(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL**
**WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

ORIGINAL APPLICATION NO.58 OF 2018 (WZ)

Protection of Environment and
Public Service Committee,
Through its Chairman Mr. Bhagwanbhai B. Solanki,
Village Lodhava, Taluka Sitrapada,
District Gir Somnath - 362275 .....Applicant

Versus

1. Union of India,
Through its Secretary,
Ministry of Environment, Forests and
Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, Delhi

2. State of Gujarat,
Through its Chief Secterary,
Gandhinagar – 382020,
Gujarat, India

3. Gujarat State Environment Impact
Assessment Authority,
Through its Member Secretary,
Paryavaran Bhawan, 10A,
Gandhinagar – 362 010

4. Gujarat Pollution Control Board,
Through its Chairman,
Paryavaran Bhawan, 10A,
Gandhinagar – 362 010

5. District Collector, Gir Somnath,
District Collector's Office,
Veraval, District Gir Somnath

6. District Collector, Junagadh,
District Collector's Office,
Jilla Seva Sadan, Opp. Shashikunj,
Junagadh

7. Industries and Mines Department, Gujarat,
Through the Commissioner of Geology and
Mining, Block 1st, 7th Floor, Udyog Bhavan,
Sector – 11, Gandhinagar

8. Indian Bureau of Mines,
Through its Regional Controller of Mines,
"C" Wing, 4th Floor, Block No.2,
Karmayogi Bhavan, Sector 10A,
Gandhinagar, Gujarat

9. M/s Gopalsinh Himatsinh Chauhan,
Village Ghusiya, Taluka Talala,
District Gir Somnath
Postal Address : At Radhanagar Society,
Block No.2, Girnar Darvaja, Junagadh

10. M/s Vajesinh Dansinh Mori Limestone Mines
Village Jasadhar, Taluka Talala,
District Gir Somnath
Postal Address : c/o Meramanbhai Kisanbhai
Pampaniya, At Ajotha, Taluka Veraval,
District Gir Somnath

11. M/s R.J. Trivedi & Co.
Village Umba, Taluka Veraval,
District Gir Somnath
Postal Address : C/o Satishbhai R. Trivedi,
Sherbaug, NH8D, At Gadu, Taluka Maliya,
District Junagadh

12. M/s Aher Bhagvan Bhimasinh,
Village Ajotha, Taluka Veraval,
District Gir Somnath
Postal Address : C/o Noormohmed Kalubhai Patani,
At Samir Mineral Trading Co., Bhalka Road,
Veraval, District Gir Somnath

13. M/s Somnath Hydrated Lime and Chemical/Cement
Industries Pvt. Ltd.,
Near Village Kherali, Taluka Veraval,
District Gir Somnath
Postal Address : C/o Sitaram Transport, Trikon Baug,
At Una, Taluka Una,
District Gir Somnath

14. M/s Noormohmed Kalubhai Patni Limestone Mine,
Village Kherali, Taluka Veraval,
District Gir Somnath
Postal Address : C/o Noormohmedkalubhai Patani,
At Samir Mineral Trading Co., Bhalka Road,
Veraval, District Gir Somnath

15. M/s Vikram Chemicals Co.Limestone Mine,
Village Damasa, Taluka Una,
District Gir Somnath
Postal Address : C/o Meramanbhai Kisanbhai Panpaniya,
At Ajotha, Taluka Veraval,
District Gir Somnath

16. M/s Dhirajlal Panchabhai Vachani,
Village Undari, Taluka Gir Gadhada,
District Gir Somnath
Postal Address : C/o Naranbhai J. Ladani
At Matruchhaya 69, Gayatri Society,
Nr. Rafaleshvar Temple, At Una,
Taluka Una, District Gir Somnath

17.M/s Somnath Hydrated Lime and
Chemical/Cement Industries Pvt.Ltd.,
Near Village Zadaka, Taluka Maliya,
District Junagadh
Postal Address : C/o Danabhai Devsibhai
At Ajotha, Taluka Veraval,
District Gir Somnath

18.M/s Dinesh Kumar & Co. Limestone Mine,
Village Khorasa, Taluka Maliya,
District Junagadh
Postal Address : Khorasa, Taluka Maliya,
District Junagadh

19.M/s Rajsi Rana Jotava Limestone Mine,
Village Khorasa, Taluka Maliya,
District Junagadh,
Postal Address : Supasi, Taluka Veraval,
District Gir Somnath

20.M/s GHCL Ltd. Limestone Mine,
Village Gorakhamdhi, Taluka Sutrapada,
District Gir Somnath
Postal Address : M/s GHCL Ltd. at post Sutrapada,
Taluka Sutrapada, District Gir Somnath

21. M/s GHCL Ltd. Limestone Mine,
Village Kodidra, Taluka Veraval,
District Gir Somnath
Postal Address : M/s GHCL Ltd. at post Sutrapada,
Taluka Sutrapada, District Gir Somnath

22.M/s S.J. Trivedi Limestone Mine,
Village Dari, Taluka Veraval,
District Gir Somnath
Postal Address : 8, Ravi Complex,
Near Woodlad Hotel, Junagadh Road,
Veraval District Gir Somnath ....Respondent(s)

**CORAM:HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER**
**HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

| | | |
|---|---|---|
| Applicant | : | Mr. Nitin Lonkar, Advocate |
| Respondents | : | Mr. Maulik Nanavati, Advocate for R-2 to R-7<br>Mr. Anand Verma, Advocate for R-9, R-10, R-11, R-15 and R-22<br>Mr. R.K. Mansuri, Advocate for R-12 and R-14<br>Mr. Sarim Naved, Advocate for R-13<br>Mr. N.H. Kinkhabwala, Advocate for R-16<br>Mr. Imroz Alam, Advocate for R-18<br>Mr. Sanjay Upadhyay, Advocate for R-17 to R-21 |

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**Reserved on : 30.09.2022**
**Pronounced on : 14.11.2022**

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**JUDGMENT**

1. This Application is moved under Section 14 of the National Green Tribunal Act, 2010, raising question related to environment arising out of illegal and unauthorized mining of limestone on large scale in districts Gir-Somnath and Junagadh in the State of Gujarat without any prior Environmental Clearance by respondent Nos.9 to 22 in gross violation of the Environment Impact Assessment (EIA) Notification, 2006, notified under the provisions of Environment (Protection) Act, 1986, praying that a direction be issued to respondent Nos.9 to 22 not to undertake mining of limestone without obtaining prior Environmental Clearance. It is prayed that respondent No.7 i.e. the Industries and Mines Department, Gujarat and respondent Nos.9 to 22 be directed to disclose the source of limestone for which royalty has been deposited by respondent Nos.9 to 22 with further prayer that exemplary environmental compensation be imposed on respondent Nos.9 to 22 as well as cost also be imposed upon respondent No.2 - State of Gujarat and respondent No.4/Gujarat Pollution Control Board for not taking action against the defaulting parties.

2. The facts of this case, in brief, are as follows:-

The applicant is a Society, which has filed this application through its Chairman namely Mr. Bhagwanbhai B. Solanki, stating that he gathered information under the Right to Information Act from Geology and Mining Department (under the Industries and Mines Department) and came to know that the following mining companies, details of which have been given in tabular form, have indulged in illegal mining-

| Sr. No. | Name of Mining Company (Respondent No.) | Location of Lease | Area of Lease | Details of extraction of minerals |
|---|---|---|---|---|
| 1. | M/s Gopalsinh Himatsinh Chauhan (Respdt. No.9) | Village Ghusiya, Taluka Talala, District Gir Somnath– 362150 Gujarat | 2 Ha | As per lease award dated 19.02.1998, this respondent has extracted total 256918.556 tons of limestone upto year 2015-16 |
| 2. | M/s Vajesinh Dansinh Mori Limestone Mine (Respdt. No.10) | Village Jasadhar, Taluka Talala, District Gir Somnath | 2 Ha | As per lease award dated 07.10.2002, this respondent has extracted total 110857.735 tons of limestone till the year 2017-18 |
| 3. | M/s R.J. Trivedi & Co. (Respdt.No.11) | Village Umba, Taluka Veraval, District Gir Somnath- 362265 Gujarat | 7.69 Ha | As per lease award dated 18.05.1974, this respondent has extracted total 245996.138 tons of limestone till the year 2017-18 |
| 4. | M/s Aher Bhagvan Bhimasinh (Respdt. No.12) | Village Ajotha, Taluka Veraval, District Gir Somnath | -- | As per lease award dated 03.09.1975, this respondent has extracted total 171 tons of limestone till the year 2005-18. |
| 5. | M/s Somnath Hydrated Lime and Chemical/Cement Industries Pvt.Ltd.(Respdt.No.13) | Near village Kherali, Taluka Veraval, District Gir Somnath | 15.1352 Ha | This respondent has extracted total 894696.99 tons of limestone during the period 1985-2014 |

| Sr. No. | Name of Mining Company (Respondent No.) | Location of Lease | Area of Lease | Details of extraction of minerals |
|---|---|---|---|---|
| 6. | M/s Noormohmed Kalubhai Patani Limestone Mine (Respdt.No.14) | Village Kherali, Taluka Veraval, District Gir Somnath | 4.2593 Ha | As per lease award dated 02.07.1984, this respondent has extracted total 43765 tons of limestone till the year 2017-18 |
| 7. | M/s Vikram Chemicals Co.Limestone Mine (Respdt.No.15) | Village Damasa, Taluka Una, District Gir Somnath | 2 Ha | As per lease award dated 06.07.2000, this respondent has extracted total 166650.635 tons of limestone during the period 2000-2018 |
| 8. | M/s Dhirajlal Vachabhai Vachani (Respdt.No.16) | Village Undari, Taluka Gir Gadhada, District Gir Somnath | 4 Ha | This respondent has extracted total 558474.89 tons of limestone during the period 2011-2018 |
| 9. | M/s Somnath Hydrated Lime and Chemical/Cement Industries Pvt.Ltd.(Respdt.No.17) | Near village Zadaka, Taluka Maliya, District Junagadh | 10 Ha | This respondent was awarded lease on 09.03.1981 and it has extracted total 103638.529 tons of limestone during the period 1985-2018 |
| 10. | M/s Dinesh Kumar & Co.Limestone Mine (Respdt.No.18) | Village Khorasa, Taluka Maliya, District Junagadh | 5 Ha | As per lease award dated 21.01.2002, this respondent has extracted total 46210 tons of limestone during the period 1985-2017 |
| 11. | M/s RajsiRanaJotava Limestone Mine (Respdt.No.19) | Village Khorasa, Taluka Maliya, District | 4 Ha | As per lease award dated 06.02.2017, |

| Sr. No. | Name of Mining Company (Respondent No.) | Location of Lease | Area of Lease | Details of extraction of minerals |
|---|---|---|---|---|
| | | Junagadh | | this respondent has extracted total 39524 tons during the period 2005-2017 |
| 12. | M/s GHCL Ltd. Limestone Mine (Respdt.No.20) | Village Gorakhmdhi, Taluka Sutrapada, District Gir Somnath | 8.7311 Ha | As per lease award dated 11.08.1986, this respondent has extracted total 455606.86 tons of limestone during the period 1987-2017 |
| 13. | M/s GHCL Ltd. Limestone Mine (Respdt.No.21) | Village Kodidra Taluka Veraval, District Gir Somnath | 4.7 Ha | This respondent was awarded lease on 19.03.2007 and has extracted total 162725.9 tons of limestone during the period 2007-2017 |
| 14. | M/s S.J. Trivedi Limestone Mine (Respdt.No.22) | Village Dari Taluka Veraval, District Gir Somnath | 9.35 Ha | This respondent was awarded lease on 19.03.2007 and has extracted total 278275.750 tons of limestone during 1968-2016 |

3. All the above extraction of limestone is stated to have been done without any Environmental Clearance. It is alleged that this extraction of limestone has been shown to have been done from the allotted leased area though the google images show that in fact, this limestone has been extracted from some other area. The applicant had made multiple complaints against the above lease-holders but the Regulatory Authority did not take action against them. Further it is submitted that perusal of various inspection reports of the Gujarat Pollution Control Board (GPCB) dated 16.05.2017, 08.06.2017 and

12.06.2017, would show that the Industries and Mines Department failed to verify as to whether royalty being paid by the mining companies was arising out of the mining outside designated lease area and that no action was taken by the GPCB despite knowing fully well that no Environmental Clearance was granted to these lease-holders. To the best knowledge of the applicant, none of these respondent Nos.9 to 22 had obtained Consent under the Air (Prevention and Control of Pollution) Act, 1981(for short, "the Air Act") and the Water (Prevention and Control of Pollution) Act, 1974 (for short, "the Water Act") and yet, no action was taken by the GPCB. The Applicant has also placed reliance upon the law laid down in ***The Goa Foundation v. M/s Sesa Sterlite Ltd. & Ors.; (2018)4 SCC 218*** as well as ***Gurpreet Singh Bagga v. Ministry of Environment and Forests (O.A. No.184 of 2013)***, which make it clear that the activity of mining, whether in an area in excess of or less than 5 hectares, is required to obtain prior Environmental Clearance in accordance with law.

4. After receipt of the application, the matter was taken up on 27.09.2018. The order sheet of the said date discloses that on that date, respondent Nos.2,3,4,5,6 and 7 were being represented by their learned counsel while regarding rest of the respondents i.e. respondent Nos.1 and 8 to 22, notice was directed to be issued, in compliance of which the notices were issued but no reply-affidavit appears to have been filed from the side of respondent Nos.1 to 7 on record.

5. The order dated 15.02.2019 shows that this Tribunal directed that it was necessary to have a joint report from Gujarat SEIAA, GPCB and MoEF&CC, particularly with reference to the grant of Environmental Clearance, and Consent under the Air Act 1981 and Water Act 1974. GPCB was made the nodal agency.

6. In compliance of the above order, report dated 15.03.2019 was submitted with following Annexures:-

"**Annexure-A**

**Site No. 1 Lime Stone Mine of Goplasinh Himatsinh Chauhan,**
Village : Ghusiya, TAL: Talala. Dist : Gir Somnath
Latitude and longitude : 21⁰01′45.68″N 70⁰31′03.46″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on. Project Proponent Gopalsinh Chauhan informed that they have stopped the mining activity since December, 2017.

**Site No. 2 Lime Stone Mine of Vajesinh Dansinh Mori,**
Village : Jasadhar, TAL : Talala, Dist : Gir Somnath.
Latitude and longitude : 20⁰59′31.02″N 70⁰37′20.27″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on. Person contacted during site visit Shri Merubhai Pampaniya informed that they have stopped the mining activity since July 2017.

**Site No. 3 Lime Stone Mines of R. J. Trivedi & Co,**
Village : Umba, TAL : Veraval, Dist : Gir Somnath.
Latitude and longitude : 20⁰59′40.09″ N 70⁰24′16.34″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on. Person contacted during site visit Shri Rambhai Jotva informed that they have stopped the mining activity since May, 2018.

**Site No. 4 Aher Bhagwan Bhimsi, Lime Stone Mine,**
Village : Ajotha, TAL Veraval, DIST : Gir Somnath,
Latitude and longitude : 20⁰54′07.34″N 70⁰29′20.80″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on.

**Site No.5 Somnath Hydrated & Chemicals Ind (Lime Stone Mines),**
Village: Kherali, TAL Veraval, DIST : Gir Somnath.
Latitude and longitude : 21⁰00′52.41″N 70⁰24′36.71″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on.

**Site No. 6 Mines of Noormahamed Kalubhai Patani,**
Village: Kherali, TAL Veraval, DIST : Gir Somnath.
Latitude and longitude : 21⁰00′31.62″N 70⁰24′34′.41″E

During visit it is observed that the Project Proponent has carried out the mining in the least in past, however during visit no any mining activity was going on.

**S**

**ite No.7 Vikram Chemical Co. Lime Stone Mine,**
Village : Damasa. TAL: Una, DIST: Gir Somnath.
Latitude and longitude : 20⁰50′57.03″N 70⁰ 57′43.36″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on. Person contacted during site visit Shri Merubhai Pampaniya informed that they have stopped the mining activity since June 2017.

**Site No. 8 Lime Stone mines of Dhirjalal Panchanhai Bachhani,**
Village : Undari, TAL : Una, DIST : Gir Somnath.
Latitude and longitude : 20⁰51′51.37″N 70⁰56′52.20″E

During visit it is observed that the project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on.

**Site No. 9 Somnath Hydrated Chemicals,**
Meghal River, Village Zadaka. TAL : Malia, Dist : Gir Somnath.
Latitude and longitude : 21⁰04′47.37″N 70⁰17′45.04″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on.

**Site No. 10 Dineshkumar & Co.,**
Village : Khorasa. TaL: Malia, DIST: Gir Somnath,
Latitude and longitude : 21⁰02′49.82″N 70⁰19′28.42″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on.

**Site No. 11 Lime Stone of Rajshibhai R. Jotava,**
Village : Khorasa, TAL : Malia, DIST : Gir Somnath
Latitude and longitude : 21⁰02′79.00″N 70⁰19′19.84″E

During visit it is observed that the Project Proponent has carried out the mining in the least in past, however during visit no any mining activity was going on. Person contacted during site visit Rambhai Jotva informed that they have stopped the mining activity since October, 2018.

**Site No. 12 Ghel Ltd(Lime Stone Mines at Gorakhmadh),**
Village : Gorakhmadhi, TAL: Sutrapada, DIST : Gir Somnath.
Latitude and longitude : 20⁰54′39.99″N 70⁰31′12.05″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on. Person contacted during site visit Shri Murli Moha informed that they have stopped the mining activity since June 2018.

**Site No. 13 Kodidra Limestone Mine of GHCL Ltd.,**
Village : Kodidra, TAL : Veraval, DIST : Gir Somnath.
Latitude and longitude : 20⁰57′54.87″N 70⁰31′11.64″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on. Person contacted during site Shri Rajesh Tiwari informed that they have stopped the mining activity since June 2018.

**Site No. 14 Lime Stone Mines of Sukhdevbhai J. Trivedi,**
Village : Dari, TAL : Veraval, DIST : Gir Somnath,
Latitude and longitude : 20⁰56′46.05″N 70⁰19′43.13″E

During visit it is observed that the Project Proponent has carried out the mining in the lease in past, however during visit no any mining activity was going on. Person contacted during site visit Shri Sarmanbhai Dharamanchotiya informed that they have stopped the mining activity since December, 2014.

