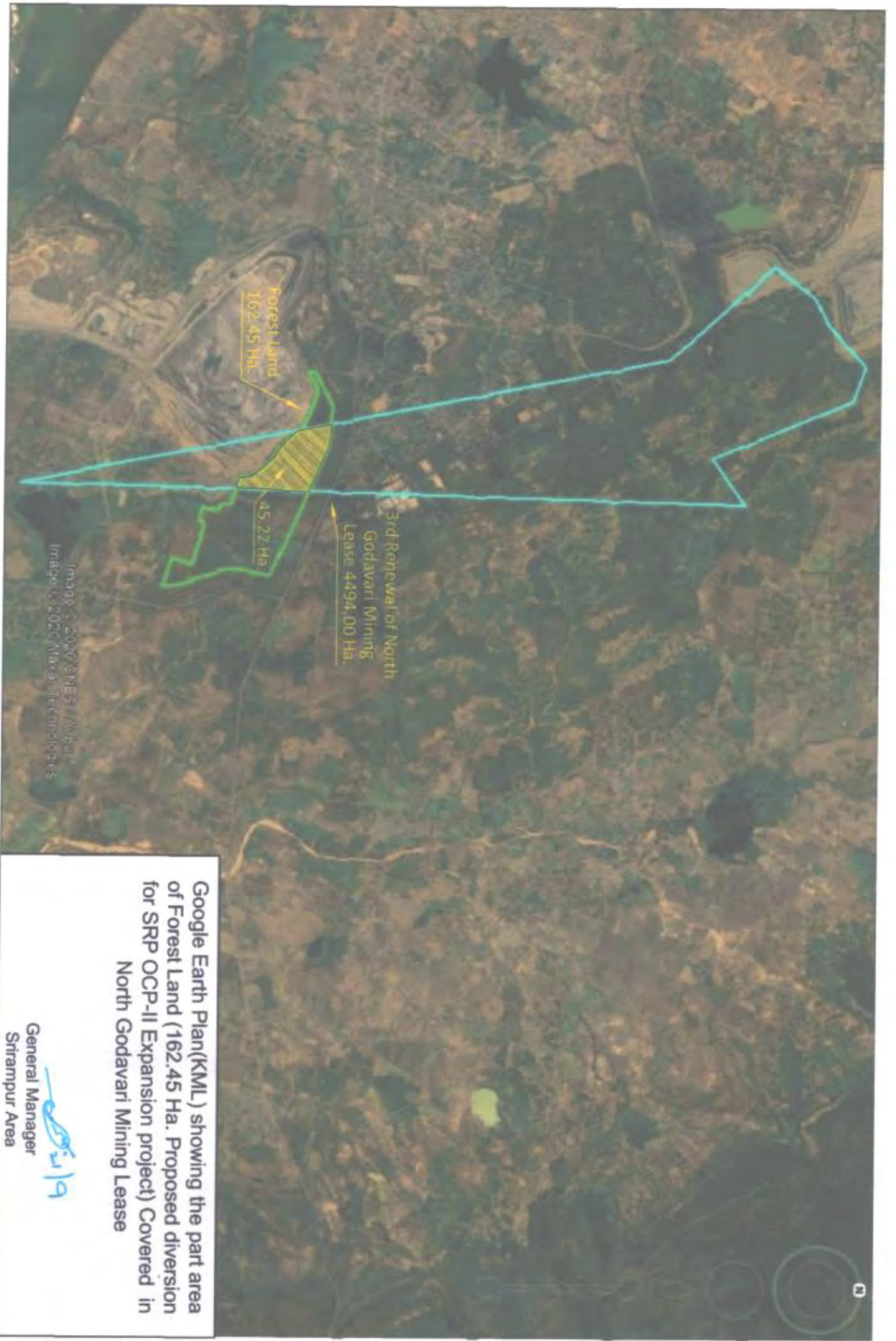
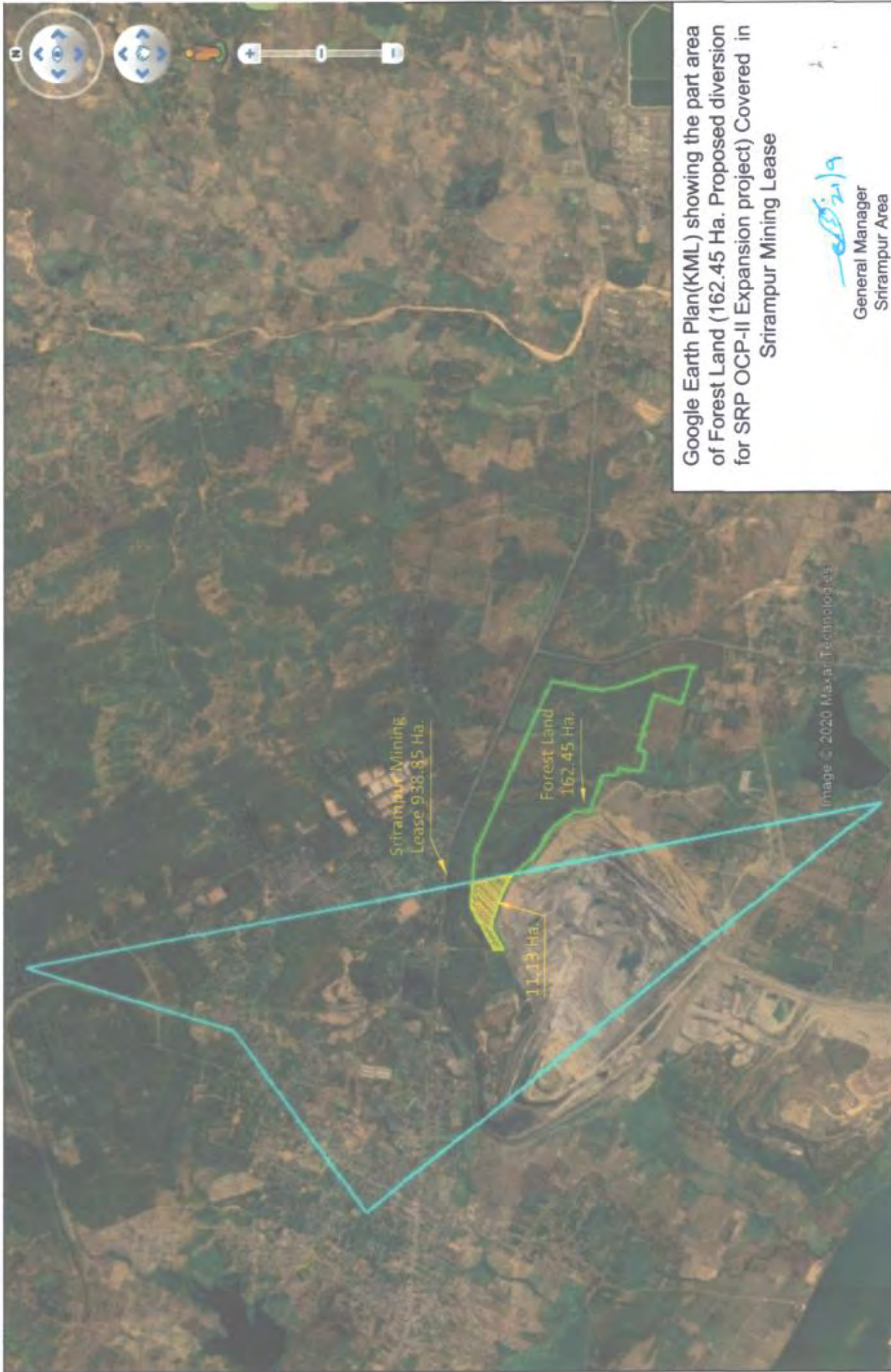


