

Item No. 09 & 10

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Review Application No. 07/2021

IN

Appeal No. 04/2020

(With report dated 26.10.2021)

Abhinav Gramodyog & Seva Sansthan

Applicant

Versus

State Level Environment Impact Assessment Authority,  
Uttar Pradesh &Ors.

Respondent(s)

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State Level Environment Impact  
Assessment Authority

Review Applicant

**WITH**

Review Application No. 09/2021

IN

Appeal No. 04/2020

(I.A. No. 194/2021 & I.A. No. 224/2021)

Abhinav Gramodyog & Seva Sansthan

Applicant

Versus

State Level Environment Impact Assessment Authority,  
Uttar Pradesh &Ors.

Respondent(s)

.....

RSI Stone World Pvt. Ltd.  
E-7, M-708, Arera Colony,  
Bhopal-462016

Review Applicant

Date of hearing: 02.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Shreyas Dharmadhikari, Advocate for Review Applicant (RSI Stone World Pvt. Ltd.) in R.A No. 09/2021

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB

## **ORDER**

1. These applications have been filed for review of order of this Tribunal dated 20.11.2020 in *Appeal No. 04/2020, Abhinav Gramodyog & Sewa Sansthan v. State Level Environment Impact Assessment Authority, UP & Ors.* quashing the EC for mining project in District Sonbhadra, UP in favour of M/s R.S.I. Stone World Pvt. Ltd. on the ground that the project had to be treated as Category 'A', being within specified distance from critically polluted industrial area. In such situation 'General Condition' appended to EIA Notification dated 14.09.2006 is attracted and appraisal could only be by MoEF&CC and not by SEIAA. It was further held that subsequent office memorandum dated 30.12.2019 to the effect that SEIAA could still grant EC could not be given effect to as by such administrative order Notification dated 14.09.2006 could not be diluted. The Tribunal relied upon Judgment of the Hon'ble Supreme Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati & Ors., 2020 SCC OnLine SC 347.*

2. Review Application No. 07/2021 came up for hearing on 05.03.2021 on the plea that factually the critically polluted area was beyond the specified distance. Considering this averment, the Tribunal constituted a joint Committee of MoEF&CC, CPCB and UP State PCB to give a factual report.

3. Factual report filed by the Committee on 26.10.2021 is as follows:

*"6.1. Distance of the project site from Polluted area Singrauli*

6.1.1. Committee referred to the MoEF&CC OM dated 15.03.2010, through which the various industrial clusters/potential impact zones located in Singrauli District of Uttar Pradesh State have been identified. The Renukoot is the nearest industrial cluster to the mining site among the identified industrial clusters for Polluted Area- Singrauli.

6.1.2. The shortest aerial distance between the revenue boundary of Renukoot from the mine boundary is 20.8 KM.

6.1.3. Thus, the project is located at more than 10 KM distance from Critically Polluted Area (CPA)/ Severely Polluted Area (SPA).

6.2. Distance of the project from the protected area under the Wild Life (Protection) Act, 1972

6.2.1. The Kaimur Wildlife Sanctuary is the nearest protected forest area under Wild Life (Protection) Act, 1972.

6.2.2. The MoEF&CC, on 20.03.2017 issued a notification regarding Kaimur Wild Life Sanctuary situated in the Mirzapur and Sonebhadra districts of Uttar Pradesh. The details of GPS coordinates of the points along the boundary of the Kaimur Wildlife Sanctuary and its eco-sensitive Zone are also appended as Annexure-II in the said notification.

6.2.3. The joint committee referred this notification for measuring the distance of project site in question from the defined boundary of the Kaimur Wildlife Sanctuary and its eco-sensitive Zone.

6.2.4. The point defined at ID no 105 having GPS coordinates 83°9'18.622" E - 24°27'58.573" N, is the nearest point from the closet boundary of the mine lease area (i.e. pole F: 24°14'54.27"N 83°16'13.82"E).

6.2.5. The distance between the point defined point at ID no 105 in the boundary of Kaimur Wildlife Sanctuary and its eco-sensitive nearest peripheral point of the mine lease area (Pole-F) is 26.8 KM, which is more than required minimum distance of 10 K.M.

6.3. Distance of the project from the nearest inter-state boundary

6.3.1. Jharkhand state boundary is the nearest inter-state boundary from the project site.

6.3.2. The aerial distance of the site from the nearest inter-state boundary is 13.45 KM, which is more than required minimum distance of 10 KM.

6.4. Distance of the project from the nearest Forest blocks.

*6.4.1. The least, distance of the mining site in question from the periphery of the nearest forest blocks is around 150 m, which is more than required minimum distance of 100 m.*

*7. Considering the above findings, the committee concludes that the project falls under 'Category-B' in accordance with the EIA Notification dated 14.09.2006 (as amended). And hence the 'Environmental Clearance' can be issued as per the prevailing conditions prescribed in the Act."*

4. In view of above, Review Applications are allowed, order of the Tribunal dated 20.11.2020 in *Appeal No. 04/2020, supra*, is recalled and Appeal No. 04/2020 is dismissed.

All pending I.A.s will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 02, 2022  
Review Application No. 07/2021  
& Review Application No. 09/2021  
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