**Annexure – B**
**Status of Lease with respect to EC**

| Sr. No. | Name | Address | District | Status of Application | Status of EC | Remarks |
|---|---|---|---|---|---|---|
| 1 | Gopalsinh Himatsinh Chauhan | Vil. Ghusiya, Ta. Talala | Gir Somnath | TOR application delisted on 26-12-2018 by SEAC | EC Not Obtained | TOR application delisted due to non submission of Additional Information asked by SEAC |
| 2 | Vejesinh Dansinh Mori Limestone Mine | Vii. Jasadhar, Ta. Talala | Gir Somnath | TOR application rejected on 31-12-2018. | EC Not Obtained | Application rejected as lease falls within the eco sensitive zone of Gir Sanctuary. |
| 3 | R.J. Trivedi & Co. | Vil. Umba, Ta. Veraval | Gir Somnath | ToR Granted on 31-12-2018 | EC Not Obtained | |
| 4 | Aher Bhagvan Bhimsinh | Vil. Ajotha, Ta. Veraval, | Gir Somnath | ToR Granted on 17-11-2018 | EC Not Obtained | |
| 5 | somnath Hydrated Lime and Chemical / Cement Industries Pvt. Ltd. | Near Vil. Kherali, Ta. Veraval | Gir Somnath | ToR Granted on 30-11-2018 | EC Not Obtained | |
| 6 | Noor Mohnred Kalubhai Patani Limestone Mine | Vil. Kherali, Ta. Veraval | Gir Somnath | ToR Granted on 17-11-2018 | EC Not Obtained | - |
| 7 | Vikram Chemicals Co. Limestone Mine | Vil. Damasa, Ta. Una | Gir Somnath | ToR Granted on 25 09-2018 | EC Not Obtained | |
| 8 | Dhirajlal Panchabhai Vachani | Vil. Undari, Ta. Gir Gadhada | Gir Somnath | ToR Granted on 14-12-2018 | EC Not Obtained | |
| 9 | somnath Hydrated Lime and Chemical / Cement Industries Pvt. Ltd. | Vii. Zadaka, Ta. Maliya | Junagadh | | EC Not Obtained | PP has not replied to EDS of online application of TOR. |
| 10 | Dineshkumar & Co. Limestone Mine | Vil. Khorasa, Ta. Maliya | Junagadh | TOR application delisted on 31-12-2018 | EC Not Obtained | PP applied for regular TOR and project found under violation. |
| 11 | Rajsi Rana Jotava Limestone Mine | Vil. Khorasa, Ta. Maliya | Junagadh | - | EC Not Obtained | PP has not replied to EDS of online application of TOR. |
| 12 | GHCL Ltd. Limestone Mine | Vil. Gorakhaldhi, Ta. Sutrapada | Gir Somnath | EC application delisted on 30-10-2018 | EC Not Obtained | PP applied for regular EC and project found under violation. |
| 13 | GHCL Ltd. Limestone Mine | Vil Kodidra Ta. Veraval | Gir Somnath | EC application Delisted on 13.10.2018 | EC not obtained | PP applied for regular EC and project found under violation |
| 14 | S.J. Trivedi Limestone Mine | Vil. Dari, Ta. Veraval | Gir Somnath | TOR application delisted on 29-01-2019 by SEAC. | EC Not Obtained | TOR application delisted due to non submission of Additional Information asked by SEAC |

**Annexure-C**
**NGT O.A. No: 58/2018(1A/Z).**
**Details with reference to NGT order dated:15/02/2019.**

| Sr. No. | Name of mining company | Location | Area in Hector | GPCB ID | Action Taken | Status | Remarks |
|---|---|---|---|---|---|---|---|
| 1 | M/s Gopalsinh Himatsinh Chauhan | S. no. 64/P, Village: Ghusiya, Taluka-Talala, Dist. Gir Somnath | 2.0 | 48779 | Notice of Directions issued dated 29/02/16 for not obtaining EC, CTE & CCA | CTE obtained (CTE issue date: 20/06/2016) CCA not obtained | Legal case filed in Talala Court Hon'ble Court imposed fined of total Rs. 50,000/- |
| 2 | M/s Vajesinh Dansinh Mori | S.No:152 Village: Jasadhar, | --- | 48778 | | CTE & CCA not obtained. | Legal case filed in Talala Court Hon'ble Court |

| Sr. No. | Name of mining company | Location | Area in Hector | GPCB ID | Action Taken | Status | Remarks |
|---|---|---|---|---|---|---|---|
| | | Taluka: Talala, Dist.: Gir Somnath | | | | | imposed fined of total Rs.75,000/- |
| 3 | M/s R. J. Trivedi & co. | S.No:65/70 Village: Umba, Taluka: Veraval, Dist. Gir-Somnath | 7.69 | 26370 | Issued closure directions dated 31/01/12 Closure yet not revoked. | Obtained CTE and CCA for 700MT/Month CTE Amendment for expansion is rejected | --- |
| **4** | **M/**s Aher Bhagwan Bhimsinh– S.No389/1 | Village: Ajotha, Taluka: Veraval, Dist. Gir Somnath | 6.47 | 27868 | Issued closure directions dated 17/02/12 for not obtaining EC, CTE & CCA Closure yet not revoked. | CTE obtained | --- |
| **5** | M/s Somnath Hydrated & Chemicals Ind. | Village: Kherali Taluka: Veraval, Dist Gir Somnath, | 15.1352 | 38972 | Closure Directions issued dated 28/06/12 Process in LGL-EPA-JNG-342 Letter issued to the Collector to seal the plant and machinery of the unit dated 26/06/2012 Closure yet not revoked. | CTE obtained CCA not obtained. | --- |
| **6** | M/s Noormahmad Kalubhai Patani | Village: kherali, Taluka: Veraval, Dist. Gir Somnath, | 4.25.93 | 13696 | Closure Direction issued dated 15/03/12 Closure yet not revoked. | CTE obtained CCA Rejected | -- |
| **7** | M/s Vikram chemical Co. Limestone Mine | S. No: 110/p Village: Damasa, Taluka: Una, Dist. Gir Somnath | -- | 39201 | Closure Direction issued dated 05/07/17 for not obtaining EC, CTE & CCA. Closure yet not revoked not revoked. | CTE & CCA not obtained | -- |
| **8** | M/s Lime stone mines of Dhirjalal Panchanhai Vachhanr | S.No:49/p Village: Undari, Taluka: Una, Dist. Gir Somnath | 4.0 | 41329 | Issued Closure Directions dated14/08/17 for not obtaining EC. Closure yet | CCA Expired on 18/12/2018 and Applied for CCA renewal on | Legal Case filed dated 30/10/18 |

| Sr. No. | Name of mining company | Location | Area in Hector | GPCB ID | Action Taken | Status | Remarks |
|---|---|---|---|---|---|---|---|
| | | | | | not revoked. | 13/03/2019 | |
| **9** | M/s Somnath Hydrated Chemicals | Village: Zadka, Taluka: Malia, Dist. Junagadh | -- | 37997 | Closure Directions issued dated 25/01/2012 for not obtaining EC, CTE & CCA. Letter issued to the Collector to seal the plant and machinery of the unit dated 27/02/2013 Closure yet not revoked | CTE & CCA not obtained | -- |
| **10** | M/s Dinesh kumar& Co. Limestone Mine | Village: Khorasa, Taluka: Malia, Dist. Junagadh | -- | -- | -- | CTE & CCA not obtained | Legal case filed in Malia Court on 21/02/2019 |
| 11 | M/s Lime Stone Mine Of Rajshibhai R. Jotava | S.No:29/p Village: Khorasa, faluka: Malia, Dist. Junagadh | 4.0 | 38401 | -- | CTE Rejected | Legal case filed in Malia Court Hon'ble Court imposed fined of total Rs. 10,000/- |
| 12 | M/s GHCL Ltd. Limestone Mine | S. No: 408/6/p Village: Gorakhmadhi, Taluka: Sutrapada Dist. Gir Somnath | 3.19.70 | 26093 | - | CCA renewal rejected | Legal case filed on 06/02/19 |
| 13 | M/s GHCL Ltd. Limestone Mine | S. No: 81/p Village: Kodidra, Taluka: Veraval, Dist. Gir Somnath | 4.7 | 12379 | Closure Directior Issued dated 09/09/16 for not obtainir EC& CCA renew Revocation Granted dated 13/10/16 wi th specific condition to obtain EC and CCA. As per earlier NGT order unit has applied for EC before 31/03/2016. | CCA renewal rejected | Legal case filed on 30/01/19 |
| 14 | M/s S.J Trivedi Limestone Mine | S.No: 123 Village: Dari, Taluka: Veraval, Dist. Gin | 2.42.36 | 26378 | Closure Directions Issued dated 23/06/14 Letter issued | CTE & CCA rejected | Legal Case filed dated 18/05/17 |

| Sr. No. | Name of mining company | Location | Area in Hector | GPCB ID | Action Taken | Status | Remarks |
|---|---|---|---|---|---|---|---|
| | | Somnath, | | | The Collector to seal the plant and machinery of the unit dated 23/06/14 Closure yet not revoked. | | |

7. On the next date of hearing i.e. 01.05.2019, following direction was issued by this Tribunal :-

*"Considering this position, we are of the view that the further action is required to be taken by the concerned on the same principle as passed in a batch of cases, one of them being O.A. No.110 (THC)/2012, Threat to life arising out of coal mining in south garo hills district Vs. State of Meghalaya & Ors., that involved similar factual positions as in the present case. We accordingly direct that damages on account of (i) Net Present Value (NPV) of the ecological services forgone forever, (ii) cost of damage to environment and pristine ecology; (iii) cost of mitigation and restitution of the environment and (iv) deterrent environmental compensation distinct from the earlier three heads, be assessed and a report submitted with regard to assessment made before the next date by e-mail at ngt.filing@gmail.com."*

8. In compliance of the above order, a report has been submitted by GPCB in July 2019 as follows:-

*"The Committee inspected all the 14 mine leases & its surrounding area. Details regarding date of commencement of mining, yearly production was collected from Office of District Geologist. Other information such as, method of mining, mode of mineral transport and transport route, manpower details, etc. was collected from mine owners.*

***1. Limestone Mine of M/s Goplasinh Himatsinh Chauhan***
*This is an existing Limestone Mine located in 2.0 Ha mine lease area. During inspection, mining activity was observed to be stopped. No mining machinery was observed at site. Existing mining was observed to be carried out up to about 15 m depth in the work out area. Water is accumulated in the Mine pit from which one water sample is collected. No any river, school, village habitation etc are located in 500 m radius of this mine. Mine is surrounded from three sides by agriculture land and one side by village road. Village Ghusiya is around 2 km away from mine. Hiran-2 Dam is around 2.5 km away from the mine. One water sample is collected from bore well of Ashokbhai Hamirbhai Chandera, villege: Ghusiya, Talala, Gir Somnath, located adjacent to the mine lease.*

***Quarry Pit Water Quality Analysis:*** *The physico-chemical characteristics of quarry pit water sample collected are presented in Annexure 1 and are compared with the IS-10500 standards and most of the parameters are found within limit as per IS:10500. Thus, the water quality was observed to be good as per IS:10500 standards but primary treatment is suggested before using the water for potable purpose.*

***Ground Water Quality Analysis:*** *The physico-chemical characteristics of groundwater sample collected are presented in Annexure 1 and are compared with the IS-10500 standards and most of the parameters are found within limit as per IS:10500. Overall, the ground water quality was observed to be good for drinking and domestic use as per IS:10500 standards.*

***2. Limestone Mine of M/s Vajesinh Dansinh Mori***
*This is an existing Limestone Mine located in 2.0 Ha lease area. During inspection, mine was not in operation. No any machinery was observed at site. Average depth of the mine pit is about 1.5 to 2.0 m in the work out area. No any river, school, residential area etc. are there in 500 m radius of this mine. Mine is surrounded from two sides by agriculture land and two sides by other mine leases. Village Jasadhar is around 1.5 km away from mine. The mine lease area is located in proposed eco-sensitive zone around Gir Sanctuary. However, no vegetation is observed in the mine lease area. Surrounding area comprised of horticulture plantation and agriculture land. As such, no impact is observed on the pristine ecology of the area.*

***3. Limestone Mines of M/s 1LJ.Trivedi & Co.***
*This is an existing Limestone Mine located in 7.69 Ha lease area. During inspection, mining activity was observed stopped. Existing mine pit is having about 0.5 to 1.0 m depth in the work out area. No mining machinery was observed at site. No any river, school, residential area etc are there in 500 m radius of this mine. Mine is surrounded from four sides by agriculture land. Village Umba is around 0.6 km away from mine.*

***4. Limestone Mine of M/s Aher Bhagwan Bhimsinh***
*This is an existing Limestone Mine with lease area of 6.47 Ha. During inspection, mining activity was observed to be stopped. No mining machinery was observed at site. A mine pit of about 1.5 m average depth was observed in work out area of the mine. No any river, school, village habitation are located in 500 m radius of this mine. Few houses are constructed in agriculture land near the mine lease area. Mine is surrounded from three sides by agriculture land and one side by village road. Village Ajotha is around 2.0 km away from mine.*

***5. Limestone mine of M/s Somnath Hydrated Lime & Chemicals Industries Pvt. Ltd.*** *This is an existing Limestone Mine located in 15.1352 Ha*

*lease area. During inspection, mining activity was observed to be stopped. Average depth of mine working was observed to be about 1.5 to 2.0 m in the work out area. No mining machinery was observed at site. Babool plantation was carried on the lease boundary facing village road. No any river, school, residential area are observed in 500 m radius of this mine. Mine is surrounded from three sides by agriculture land and one side by barren land. One water sample is collected from hand pump of Tapubhai Rajabhai Chandpa, villege: Umrala, Veraval, Gir Somnath.*

***Water Quality Analysis:*** *The physico-chemical characteristics of groundwater sample collected are presented in Annexure 1 and are compared with the IS-10500 standards. The pH of the water sample collected was observed to be 7.53 which is within Acceptable limits. Turbidity is 25 NTU, which is exceeding the permissible limit. Total suspended solids are 18 mg/l. TDS is observed as 650mg/I, which is within permissible limit. The total hardness was observed as 387 mg/1, which is within permissible limit. Calcium was observed within permissible limits. Chlorides, Nitrates Magnesium and Sulphates were also observed to be within acceptable limits. Heavy metals were not detected in the ground water. Overall, the ground water quality was observed to be good for drinking and domestic use 2S per IS: 10500 standards but primary treatment is suggested for settling of suspended solids before used for drinking purposes.*

***6. Limestone Mine of M/s Noormahamed Kalubhai Patani***

*This is an existing Limestone Mine with lease area of 4.2593 Ha. During inspection, mining activity was observed to be stopped. A small quarry pit with average depth of about 0.5 m was observed in work out area. No mining machinery is observed at site. No any river, school, residential area etc. are located in 500 m radius of this mine. Mine is surrounded from two sides by agriculture land and two sides by barren land. Village Kherali is around 1.0 km away from mine.*

***7. Limestone mine of M/s Vikram Chemical Company***

*This is an existing Limestone Mine spread in 2.0 Ha lease area. During inspection, mining activity was observed to be stopped. Average depth of mining is about 2.5m in the work out area. No any river, school, village habitation etc. are observed in 500 m radius of this mine. Few houses are located adjacent to the mine lease area. Mine is surrounded from two sides by agriculture land and two sides by barren land. Village Damasa is around 0.7 km away from mine*

***8.Limestone Mine of M/s Dhirjalal Panchabhai Vachhani***

*This is an existing Limestone Mine having 4.0 Ha lease area. During inspection, mining activity was observed to be stopped. Average depth of mine pit was about 2.0 to 2.5m in work out area. No mining machinery is observed at site. No any river, school, residential area etc. are there in 500 m radius of this mine. Mine is surrounded from three sides by agriculture land and one side by barren land. Village Undri is located at around 1.0 km away from mine.*

***9. Limestone mine of M/s Somnath Hydrated Chemicals***

*This is an existing Limestone Mine spread over 10.0 Ha lease area located in Meghal river bed. During inspection, mining activity was observed to be stopped. No mining machinery is observed at site. Nearest human habitation is around 200 meter away from this mine. Mine lease area is surrounded from four sides by barren land. Village Zadka is around 0.3 km away from mine.*

***10. Limestone Mine of M/s Dineshkumar & Company***

*This is an existing Limestone Mine spread over 5.0 Ha lease area. During inspection, mining activity was observed to be stopped. No mining machinery is observed at site. Nearest human habitation is around 200 meter away from this*

*mine. Mine is surrounded from one side by agriculture land and three sides by barren land. Village Khorasa is around 0.5 km away from mine.*

***11. Limestone Mine of M/s Rajsi Rana Jotava***

*This is an existing Limestone Mine spread over 4.0 Ha lease area. During inspection, mining activity was observed to be stopped. No mining machinery is observed at site. Nearest human habitation is around 200 meter away from this mine. Mine is surrounded from one side by agriculture land and three sides by barren land. Village Khorasa is around 0.5 km away from mine.*

***12. Limestone Mine of M/s GHCL***

*This is an existing Limestone Mine spread over 8.73 Ha lease area. During inspection, mining activity was observed to be stopped. Average depth of the mine pit was observed as 3.0 m. No mining machinery is observed at site. Mining area is properly fenced and some plantation has been carried out on the backfilled area in the mine lease. No any river, school, residential area etc. are there in 500 m radius of this mine. Mine is surrounded from three sides by agriculture land and one side by internal road. Village Gorakhmadhi is around 1.5 km away from mine. One water sample is collected from open well of Bhimabhai Dayabhai Gavadiya, village: Gorakhmadhi, Sutrapada, Gir Somnath.*

***Water Quality Analysis:*** *The physico-chemical characteristics of groundwater sample collected are presented in Annexure 1 and are compared with the IS-10500 standards and most of the parameters are found within limit as per IS:10500. Overall, the ground water quality was observed to be good for drinking and domestic use as per IS:10500 standards.*

***13. Limestone Mine of M/s GHCL***

*This is an existing Limestone Mine in 4.7 Ha lease area. During inspection, mining activity was observed to be stopped. Average depth of the mine was observed as 2.0 to 2.5 m. No mining machinery is observed at site. Fencing has been carried out around the mine pit. No any river, school, residential area etc. are there in 500 m radius of this mine. Mine is surrounded from two sides by agriculture land and two sides by barren land. Village Kodidra is around 1.0 km away from mine.*

***14. Limestone mine of M/s S. J. Trivedi***

*This is an existing Limestone Mine spread over 9.35 Ha lease area. During inspection, mining activity is observed to be stopped. No mining machinery is observed at site. No any river, school, residential area etc are there in 500 m radius of this mine. Mine is surrounded from one side by agriculture land and three sides by barren land. Village Veraval is around 3.0 km away from mine. Arabian Sea is located at about 0.47 km from the lease area. Hence, CRZ clearance may be required for this mine.*

*All the quarries are mostly located in barren land/ areas devoid of major vegetation and are located away from ecological sensitive areas except one i.e. Limestone Mine of M/s. Vajesinh Dansinh Mori, which is located in proposed eco-sensitive zone around Gir Sanctuary.*

*All the quarries have been observed to be worked by manual / semi-mechanised opencast method of mining without blasting and with the use of rock breaker,*

*excavator, and / or manual tools such as pick axe, crow bar, etc. Sizing of the big boulders was carried out manually by hammers.*