Image © 2020 CNES / Airbus
Image © 2020 Maxar Technologies

Google Earth Plan(KML) showing the part area
of Forest Land (162.45 Ha. Proposed diversion
for SRP OCP-II Expansion project) Covered in
North Godavari Mining Lease

General Manager
Srirampur Area

21/9

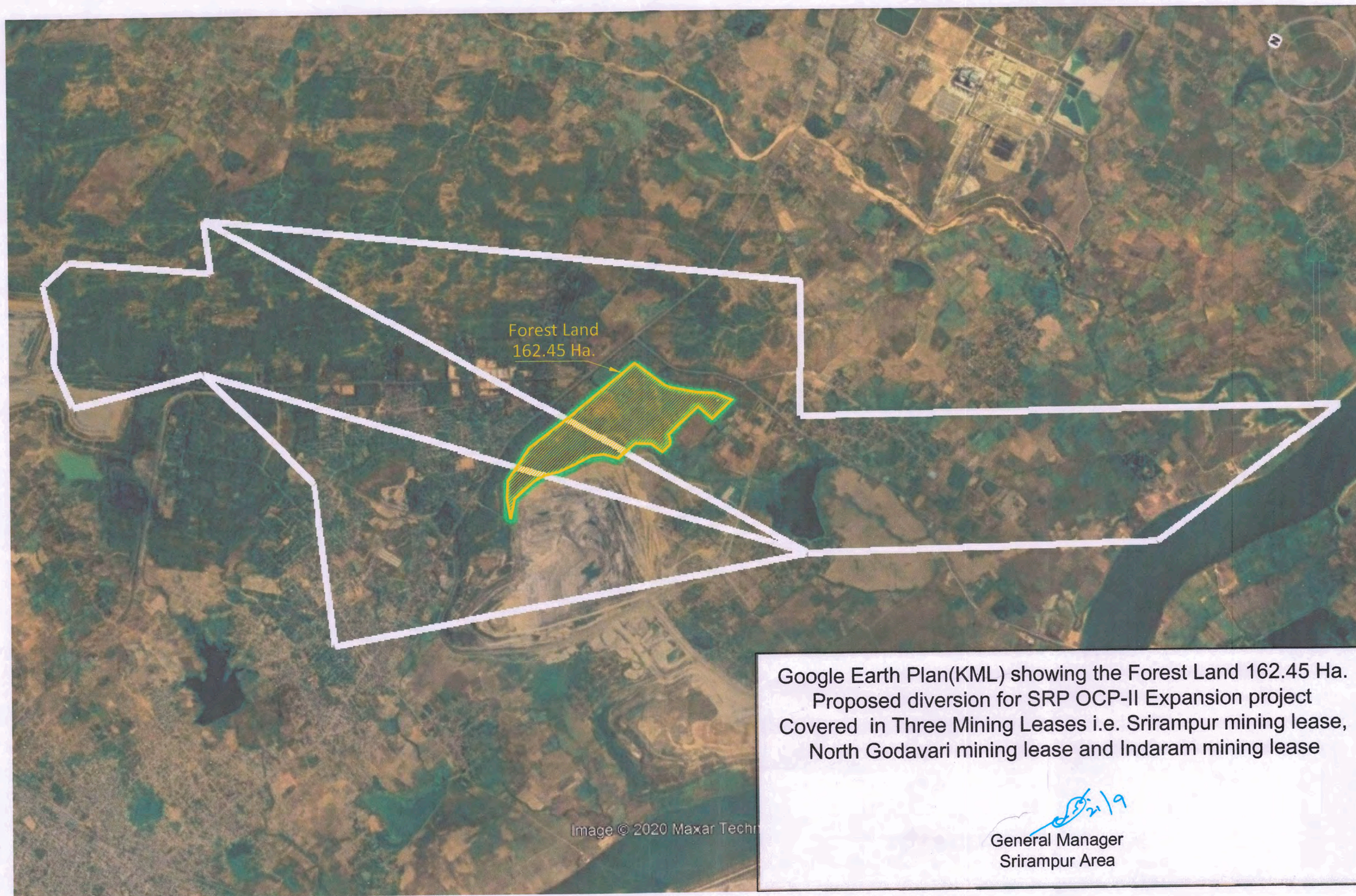


Google Earth Plan(KML) showing the part area of Forest Land (162.45 Ha. Proposed diversion for SRP OCP-II Expansion project) Covered in Srirampur Mining Lease

20/2/19

General Manager
Srirampur Area


21-9-2020

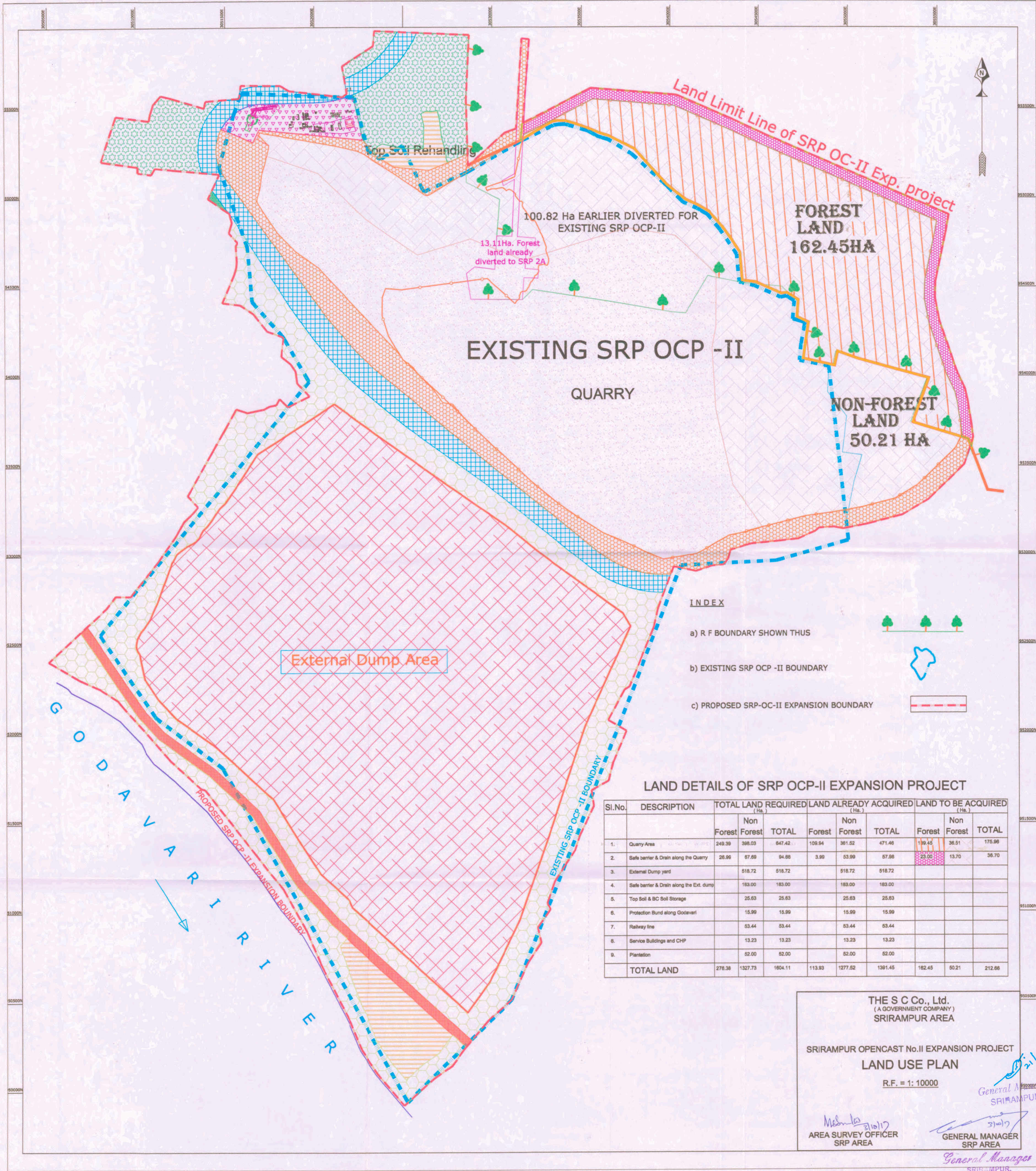


Forest Land
162.45 Ha.

Google Earth Plan(KML) showing the Forest Land 162.45 Ha.
Proposed diversion for SRP OCP-II Expansion project
Covered in Three Mining Leases i.e. Srirampur mining lease,
North Godavari mining lease and Indaram mining lease

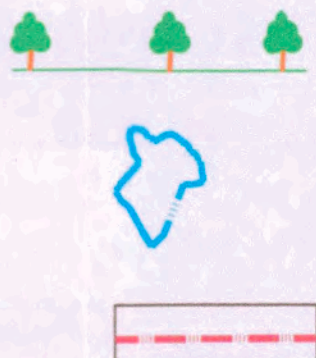
Image © 2020 Maxar Techn


General Manager
Srirampur Area



INDEX

- a) R F BOUNDARY SHOWN THUS
- b) EXISTING SRP OCP -II BOUNDARY
- c) PROPOSED SRP-OC-II EXPANSION BOUNDARY



LAND DETAILS OF SRP OCP-II EXPANSION PROJECT

Sl.No.	DESCRIPTION	TOTAL LAND REQUIRED (Ha.)			LAND ALREADY ACQUIRED (Ha.)			LAND TO BE ACQUIRED (Ha.)		
		Forest	Non Forest	TOTAL	Forest	Non Forest	TOTAL	Forest	Non Forest	TOTAL
1.	Quarry Area	249.39	398.03	647.42	109.94	361.52	471.46	119.45	36.51	175.96
2.	Safe barrier & Drain along the Quarry	26.99	67.69	94.68	3.99	53.99	57.98	23.00	13.70	36.70
3.	External Dump yard		518.72	518.72		518.72	518.72			
4.	Safe barrier & Drain along the Ext. dump		183.00	183.00		183.00	183.00			
5.	Top Soil & BC Soil Storage		25.63	25.63		25.63	25.63			
6.	Protection Bund along Godavari		15.99	15.99		15.99	15.99			
7.	Railway line		53.44	53.44		53.44	53.44			
8.	Service Buildings and CHP		13.23	13.23		13.23	13.23			
9.	Plantation		52.00	52.00		52.00	52.00			
	TOTAL LAND	278.38	1327.73	1604.11	113.93	1277.52	1391.45	162.45	50.21	212.66