*Limestone is available as outcrop or just below a small cover of top soil/waste rock. Thickness of limestone deposit in the area is varying from 3 - 5 m. All the quarries have been observed to be excavated for a shallow depth except for mine lease mentioned in Sr. No. 1 in above table i.e. Limestone mine of M/s Gopalsinh Himmatsinh Chauhan, where a depth of about 15 m have been observed with accumulation water in mine pit.*

*No groundwater interception was observed in any quarry pit. In all the leases, existing quarry pits have been observed of varying sizes and depths. All the 14 mines have been observed to be stopped. No major overburden was observed as the limestone is outcropping / located close to surface in the lease area. Few over burden/waste rock heaps were observed in some leases during inspection.*

*During the field visit, variations were observed by the committee in the quantity of mined out mineral (considering the volume of mine pits) as against production details submitted by the office of the District Geology. This may be due to reasons like unevenness in topography/geomorphology considered for quantification or inclusion of minerals mined out at other locations being included in the mines visited by the committee etc. and the same could not be verified because of mining activities already completed.*

*During the inspection, the committee consulted people residing in the vicinity of the mine leases. These people are using ground water (through bore well and open well) for drinking, domestic use and for agriculture activities. No complaint has been received for ground water contamination due to mining activities. Wherever required, water samples from mine pits (wherever available) and from ground water were collected to identify if any ground water contamination is*

*caused due to operation of these mines. Water samples from the following locations were collected:*

*(1) Ground water from Bore well of Ashokbhai Hamirbha Chandera, Village: Ghusiya, Talala, Gir Somnath.*

*(2) Pit water from mine pit of Limestone mine of Gopalsinh Himatsinh Chauhan, Village: Ghusiya, Talala, Gir Somnath.*

*(3) Ground water from Hand pump of Tapubhai Rajabhai Chandpa, Village: Umrala, Veraval, Gir Somanth.*

*(4) Ground water from Open well of Bhimabhai Dayabhai Gavadiya, Village: Gorakhmadhi, Sutrapada, Gir Somnath.*

*The physico-chemical characteristics of quarry pit and groundwater sample collected are presented in Annexure 1 and are compared with the IS-10500 standards. From the water quality analysis reports, it is observed that all the parameters analysed were within permissible limits for drinking use. There is no contamination observed due to mining activities. It is suggested that the water be used for drinking purpose after primary treatment. The water can be directly used for all other domestic and agriculture purposes.*

*Most of the population is observed dependent on ground water for drinking, domestic use and for agriculture activities. During the field investigation, it was also observed that the area is highly impervious and the rainwater flows along the slope and directly joins the seasonal streams. Percolation rate to the ground is very low. Limestone exposures have also been observed in the nearby agriculture lands, roads, etc. No issues were observed with the presence of limestone in the agriculture or any other activities to the residents of the area.*

*During the inspection of all the above 14 mine leases, surrounding areas and along transport routes, no visible signs of any damage on vegetation, crops and horticulture plantation was observed. Looking at the method and extent of mining*

*in the past and the distance of nearest village habitation, no damage has been observed on the village habitation. There was no ecologically sensitive, archaeological / historical / religious important places observed within 500 m radius from the mine lease boundaries except one i.e. Limestone Mine of M/s. Vajesinh Dansinh Mori which exists in eco sensitive zone of Gir Sanctuary.*

*All the mine leases are located in barren / waste land and no significant natural vegetation / tree cover was observed in or around the mine leases. The mining leases are mostly surrounded by agriculture lands. As such, there were no ecological services foregone forever. Also, it was observed that no significant damage to the environment or pristine ecology has been observed due to these 14 limestone mines.*

*No significant damage has been observed to the ecological services & pristine ecology due to these limestone quarries.*

## *1.3 METHODOLOGY ADOPTED FOR DAMAGE COST ASSESSMENT*

*In order to carry out damage assessment on the account of (i) ecological services forgone forever (ii) cost of damage to environment and pristine ecology (iii) cost of mitigation and restitution of environment & (iv) deterrent environmental compensation distinct from earlier three heads, guidelines issued by CPCB, SEIAA-SEAC Gujarat, and Industries & Mines Department, Govt. of Gujarat were followed and damage assessment costs were determined. The guidelines are summarized in following paragraphs:*

### *1.3.1 Methodology for Assessing Environmental Compensation, CPCB*

*(Ref: Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund, attached as Annexure 2)*

*As per the directions received from Hon'ble NGT, CPCB formed a committee for development of guidelines for assessment of Environmental Compensation. The committee discussed that environmental compensation should be based on "Polluter Pay Principle". The Committee decided to list the instances for taking cognizance of cases fit for violation and levy environmental compensation.*

***Cases considered for levying Environmental Compensation (EC):***

a. *Discharges in violation of consent conditions, mainly prescribed standards / consent limits.*

b. *Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.*

c. *Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.*

d. *Accidental discharges lasting for short durations resulting into damage to the environment.*

e. *Intentional discharges to the environment on land, water and air resulting into acute injury or damage to the environment.*

f. *Injection of treated/partially treated/ untreated effluents to ground water.*

*In the instances as mentioned at a, b and c above, Pollution Index may be used as a basis to levy the Environmental Compensation. CPCB has published guidelines for categorization of industries into Red, Orange, Green and White based on concept of Pollution Index (PI). The Pollution Index is arrived after considering quantity & quality of emissions/ effluents generated, types of hazardous wastes generated and consumption of resources. Pollution Index of an industrial sector is a numerical number in the range of 0 to 100 and can be represented as follows:*

*PI = f (Water Pollution Score, Air Pollution Score & HW Generation Score)*

*Pollution Index is a number from 0 to 100 and increasing value of PI denotes the increasing degree of pollution hazard from the industrial sector.*

*After considering various factors including the policy implementation issues, Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions.*

*The Environmental Compensation shall be based on the following formula:*

***EC=PIxNxRxSxLF***

*Where,*

*EC is Environmental Compensation in ₹*

*PI = Pollution Index of industrial sector*

*N = Number of days of violation took place*

*R = A factor in Rupees (₹) for EC*

*S = Factor for scale of operation*

*LF = Location factor*

*The formula incorporates the anticipated severity of environmental pollution in terms of Pollution Index, duration of violation in terms of number of days, scale of operation in terms of micro & small/medium/large industry and location in terms of proximity to the large habitations.*

***Note:***

*a) The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green categories of industries, respectively N, number*

*of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC.*

b) *R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation.*

c) *S could be based on small/medium/large industry categorization, which may be 0.5 for micro or small, 1.0 for medium and 1.5 for large units.*

d) *LF, could be based on population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or up to 10 km distance from the municipal boundary of the city/town, following factors (LF) may be used:*

***Table 1.1: Location Factor Values***

| Sr. No. | Population* (Million) | Location Factor# (LF) |
|---|---|---|
| 1 | 1 to<5 | 1.25 |
| 2 | 5 to <10 | 1.5 |
| 3 | 10 and above | 2.0 |

**Population of the city/town as per the latest Census of India*
*#LF will be 1.0 in case unit is located >10km from municipal boundary*
*LF is presumed as 1 for city/town having population less than one million.*
*For notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.*

e) *In any case, minimum Environmental Compensation shall be Rs. 5000/day.*

f) *In order to include deterrent effect for repeated violations, Environmental Compensation may be increased on exponential basis, i.e. by 2 times on 1st repetition, 4 times on 2nd repetition and 8 times on further repetitions.*

g) *If the operations of the industry are inevitable and violator continues its operations beyond 3 months then for deterrent compensation, EC may be increased by 2, 4 and 8 times for 2nd, 3rd and 4th quarter, respectively. Even if the operations are inevitable beyond 12 months, violator will not be allowed to operate.*

h) *Besides EC, industry may be prosecuted or closure directions may be issued, whenever required.*

*In other instances i.e. d, e and f, the environmental compensation may contain two parts - one requires providing immediate relief and other long-term measures such as remediation. In all these cases, detailed investigations are required from expert institutions/organizations based on which environmental compensation will be decided. CPCB shall list the expert institutions for this purpose. In such cases, comprehensive plan for remediation of environmental pollution may be prepared and executed under the supervision of a committee with representatives of SPCB, CPCB and expert institutions/organizations.*

### *1.3.2 Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat*

*(Ref SEAC-SE1AA-MoM attached as **Annexure 3 A & B)***

*As per notification vide S.0. 804(E) dated 14.03.2017 it has been notified that the violation cases/non- compliance will involve the assessment of ecological damage, remediation plan and natural and community resource augmentation plan. An Indicative guideline for Assessment of Ecological Damage is prescribed by SEAC-SEIAA and is assessed as below:*

*Assessment of ecological damage and remediation plan will address the following attributes:*

| *EMP Sub-Components* | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| *AP* | *WP* | *SHW* | *TP* | *NV* | *GB* | *HG* | *RH/OHS* | *SC* | *CER* |
| *Air Pollution* | *Water Pollution* | *Solid & hazardous waste* | *Transportation* | *Noise & Vibrations* | *Greenbelt* | *Hydro-geology* | *Risk Hazard /Occupational Health &* | *Soil Conservation.* | *Corporate Environmental Responsibility* |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | *Safety* | | |

***Salient Features of the Project considered are as under:***

- ✓ *Type of Mineral*
- ✓ *Lease Area ( In Sq. Meter)*
- ✓ *Quantity of Mineral in MT*
- ✓ *No. of working days*
- ✓ *Price of Mineral in Rupees per MT*
- ✓ *Total cost of Mineral in Rs.*

| ***Attributes*** | ***Scope of Environmental benefits earned*** | ***COST*** | |
|---|---|---|---|
| | | ***Calculations*** | ***Total cost*** *(Rs.)* |
| *AP* | *Water requirement per day for sprinkling of water to curb fugitive emission in KL (0.1 Liters per sq.m.)* | | |
| | *Cost of 1 KL water for sprinkling in Rupees* | | |
| *WP* | *Major water pollution envisioned:*<br>*1. Ground water table intersection if any.*<br>*2. Run off water outside the lease and estimated damage caused considering period of violation in Rs. Per day* | | |
| *SHW* | *When there is an overburden,*<br>*Quantity of Over Burden in MT * 10 Rs.*<br>*Per MT O.B. handling charges * 2*<br>*( Lifting and shifting frequency)* | | |
| | *When there is no Overburden, only mining waste handling charges are to be considered. Mine waste in MT * 10 Rs Per MT of mineral waste handling *2 (Lifting and shifting frequency)* | | |
| *NV* | *Existence of House properties/env. Entities within 500 meter of blasting site and if damaged due to blasting.*<br>• *Nos of such properties/env. Entities.*<br>• *Built up area of each property/env. Entities*<br>• *Cost of reconstruction of properties (total) considering current construction cost per Sq. Meter.* | | |
| *GB* | *Green Belt developed in 10% of leased area Green belt area in $M^2$.*<br>*Presume 1 plant per 4 $m^2$ is to be planted.*<br>*Cost of single plant: Total cost of green belt* | | |
| *HG* | *No major HG issues envisioned, considering no ground water interception If intersection of ground water is made, cost of one time remediation plan after estimating extent of contamination of ground water* | | |
| *RH/OHS* | *Health Expenditure:*<br>*Nos of workers* Rs 1000*<br><br>*PPE expenditure* | | |

| ***Attributes*** | ***Scope of Environmental benefits earned*** | ***COST*** | |
|---|---|---|---|
| | | ***Calculations*** | ***Total cost*** *(Rs.)* |
| | *No of workers*Rs 300*<br><br>*Total expenditure for health and safety for workers* Nos of year* | | |
| *CER* | *10% of Mineral (Sale) Value* | | |
| *SC* | *Cost of preservation, Handling and reuse of Topsoil :(Cost of Soil preservation is assumed to be Rs 10,000 per 1 Hectare)* | | |

| | | | |
|---|---|---|---|
| *Total Assessed Env. Damage Cost in Rupees* | | | |
| *Environmental Damage Cost in % of Mineral Value* | *(Total Assessed Env. Damage Cost in Rupees/Value of Mineral in Rs.)*100* | | |

***Note:***
*For the aforementioned assessment, following basis are taken into consideration:*

1. *Quantity of water sprinkling for curbing fugitive emission is assumed as 0.1 Liters per sq.m.*
2. *Cost of water availability is to be considered on prevailing local market*
3. *Over burden removal and its shifting are considered as two separate activities.*
4. *For damage of house, entire construction of house considering built up area and local prevailing rate of construction are to be considered.*
5. *For greenbelt 1 plant is assumed in 4 sq. meter area and 10% of lease area is proposed to be developed as green belt.*
6. *It is assumed that One Hectare mine requires 2 workers.*
7. *Cost of health check up per worker is Rs 1000/- or prevailing local marker rate.*
8. *Cost of PPE per worker is Rs 300/- or prevailing local marker rate.*
9. *Cost of preservation, handling and restoration for 1 Ha lease is Rs. 10,000/-.*

***1.3.3 Resolution passed by Industries & Mines Department, Govt. of Gujarat (Ref*** *Resolution No. NGT/102017/1750/CHH dated 10.09.2018 and amendment in the said resolution vide Resolution No. NGT/102017/1750/CHH dated 29.11.2018 regarding imposing Environmental Compensation in cases of illegal mining, transportation and storage for causing damage to the environment, attached as* ***Annexure 4)***

*In the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat), an interim action taken report on behalf of State of Gujarat was*

*submitted by Industries & Mines Department, Govt. of Gujarat in compliance of order dated 17.09.2018 passed by the Hon'ble Tribunal in O.A. No. 360 of 2015.*

*The application preferred by one of the applicants dealing with illegal mining of Mineral Ordinary sand in the State of Gujarat and its adverse effect on the environment was pending final consideration before this Hon'ble Tribunal. The Hon'ble Tribunal vide it's order dated 13.07.2018 was placed to issue the following directions:-*

*"4. We are of the view that in view of the increasing illegal mining demonstrated by the affidavit filed by the State itself the State may also take further preventive steps on precautionary principle and the action taken by the State in determining compounding fee should be based not merely on the cost of illegally mined material but also to restore damage to environment on the principle of Polluter Pays. The amount representing damage to the environment may be separately accounted for and used for restoration of damage to the environment by taking appropriate steps"*

*In compliance of the above direction, the Industries and Mines Department, State of Gujarat, vide Government Resolution No. NGT/102017/1750/CHH dated 10.09.2018 decided to impose, in addition to the compounding fees, Environmental Compensation in the cases of Illegal mining, storage and Transportation from the offenders.*
*As per the resolution mentioned above, the computation of Environmental Compensation was given as below:*

*"4. For the Minor Minerals as categorized under Schedule III of the Gujarat Minor Mineral Concession Rules, 2017 (GMMCR, 2017) and for Minerals other than Minor Minerals as per the Mines and Minerals (Development and Regulation) Act, 1957, the Environmental Compensation payable shall be computed as under:*

*a.* *For Part - A - I Minerals under GMMCR, 2017 = 35% of Value of Mineral*

*b.* *For Part - A - II Minerals under GMMCR, 2017 = 20% of Value of Mineral*

*c.* *For Part - B Minerals under GMMCR, 2017 = 15% of Value of Mineral*

*d.* *Minerals other than Minor Minerals = 15% of Value of Mineral*

*Value of Mineral = Price per metric tons of respective Mineral (Multiplied by) Quantity of Mineral illegally Mined, Transported & Stored)*

*Price of Mineral:*

- *Minor Mineral: The last available price per metric tons of such mineral, published by the Government of Gujarat as prescribed under GMMCR, 2017*
- *Mineral Other than Minor Mineral: The last available average price per metric tons of such mineral as published by the Indian Bureau of Mines for the State of Gujarat.*

*Explanation: If for any mineral or mineral grade, the average sale price in respect of the State of Gujarat for any month is not published by Indian Bureau of Mines, the all India average sale price published by Indian Bureau of Mines for such mineral or mineral grade for that month shall be used.*

*Provided that the Authorized Officer, empowered to impose and collect penalty/compounding fees under the Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 shall assess the quantity of mineral illegally mined, transported and stored which will be reckoned for computation of the Value of Mineral."*

*The Hon'ble Tribunal while appreciating the scheme framed by the State of Gujarat issued following directions vide its order dated 17.09.2018-*

*"5. We do not see any difficulty in approving the proposed action but the same cannot take care of all situations if it is found that the damage caused and cost of restoration of ecology to be incurred is higher. The same must be recovered fully on the principle of `Polluter Pays. This apart, the cost of damages must include net present value of future eco system services foregone."*

*Pursuant to the above direction issued by this Hon'ble Tribunal, a meeting under the Chairmanship of the Commissioner of Geology and mining was held on 19.10.2018 to recommend the necessary steps to be taken in order to comply with the directions issued by the Hon'ble Tribunal. Taking into consideration the recommendations made by the committee, the Industries and Mines Department, Govt. of Gujarat, vide its Government*

*Resolution No. NGT/102017/1750/CHH dated 29.11.2018 has amended the scheme dated 10.09.2018 by incorporating following changes:*

*(i) The Environmental Compensation have been increased from*

*"a. For Part - A - I Minerals under GMMCR, 2017 = 35% of Value of Mineral*

***b.** For Part - A - II Minerals under GMMCR, 2017 = 20% of Value of Mineral*

***c.** For Part - B Minerals under GMMCR, 2017 =15% of Value of Mineral*

***d.** Minerals other than Minor Minerals = 15% of Value of Mineral"*

*to*

*"a. For Part - A - I Minerals under GMMCR, 2017 = 41% of Value of Mineral*

***b.** For Part - A - II Minerals under GMMCR, 2017 = 26% of Value of Mineral*

***c.** For Part - B Minerals under GMMCR, 2017 = 21% of Value of Mineral*

***d.** Minerals other than Minor Minerals = 21% of Value of Mineral"*

*(ii) Following further provisos have been inserted in Para 4:*

*"Provided further that, all situations, wherein the authorities are of the view that the damage caused and the cost of restoration of ecology to be incurred is higher, shall be referred to the Gujarat Pollution Control Board for assessment of actual damage*

*caused to the Ecology, net present value of future eco system services foregone and the Cost of Restoration.*

*Provided further that, if after assessment by GPCB the actual damage caused and the Cost of restoration of Ecology is found to be higher than the abovementioned Environmental Compensation, the same shall be recovered fully on the principle of 'Polluter Pays' from the offender by the authorities empowered under Para - (2)."*

### 1.3.4 Factors Considered for Calculations

For estimation of damage cost, some factors have to be considered based on guidelines issued under various Acts, Rules, orders of Hon'ble Courts, Hon'ble NGT and on the basis of general observations.

- **Period under violation:**

o For mines having lease area more >5 Ha, violation is considered from the year, in which the production is exceeded to the production achieved in the year 1993-94 as per directions given in Hon'ble Supreme court Common cause Judgment dated 2.08.2017.

o For mines having lease area <5 Ha, violation is considered from year 2016 w.r.t. the Clause 22 (3) of the Hon'ble NGT order vide Original application No. 34/2016 dated 4.05.2016 ***(Annexure 5).*** Since, in the Hon'ble Supreme court order in the case of Deepak Kumar Vs State of Haryana dated 27.02.2012 and subsequent MoEFCC OM dated 18.05.2012, all minor mineral quarry owners were required to obtain Environmental clearance. However, closure of mines not having environmental clearance was only ordered vide Hon'ble NGT order dated 4.05.2016. Hence, the year 2016 is considered for violation.