THE S C Co., Ltd.
(A GOVERNMENT COMPANY)
SRIRAMPUR AREA

SRIRAMPUR OPENCAST No.II EXPANSION PROJECT
LAND USE PLAN

R.F. = 1: 10000

AREA SURVEY OFFICER
SRP AREA

GENERAL MANAGER
SRP AREA

General Manager
SRIRAMPUR

No. 13016/1/2017-PCA
Government of India
Ministry of Coal

New Delhi, Shastri Bhawan
Dated 21st August , 2017

To

Director (Planning & Projects)
The Singareni Collieries Company Limited
Kothagudem Collieries -507101,
Bhadrachalam Road Rly Station, Khammam District
Telangana

**Sub: Mining Plan (III Revision) and Mine Closure Plan of
SRP OC-II Project (SR OC II Expansion Project), Srirampur
Area of SCCL -Reg**


Sir,

I am directed to refer to your letter number CRP/PP/D/394/400 dated 17.06.2016 on the subject mentioned above and to state that the competent authority has approved the Mining Plan (III Revision) and Mine Closure Plan of SRP OC-II Project (SR OC II Expansion Project), Srirampur Area of M/S Singareni Collieries Company Limited subject to the following conditions:-

- i. The mining company shall backfill the final void utilizing the OB of sequential mine, subject for fulfilling the statutory provisions of MMDR Act 1957 especially in reference to the definition under "Lease area" and other relevant provisions;
- ii. The mining company shall take all necessary precautions regarding safety of mine workings, persons deployed therein.
- iii. Mining lease of this block shall not encroach into any other adjacent block.
- iv. The cost of abandonment for carrying out the closure activities envisaged in the Mine closure plan is indicative; the actual cost for carrying out the activities at the time of final closure may be higher. The actual cost of abandonment will have to be borne by the project proponent for carrying out the closure activities.
- v. The approval of the Mine Closure plan is without prejudice to the requirement of approvals from competent / prescribed authority under the relevant rules/ regulations etc.

2. Two copies of approved Mining Plans & Mine Closure Plans are enclosed herewith.

Yours faithfully,

 25/8/17

(Kishore Kumar)

Under Secretary to Government of India

Encl : as above

Copy to :-

**1. Chairman-cum-Managing-Director
The Singareni Collieries Company Limited
Kothagudem Collieries,
Khammam District
Telangana - 507101**

**2. Under Secretary, CPAM Section, MOC wrt their letter no.
34011/25/16-CPAM dated 24.07.2017.**

CHAPTER-9

LAND REQUIREMENT**9.1 PRE MINING LAND USE PATTERN**

Total land requirement for the project is 1604.11 Ha including 275.92 Ha of forest land. The pre-mining land use pattern in the total mine take area is as mentioned below:

As advised, the details of private and government land requirement envisaged at Para No.9.1 and 9.2 are reconciled and furnished hereunder.

Pre mining land use pattern of SRP OC-II Expansion Project

Land owner ship	Land use	Extent (Ha)
Forest	Forest	275.92
Private land	Agriculture	782.19
	Grazing	12.65
	Barren	4.03
	Community/ Built up area	39.15
Sub Total		838.02
Government land	Agriculture	378.86
	Grazing/other	48.04
	Barren	37.88
	Water bodies	20.15
	Roads	5.24
Sub Total		490.17
Total		1604.11

9.2 STATUS OF LAND OWNERSHIP

Total land requirement for SRP OC-II Expansion Project has been increased from 921.56 Ha to 1604.11 Ha. The increased land (682.55 Ha) includes 262.07 Ha of SRP OC-I Project land which is being used for this project, 210.91 Ha of dip side annexed area and 209.57 Ha of additional land required for external dumps and railway line etc. Out of 1604.11 Ha about 848.49 Ha of land (including 113.93 Ha of forest land) was acquired and remaining 755.62 Ha (161.99 Ha of forest land, 245.59 Ha of Government land and 348.04 Ha of private land) is to be acquired.

113.93
245.59
348.04

682.55

Prepared by me

(K. SAIBABU)
Recognised Qualified Person U/R 22(C)
of Mineral Concession Rules, 1960
Ministry of Coal, Govt. of India
F. No. 14011/(45)/2006 - CPAA
13/09/09

Sl. No.	Type	Land use (During Mining)
1	Excavation/Quarry Area:	
	(a) Backfilled Area	286.68
	(b) Excavated Void	360.74
	Sub-Total	647.42
2	Top Soil Dump including BC Soil storage dump yard	25.63
3	External Dump	518.72
4	Safety Zone /Rationalisation area:	
	(a) Safe barrier & Drain along the Quarry	94.68
	(b) Safe barrier & Drain along the Ext dump	183.00
	Sub-Total	277.68
5	Road & Infrastructure area (Service Buildings and CHP)	13.23
7	Embankment (Protection Bund along Godavari)	15.99
8	Green Belt	52
9	Others (Railway line)	53.44
Grand Total		1604.11

9.4 PROPOSED END LAND USE STATUS

The proposed land use status at the end of project life is as below:

End Land use pattern of SRP OC-II Expansion Project (All figures in Ha)

Sl. No.	Type	Total Area (Ha)	Undisturbed area (Ha)	Reclaimed area (Ha)
1	Excavation/Quarry Area:			
	(a) Backfilled Area	286.68	12.98	273.7
	(b) Excavated Void	360.74	360.74	
	Sub-Total	647.42	373.72	273.7
2	Top Soil Dump including BC Soil storage dump yard	25.63	6.26	19.37
3	External Dump	518.72		518.72
4	Safety Zone /Rationalisation area:			
	(a) Safe barrier & Drain along the Quarry	94.68	64.66	5.92
	(i) Roads		9.53	
	(ii) Garland drains		9.57	
	(iii) Settling ponds		5	
	(b) Safe barrier & Drain along the Ext dump :	183.00		159.16
	(i) Roads		9.35	
	(ii) Garland drains		10.49	
	(iii) Settling ponds		4	
	Sub-Total	277.68	112.6	165.08
5	Road & Infrastructure area (Service Buildings and CHP)	13.23	13.23	
7	Embankment (Protection Bund along Godavari)	15.99		15.99
8	Green Belt	52		52
9	others (Railway line)	53.44	53.44	
Grand Total		1604.11	559.25	1044.86

Plan Prepared by me

K. S. BABU
Recognised Qualified Person U/R 22(C)
of Mineral Concession Rules 1960
Ministry of Coal Govt. of India
Reg. No. 117/45V2006-CPA

9.5 POST CLOSURE LAND USE STATUS

The proposed Post Closure land use status of project life is as below:

Post Closure land use pattern of SRP OC-II Expansion Project (All figures in Ha)

Sl. No.	Type	Total Area (Ha)	Agricultural (Ha)	Plantation (Ha)	Water Body (Ha)	Public/ company use
1	Excavation/Quarry Area:					
	(a) Backfilled Area	286.68		286.68		
	(b) Excavated Void	360.74			360.74	
		647.42		286.68	360.74	
2	Top Soil Dump including BC Soil storage dump yard	25.63	6.26	19.37		
3	External Dump	518.72		518.72		
4	Safety Zone /Rationalisation area:					
	(a) Safe barrier & Drain along the Quarry	94.68	5.92			64.66
	(i) Roads					9.53
	(ii) Garland drains				9.57	
	(iii) Settling ponds				5	
	(b) Safe barrier & Drain along the Ext dump :	183.00	159.16			
	(i) Roads					9.35
	(ii) Garland drains				10.49	
	(iii) Settling ponds				4	
		277.68	165.08		29.06	83.54
5	Road & Infrastructure area (Service Buildings and CHP)	13.23	13.23			
7	Embankment (Protection Bund along Godavari)	15.99		15.99		
8	Green Belt	52	52			
9	Others (Railway line)	53.44				53.44
Grand Total		1604.11	236.57	840.76	389.80	136.98

Consolidated land use comprising pre-mining, during mine, post mining and post closure stages:

					Land Use (Post Closure)									
Pre Mining Land Use "Ha"		Area (Ha)	Type	Land use (During Mining)	Land Use (End of Life)	Agricultural land	Plantation	Water Body	Public/ Company Use	Water Harvesting	Dismantled area	Forest Land (Returned)	Undisturbed	Total
Tenancy			Excavation Area -											0.00
	Agricultural Township	782.19	647.42	286.66	12.98		12.98							12.98
	Grazing	12.65	Backfilled Area	360.74	360.74			360.74**						360.74
	Barren	4.03	Excavated Void											0.00
	Water Bodies		Without plantation											6.26
	Road		Top Soil Dump	25.63	6.26	6.26								0.00
			External Dump	513.72										
	Community/build up area	39.15	Safety Zone //Rationalization area	277.66	83.54				83.54					83.54
	Inhabitated		Road diversion											0.00
	Village		Diversion/ below River/Naia/canal											0.00
Govt Non Forest			Road & Infrastructure area	13.23	13.23	13.23								13.23
	Agricultural Township	378.86	Garland drains		20.06			20.06						20.06
	Grazing/other Road	48.04	Embankment	15.99										0.00
		5.24	Green Belt	52	1044.86	217.08	827.76							1044.36
	Water body	20.15	Water Reservoir near pit/Water body		5				9.00					9.00
	Other/Barren	37.88												0.00
			UG entry											0.00
Forest	Reserve Protected	275.92	Pit head power plant											0.00
			Resentment											0.00
	C-J-B-J		Undisturbed/ Mining right for UG											0.00
Free Hold	0		others	53.44	53.44				53.44					53.44
	1604.110		0.000	1604.11	1604.11	236.57	840.76	389.80	136.98	0.00	0.00	0.00	0.00	1604.1

** 275.92 Ha of forest land forms part of 360.74 Ha of water body. Hence the entire 360.74 Ha of land will be handed over to forest department as water body. After mine closure, the reclaimed land will be handed over to the State Government.

9.6 MINING LEASE

The SRP OC Expansion Project is covered under four different Mining lease areas.

- 1st Renewal of Indaram Mining Lease (2100 Ha), sanctioned Vide GO.NO. 15 I&C dated 23/01/2006, which is valid up to 23/07/2020 (20 years).
- Srirampur Mining Lease (938.85 Ha), sanctioned Vide GO.NO. 42 I&C dated 11/02/2008, which is valid up to 27/06/2038 (30 years).
- Srirampur Extension Mining Lease (714.90 Ha), sanctioned Vide GO.NO. 279 I&C dated 24.11.2007, which is valid up to 11.03.33 (25 years).
- 3rd Renewal of North Godavari Mining Lease (4494 Ha), sanctioned Vide GO.Ms.No. 01 dated 12/01/2015, which is valid up to 21/05/2030.

Out of total land requirement of 1604.11 Ha, about 169.47 Ha is falling outside the above mentioned Mining Leases for which mining lease has to be obtained.



THE SINGARENI COLLIERIES COMPANY LIMITED

(A Government Company)

Kothagudem -507 101, Bhadradi, Kothagudem District, Telangana State

CIN: U10102TG1920SGC000571

Ref: - CRP/EST/F/508/863

Date:24 .09.2020

The

Principal Chief Conservator of Forests &

(Head of Forest Force)

Forest Department, Telangana,

Aranya Bhavan, Saifabad,

Hyderabad-500004

Madam,

Sub:- F(C) Act-Diversion of 162.45 Ha of forest land in Indaram RF, in Mancherla District for grant of diversion for Srirampur Open Cast-II Expansion Project in favour of M/s. Singareni Collieries Company Limited (SCCL), furnishing of information as sought in meeting Minutes FAC dated 18th August 2020, MoEF&CC, GoI, New Delhi, request forwarding - Reg.

Ref:- 1. The PCCF Ref.No.9917/2017/FCA-1/PS,dated 23.08.2019
2- State Govt. EFST Dept.Ref.No-460/FOR.I(1)/2019,dtd.27.12.2019.
3. MOEF &CC **File No.8-06/2019FC** Dt.11.09.2020
4. The PCCF-TS-Ref.9917/2017/FCA-1/PS, dt.22.09.2020

It is brought to the kind notice that the proposal submitted by the Singareni Collieries Company (SCCL) for diversion of 162.45Ha in Indaram RF in Mancherla District, for Srirampur Opencast –II expansion project was discussed by the Forest Advisory Committee on 18th August 2020. The online proposal No is FP/TG/MIN/29918/2017.

The MOEF &CC, GOI, vide reference 3rd cited has sought additional information. Accordingly point wise details are submitted as follows:

Point No (i) Issue of different validity of mining leases for on diversion:

It is brought to the kind notice that the Mining lease having least period is Indaram ML, for which renewal application under F (C) Act for a further period of 20 years was submitted vide reference SRP/EST/M/3/2018/223 Dt.23.07.2018 (well before two years from the date of expiry of lease) to the Principal Chief Conservator of Forests, Telangana, and it was also forwarded to the Field Officers of the Forest Department vide PCCF Ref.No-9982/2018/FCA-1/PS (1) Dt.18.08.2018 for further processing and submission.

This proposal at present is with the field officers of the Forest Department. The renewal application under MMDR Act, was also submitted to the Assistant Director of Mines & Geology, Mancherial, vide letter 1st cited. However, the mining lease permission can be issued only after Stage-I renewal permission under F (C) Act is issued. Once, Stage-I is accorded for the renewal, SCCL will be obtaining the ML for next 20 years.

The proposed area for diversion (162.45 Ha.) is falling in 3 mining leases, details of which are as follows:

Sl. No	Name of Mining Lease	Total area of lease Ha		Area in proposed diversion (Ha.)	MOEF Reference & date	Validity period	
		RF	Non RF			From	To
1	North Godavari ML	1118.18	3375.89	45.22	8-5/1988-FC 04.02.2013	22.05.2010	21.05.2030
2	Sri Rampur ML	266.85	672.00	11.13	8-56/91-FC (Pt) 12.02.2005.	28.06.2008	27.06.2038
3	Indaram ML	929.29	1170.71	106.10	8-1/2000-FC 28.11.2001	24.07.2000	23.07.2020
Total :		2314.32	5218.60	162.45			

As per the Rule 24A of Mineral Concession Rules-1960 (MCR- 1960), if the user agency has submitted application for renewal before 12 months and orders are not passed, the lease period will be considered as deemed extended till approved by the State Govt. Hence the validity of Indaram Mining Lease will be up to 2040 after approval of Renewal. Following is the provisions under Rule-24A of Mineral Concession Rules-1960:

24A. Renewal of mining lease :- (1) An application for the renewal of a mining lease shall be made to the State Government in Form J, at least twelve months before the date on which the lease is due to expire, through such officer or authority as the State Government may specify in this behalf.

(6) If an application for renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the State Government passes order thereon.

However, the recent amendment of Mineral Concession Rules made on 29.05.2020, Rule 24A states that,

(2) If an application for renewal of a mining lease is made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a period of Two years or till the State Government passes order thereon, whichever is earlier.

It is further brought to the kind notice that permission under F (C) Act is pre-requisite for obtaining Environment Clearance. The project approval for FC or EC is not limited to mining lease; mining leases may overlap as they are given under MMDR Act for bigger areas mainly for UG mines. The user agency will not have any right over the surface of the UG Mine areas, whenever, surface use is required, proposal are being submitted under FC Act as well as EP Act for diversion of RF land.

Hence, there is no limitation of area mine lease wise. However, it is pre-requisite that entire area proposed for diversion must be covered under mining lease, as was clarified in MOEF F.No-11-362/2012-FC Dt.1st February, 2013.

After grant of Indaram mining Lease for a period of 20 years, the validity of the Indaram Mining lease will be up to year 2040. In such case, the **least validity of mining lease will be of North Godavari ML, valid up to 2030.** Hence, the diversion permission under F (C) Act will be co-terminus with this least period. However, as the life of the project is for 25 years, suitable renewal permission will be submitted two years before expiry of the permission.

ii- (a)- Submission of 3 separate KML files of 3 ML of proposed RF diversion:

As desired KML files of three separate leases for the areas falling in proposed RF diversion for expansion projects are enclosed herewith in hard & Soft copies.

ii- (b) Specific land use plan and mining plan for each constituent:

The specific land use plan for the proposed diversion of 162.45 Ha is as shown below and same area is as approved mining plan. A plan showing the land use of 162.45Ha is enclosed.