- **Sale value of Mineral** for different year have been obtained from Geology & Mines Department, Govt. of Gujarat. The sale value of limestone for

the year 1994-1999 was not available, so the sale value of year 1999 was used for calculation of mineral sale price for the years 1994-1999.

### *1.3.5 SAMPLE CALCULATION FOR DAMAGE ASSESMENT*

*For assessment of Damage cost based on CPCB guidelines, the factors considered/calculations made are explained in Table 3.1 with sample calculation:*

*TABLE 3.1: SAMPLE CALCULATIONS AS PER CPCB GUIDELINES (GOPALSINH HIMMATSINH CHAUHAN CASE)*

| | Basic information | | | | CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Sr. No. | Lessee | Lease area (Ha) | Production (consi dered under violat ion) | | PI | N | R | S | L F | EC |
| 1 | Gopalsinh Himatsinh Chauhan | | Year | Producti on | | | | | | |
| | | 2.00 | 2016-17 | 66588.91 | 60 | 500 | 250 | 0.5 | 1 | 3750000 |
| | | 2.00 | 2017-18 | 23372.13 | | | | | | |
| | | 2.00 | 2018-19 | 0 | | | | | | |
| | | | | 89961.04 | | | | | | 3750000 |

*As per CPCB guideline on methodology for assessing penalty & Environmental compensation and action plan to Utilize the fund (Guideline is attached herewith). The penalty shall be based on the following formula:*
*Penalty = PI xNxRxSx LF*

*Where,*
*Penalty in rupees*
*PI = Pollution index of industrial sector*
*PI factor is considered as 60 because for these fourteen mines, no significant Water*
*Pollution and Hazardous Pollution is observed*
*N = Number of days of violation took place*
*Number of days is considered as 250 mining days/year considering holidays and*
*monsoon season*
*R = A factor in Rupees for penalty*
*All cases are pertaining to EC violations, factor considered is 250*
*S = Factor for scale of operation*
*Considering all the mining projects under small category, factor considered is 0.5*

*LF = Location factor*
*LF Considered is 1.0, as population is +-less than 1 million*

For assessment of Damage cost based on SEIAA-SEAC Gujarat guidelines, the factors considered/calculations made are explained in Table 3 with sample calculation:

***TABLE 3.2: SAMPLE CALCULATIONS AS PER SEAC-SEIAA, GUJARAT GUIDELINES***

| ***Attributes*** | ***Scope of Environmental benefits earned*** | ***DAMAGE COST*** | |
|---|---|---|---|
| | | ***Sample Calculations (Example for Gopalsinh Himmatsinh Chauhan case)*** | ***Total cost (Rs.)*** |
| *AP* | *Water requirement per day for sprinkling of water to curb fugitive emission in KL (0.1 Liters per sq.m.)* | *Lease area: 2.00 Ha*<br>*Water requirement: 0.1Litre/sq.m. area/Day*<br>*Cost of water: Rs. 100/KL*<br>*No. of days: 250 days per year*<br>*Total cost = 20000 x 0.1/1000 x 100 x 250 = 50,000* | *Rs. 50,000 Per year* |
| *Transport* | *Cost of water sprinkling on kutcha road outside mine lease upto nearest pakka major road water to curb fugitive emission in KL (0.1 Liters per sq.m.)* | *Road length: 0.00 m*<br>*Water requirement: 0.1 Litre/sq.m. area*<br>*Cost of water: Rs. 100/KL*<br>*No. of days: 250 days per year*<br>*Total cost = 0 x 0.1/1000 x 100 x 250 = 0* | *Rs. 0* |
| *WP* | *Major water pollution envisioned: 1. Ground water table intersection if any.*<br>*2. Run off water outside the lease and estimated damage caused considering period of violation in Rs. Per day* | *No water pollution issues envisioned as limestone is inert material and ground water intersection was notobserved. Hence, damage pertaining to this aspect is considered as zero.* | *Rs.* ***0*** |
| *SHW* | *When there is an overburden, Quantity of Over Burden in MT * 10 Rs. Per MTO.B. handling charges * 2*<br>*(Lifting and shifting frequency)* | *Average thickness of overburden/ waste rock is observed to be about 1 feet i.e. 0.3 m. & bulk density of OB/Waste rock is considered as 2 T/m$^3$.*<br>*Cost of reclamation = Rs. 10/ MT x 2*<br>*Cost of reclamation = 2.00 x 10000 x 0.3 x 2 x 10 x 2*<br>*= 240000* | *Rs. 2,40,000/-* |
| *NV* | *Existence of House properties/env. Entities within 500 meter of blasting site and if damaged due to blasting.* | *No blasting is being carried out in the mines.*<br>*No damage on any private or public properties have been observed or no such complaint has been received. Hence, cost is considered as zero.* | *Rs. 0* |

| Attributes | Scope of Environmental benefits earned | DAMAGE COST | |
|---|---|---|---|
| | | Sample Calculations (Example for Gopalsinh Himmatsinh Chauhan case) | Total cost (Rs.) |
| | • Nos of such properties/ env. Entities.<br>• Built up area of each property/ env. Entities<br>• Cost of reconstruction of properties (total) considering current construction cost per Sq. Meter. | | |
| GB | Green Belt developed in 10% of leased area Green belt area in $m^2$.<br>Presume 1 plant per 4 $m^2$ is to be planted. Cost of single plant: Total cost of green belt | Lease area: 2.00 Ha<br>No. of saplings =1 sapling / 4 $m^2$<br>Cost of Sapling including plantation cost:<br>Rs. 100/Plant<br>Salary of gardener: Rs. 5000 / month<br>Nurturing is required for 3 years only.<br>Watering cost: 1 lit/plant/day x Rs. 100/KL<br>No. of watering days = 250<br>Total cost = (20000 x 0.1/4 x 100) = 50000 Gardener salary = 5000 x 12 = 60000 Maintenance cost = 500 x 1/1000 x 100 x 250 = 12500 | Plantation cost = Rs. 50000 Maintenance cost = Rs. 72500 / year |
| HG | No major HG issues envisioned, considering no ground water interception if intersection of ground water is made, cost of one time remediation plan after etimating extent of contamination of ground water | No ground water intersectionwas observed. Hence,no damage cost is calculated. | Rs. 0 |
| RH/0 HS | Health Expenditure:<br>Nos of workers* Rs 1000 PPE expenditure No of workers*Rs 300 Totalexpenditure | Average No. of workers are calculated based on annual production, 250 days working, average output per man per shift is considered as 5, and considering 2 supervisory manpower.<br>Total expenditure = (55 x 1000) + (55 x 300) = 71500 for the first year | Rs. 71,500 |

| Attributes | Scope of Environmental benefits earned | DAMAGE COST | |
|---|---|---|---|
| | | Sample Calculations (Example for Gopalsinh Himmatsinh Chauhan case) | Total cost (Rs.) |
| | for health and safety for workers* Nos of year | | |
| CSR | 10% of Mineral Value | Since the CER guidelines are applicable since 1.05.2018, the CSR guidelines as per Companies act are considered. Hence, 2% of the sale price of mineral is considered for estimating CER cost;<br>CSR = 28787531 x 2 / 100<br>= 5,75,751 | Rs. 5,75,751 (different for different years) |
| SC | Cost of preservation, Handling and reuse of Top soil : (Cost of Soil preservation is assumed to be Rs 10,000 per 1 Hectare) | Lease area: 2.00 Ha<br>Soil conservation cost = 10000 rupees/hector x 2<br>= Rs. 20000 | Rs. 20,000 |
| | Total | | 50,000*2+ 2,40,000 +50,000 +72,500*3 +(71,500+ 27,300) + 5,75,751 +20,000= **13,02,051** |

** AP- Air Pollution, WP-Water Pollution, SHW-Solid Hazardous Waste, GB-Green Belt, HG-Hydro Geology, RH-Risk Hazard, OHS-Occupational Health and Safety, SC-Soil Contamination.*

For assessment of Damage cost based on GR of Ind & Mine Department, Gujarat guidelines, the factors considered/calculations made are explained in Table 3.3 with sample calculation:

*TABLE 3.3: SAMPLE CALCULATIONS AS PER GR of IND & MINE DEPARTMENT, GUJARAT (EXAMPLE FOR GOPALSINH HIMMATSINH CHAUHAN CASE)*

| | Basic information | | | | Assessment as per GR of IMD, GoG | | |
|---|---|---|---|---|---|---|---|
| Sr. No. | Lessee | Lease area (Ha) | Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM | Total sale value of mineral | Damage Assessment cost* |
| 1 | Gopalsinh Himatsinh | | Year | Production | | | |
| | | 2.00 | 2016- | 66588.9 | 320 | 2130845 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | Chauhan | | 17 | 1 | | 1 | |
| | | 2.00 | 2017-18 | 23372.13 | 320 | 7479080 | |
| | | 2.00 | 2018-19 | 0 | 400 | 0 | |
| | | | | **89961.04** | | **28787531** | **6045382** |

## *1.4 DAMAGE COST ASSESSMENT*

*As per the directions issued by Hon'ble NGT, damage assessment on the account of (i) ecological services forgone forever (ii) cost of damage to environment and pristine ecology (iii) cost of mitigation and restitution of environment & (iv) deterrent environmental compensation distinct from earlier three heads, has been carried out with reference to the guidelines issued by CPCB, SEAC Gujarat & Industries & Mines Department, Govt. of Gujarat as mentioned in Para 1.3 above. The estimated damage cost and compensation calculated by each of the three guidelines, as mentioned above, are summarized in the* ***Table 4.***

*All the mine leases are located in barren / waste land and no significant natural vegetation / tree cover was observed in or around the mine leases. The mining leases are mostly surrounded by agriculture lands. As such, there were no ecological services foregone forever. Also, it was observed that no significant damage to the environment or pristine ecology has been occurred due to these 14 limestone mines.*

*Hence, no damage cost on the account of (i) ecological services forgone forever (ii) cost of damage to environment and pristine ecology, has been calculated. However, cost of mitigation and restitution of environment was estimated using the Industries & Mines Department, Government Of Gujarat Resolution and SEAC-SEIAA Gujarat guidelines. The deterrent environmental compensation was calculated using CPCB guidelines.*

*The individual project details and damage cost assessment for all the 14 mine leases are given in* ***Annexure 6.***

***TABLE 4: SUMMARY OF DAMAGE COST ASSESSMENT***

| *Sr. No.* | *Lessee & Location of Lease* | *Damage assessment cost as per GR of Industries and Mine Department of Govt. of Gujarat, (Rs.)* | *Damage Assessment cost as per guidelines of SEAC/SEIAA, Gujarat, (Rs.)* | *Environmental Compensation as per Guidelines of CPCB, (Rs.) (Deterrent Penalty Factor)* | *Total Damage Assessment Cost Levied Maximum of (A), (B) and (C) in Rs.* |
|---|---|---|---|---|---|
| | | *(A)* | *(B)* | *(C)* | |
| *1.* | *M/s Gopalsinh Himmatsinh Chauhan, Survey No. 64 P, Village Ghusiya, Taluka - Talala, Dist. - Gir Somnath* | *60,45,382* | *13,02,051* | *37,50,000* | *60,45,382/.* |
| *2.* | *M/s Vajesinh Dansinh Mori, Survey No. 152, Village Jasadhar, Taluka - Talala, Dist. —Gir Somnath* | *3,61,721* | *7,11,150* | *37,50,000* | *37,50,000/.* |
| *3.* | *M/s R. J. Trivedi & Co., Survey No. 65, 70, Village Umba, Taluka - Veraval, Dist. — Gir Somnath* | *1,77,75,679* | *81,42,697* | *4,31,25,000* | *4,31,25,000/.* |
| *4.* | *M/s Aher Bhagwan Bhimsinh, Survey No. 389/1, Village Ajotha, Taluka - Veraval, Dist. — Gir Somnath* | *2,46,86,172* | *77,39,414* | *3,75,00,000* | *3,75,00,000/.* |
| *5.* | *M/s Somnath Hydrated Lime & Chemicals Industries Pvt. Ltd., Survey No. 42/1, Village Kherali,* | *7,99,12,362* | *1,62,88,137* | *2,25,50,000* | ***7,99,12,362/*** |

| Sr. No. | Lessee & Location of Lease | Damage assessment cost as per GR of Industries and Mine Department of Govt. of Gujarat, (Rs.) | Damage Assessment cost as per guidelines of SEAC/SEIAA, Gujarat, (Rs.) | Environmental Compensation as per Guidelines of CPCB, (Rs.) (Deterrent Penalty Factor) | Total Damage Assessment Cost Levied Maximum of (A), (B) and (C) in Rs. |
|---|---|---|---|---|---|
| | | (A) | (B) | (C) | |
| | Taluka - Veraval, Dist. - Gir Somnath | | | | |
| 6. | M/s Noor mahamad Kalubhai Patani, Survey No. 49, Village Kherali, Taluka - Veraval, Dist. — Gir Somnath | 1,26,31,063 | 26,31,840 | 56,25,000 | **1,26,31,063/-** |
| 7. | M/s Vikram Chemical Company, Survey No. 110P, Village Damasa, Taluka - Una, Dist. - Gir Somnath | 1,25,866 | 5,99,012 | 18,75,000 | **18,75,000/** |
| 8. | M/s Dhirajlal Panchabhai Vachhani, Survey No. 49 P, Village Undari, Taluka - Una, Dist. - Gir Somnath | 1,96,50,504 | 33,71,427 | 56,25,000 | **1,96,50,504/-** |
| 9. | M/s Somnath Hydrated Chemicals, Meghal riverbed, at near Village Zadaka, Taluka - Maliya, Dist. - junagadh | 8,69,60,838 | 1,69,73,085 | 3,75,00,000 | **8,69,60,838/** |
| 10. | M/s Dinesh Kumar & Company, Survey No. 2P, Village | 1,15,74,733 | 27,03,856 | 56,25,000 | **1,15,74,733/** |

| Sr. No. | Lessee & Location of Lease | Damage assessment cost as per GR of Industries and Mine Department of Govt. of Gujarat, (Rs.) | Damage Assessment cost as per guidelines of SEAC/SEIAA, Gujarat, (Rs.) | Environmental Compensation as per Guidelines of CPCB, (Rs.) (Deterrent Penalty Factor) | Total Damage Assessment Cost Levied Maximum of (A), (B) and (C) in Rs. |
|---|---|---|---|---|---|
| | | (A) | (B) | (C) | |
| | Khorasa, Taluka - Maliya, Dist. — junagadh | | | | |
| 11. | M/s Rajsi Rana Jotava Limestone Mine, Survey No. 29 P, Village Khorasa, Taluka - Maliya, Dist. — Junagadh | 1,01,22,773 | 22,99,749 | 56,25,000 | **1,01,22,773/** |
| 12. | M/s GHCL Ltd., Survey No. 408/6P, | 2,25,30,544 | 98,64,494 | 4,50,00,000 | **4,50,00,000/** |
| | Village Gorakhmadhi , Taluka - Sutrapada, Dist. - Gir Somnath | | | | |
| 13. | M/s GHCL Ltd., Survey No. 81P, Village Kodidra, Taluka - Veraval, Dist. - Gir Somnath | 26,04,574 | 16,52,630 | 56,25,000 | **56,25,000/** |
| 14. | M/s S. J. Trivedi Limestone Mine, Survey No. 123, Village Dari, Taluka - Veraval, Dist. — Gir Somnath | 1,04,67,408 | 74,94,846 | 3,37,50000 | **3,37,50000** |

### 1.5 CONCLUSION:

- The scope of this Committee was to assess damages on the account of (i) ecological services forgone forever (ii) cost of damage to environment and pristine

*ecology (iii) cost of mitigation and restitution of environment & (iv) deterrent environmental compensation distinct from earlier three heads.*

- *The Committee made preliminary investigation through site visit & discussion with affected people to assess the environmental damage caused due to mining activity.*
- *It is the matter of mining of lime stone which is done through either manually or through surface miners & other mechanized means but without blasting in all cases. Due to this it is different from the coal & other mineral mining which is done with complex methodology.*
- *The area and depth of mining is relatively small. Average mining area in these cases is about 4 Hector & Average Depth is about 3 meter.*
- *The committee considered three formulas for the primary assessment of the damage:*

  A. *Methodology adopted by Industries & Mines Department, Govt. of Gujarat through resolution regarding imposing environmental compensation in cases of illegal mining, transportation and storage causing damage to the environment.*

  B. *Formula/Guideline prepared by SEAC, Gujarat for assessment of ecological damage & remediation plan for the mining proposal*

  C. *Environmental Compensation as per formula CPCB submitted to Hon. NGT.*

- *The committee based on site visits & other records has decided and adopted various factors used in different formula in above three methods, and are shown in relevant chapter of the report.*
- *During calculations of Environmental damage based on above three formulas, big variance in the penalty amount was found in each of the case, as all the three formulas are based on different factors.*
- *A primary investigation reveals that the above open cast mining has not caused the damage to the extent that can create visible impacts on the*

*surroundings and nearby people. However the damage to the ecology cannot be undermine without detailed investigation of the subject.*

- *Assessment of environmental damage compensation particularly loss of ecological damage is very complex & required institutional capacity; the committee could not assess it through separate detailed investigations.*
- *Considering above the committee unanimously decided recommend to levy maximum penalty arrived though above three formula in each of the case as an interim penalty. Based on this penalty in each of the cases in tabulated below:*

***TABLE : DAMAGE COST ASSESSMENT***

| *Sr. No.* | *Lessee & Location of Lease* | *Total Damage Cost Assessment Levied Maximum of (A),(B) and (C)in Rs.* |
|---|---|---|
| *1.* | *M/s Gopalsinh Himmatsinh Chauhan, Survey No. 64 P,* ***Village*** *Ghusiya, Taluka - Talala, Dist. — Gir Somnath* | *60,45,382/-* |
| *2.* | *M/s Vajesinh Dansinh Mori, Survey No. 152, Village Jasadhar, Taluka - Talala, Dist. — Gir Somnath* | *37,50,000/-* |
| *3.* | *M/s R. J. Trivedi & Co., Survey No. 65, 70, Village Umba,* ***Taluka*** *- Veraval, Dist. — Gir Somnath* | *4,31,25,000/-* |
| *4.* | *M/s Aher Bhagwan Bhimsinh, Survey No. 389/1, Village Ajotha, Taluka - Veraval, Dist. — Gir Somnath* | *3,75,00,000/* |
| *5.* | *M/s Somnath Hydrated Lime & Chemicals Industries* ***Pvt.*** *Ltd., Survey No. 42/1, Village Kherali, Taluka - Veraval, Dist. — Gir Somnath* | *7,99,12,362/-* |
| *6.* | *M/s Noor mahamad Kalubhai Patani, Survey No. 49,* ***Village*** *Kherali, Taluka - Veraval, Dist. - Gir Somnath* | *1,26,31,063/* |
| *7.* | *M/s Vikram Chemical Company, Survey No. 110P, Village Damasa, Taluka - Una, Dist. - Gir Somnath* | *18,75,000/-* |
| *8.* | *M/s Dhirajlal Panchabhai Vachhani, Survey No. 49 P,* ***Village*** *Undari, Taluka - Una, Dist. - Gir Somnath* | *1,96,50,504/-* |
| *9.* | *M/s Somnath Hydrated Chemicals, Meghal riverbed, at* ***near*** *Village Zadaka, Taluka - Maliya, Dist. - Junagadh* | *8,69,60,838/-* |
| *10.* | *M/s Dinesh Kumar & Company, Survey No. 2P, Village* ***Khorasa,*** *Taluka - Maliya, Dist. — Junagadh* | *1,15,74,733/-* |
| *11.* | *M/s Rajsi Rana Jotava Limestone Mine, Survey No. 29 P,* ***Village*** *Khorasa, Taluka - Maliya, Dist. - Junagadh* | *1,01,22,773/* |
| *12.* | *M/s GHCL Ltd., Survey No. 408/6P, Village Gorakhmadhi, Taluka - Sutrapada, Dist. - Gir Somnath* | *4,50,00,000/-* |
| *13.* | *M/s GHCL Ltd., Survey No. 81P, Village Kodidra, Taluka - Veraval, Dist. — Gir Somnath* | *56,25,000/-* |
| *14.* | *M/s S. J. Trivedi Limestone Mine, Survey No. 123, Village Dari, Taluka - Veraval, Dist. - Gir Somnath* | *3,37,50000/-* |

- *The committee recommends that separate detailed study through an expert agency like NEERI, IIT or any other technical institute of similar repute in consultation with CPCB & GPCB, shall be carried out for the detailed assessment of the damages to the ecological services forgone forever and damage to environment and pristine ecology."*

9. Thereafter this matter was considered by this Tribunal on 15.06.2020 and it is recorded in the order passed on that date that the Committee has further recommended that separate detailed study be got done through an expert agency like NEERI and IIT or any other technical institute of similar repute in consultation with CPCB and GPCB and a detailed assessment of the damages to the ecological services forgone forever and damage to environment and pristine ecology, be made. A copy of the report was directed to be provided to respondent Nos.9 to 11 and 17 while the learned counsel for respondent Nos.20 and 21 has raised question of limitation on that date but the Tribunal directed that CPCB and GPCB shall submit further action taken report and if deemed necessary, engage any independent agency or IIT and submit a report with respect to damage assessed by the Committee within a period of four weeks.