Sl. No	Land use	Extent (Ha.)
1	Quarry Area	139.45
2	Safe Barrier & Drain along the quarry	23.00
	Total Area	162.45

The Mining Plan including Mine Closure Plan of Srirampur Opencast mine-II Expansion was approved by Ministry of Coal, GOI, vide letter Lr.No.MP.13016/1/2017- PCA, Dt. 21.08.2017. As per approved mining plan the project area is 1604.11 Ha, including proposed area of 162.45 Ha forest land. The details of project extent, land already acquired/diverted and to be acquired/diverted as per approved Mining Plan is as below:

Sl. No	Description	Extent (Ha)		
		FL	NFL	Total
1	Land already acquired / diverted	113.93	1277.52	1391.45
2	Balance land to be diverted/ acquired	162.45	50.21	212.66
3	Total extent of SRP OC -II expansion as per Approved Mining Plan	276.38	1327.73	1604.11

As evident, the proposed area sought for diversion is covered in approved Mining Plan and Mine closure plan. Copy of approved Mining Plan including Mine closure plan was already submitted. However, a copy of approval letter is enclosed.

ii- (c) Status of realization of penalty as per specific instructions in WP114/2014 of Hon'ble Supreme Court in 'Common Cause' judgement in the instant matter:

It is to submit that the present proposal is not under the category of violation as per EIA Notification, 2006 and provisions under Section 21(5) of MM (D&R) Act-1957 (working without Mining Lease).

The MOEF & CC, GOI, considering this project as non-violated category has also issued TOR vide Lr.No. J-11015/212/2007-1A.II (M) dated.02.02.2018 with increasing production capacity from 2.5 MTPA to 3.5 MTPA. After receipt of Stage-I approval, proposal will be submitted along with EIA & EMP for obtaining the Environment Clearance to this project, then only mining operation will be started.

Regarding orders of the Hon'ble Supreme Court of India, the Member Secretary, MoEF & CC, GOI, vide reference F.No. 3-50/2017 IA.III-Pt, dated 05.01.2018 asked the lease holder to obtain no objection certificate from Mines & Geology, department of the State Government, in respect of settlement of all amounts payable against the identified violations as per order of the Hon'ble Supreme Court of India in W.P No. 114 of 2014 dated 02.08.2017 in terms of provisions under Section 21(5) of MM (D&R) Act-1957 and against the violation of EIA Notification, 2006, so as to process the proposals for consideration of ToR/ EC.

The Director, Mines & Geology, Telangana, vide his letter No. 5928/R1-1/2018, dated 14.05.2018 (enclosed) informed to the Member Secretary, EAC, MoEF & CC, GOI, that the M/s SCCL has not committed any violation under sections 21(5) of MM(D&R) Act-1957. Further, the violations committed under EPA Act/ Notification be penalized under the Same Act but cannot be insisted for payment under Section 21(5) of MM (D&R) Act for violation of EIA Notification 2006.

The MoEF & CC, GoI, issued notification, stipulating the procedures for grant of ECs to the violation mines and allowed the project proponent for submitting the revised proposals for EC. Accordingly, SCCL submitted fresh applications for 18 proposals for obtaining Environment Clearances for mines falling under the violation category as per the provisions of S.O.804 (E) dated 14th March, 2017 and OM dated 16th March 2018.

In this regard it is to submit that the violation is only for exceeding the coal production capacity in 18 mines against the EC limit, without exceeding the area. The coal produced was supplied mainly to thermal power plants, Cement industries etc and in public interests. Due to sufficient control measures taken to control the pollution, monitoring results show that the pollution load has not exceeded in any of these mines.

The MOEF &CC, GOI, also asked to submit undertaking in the form of an affidavit in line with Ministry's OM dated 30.05.2018. Accordingly, SCCL submitted affidavits with a commitment that no further violation of statutory provisions will be made in future.

Later, MoEF & CC, GOI, issued ToRs for all the 18 mines for revised proposals during the period, 04.04.2019 to 22.01.2020, facilitating preparation of EIA/EMP reports and for taking up other activities relating to grant of EC, by stipulating certain additional conditions in the ToRs (the present status of 18 violations Mines is enclosed in Annexure). As per the above directions, the credible action was initiated by the State pollution control Board and public hearings are also being conducted for 18 violations mines for which ToRs are issued.

The orders of the Supreme Court dated 11.08.2020 is specific to Odisha Mining Development Corporation & others. Hence, not applicable to the SCCL in this case. Moreover, the present proposal is not in any violation category, no penalty realization is applicable as per the common cause Judgement by Hon'ble Supreme Court of India in WP. 114/2014.

ii (d) - Suitability of proposed Compensatory Afforestation sites shall also be provided:

The site suitability certificate issued by the Forest Divisional Officer, Mancherial, was already submitted to the MOEF & CC, GOI, vide Principal Chief Conservator of Forests & HOFF, Telangana, reference 9917/2017/FCA/--1/PS, dated 05.08.2020 (a copy is enclosed).

Submission on minutes of FAC:

The Singareni Collieries Company Limited (SCCL) is a joint venture company under the control of Government of Telangana holds 51% equity and Government of India holds 49% of equity.

It is submitted that the MOEF, GOI vide letter No. 11-423/2011-FC, dated 31.01.2013 has granted CPSU status to the SCCL for the purpose of Compensatory Afforestation (C.A). The back ground details for getting the CPSU status for Compensatory Afforestation purpose is as follows:

- a) During 1997 the Ministry of Environment & Forests (MOEF) issued guidelines exempting CPSUs from identification of equivalent extent of non-forest land and permitted to pay C.A charges for raising C.A plantations in degraded RF land to the extent of double the RF area proposed for diversion for non-forestry purposes.
- b) The SCCL, vide letter dated 01.09.1997 requested both State Government and Ministry of Coal (MoC), GoI, to take up the matter with the MOEF, GoI, to extend the above facility of CPSU to SCCL as non forest/ government/private land/ village forests, in bigger chunks contiguous to forests are not available. Consequently, the MOC, vide letter dated 16.01.1998 recommended to the MOEF, GoI, to consider to extend the facility to SCCL, treating it on par with CIL. The Director (Coal), MOC vide letter dated 29.12.1999 also made similar request to the Deputy Inspector General, of Forests, MoEF, GoI.
- c) The then Hon'ble Minister of State for Coal vide his letter dated 30.08.2000 also requested the Hon'ble Minister for Environment & Forests to consider the case.
- d) This has caused delays in submitting proposals for diversion of forest land for priority coal mining projects ranging from 3 to 9 years.

- e) The SCCL again vide letter dated 12.09.2007 took up the matter with State Government to recommend to MOEF, GoI, for treating SCCL on par with CIL projects for the purpose of C.A land. The State Government vide letter dated 18.09.2008 recommended to the Director General(Forests), & Special Secretary, MoEF, GOI, to consider the request of SCCL, treating it as Central Government Projects like Coal India Limited for the purpose of C.A.
- f) The Secretary, Coal, vide DO letter dated 12.11.2009 also recommended to the Secretary, MOEF, GOI, to treat SCCL on par with other CPSUs for the purpose of Compensatory Afforestation.
- g) **The Chief Secretary to the Government of Andhra Pradesh, issued a certificate of non-availability of non-forest land** and Principal Secretary to Govt. Revenue Department vide letter dated 22.12.2011 sent the certificate to the Director General of Forests & Special Secretary to MOEF, GOI.
- h) The Hon'ble Chief Minister of Andhra Pradesh (then) also requested the Hon'ble Minister for Environment & Forest, MOEF, GOI, to accord the status of CPSU for the purpose of Compensatory Afforestation to SCCL in public interest.
- i) Accordingly, on request of State Government, The Ministry of Environment & Forests vide **MOEF letter No. 11-423/2011-FC, dated 31.01.2013** issued orders for according status of CPSU to the SCCL for the purpose of Compensatory Afforestation.

It is further brought to the kind notice that before grant of CPSU status, the diversion of forest land has taken 6-7 years mainly due to issues of acquisition of suitable non forest land for CA. After grant of CPSU status the period was reduced to 2-3 years as the CA is being given in degraded forest land.

The SCCL is depositing amount for raising of C.A for double the degraded Forest land, this provision is helping to improve the degraded RF land. In the State of Telangana, large chunks of degraded forests are available which can also be greened under this provision. After grant of CPSU status, SCCL has paid amount of Rs. 478.77 crores for C.A in degraded RF land. The details of projects, extent of degraded forest land identified and amount deposited is enclosed in Annexure-I.

Keeping in view of the increasing demand for Coal required for Power generation in Telangana State and Southern Region, the MOC, GOI has given a target of 1 billion tonnes/ PA of coal production within 5 years. Moreover, in next 2 to 3 years 5 mines of SCCL are getting closed resulting in loss of 29 million tonnes against the production of 67 MT of coal during 2019-20.

To meet the target given by Ministry of Coal, GoI, SCCL also planned to ground 13 new Projects in next five years, which may necessitate forests land as coal is site specific and found mainly in Godavari Valley. The status of CPSU to SCCL will facilitate to submit proposals as planned to start new mines to meet the projected targets.

It is further brought to the kind notice that MOC, GOI vide its notification dated 18th June, 2020 S. O. 467, issued orders under sub-section (1) of section 9 and section 11(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), permitted the SCCL to acquire land under CBD Act, as being permitted to Coal India Ltd. Thus CPSU at par with the CIL is having more relevance.

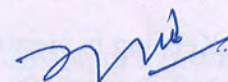
The Chief Secretary to the Government has already issued certificate about non-availability of non-forest land in the State suitable for CA purpose. It is submitted that without having CPSU Status, it will be difficult to acquire land under Right to Fair Transparency in Compensation Land Acquisition Resettlement & Rehabilitation Act 2013. As a result grounding of all the new projects of the SCCL will be delayed.

Hence, it is requested to kindly continue the CPSU status to the SCCL for CA purpose.

It is also submitted that existing Srirampur project to which this expansion is sought by this proposal, is supplying Coal to the nearby Singareni Thermal Power Plant (STPP-1200MW). It became crucial to continue mining after March 2020 by opening mine in this proposed project. Any delay will cause serious issues to the STPP.

Hence, it is requested to kindly consider the above facts and recommend to the State Government. The State Government may be requested to consider above facts and suitably recommend to the MOEF &CC, GOI, to obtain and communicate in principle approval for diversion of Forest land as early as possible duly considering CPSU status.

Yours faithfully,



Director (Operations)

Encl:

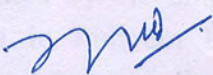
1. Copy of GO for Srirampur Mining Lease under MMDR Act.
2. Copy of GO for Indaram Mining Lease under MMDR Act
3. Copy of GO for North Godavari Mining Lease under MMDR Act.
4. Copies of Forest diversion approval Letters for Indaram, NMGML and SRP ML
5. Copy of application submitted to ADMG, Mancherial for renewal of IML.
6. Copy of approved Mining Plan and Mine Closure Plan for SRP OC –II Expn.
7. Copy of Mineral Concession Rules-1960 & Rules amended in 2020.
8. Copies of correspondence regarding judgment in WP 114/2014.
9. Copy of CPSU Status granted to SCCL and its correspondence.
10. Copy of ToR issued to SRP OC-II Expansion.
11. List of Mines under violation and its present status.

Copy to:

The Inspector General of Forests (FC), MoEF &CC, GoI, Paryavaran Bhavan, Jorbagh, New Delhi, for favour of information.

The Addl. Director General of Forests (Central), MoEF &CC, Regional Office (South Eastern Zone), 1st Floor, Handloom Export Promotion Council 34- Cathedral Garden Road, Nungambakkam, Chennai – 600034. for favour of information.

Yours faithfully,


Director (Operations)