10. The record reveals that on 21.09.2021, a communication was received from GPCB with which the Joint Inspection Committee report was enclosed, which is taken to be final project report, prepared by Dr. Manish Kumar, Assistant Professor, Discipline of Earch Sciences, Indian Institute of Technology, Gandhinagar, Gujarat. The learned counsel appearing for the contesting respondents had submitted on the last date that the mining activities had been stopped right from the year 2018 and that the applications submitted for renewal/grant of mining leases, have not been processed on account of pendency of this Original Application and the contesting private respondents had asked for an opportunity to submit their responses to the said final report which was submitted in compliance with this Tribunal's earlier

orders dated 15.06.2020 and 18.08.2020. The relevant portion of the said final report is reproduced hereinbelow for the sake of convenience:-

***"Background***

*In the case of O.A. No.: 58/2018 Hon'ble NGT has directed to a committee consisting of Gujarat Pollution Control Board (GPCB), State Environment Impact Assessment Authority (SEIAA), and Geologist Department to prepare damage assessment reports due to illegal limestone mining activity in Junagadh and Gir Somnath District. The committee has prepared a report and submitted to Hon'ble NGT. In the said report the committee observed to need "To evaluate the detailed assessment by the expert institution/organization of the national repute". Following the Hon'ble NGT order dated 01/05/2019 and 15/06/2020 in the matter of O.A. 58/2018, Protection of Environment and Public Service Committee Vs. Union of India & Ors.it was mandatory for the Board to carry out detailed assessment. In this context, the Gujarat Pollution Control Board (GPCB) take the professional services of IIT-Gn for the aforementioned work. The project was started on 1st January, 2021, with the objectives that are given below.*

***The objective***

- *Preliminary site/incident location characterization through proper documentation of the preliminary information.*
- *Computation of the net present value of ecological services foregone forever,*
- *To evaluate the overall cost of damage to the pristine ecology and To identify the actual cost of mitigation and restitution of environment in Junagadh and Gir Somnath mining areas*

***Action Taken***

*Upon receiving the work order from GPCB, IIT-Gn project team had prepared the questionnaire/checklists before the field visit commenced between 18th to 23rd January, 2021. Before this field visit, we carried out several remote-sensing-based investigations to understand the field situation through several timeline impression images. The dynamics of land use/land cover (LULC) changes, the effect of mining on the LU/LC changes are studied and discussed in detail. The different land use classes mainly water body, mining area, forest cover, built-up area, barren land and agriculture land in Junagadh and Gir-Somnath districts are identified in order to understand the impact of LU/LC change on the environment. A detailed survey on various aspects of mining status, stakeholder's perceptions, vegetation status, and other environmental indicators were carried out during that six days in the field. The preliminary survey included the collection of local geological data for the Junagadh district in order to understand the soil characteristics. Besides, samples were taken for hydro-geochemical analyses. During our visit to the mining sites, the soil/sediment, surface water, groundwater, open-well water, pit water samples (wherever available) were collected in order to ascertain the water quality in the region as well as to trace the effect of mining activities on the potable water resources.*

*The collected samples are undergone investigation for various water quality parameters. In total, thirteen (n=13) open-well/bore-well and four (n=4) pit water samples were collected from the vicinity of mines. The physicochemical analyses (hydrogeochemical parameters, cations, anions, and trace metal ions) of the collected samples were carried out for the proper identification of their composition, suitability for drinking purpose, and the potential effect of mining pollution.*

*In addition to these, we had collected all the first-hand data and details from the lease holders, which included several pertinent issues of mining activities (refer sub-section 2.1.3 for detailed checklist). Based on the available guidelines, we have considered three methodology dependent formulas for the overall damage assessment, i.e., (i) CPCB guidelines/methodology for assessing environmental compensation, (ii) SEAC, Gujarat proposed formula/guideline for assessment of ecological damage and (iii) Industries and Mines Department, Govt. of Gujarat resolution for imposing environmental compensation in cases of illegal mining, transportation and storage causing damage to the environment.*

***Key Findings***

- *The present status of environmental, ecological scenario and overall socio-economic impact in the core zone and buffer zone of limestone mining area of Junagadh and Gir Somnath District put together seems to have positive effects.*
- *The most critical findings of two-decade change (20 years i.e., from the year 2001 to 2021) in the land use/land cover change in the Junagadh and Gir Somnath district has been the significant reduction of barren land (-36.3 %) and increase of vegetation. Precisely speaking, our remote-sensing analyses suggests that even in the last decade i.e. the period between 2011-21, there has been a 23.4% of decrease in the barren land with a corresponding increase of 19.6% in vegetation and 32% in the human settlement. The main driver of these changes is the mining activities.*
- *A primary investigation including survey of local people reveals that in all the 14 mines, the open cast mining is done either manually or through surface miners/other mechanized means but without blasting. It implies that mining could not cause the damage to the extent that will create visible impacts on the surroundings and nearby people.*
- *A detailed questionnaire survey discloses the environmental, societal, biodiversity and climatic impacts of all the mines. However, the positive impacts are overwhelming the negative ones considering the proper management such*

*as, the green belt development along the roads, providing work and shelter to people who live hand-to-mouth in the rural area of the district, less impact on the biodiversity and climate (owing to non-usage of blasting type of mining process).*

*The physico-chemical analysis results suggested that for all the collected open-well/bore-well samples (n=13) the values of pH were ranged from 6.90 to 7.83 with an average value of 7.29, signifying that the surface and groundwater present in the vicinity of mining area is neutral in nature with negligible impact from the mining activity.*

- *77.8% of the collected water samples exceeded the IS standard limit for fluoride ($F^-$) in drinking water, implying that the open limestone quarries are somewhere directly/indirectly accountable for such higher content of $^-$ which can cause dental fluorosis as well as adversely affect the central nervous system, bones and joints at high (>1.5 mg $L^{-1}$) concentrations. However, the water samples collected from the quarry pit were of superior quality as compared to the open-well or the bore-well water samples.*
- *The penalty for the environmental damage calculated in the previous report was corroborated through our detailed exercise. However as is the case, final recommendation was based on the highest damage amount deduced from any of three methods used, which seems arbitrary, and unpractical for the following reasons:*
    - *Absence of consistent thumb rule for methodology opted for the damage obligation. The maximum financial penalty seems to be harsh and sporadic, which may lead to unsatisfaction among the stakeholders. It may not be also right from the social justice perspective.*
    - *Some of the lease holders had witnessed very less mineral production for a very small duration of one to two years. However, the levied penalty, following the highest financial calculation principle, turns out to be four to five times of their earned values.*

- *There are significant statistical differences among the outcomes of three methods (i.e. CPCB, Industries and Mines, GoG and SEIAA/SEAC, GoG) used for financial obligations.*
- *Environmental damages on the ground have been less obvious than the beneficial impacts of this open scrap mining leading to lake or water body creation, or agricultural land formations, positively affecting the basic human needs like drinking water and food.*

- *Overall, with proper functioning of these mines is likely to be beneficial or the local people by getting direct employment in the mining project and indirect employment opportunities in the associated services. The project will provide livelihood to the poorest section of the society who are economically and socially backward. It will provide employment to the people residing in the vicinity of mining area directly or indirectly. The mine management will also help the people in the nearby villages by providing financial aid to schools, conducting medical and social awareness campaigns, help in the formation of self-help groups, etc. Thus, the project will bring socio-economic development of the area, which is much needed.*
-

*Under the light of above consideration, the average value for total damage assessment cost calculated through three different methods (i.e. CPCB, Industries and Mines, GoG and SEIAA/SEAC, GoG) should be levied to the proprietors.*

***Table 14:*** *Summary of the damage cost assessment using three standard methods and the recommended value.*

| Sr. No. | Lessee and location of Lease | Environmental compensation as per CPCB guidelines (INR) | Damage assessment cost as per guidelines of SEAC/S | Damage assessment cost as per guidelines of Industrie | Total damage assessment cost recommended by previous | Recommended damage assessment cost levied from lease |
|---|---|---|---|---|---|---|
| | | (A) | (B) | (C) | (D) | (E) |
| 1. | M/s Gopalsinh | 37,50,00 | 13,02,05 | 60,45,38 | 60,45,38 | 36,99,144 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 2. | M/s Vajesinh | 37,50,00 | 7,11,150 | 3,61,721 | 37,50,00 | 16,07,624 |
| 3. | M/s R. J. Trivedi & | 4,31,25, | 81,42,60 | 1,77,75, | 4,31,25, | 2,30,14,42 |
| 4. | M/s Aher Bhagwan | 3,93,75, | 77,39,32 | 2,46,86, | 3,93,75, | 2,39,33,50 |
| 5. | M/s Somnath Hydrated Lime & | 2,25,00, 000/- | 1,62,88, 102/- | 7,99,12, 364/- | 7,99,12, 364/- | 3,95,66,82 2/- |
| 6. | M/s Noormahamad | 56,25,00 | 26,31,80 | 1,26,31, | 1,26,31, | 69,62,624 |
| 7. | M/s Vikram Chemical | 18,75,00 | 5,99,012 | 1,25,866 | 18,75,00 | 8,66,626/- |
| 8. | M/s Dhirajlal | 56,25,00 | 33,71,42 | 1,96,50, | 1,96,50, | 95,48,977 |
| 9. | M/s Somnath | 3,93,75, | 1,69,73, | 8,69,60, | 8,69,60, | 4,77,69,64 |
| 10. | M/s Dinesh Kumar & | 56,25,00 | 27,03,85 | 1,15,74, | 1,15,74, | 66,34,530 |
| 11. | M/s Rajsi Rana | 56,25,00 | 22,99,74 | 1,01,22, | 1,01,22, | 60,15,841 |
| 12. | M/s GHCL Ltd. | 4,50,00, | 98,64,45 | 2,25,30, | 4,50,00, | 2,57,98,33 |
| 13. | M/s GHCL Ltd. | 56,25,00 | 16,52,63 | 26,04,57 | 56,25,00 | 32,94,068 |
| 14. | M/s S. J. Trivedi | 3,37,50, | 75,40,78 | 1,01,63, | 3,37,50, | 1,71,51,32 |

## ***Chapter 4. Summary and Limitations***

*Following the Hon'ble NGT order dated 01/05/2019 and 15/06/2020 in the matter of O.A. 58/2018 Protection of Environment and Public Service Committee Vs Union of India & Ors., the Gujarat Pollution Control Board (GPCB) approached IIT-Gandhinagar to provide their professional services for evaluation of the damage assessment of the Lime Stone mines in Junagadh and Gir Somnath District. On the acceptance of financial proposal from IIT-Gn, GPCB had issued work order for the aforementioned project vide letter no. GPCB/LGL: NGT: Gen: 109(2)/571461 dated 28/10/2020.*

*Upon receiving the work order from GPCB, IIT-Gn project team had carried out several remote-sensing-based investigations to understand the field situation through several timeline impression images. The dynamics of land use/land cover (LULC) changes, the effect of mining on the LULC changes are studied in detail. The different land use classes mainly vegetation, water body, agriculture land, settlement and barren land in Junagadh and Gir-Somnath district are identified in order to understand the impact of LULC change on the environment. Also, we had prepared the questionnaire/checklists before the field visit commenced between 18th to 23rd January, 2021. A detailed survey on various aspects of mining status, stakeholder's perceptions, vegetation status, and other environmental indicators were carried out during field visit. The preliminary*

*survey included the collection of local geological data for the Junagadh district in order to understand the soil characteristics. Besides, samples were taken for hydro-geochemical analyses. During our visit to the mining sites, the soil/sediment, surface water, groundwater, open-well water, pit water samples (if available) were collected in order to ascertain the water quality in the region as well as to trace the effect of mining activities on the potable water resources. The collected samples are undergone investigation for various water quality parameters. In total, thirteen (n=13) open-well/bore-well and four (n=4) pit water samples were collected from the vicinity of mines. The physicochemical analyses (hydrogeochemical parameters, cations, anions, and trace metal ions) of the collected samples for the proper identification of their composition, suitability for drinking*

*purpose, and the potential effect of mining pollution on water quality. Our observations can be summarized as follows:*

- *The study provides the trend of major changes in the LULC classes of study area during the time period from 2001 to 2021. It is observed that there is a significant impact of mining on barren land reduction (-36.3 %).*
- *In the year 2021 the observation confirmed that agricultural land (52.6%) has a larger area as compared to barren land (23.4%) and vegetation (19.6%). The period (2011-21) indicates the general decrease in percentage area of barren land (23.4%) including the increase in vegetation (19.6%) and settlement (32%). The land use supporting the agricultural activities and economic activities increased indicated by the settlement and cultivation.*
- *A primary investigation reveals that in all the 14 mines, the open cast mining is done through either manually or through surface miners/other mechanized means but without blasting which suggested that it has not caused the damage to the extent that can create visible impacts on the surroundings and nearby people.*
- *A detailed questionnaire survey discloses the environmental, societal, biodiversity and climatic impacts of all the mines. However, the positive impacts*

*are overwhelming the negative ones considering the proper management such as, the green belt development along the roads, providing work and shelter to people who live hand-to-mouth in the rural area of the district, less impact on the biodiversity and climate due to non-usage of blasting type of mining process.*

- *The physico-chemical analysis results suggested that for all the collected open-well/bore-well samples (n=13) the values of pH were ranged from 6.90 to 7.83 with an average value of 7.29, signifying that the groundwater present in the nearby location is neutral in nature with negligible impact from the mining activity.*
- *The Fluoride ($F^-$) content was exceeded IS standard limit in 77.8% of the collected water samples suggested that open limestone quarries are directly/indirectly accountable for such higher content of $F^-$ which can cause dental fluorosis as well as adversely affect the central nervous system, bones and joints at high (>1.5 mg $L^{-1}$) concentrations.*
- *The water samples collected from the quarry pit show superior quality as compared to the open-well or the bore-well water samples.*
- *The environmental damage penalty recommended by the previous committee was not rational since some of the lease holders had very less mineral production only for one to two years however, the levied penalty is four to five times of their earned values. Hence, we hereby recommend the average value for total damage assessment calculated using all the three methods (i.e. CPCB, Industries and Mines, GoG and SEIAA/SEAC, GoG) which certainly seems to be realistic and indemnify by the lease holders.*
- *Overall, with proper functioning of these mines the local people will be benefitted by getting direct employment in the mining project and indirect employment opportunities in the associated services. The project will provide livelihood to the poorest section of the society who are economically and socially backward. It will provide employment to the people residing in the vicinity of mining area directly or indirectly. The mine management will also help the people in the nearby villages by providing financial aid to schools, conducting medical and social awareness*

*campaigns, help in the formation of self-help groups, etc. Thus, the project will bring socio-economic development of the area, which is much needed.*

*Major limitations of the project are highlighted as follows:*

- *The damage to the ecology cannot be determined because assessment of environmental damage compensation particularly loss of ecological damage is very complex and required substantial time as well as resources.*
- *The environmental attributes such as, air pollution, water pollution, hazardous waste generation, noise & vibration, cannot be precisely identified due to non-operational condition of all the mines. The ongoing pandemic (COVID-19) restricted the IIT-Gn team members to carry out detailed door-to-door survey which would certainly help in understanding the impact on the mining activity on individuals.*
- *The assigned project was only for four months hence, it cannot be possible to carry out continuous water (groundwater/surface water) monitoring for all three seasons (monsoon, pre-monsoon, and post-monsoon), required to understand the seasonal fluctuations on the water quality due to mining activity.*

## ***Chapter 5. Conclusions***

*After the rigorous analyses of dynamics of land use and land cover (LULC) changes for 20 years in Junagadh and Gir-Somnath districts; detailed survey on various aspects of mining status, stakeholder's perceptions, vegetation status, and other environmental indicators; collection of baseline historical geological data; on-site visit as well as surface water, groundwater, open-well water, pit water samples analyses we conclude that there is a significant positive impact of mining on the reduction of barren land and generation of livelihood to the poorest section of the society in the region. Also, no major environmental impact could be seen due to the mining activities supporting the hypothesis that all the 14 leased mines will allowed to be operative with levying average value for total damage assessment calculated from all the three methods (i.e. CPCB, Industries and Mines, GoG and SEIAA/SEAC, GoG) owing to the following reasons:*

+ *The area and depth of mining is relatively small. Average mining area in these cases is about 4 Ha and average depth is about 3 m.*
+ *The LULC analyses results of past 20 years period suggested sharp reduction of barren land (-36.3 %) and increase in vegetation (19.6%) and settlement area (32%) in the studied region.*
+ *Due to open cast mining in all the 14 mines which was performed without blasting technique suggested negligible damage and associated impacts on the nearby habitats.*
+ *Compared to the collected water samples, the quarry pit water shows superior quality. Also, in the survey local people confirmed that they utilize this pit water for their day to day activities.*
+ *A detailed questionnaire survey discloses that due to the closure of all 14 mines, mine diggers/workers who live hand-to-mouth by working in here are most affected and some of them also lost shelter also.*

*Overall, with proper functioning of these mines the local people will be benefitted by getting direct employment in the mining project and indirect employment opportunities in the associated services. The project will provide livelihood to the poorest section of the society who are economically and socially backward. It will provide employment to the people residing in the vicinity of mining area directly or indirectly. The mine management will also help the people in the nearby villages by providing financial aid to schools, conducting medical and social awareness campaigns, help in the formation of self-help groups, etc. Thus, the project will bring socio-economic development of the area, which is much needed.*

*Considering above the experts from IIT-Gn unanimously decided to recommend to levy average value for total damage assessment calculated through three various methods. The final recommended figures for the each mine are tabulated as follows:*

| Sr. No. | Lessee | Recommended damage assessment cost levied from the lease holders (INR) |
|---|---|---|
| **1.** | M/s Gopalsinh Himmatsinh Chauhan | 36,99,144/- |
| **2.** | M/s Vajesinh Dansinh Mori | 16,07,624/- |
| **3.** | M/s R. J. Trivedi & Co. | 2,30,14,429/- |
| **4.** | M/s Aher Bhagwan Bhimsinh | 2,39,33,500/- |
| **5.** | M/s Somnath Hydrated Lime & Chemicals Industries Pvt. Ltd. | 3,95,66,822/- |
| **6.** | M/s Noormahamad Kalubhai Patani | 69,62,624/- |
| **7.** | M/s Vikram Chemical Company | 8,66,626/- |
| **8.** | M/s Dhirajlal Panchabhai Vachhani | 95,48,977/- |
| **9.** | M/s Somnath Hydrated Chemicals | 4,77,69,643/- |
| **10.** | M/s Dinesh Kumar & Company | 66,34,530/- |
| **11.** | M/s Rajsi Rana Jotava Limestone Mine | 60,15,841/- |
| **12.** | M/s GHCL Ltd. | 2,57,98,333/- |
| **13.** | M/s GHCL Ltd. (Kodidra) | 32,94,068/- |
| **14.** | M/s S. J. Trivedi Limestone Mine | 1,71,51,327/- |
| | Total | 19,87,12,161/- |

## *Chapter 6. Recommendations*

- *Thick plantation is recommended along the mine boundary within lease area to reduce noise and vibration although it is not the major problem since blasting has not been performed for mining process.*
- *The fertile topsoil must be stored separately from the overburden produced during mining operations. It is recommended that topsoil be reused as soon as possible for plantations and greenbelt development. The installation of drains around the stockpiles prevents erosion and waste. Land reclamation activities such as backfilling exhausted pits, slope stabilization, and pit conversion to water reservoirs can be carried out.*
- *Overburden handling has a significant impact on surface mining projects and must be carefully planned while taking mining activities and site rehabilitation into account. As a result, the following fundamental steps are recommended for proper overburden management:*

  *(a) Examine site-specific aspects such as geographic location and surface morphology;*

*(b) From a geotechnical standpoint, evaluate the micro and macro properties of overburden materials in detail;*

*(c) Evaluate and compare the efficiency that can be obtained from alternative options of excavation–transportation and dumping waste rock and soil.*

- *Implementation of land reclamation work after mineral excavation should be done with a thorough understanding of local geology and ecology.*
- *The management should provide ear muffs and helmets to the workers in the mine and stress on its utilization.*
- *The regular medical check-up of workers is to be carried out. Green belt development is to be stressed and workers must be motivated for plantation care. The general environmental awareness is given to the local workers. Regular maintenance of vehicle is carried out. Slogans of environment, health and safety are recommended for display.*
- *Effective network of drains with sedimentation pits should be developed to prevent the flow of eroded material to nearby drainage. Harvesting rainwater in mined-out pits will help towards maintaining the groundwater regime of the region."*

11. The stand of **respondent No.16** is that inspection report by GPCB dated 08.06.2017 clearly states that the answering respondent's unit was having valid Consolidated Consent and Authorisation (CCA) under the Water Act, 1974 and the Air Act, 1981 and as one of the specific conditions contained in the said order states that the unit shall obtain Environmental Clearance (EC) when further renewal of mining lease would be prayed for. This led the answering respondent to believe that the EC would be necessary only upon further renewal of the mining lease which was due to expire on 20.06.2016, but in good faith, the answering respondent made several attempts to obtain EC, which has been rejected without supplying any cogent reason. The CPCB has recognized that most of the conditions laid down in EC and CCA are similar in

nature and hence, collapsed the three tier requirement of obtaining Consent to Establish (CTE), Environmental Clearance (EC) and Consent to Operate (CTO) into two tier process while deeming equality between CTE and EC. The answering respondent not only obtained CTE but has also obtained a CCA. The answering respondent had applied for EC year after year from Gujarat State Level Environment Impact Assessment Authority (GSEIA) and in fact, GPCB had accorded temporary approval to undertake industrial/manufacturing activity to the respondent in the form of Provisional Consent order and Consolidated Consent and Authorisation under the Water Act, 1974 and the Air Act, 1981from 27.10.2014 till 18.12.2018 for operation of industrial plant for manufacturing limestone to the capacity of 12,500 metric tons. Prior to that, CTE had already been obtained on 18.10.2013. The Mining Department had accordeed approval in 2013 and 2016 for undertaking mining activity, pursuant to which the answering respondent engaged in manual mining which does not involve blasting. The answering respondent is regularly paying royalty to the Government in lieu of mining activity after obtaining permission from GPCB and paid Rs.4,08,90,205/- as royalty from 2011 to December, 2017 and thereafter from December, 2017, he deposited an amount of Rs.24,00,000/- towards royalty. This shows that the Government was aware of the mining activity being undertaken. On 04.09.2018, the answering respondent provided a bank guarantee of Rs.10,00,000/- to the Indian Bureau of Mines, Gandhinagar. No mining activity is presently being undertaken. There is no evidence to prove that the quantity of limestone mined exceeds the quantity with respect to which royalty was being paid.

12. The stand of **respondent Nos.9, 10, 15 and 19** is as follows:-.

**Respondent No.9** was granted mining lease of 2 hectares on 19.02.1998 at Survey No.64/P of Village Ghosla, Taluka Talala, District Junagadh, Gujarat, which was executed on 14.08.1998. The mining lease was executed on 07.01.2003 between **respondent No.10** and the State of Gujarat for a

period of 20 years over leasehold area of 2 hectares at village Jasadhar, Taluka Talala, District Junagadh, Gujarat. However, the lease lapsed due to non-production which was revived by the Government of Gujarat's order dated 18.05.2007. The mining lease was executed on 17.10.2000 between **respondent No.15** and the State of Gujarat for a period of 20 years over leasehold area of 2 hectares at 110P, village Damasa Taluka Una District Gir Somnath. A lease deed was executed on 18.12.2009 between the Government of Gujarat and **respondent No.19** for a period of 20 years over an area of 4 hectares at Survey No.29, village Khorasa, Taluka Malia Hatina, District Gir Junagadh. All these leases were of limestone mining.

13. In the year 2015, the Mines and Minerals (Development and Regulation) Amendment Act, 2015 was promulgated. Section 8A(3) was provided. All the mining leases granted before commencement of the Mines and Minerals (Development and Regulatio) Amendment Act, 2015 shall be deemed to have been granted for a period of fifty years... Thus by virtue of insertion of said Section, the above leases of the respondents would be deemed to have been granted for fifty years. Hence, all of them are valid and subsisting.

14. In paragraph No.6 onwards of its reply, the legal position has been submitted by the said respondents, which is not being reproduced because that is understood by us on the basis of the arguments raised before us by the learned counsel for the respondents as well as the applicant and hence, in the light of the said arguments and the documentary evidence placed before us, the legal position is as follows :-

"The EIA Notification, 2006, replaced the EIA Notification 1994 and stated categorically that all new projects or activities listed in the Schedule to the Notification would require a prior EC. The Mining of minerals was included as Item 1(a) in the Schedule to the Notification. It clearly stated that more than or

equal to 50 Ha of mining lease area would be a Category A project and less than 50 Ha but more than or equal to 5 Ha of mining lease area would be Category B project and would require an EC from the SEIAA.

The EIA notification 2006 was amended on 01.12.2009 which introduced a different area categorisation in Category B projects for non-coal mine lease and coal mine lease. However, in the case of limestone mining lease the area continued to be more than or equal to 5 Ha and less than 50 Ha and where the EIA Notification would be applicable.

Vide Notification dated 04.04.2011 the EIA Notification 2006 was amended and a Note was added to the column after the phrase "General Conditions shall apply" which stated that "Prior Environmental Clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal".

On 27.02.2012, the Hon'ble Supreme Court in the case of Deepak Kumar etc. v. State of Haryana & Ors. held among other things that "leases of minor minerals including their renewal for an area of less than 5 ha be granted by the States/UTs only after getting environmental clearance from the MoEF".

In pursuance of the said Judgment, the Office Memorandum dated 18.05.2012 was issued by the MoEF& CC which clarified that EIA Notification as amended requires mining projects (new projects, expansion or modernisation of existing projects as also at the stage of renewal of mine lease) with lease area of 5 Ha and above, irrespective of mineral (major or minor) to have prior Environmental Clearance.

On 04.01.2013, the MoEF&CC issued an Office Memorandum as a "Clarification letter with regard to applicability of provisions of EIA Notification,

2006 for mining of major minerals in areas less than 5 Ha" where it clarified that mining projects of major mineral of the size of the lease area less than 5 Ha will not be under the purview of the Order of the Hon'ble Supreme Court dated 27.02.2012 as well as O.M dated 18.05.2012 issued by the Ministry. It further clarified that hence there is no need for prior EC for mining leases of major minerals for areas less than 5 ha as per the EIA Notification either from the Central Government or the State Government.

On 09.09.2013 the EIA Notification 2006 was amended and in Item 1(a) of Schedule to all leases of minor mineral less than 50 ha were included in Category B, along with mining leases of other non-coal mines, which are more than and equal to 5 ha and less than and equal to 50 ha.

Vide Notification dated 07.10.2014 an amendment to Item 1(a) of the Schedule to the EIA Notification, 2006, was brought wherein all non-coal mining leases less than and equal to 50 ha were covered within Category B, however, the General Conditions were not applicable to mining leases less than 5 ha. A note added to column 5 again stated that prior EC was required at the stage of renewal of mine lease for which an Application shall be made upto two years prior to the date due for renewal.

Vide an Amendment to the EIA Notification 2006 dated 15.01.2016 issued by the MoEF&CC pursuant to both Deepak Kumar case on minor minerals as well as pursuant to the Ld. NGT case of Himmat Singh Shekhawat v. State of Rajasthan dated 13.01.2015 on sand mining which stated that within Category B, all non-coal mining leases below 50 ha, shall require prior EC. The amended EIA Notification dated 15.01.2016 mainly dealt with minor mineral such as sand mining, environmental clearance for cluster and constitution of District Level Environment Impact Assessment Authority and nowhere dealt in any manner for EC requirement of major mineral having area less than 5 ha.

On 19.02.2016, this Tribunal in the case of Jatinder Singh v. UOI (OA 495 of 2015) observed the issue of legal regime relating to the requirement of obtaining EC for major minerals having mining lease area less than 5 ha.

The above-mentioned case was originally filed as W.P. (Civil) 688 of 2013 titled as Jatinder Singh & Anr. Vs. UOI & Ors. Before the Hon'ble Supreme Court of India. During the pendency of the above-mentioned case, Hon'ble Supreme Court had directed the "Central Empowerment Committee (hereinafter referred to as the CEC)" to submit a detailed report in relation to the various interim applications, writ petitions that have been filed before the Hon'ble Supreme Court of India. (Para 7, page 7)

The CEC while concluding its report, has submitted under Para 52 (iv) of the report, for consideration of Hon'ble Supreme Court of India, the aspect of environment clearances of major minerals having mining lease areas of less than 5 hectares in following manner:

*"Presently the environmental clearances are required for all mining projects of minor minerals irrespective of the lease areas whereas the environmental clearances for major minerals having mining lease areas of less than 5 hectares is not required. This Hon'ble Court may consider directing MOEF to review the present scheme of things particularly considering that the environmental impact of mining of major minerals is in no way less than, if not more, than that of the mining of minor minerals".*

While dismissing the Writ Petition (Civil) 688 of 2013, the Hon'ble Supreme Court in its order dated 28.10.2013 has observed that the CEC in Para 52 of its Report made certain suggestions for consideration of this court and MOEF shall file its response to such suggestions.

Thereafter Hon'ble Supreme Court of India vide its order dated 05.10.2015 has transferred the case for further proceedings to this Hon'ble Tribunal and the said case was re-numbered as OA No. 495 of 2015 before this Hon'ble Tribunal.

The MOEF&CC in terms of the order dated 28.10.2013 of Hon'ble Supreme Court of India had filed an affidavit submitting its reply to the report of the CEC. This Tribunal has in detail dealt with the submissions forwarded by MOEF in response to CEC recommendations. While dealing with issue of ECs for major minerals having mining lease areas of less than 5 hectares this Tribunal under Para 13 (page 17) of its order dated 19.02.2016 has mentioned as such:

*"It is submitted by MOEF that presently ECs are required for all mining projects of minor minerals irrespective of their lease areas, whereas, EC for lease for mining in areas of major minerals of less than 5 hectares in case of mining of major minerals is not required."*

Under Para 19 (page 24) this Tribunal observed that –

"Last recommendation made by authority (CEC) is that the MOEF should review the present schemes and consider requirement of EC for mining of major minerals in areas less than 5 ha. This is acceptable to MOEF and according to them a Notification in this regard is likely to be issued".

This Tribunal while disposing the OA 495 of 2015 inter alia made the following directions (Para 25(a), Page 28-29):

"It shall be mandatory for all the applicants to seek EC for carrying on mining activity of minor or major minerals, even if the lease area is less than 5 ha……"

Thus, till 19.02.2016 there was no schemes and/or regime for applying/obtaining EC for major minerals having mining lease areas of less than 5 ha.

This Hon'ble Tribunal in its Judgment dated 30.06.2020 in Tamil Nadu Small Mine Owners Federation v. UOI & Ors. (OA 136/2017) held that all mining leases, whether major or minor minerals, including those of less than 5 ha area as well as existing mines, are required to obtain EC under the EIA Notification, 2006 as amended on 15.01.2016. It was further held that all those EC applications which are pending as on or before 31.03.2016 should be treated as normal applications and not violation cases whereas those applications filed after 31.03.2016 can be treated as violation applications. This was also in consonance with the Judgment in Naresh Zargar which stated the same position albeit in case of minor minerals.

The Judgment dated 18.08.2020 in Review Application in Tamil Nadu Small Mine Owners Federation v. UOI & Ors. (RA No. 07 of 2020 in OA 136/2017) this Tribunal dismissed the review application and upheld Judgement dated 30.06.2020. It reaffirmed that the Notification dated 15.01.2016 did not make any distinction between major minerals and minor minerals of lease area less than 5 ha.

The Hon'ble Supreme Court in *Tamil Nadu Small Mine Owners Federation vs MoEF* **(CA No. 1789-1790 of 2021)** has granted finality to the issue and made the direction given by the Tribunal final and binding by the dismissing the said Appeal.

**15.** Based on the above position of law, it is further submitted by the respondents that there were several procedural ambiguities in applying for Environmental Clearance even after amendment dated 07.04.2015. The

answering respondents had applied for Environmental Clearance but the same has been rejected on one pretext or the other by MoEF&CC and the narration of the same has been given in tabular form in paragraphs 8.3 and 9 as follows :-

"8.3 The following table will show delay in processing EC by SEIAA for Respondent No. 15:

| | |
|---|---|
| 27/04/2015 | The Respondent applied for EC by submitting application in Form 1 along with pre-feasibility report and environmental management plan |
| 10.01.2017 | The Respondent applied for EC by submitting application in Form 1 along with pre-feasibility report and environmental management plan. |
| 08/06/2017 | SEAC sought additional documents from the Respondent for grant of EC. |
| 22/08/2017 | The Respondent applied for grant of TOR. |
| 31/03/2018 | SEAC sought additional documents from the Respondent for grant of EC. |
| 04/04/2018 | SEAC sent a letter requiring the Respondent to submit EC application online. |
| 09/04/2018 | The SEIAA sent an email directing the Respondent to submit Form I and pre-feasibility report already submitted in a hard copy, upon which the application shall be further processed. |
| 15/05/2018 | The Respondent sent a letter to SEIAA resubmitting application for EC after delisting of the application of Respondent. |
| 01/06/2018 | The Respondent applied for transfer of application for grant of EC from category A to B. |
| 16/07/2018 | SEAC sent a letter to Respondent directing it to attend the SEAC meeting to be held on 18/07/2018 where its application was to be considered. |
| 16/08/2018 | SEAC sent a letter to Respondent directing it to attend the SEAC meeting to be held on 29/08/2018 where its application was to be considered. |
| 20/08/2018 | Respondent sent a letter replying to queries raised by SEAC at its 404th meeting held on 06/06/2018. |
| 25/09/2018 | The Respondent was granted terms of reference by SEIAA. |

The following table shows delay in processing EC by SEIAA for Respondent No. 19:

| Date | Particulars |
|---|---|
| 09/01/2014 | The Respondent applied for environmental clearance with State Level Expert Appraisal Committee by submitting application in Form I alongwith pre- feasibility report. |
| 15/10/2015 | The Respondent submitted an application for grant of TOR with SEIAA. |
| 30/03/2016 | The Respondent received an acknowledgement for EC |

| | |
|---|---|
| | application submitted on 30/03/2016. |
| 13/07/2016 | The SEAC held its 293rd meeting on 01/06/2016 wherein it considered the proposal of Respondent for EC and sought certain additional information from the Respondent. The Respondent vide letter dated 13/07/2016 sent a point wise reply to all the queries put forth by SEAC. |
| 12/01/2017 | However, despite submitting the requisite information sought by SEAC at its 293rd meeting held on 01/06/2016, the SEAC sent a letter to Respondent stating that it had received no information as thus at its meeting dated 18/02/2017, a decision was taken to delist the application of the Respondent. |
| 21/01/2017 | The Respondent again applied online for Environmental clearance with SEIAA. |
| 28/01/2017 | In reply to letter dated 12/07/2017, the Respondent sent a letter to SEAC stating that it had already replied to the queries put forth at the meeting of SEAC dated 01/06/2016 and it is submitting the informing again for processing of the application. |
| 06/02/2017 | The Respondent received an email alert stating that the proposal of Respondent for EC has not been accepted due to certain shortcomings and therefore it was directed to remove the shortcomings and resubmit the proposal. |
| 15/02/2017 | The Respondent submitted an application with SEIAA for grant of TOR. |
| 30/06/2017 | The Respondent got an email alert from GPCB directing to send certain additional documents. |
| 24/08/2017 | The Respondent submitted its proposal for TOR on 24/08/2017. |
| 02/04/2018 | The Respondent submitted an application with SEIAA for grant of TOR. |
| 07/04/2018 | The SEAC directed the Respondent to submit Form I and pre-feasibility report already submitted in hard copy for further consideration. |
| 09/04/2018 | The SEAC again directed the Respondent to submit Form I and pre-feasibility report already submitted in hard copy for further consideration. |
| 01/06/2018 | The SEAC sent a letter dated 01/06/2018 to the Respondent requesting it to attend the meeting on 06/06/2018 for consideration of the EC proposal of Respondent. |
| 13/06/2018 | The SEAC directed the Respondent to submit Form I and pre-feasibility report already submitted in hard copy for further consideration. |
| 16/07/2018 | The SEAC again sent a letter to the Respondent requesting it to attend the meeting on 18/07/2018 for consideration of the EC proposal of Respondent. |
| 16/08/2018 | The SEAC again sent a letter to the Respondent requesting it to attend the meeting on 29/08/2017 for consideration of the EC proposal of Respondent. |
| 20/08/2018 | Respondent sent a letter replying to queries raised by SEAC at its 404th meeting held on 06/06/2018. |
| 24/09/2018 | Respondent sent a letter replying to queries raised by SEAC at its 404th meeting held on 06/06/2018. |
| 05/10/2018 | The SEAC sent a letter seeking additional information as sought by SEAC at its meeting held on 29/08/2017 from the Respondent within 30 days of the letter. |
| 30/10/2018 | The SEIAA, Gujarat sent a letter to Respondent stating |

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| | that it considered the application for EC at its meeting dated 24/10/2018 and it has taken a decision to grant TOR to the Respondent. |

16. The aforestated details have been narrated only with a view to convince us that efforts were being made by the answering respondents but Environmental Clearance was not granted to them on one pretext or the other by the authorities concerned.

17. It is submitted in the affidavit sworn in on 26.11.2018 that the respondents have stopped mining operations. The lessees continued to get despatch permission from the State Government and Consent to Operate from the State Pollution Control Board and also continued to file returns clearly indicating the quantity being produced without any objections or prohibition from the said statutory authorities.

18. The State Government had already initiated prosecution against the lessees under Sections 15 and 19 of the Environment (Protection) Act, 1986 and in Criminal Case No.290 of 2017 against respondent No.9, the Judicial Magistrate passed an order on 18.11.2017 imposing penalty upon the respondent under Sections 15 and 19 of the Environment (Protection) Act, 1986 and imprisonment in the event of default of payment of penalty. Respondent No.10 was imposed penalty of Rs.25,000/- and on failure to pay the same, simple imprisonment of 150 days in Criminal Case No.156 of 2017. Against respondent No.19, in Criminal Case No.82 of 2017, penalty was imposed and in the event of non-payment thereof, simple imprisonment of 90 days has been slapped.

19. The stand of **respondent Nos.11, 18 and 22** is as follows:-

**Respondent No.11** was granted a mining lease vide order dated 18.05.1974 over an area of 7.79 hectare at Survey Nos. 65 and 70, 10 kms. Back of

Veraval, Talala-Veraval road, village Umba, Taluka Veraval, District Junagadh which was executed on 23.09.1974. **Respondent No.17** was granted the mining lease over an area of 10 hectare at village Zadka, Taluka Maliya Hatina, District Junagadh, which was executed on 11.08.1981. The State Government, vide order dated 21.12.2002, granted mining lease to **respondent No.18** for a period of 20 years over leasehold area of 5 hectares at Survey No.2, village Khorasagir, Taluka Maliya Hatina, District Junagadh, which was executed on 15.11.2003. The lease deed was executed between the State Government and **respondent No.22** on 20.03.1968 over an area of 9.34.84 hectares at Survey No.523, Paiki, village Dari, Taluka Veraval, District Gir Somnath. All these mines leases were of limestone. The rest of the contents of the affidavit are almost similar to the contents of affidavits of respondent No.9 and others, mentioned above. Hence, we do not deem it proper to re-produce the same here.

20. On behalf of **respondent No. 8** – Indian Bureau of Mines, by their affidavit, our attention is drawn to Section 18 of the Mines & Minerals (Development and Regulation) Act, 1957 (for short, "Act of 1957), which is quoted hereinbelow for the sake of convenience:-

"*Mineral Development.*
*18. (1) It shall be the duty of the Central Government to take all such steps as may be necessary for the conservation and systematic development of minerals in India and for the protection of environment by preventing or controlling any pollution which may be caused by prospecting or mining operations and for such purposes the Central Government may, by notification in the Official Gazette,*

*(a) make such rules as it thinks fit.*

*(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-*

*(a )the opening of new mines and the regulation of mining operations in any area;*
*(b) the regulation of the excavation or collection of minerals from any mine;*
*(c ) the measures to be taken by owners of mines for the purpose of beneficiation of ores, including the provision of suitable contrivances for such purpose;*
*the development of mineral resources in any area;*
*(e ) the notification of all new borings and shaft sinkings and the preservation of bore-hole records, and specimens of cores of all new bore-holes;*
*(f )the regulation of the arrangements for the storage of minerals and the stocks thereof that may be kept by any person;*

*(g) the submission of samples of minerals from any mine by the owner thereof and the manner in which and the authority to which such samples shall be submitted; and the taking of samples of any minerals from any mine by the State Government or any other authority specif•"ied by it in that behalf;*

*(h) the submission by owners of mines of such special or periodical returns and reports as may be specified, and the form in which and the authority to which such returns and reports shall be submitted;*

*(i) the regulation of prospecting operations;*

*(j) the employment of qualified geologists or mining engineers to supervise prospecting or mining operations;*

*(k) the disposal or discharge of waste slime or tailings arising from any mining or metallurgical operations carried out in a mine;*

*(l) the manner in which and the authority by which directions may be issued to the owners of any mine to do or refrain from doing certain things in the interest of conservation or systematic development of minerals or for the protection of environment by preventing or controlling pollution which may be caused by prospecting or mining operations;*

*(m) the maintenance and submission of such plans, registers or records as may be specified by the Government;*

*(n) the submission of records or reports by persons carrying on prospecting or mining operations regarding any research in mining or geology carried out by them;*

*(o) the facilites to be afforded by persons carrying out prospecting or mining operations to persons authorised by the central Government for the purpose of undertaking research or training in matters relating to mining or geology;*

*(p) the procedure for and the manner of imposition of fines for the contravention of any of the rules framed under this section and the authority who may impose such fines; and*

*(q) the authority to which, the period within which, the form and the manner in which applications for revision of any order passed by any authority under this Act and the rules made thereunder may be made, the fee to be paid and the documents which should accompany such applications.*

*(3) All rules made under this section shall be binding on the Government."*

21. In the light of above provision, it is submitted that the power to curb the illegal mining vests with the State Government. The acceptance of royalty from private respondent Nos.9 to 22 is done by the State Government and its intermediaries. The review of Mining Plan is approved by the answering respondent under the power conferred by sub-clause (b) of Sub-Section (2) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957 read with Government of India order dated 28.04.1987. The approval lays down conditions specifying that it does not undertake to verify the mining lease boundary on the ground and accordingly, does not undertake any responsibility regarding the correctness of the boundaries of the precise area as furnished by the lessee. In case any violation is found about the correctness of the lease boundary and other ground realities shown in the plan, approval shall stand revoked with immediate effect. The mining operation is also

supposed to be carried out strictly in accordance with the conditions/stipulations imposed by the Ministry of Environment Forest and Climate Change in that regard. The true copies of the approval of Review of Mining Plan along with progressive Mine closure plan in respect of respondent Nos.10, 11, 12, 15, 20 and 21 have been annexed. The answering respondent has served violation letters and show-cause notice to respondent Nos.13 and 17 for non-submission of the Mining Plan required under Rule 11 Sub-Rule (4) of the Mineral Conservation and Development Rules, 2017 (for short, "Rules of 2017"). Consequent to the non-compliance of the said show-cause notice, order of suspension of mining operation with immediate effect was issued on 06.11.2017 and 21.03.2018 in respect of these two respondents. Similarly, the answering respondent served violation letters and show-cause notice to respondent Nos.9, 12, 14, 16, 18 and 22 for non-submission of requisite Financial Assurance required under Rule 27 Sub-Rule (1) of the Rules of 2017 and as a consequence of non-compliance, orders of suspension of mining operation were issued with immediate effect on 20.08.2018, 27.08.2018 and 30.11.2018 to these respondents. Copies of these orders have been annexed and those have been endorsed to the Commissioner of Geology and Mining, the District Collector, Gir Somnath and the District Collector, Junagarh, District Geologist, Gir Somnath, District Geologist, Junagadh and Director of Mines Safety, Gujarat Region, Ahmedabad for further necessary action at their end.

22. Respondent No.12 has admitted that a mining lease was granted to it on 03.09.1975 and it has excavated 171 MT of limestone minerals till the submission of the affidavit. He has denied all the allegations made against it regarding illegal mining and asserted that for Environmental Clearance, an application had been moved but so far it has not been considered as the same is pending. The answering respondent has submitted that the present application is barred by limitation.

23. In its stand, **respondent No.14** has submitted that the mining lease was granted to it on 02.07.1984 and it has excavated 43765 MT of limestone minerals till 2017-2018. No excavation was done after 2016. No illegality has been committed in extraction of the said minerals. The Gujarat Pollution Control Board (GPCB) had granted No Objection Certificate pursuant to Environment Clearance Application being moved, which would be granted within a short time.

24. As far as stand of **respondent No.13** is concerned, this respondent was granted Consent to Establish under the Water Act, 1974 and the Air Act, 1981 on 29.01.2015 and it was valid till 06.01.2020. The CPCB recognized that most of the conditions laid down in the Environmental Clearance and Consent to Establish are similar in nature and collapsed the three tier requirement of obtaining Consent to Establish (CTE), Environmental Clearance (EC) and Consent to Operate (CTO) in two tier process while deeming equality between CTE and EC. For Environmental Clearance, repeatedly applications were moved before the Gujarat State Level Environment Impact Assessment Authority (GSEIA) but to no avail. All the allegations made in the Original Application have been refuted and it is prayed that the application should be dismissed.

25. The objections of respondent No.13 against the recommendations made by the GPCB on the basis of the report submitted by Indian Institute of Technology (IIT), Gandhinagar dated 21.03.2021, is titled `Report on Damage Assessment Due to Illegal Mining of Limestone in the Districts of Junagadh and Gir-Somnath' . It is submitted in the affidavit dated 29.09.2021 that the methodology adopted by the GPCB in imposing the penalty of Rsl3,95,66,822/- against the answering respondent is contrary to the established law and is also based on an erroneous understanding of the fact that in the said report of IIT, it has been observed that there have been numerous beneficial impacts of the mining activities in the region. The said penalty imposed on the answering

respondent would infringe the doctrine of legitimate expectation. Since the provisional consent was obtained from the State Government and the respondent acted in accordance with the same, it would be wholly illegal to penalise the respondent and for this, he has placed reliance on the decisions in the cases of ***Bhushan Power & Steel Ltd. & Ors. V. State of Orissa & Anr.; (2012) 4 SCC***. The relevant portion of the said judgment is also quoted in para 2 of the affidavit. Besides, reliance has also been placed on the decision in the case of ***Monnet Ispat & Energy Ltd. V. Union of India; (2012) 11 SCC 1***. The relevant portion of the said judgment is also quoted in para 3 of the affidavit. It is submitted that the doctrine of legitimate expectation cannot be stopped in taking a decision in public interest as per law. It was the Government which provided initial consent and further permitted the mining activity to go on accepting the royalties. Thus, the said doctrine would clearly entitle the answering respondent to continue their operation in absence of any direction to stop that activity, regardless of any Environmental Clearance. The answering respondent has been acting under the terms of the Provisional Consent Order (CTE) granted from 29.01.2015 to 06.01.2020 and continued to pay royalties. The full amount of royalty paid from 1985 till 2014-15 is Rs.4,49,66,500/-. As per circular dated 02.11.2018, it has been clarified that issuance of consent by the Pollution Control Board is supposed to be a one-step process and Environmental Clearance and CTE have been equalized. No violation of the Gujarat Minor Mineral Concession Rules has been pointed out. Out of the total lease order for mining i.e. 15 hectares, mining activity was done in appeoximate 2 hectares, which fact has not been taken into consideration in the said report. As per the 2016 Notification, no Environmental Clearance is required for mining lease of less than 5 hectares and in view of that, the mining was only being carried out on approximately 2 hectares to get the benefit of the said notification while calculating the penalty taking into account the full area of the lease. It is also apparent that the penalty is recommended for the period 2005-06 to 2018-19, which is absolutely

wrong as the same is arbitrary and exorbitant. The Environmental Clearance could not be granted due to lackadaisical attitude of the State authorities. It has been observed in the said Study that in the past 20 years, there has been sharp reduction to the extent of 36.3% of the barren land and an increase of 19.6% has happened in vegetation and the increase of 32% has happened in the settlement area. There is now larger area of agricultural land i.e. 52.6% as compared to the barren land and vegetation. Since the open cast mining was being performed without resorting to blasting technique, damage was caused to the nearby habitats. The closure of mines in the region has been noted to have a negative social impact as the workers who live hand-to-mouth were adversely affected and many of them have lost their shelter. This mining project would bring much needed socio-economic development in the area. All these facts have not been taken into consideration while proposing penalty to be imposed.

26. In its affidavit dated 10.11.2021, respondent No.21 has submitted that it was amply clear by the position of law discussed in paras 1 to 46 of the affidavit that the answering respondent was mandated to apply for EC within the deadline dated 31.03.2016 being treated as normal application. The legal position has been highlighted in paragraph No.14 of this judgment. Hence, all these facts need not be mentioned here. The Joint Committee in its report dated 18.03.2019 has failed to appreciate the legal and factual position which led to the rejection of CCA renewal application moved by the answering respondent. The Ministry of Environment, Forest and Climate Change (MoEF&CC) has issued clarification dated 21.11.2006 on Environmental Clearance stating that `Consent to Establish (NOC) and the prior Environmental Clearance are separate legal requirements. Further, NOCs required under the Water Act and Air Act are mandatory requirement and will have to be taken as required and will not be linked to environment clearance. The answering respondent after multiple failure attempts had finally managed to obtain CTE on 05.03.2021. Subsequently, the answering respondent was granted CCA by GPCB on 01/03.10.2012 which was valid upto 15.07.2015 for

mining of 2000 MT/month of limestone. Subsequently, an amended CCA dated 13.09.2013 was issued which corrected the production capacity from unit of `2000 MT/month' to `24000 MT/annum'. Subsequently, the answering respondent applied for renewal of CCA on 24.07.2015 as per procedure, which was wrongly rejected by GPCB on 23.11.2015 on the ground that the answering respondent had started mining operations without obtaining EC, without considering the legal position regarding requirement of EC for mining leases less than 5 ha, despite MoEF&CC clarification dated 21.11.2006 mentioned above. The GPCB issued closure direction on 09.09.2016 under Section 31A of the Air Act stating that the mine was operating without obtaining valid CCA and EC and directed to stop production and in violation of the judgment of this Tribunal dated 04.05.2016 in Naresh Zargar case. The answering respondent submitted various representations clarifying that he has applied for permission within time limit prescribed by the said judgment and after considering the representations, the GPCB issued revocation of closure direction on 13.10.2016. There is complete lack of clarity on the part of the State authorities because on the one hand the SEIAA is categorising the answering respondent as violation case while on the other, the GPCB is categorising the answering respondent as a non-violation case and has issued revocation order in terms of judgment of this Tribunal in the case of Naresh Zargar.

27. Respondent No.21 had applied for EC within prescribed window and the applications which are pending as on or before 31.03.2016 should be held as normal applications and not violation cases.

28. The Joint Committee report dated 18.03.2019 mentions about the status of EC application as well as Consent to Establish/Consent to Operate applcations but the report fails to establish any offence against the answering respondent nor did it take into account the multiple applications moved by the

answering respondent for grant of EC and for renewal of CCA due to confusion in the respective departments on the applicability of EIA, 2006. Annexure-B of the said report states that the application for grant of EC was moved as regular one while it should have been applied under Violation category, due to which the EC application was delisted on 30.10.2018. It is noted in the said report that the EC was applied before 31.03.2016 and the legal case has been filed against the answering respondent by GPCB on 30.01.2019 under Violation category. It has failed to appreciate the legal developments with regard to mines of lease area less than 5 ha as well as the procedure to be followed in case of violation cases.

29. With regard to second Committee Report of July, 2019, on damage assessment, it is submitted that no damage has occurred on account of "(1) ecological services forgone forever (ii) cost of damage to environment and pristine ecology and yet it has mechanically calculated the compensation of Rs.56,25,000/- and has simultaneously recommended a detailed assessment to be made in respect of damage for the ecological services foregone forever and damage to environment and pristine ecology through an expert agency like NEERI, IIT or any other technical institute of repute in consultation with CPCB and GPCB. It is explicitly noted in the said report that the method of mining used by the answering respondent i.e. open cast mining has not caused any damage to the local area or around it. It has also noted that there was no mining activity being undertaken at the time of inspection, which was noted earlier in the Joint Committee report dated 18.03.2019. Therefore, the Committee has wrongly assumed violation on the part of the answering respondent from the years 2016 to 2019. In calculation of damages, the methodology adopted by the second Committee is erroneous, as the erroneous use of CPCB guidelines has been done. The Committee in its wisdom decided to use three methods to arrive at a suitable compensation mechanism for mitigation and restitution of environment and has proposed fine of

Rs.56,25,000/-. The first method relates to environmental compensation with respect to NGT's directions in Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors (O.A. No.593/2017) relating to penal action for failure to set up and maintain STPs, CEPTs and EPTs and recovery of compensation for such failure. It is submitted that such method was only an interim measure, the legality of which has not been discussed nor a judgment to that effect has attained finality at any forum. Morever, these directions were issued for discharge of STPs, CEPTs and EPTs, untreated effluents in water bodies leading to contamination of water, which has no relevance as there is no generation of industrial waste water. The Committee has recommended maximum compensation on the basis of such formula which is highly inappropriate.

30. It is further submitted in the Joint Committee report dated 18.03.2019 (Annexure-C) that an application for grant of EC was moved before 31.03.2016 which proved that the case of answering respondent does not fall under Violation category. However, Damage Assessment Report under "Compensation Cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB" mentions 750 days as `number of days in violation', which is self-contradictory.

31. Another formula devised through a resolution in the 417th meeting of SEAC-Gujarat has been incorrectly employed to calculate the environmental compensation as this formula assesses ecological damage and remediation plan through the following attributes:-

"1. Air Pollution
2. Water Pollution
3. Solid and Hazardous Waste
4. Transportation
5. Noise and Vibration
6. Greenbelt
7. Hydro-Geology
8. Risk Hazard/Occupational Health and Safety
9. Soil Conservation

10. Corporate Environmental Responsibility"

32. This criteria is vague, for example the cost of the sapling is fixed at Rs.100/- while Gardner's salary is fixed at Rs.5000/- p.m. These costs are not indicative of the final value of compensation. The SEIAA has evolved its own formula and the procedure employed by the respective SEIAAs across the country, the MoEF&CC issued the OM dated 07.07.2021, laying down detailed procedure for calculation of environmental compensation in case of violation. In view of the OM dated 07.07.2021, the SEIAA's resolution on calculation of environmental compensation becomes infructuous.

33. The second Committee has incorrectly relied upon the formula arrived at by Mines and Industries Department, Government of Gujarat, which was formulated as per NGT Bar Association Vs. Virender Singh in O.A. No.360/2015, which was regarding illegal mining of sand without any mining lease. The said formula is not applicable in the instant case as the answering respondent has a valid lease. Moreover, the Committee members lack the required institutional capacity to determine environmental compensation in the report itself. Hence, it has decided to levy the maximum penalty arrived at through the three formulas. No detailed investigations were conducted by the Committee.

34. It is further submitted that the issue raised by the answering respondent has been highlighted in the final report filed by IIT, Gandhinagar which states that maximum financial penalty calculated and imposed on the respondent is arbitrary and unpractical and has recorded that there is absence of consistent thumb rule for the methodology adopted for imposition of damages. The penalty levied is 4 to 5 times of the earned value which was very less as the mineral production was limited and for a small duration of time. It has highlighted that the environmental damage has been less obvious than its

socio-economic as well as ecological benefits such as lake or water body creation and agricultural land farms.

35. This Tribunal had directed CPCB and GPCB to engage any independent agency or IIT and submit its report regarding the damage assessed by the Committee, pursuant to which the IIT, Gandhinagar submitted its final report on 21.09.2021 objecting to the assessment made by the second Committee being arbitrary and yet, relied upon the findings of second Committee and merely calculated the damages on the basis of the average of the three computations arrived at by the second Committee and thus, has proposed imposition of an amount of Rs.32,94,068/- on the answering respondent. In view of that, it is prayed by the answering respondent that the assessment made by the Committee and IIT should be set aside because no damage has been found to have been caused to environment.

36. **Respondent No. 18** has filed objections to the Joint Committee report dated 18.03.2021, Damage Assessment report of July, 2019 and Final Project report by IIT, Gandhinagar dated 21.09.2021 to the following effect:-

. On the basis of the second report of July, 2019, the environmental compensation was first illegally determined to be Rs.1,15,74,733/- which was later on revised by IIT report dated 21.09.2021 to Rs.32,94,068/-. Thereafter, it is narrated that the Joint Committee reports have misunderstood and misinterpreted the legal position with respect to requirement of EC to be obtained from mines of major minerals in the area below 5 ha. Thereafter, legal position has been discussed in several paras which we do not find necessary to reproduce because it has already been summarised by us in paragraph 14 above. With respect to the Joint Committee report dated 18.03.2019, it is submitted that Annexure-B to that report states that the project had applied for regular EC instead of applying under Violation category. Therefore, TOR application was delisted on 31.12.2018.

37. With respect to the methodology adopted by IIT in the final report, it is submitted by respondent No. 18 that the same stand has been taken as has been adopted by respondent No.21. 38. The objections of **respondent No.16** against the report of Damage Assessment Due to Illegal Mining of Limestone is as follows:-

. It is submitted that the said report has been prepared without following the principles of natural justice as the same has been prepared without verifying the relevant order and documents issued by the authorities and record pertaining to grant of mining lease. No damage has been caused to environment and yet, the damage of Rs.1,96,50,504/- has been ascertained. The answering respondent stands on different footing as order dated 28.04.2011 came to be passed by the State of Gujarat granting permission for mining for a period of 30 years for the subject matter property admeasuring 4 Hectare area and the GPCB had granted provisional consent order and also mining permission upto 18.12.2018. The consent order was issued on 27.10.2014 with a condition stipulating that the Unit shall obtain the EC for further mining lease. Thus, the answering respondent had never commenced the mining activity without EC (CCA, which is similar to the EC) and it was valid upto 18.12.2018. The EC would be required only at the time of renewal of mining lease which would be in the year 2043. Therefore, the mining activity being undertaken cannot be said to be illegal or unauthorized.

39. It is submitted that surprisingly, the concerned authorities suspended the mining account, virtual account and royalty account w.e.f. 25.10.2018 and hence, the answering respondent stopped carrying out the mining activity. This act on the part of the authority was absolutely illegal. The answering respondent had CCA valid upto 18.12.2028 and had paid huge amount of royalty. The petition was also preferred by the answering respondent before the Hon'ble High Court, but even that was surprisingly delisted on the ground

that the answering respondent had not paid damages. The Writ Petition was dismissed solely on the ground of availability of alternate remedy by order dated 18.06.2021. The answering respondent had complied with all the Rules and Regulations but the same has not been considered by the authorities. Therefore, the report against the answering respondent, according to which substantial amount for damage is assessed to Rs.95,48,977/-, deserves to be quashed.

40. By additional affidavit dated 08.12.2021, the objections have been filed by **respondent No.20** against the Joinit Committee report dated 18.03.2021 at pages 1755 to 1801 of the paper-book, in which it is stated that penalty of Rs.4,50,00,000/- has been wrongly assessed against the answering respondent by the Damage Assessment Report of July, 2019 and of Rs.2,57,98,333/- by Final Project Report dated 21.09.2021. In this affidavit also, the legal position has been narrated which we have already summarized above in paragraph 14. Hence, there is no need to repeat the same here. The answering respondent had applied for EC within the prescribed window but the same was not granted by SEIAA directing the respondent to apply for TOR under Violation category. Further, it is submitted that the MoEF&CC vide O.M. dated 07.07.2021 has prescribed Standard Operating Procedure (SOP) to be followed for consideration of violation cases, which is a three-step process. It provides for mechanism for penalty for violation. With respect to cases where operations have commenced without EC, the penalty is 1% of total project cost incurred upto date of filing of application along with EIA/EMP report plus 0.25% of total turnover during the period of violation. Therefore, if the answering respondent is found guilty of violation by the State Pollution Board, he will be tried as per this procedure and then only would be allowed to continue the mining operations.

40. With respect to the Joint Committee report dated 18.03.2019, it is submitted by **respondent No.16** that the said report mentions the status of the EC application and Consent to Establish/Consent to Operate application

submitted by the answering respondent. It is further submitted that the report fails to establish any offence committed by the answering respondent. In Annexure-B to the report, it is recorded that regular EC was applied instead of applying under Violation category. Hence, the EC application was delisted on 30.10.2018. These averments and some other additional averments appear to have been mentioned by other respondents cited above.

41. With respect to the Second Committee report of July, 2019, it is submitted by respondent No.16 that the compensation of Rs.4,50,00,000/- is arbitrary and mechanically calculated despite there being no environment loss/damage. No mining activity was found to have been done at the time of inspection as the same was stopped in June, 2018, yet the Committee has wrongly assumed the violation on the part of the answering respondent from 1994 to 2019, which is the period for which there was no EC required till 31.03.2016. The mining activity was stopped in 2017-2018. The rest of the averments in the form of objections are repetition. The same objections have been raised by other respondents, stated above.

42. We have heard the arguments of the learned counsel for the respective parties, which are based on the pleadings in the affidavits/additional affidavits filed on behalf of the respective parties.

43. On the basis of above pleadings, we find that respondent Nos.9 to 22 were conducting mining activities on the validly granted leases to them after making payment of royalty to the Government and after having obtained CCA which was valid for the period they did the mining activity. It is also their case that they had applied for EC also by way of abundant precaution, though the same was not required to be obtained under law in view of the legal position cited above by us in paragraph No.14. The position of law makes it clear that since March, 2016, it was mandatory for all such mining leases (major or minor) irrespective of the size whether less than 5 hectares or bigger than that, that EC would be required for all. However, in the present case, it is apparent that none of the respondents from amongst 9 to 22 had obtained valid EC.

Therefore, we have to determine as to whether for want of EC, the penalty in the form of environmental compensation can be imposed upon respondent Nos.9 to 22.

44. We find that this Tribunal had constituted Joint Committees and also Expert Committee, which find mention above with a specific mandate that the computation of the environmental compensation shall be made by them for the period of violation and in respect of all fourteen respondents. The amount of environmental compensation has been calculated by them by three different modes i.e. (i) as per guidelines prescribed by CPCB, (ii) as per guidelines of SEAC-SEIAA, Gujarat and (iii) as per resolution passed by the Industries and Mines Department, Government of Gujarat. When the matter was referred to IIT, Gandhinagar, it has recommended that average value of three calculations should be adopted for arriving on the amount of environment compensation.

45. We find that the Joint Committee has calculated the compensation from the period much prior to March, 2016 till the period the respondents have executed the mining but we deem it necessary to clarify that the environmental compensation should be calculated and levied from 31.03.2016 onwards till the execution of mining activities are conducted by the respondents, in view of the position of law cited above in para 14. Based on that, we find that the amount given in the last column (D) in table below should be levied as environmental compensation from the respondents mentioned in column 2 of the said table, which is the revised environmental compensation calculated by us on the above mentioned principle from 31.03.2016 onward-

Final Environmental Damage Assessment

| Sr. No. | Lessee & Location of Lease | Production after March 2016 (MT) | Damage assessment cost as per GR of Industries and Mine Department of Govt. of Gujarat, (Rs.) for Production after March 2016 | Damage Assessment cost as per guidelines of SEAC/SEIAA, Gujarat, (Rs.)for Production after March 2016 | Environmental Compensation as per Guidelines of CPCB, (Rs.) (Deterrent Penalty Factor)for Production after March 2016 | Total Damage Assessment Cost Levied Average of (A), (B) and (C) in Rs., for Production after March 2016 |
|---|---|---|---|---|---|---|
| | | | (A) | (B) | (C) | (D) |
| 1 | M/s Gopalsinh Himmatsinh Chauhan, Survey No. 64 P, Village Ghusiya, Taluka - Talala, Dist. – Gir Somnath | 89961.04 | 60,45,382 | 13,02,051 | 37,50,000 | 36,99,144 |
| 2 | M/s Vajesinh Dansinh Mori, Survey No. 152, Village Jasadhar, Taluka - Talala, Dist. – Gir Somnath | 5382.75 | 3,61,721 | 7,11,149 | 37,50,000 | 16,07,623 |
| 3 | M/s R. J. Trivedi & Co., Survey No. 65, 70, Village Umba, Taluka - Veraval, Dist. – Gir Somnath | 119010 | 83,72,112 | 15,29,194 | 56,25,000 | 51,75,435 |
| 4 | M/s Aher Bhagwan Bhimsinh, Survey No. 389/1, Village Ajotha, Taluka - Veraval, Dist. Gir Somanth | 1,96,590 | 1,32,10,848 | 18,13,476 | 37,50,000 | 62,58,108 |
| 5 | M/s Somnath Hydrated Lime & Chemicals Industries Pvt. Ltd., Survey No. 42/1, Village Kherali, Taluka - Veraval, Dist. Gir Somnath | 390600 | 2,78,27,520 | 42,03,280 | 56,25,000 | 1,25,51,933 |
| 6 | M/s Noor mahamad Kalubhai Patani, Survey No. 49, Village Kherali, Taluka - Veraval, Dist. Gir Somnath | 163335 | 1,26,31,063 | 26,31,841 | 56,25,000 | 69,62,635 |

| Sr. No. | Lessee & Location of Lease | Production after March 2016 (MT) | Damage assessment cost as per GR of Industries and Mine Department of Govt. of Gujarat, (Rs.) for Production after March 2016 | Damage Assessment cost as per guidelines of SEAC/SEIAA, Gujarat, (Rs.)for Production after March 2016 | Environmental Compensation as per Guidelines of CPCB, (Rs.) (Deterrent Penalty Factor)for Production after March 2016 | Total Damage Assessment Cost Levied Average of (A), (B) and (C) in Rs., for Production after March 2016 |
|---|---|---|---|---|---|---|
| 7 | M/s Vikram Chemical Company, Survey No. 110P, Village Damasa, Taluka - Una, Dist. – Gir Somnath | 1873 | 1,25,866 | 5,99,012 | 18,75,000 | 8,66,626 |
| 8 | M/s Dhirajlal Panchabhai Vachhani, Survey No. 49 P, Village Undari, Taluka - Una, Dist. – Gir Somnath | 271915.84 | 1,96,50,504 | 33,71,426 | 56,25,000 | 95,48,977 |
| 9 | M/s Somnath Hydrated Chemicals, Meghal riverbed, at near Village Zadaka, Taluka - Maliya, Dist. – Junagadh | 124717.87 | 83,81,043 | 14,33,395 | 56,25,000 | 51,46,479 |
| 10 | M/s Dinesh Kumar & Company, Survey No. 2P, Village Khorasa, Taluka - Maliya, Dist. – Junagadh | 161566.34 | 1,15,74,733 | 27,03,856 | 56,25,000 | 66,34,530 |
| 11 | M/s Rajsi Rana Jotava Limestone Mine, Survey No. 29 P, Village Khorasa, Taluka - Maliya, Dist. – Junagadh | 142559 | 1,01,22,773 | 22,99,749 | 56,25,000 | 60,15,841 |
| 12 | M/s GHCL Ltd., Survey No. 408/6P, Village Gorakhmadhi, Taluka - Sutrapada, Dist. – Gir Somnath | 27510.07 | 18,94,502 | 9,11,038 | 56,25,000 | 28,10,180 |
| 13 | M/s GHCL Ltd., Survey No. 81P, Village Kodidra, Taluka - Veraval, Dist. Gir Somnath | 36423.12 | 26,04,574 | 6,15,055 | 56,25,000 | 29,48,210 |

| Sr. No. | Lessee & Location of Lease | Production after March 2016 (MT) | Damage assessment cost as per GR of Industries and Mine Department of Govt. of Gujarat, (Rs.) for Production after March 2016 | Damage Assessment cost as per guidelines of SEAC/SEIAA, Gujarat, (Rs.)for Production after March 2016 | Environmental Compensation as per Guidelines of CPCB, (Rs.) (Deterrent Penalty Factor)for Production after March 2016 | Total Damage Assessment Cost Levied Average of (A), (B) and (C) in Rs., for Production after March 2016 |
|---|---|---|---|---|---|---|
| 14 | M/s S. J. Trivedi Limestone Mine, Survey No. 123, Village Dari, Taluka - Veraval, Dist. Gir Somnath | 0 | 0 | 0 | 0 | 0 |

46. In arriving at the environmental compensation, we have taken into consideration the period of 2016-17 to 2018-19 and assessment is made of the damage/compensation from all the three modes adopted by the Industries and Mine Department, Govt. of Gujarat, as per the guidelines laid down by SEIAA, Gujarat and as per the methodology for assessing environmental compensation adopted by Central Pollution Control Board (CPCB). These amounts of environmental compensation have been given in the table above in the last column and thereafter the said amount has been added up and thereafter divided by three in order to reach the average. The said average has been recorded as the final amount of environmental compensation to be levied from each of the fourteen respondents i.e. respondent Nos.9 to 22, which amount has been given in the last column (D) of the table against the name of each respondent.

47. We further direct that the said amount mentioned in last column (D) of the above table shall be deposited by respondent Nos.9 to 22 with the State Pollution Control Board within a period of two months from the date of this order and the same shall be used for restitution of environment.

48. In order to explain as to how the above calculation has been made, the following facts are being mentioned in tabular form:-

## Project No. 1: Lime Stone Mine of Goplasinh Himatsinh Chauhan, (2.00 Ha Lease Area)
## Village: Ghusiya, TAL: Talala, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs., 21% of Sale Value |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 66588.91 | 320 | 213,08,451.2 | |
| 2017-18 | 23372.13 | 320 | 74,79,080.0 | |
| 2018-19 | 0 | 400 | 0 | |
| | 89961.04 | | 28787531.2 | 60,45,382 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Min e waste (Rs) | | 10 % of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 2016-17 | 2 | 50000 | 0 | 0 | 0 | 12000 | 240000 | 0 | 2000 | 50000 | 72500 | 0 | 55 | 71500 | 426169 | 20000 | |
| 2017-18 | 2 | 50000 | 0 | 0 | 0 | | | 0 | | | 72500 | 0 | 21 | 27300 | 149582 | | |
| 2018-19 | 0 | 0 | 0 | 0 | 0 | | | 0 | | | 72500 | 0 | 0 | 0 | 0 | | |
| Total | | 100000 | | 0 | 0 | | 240000 | 0 | | 50000 | 217500 | 0 | | 98800 | 575751 | 20000 | 13,02,051 |

Note: Village Road is located adjacent to mine lease. Hence, no kutcha road used for transport of mineral.

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 500 | 250 | 0.5 | 1 | 3750000 |

## Project No. 2: Lime Stone Mine of M/s Vajesinh Dansinh Mori (2.00 Ha Lease Area)
## Village: Jasadhar, TAL: Talala, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 3218 | 320 | 10,29,760 | |
| 2017-18 | 2164.75 | 320 | 6,92,720 | |
| 2018-19 | 0 | 400 | 0 | |
| | 5382.75 | | 1722480 | 3,61,721 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Min e waste (Rs) | | 10 % of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | (Rs) |
| 2016-17 | 2 | 50000 | 2500 | 18750 | 0 | 12000 | 240000 | 0 | 2000 | 50000 | 72500 | 0 | 5 | 6500 | 20595 | 20000 | |
| 2017-18 | 2 | 50000 | 2500 | 18750 | 0 | | | 0 | | | 72500 | 0 | 4 | 5200 | 13854 | | |
| 2018-19 | 0 | 0 | | 0 | 0 | | | 0 | | | 72500 | 0 | 0 | 0 | 0 | | |
| Total | | 100000 | | 37500 | 0 | | 240000 | 0 | | 50000 | 217500 | 0 | | 11700 | 34449 | 20000 | 7,11,149 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 500 | 250 | 0.5 | 1 | 3750000 |

## Project No. 3: Lime Stone Mine of M/s R. J. Trivedi & Co. (7.69 Ha Lease Area)
## Village: Umba, TAL: Veraval, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 39560 | 320 | 1,26,59,200 | |
| 2017-18 | 57150 | 320 | 1,82,88,000 | |
| 2018-19 | 22300 | 400 | 89,20,000 | |
| Total | 119010 | | 39867200 | 83,72,112 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Min e waste (MT) | Cost of Handling OB/Min e waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 7.69 | 192250 | 1000 | 7500 | 0 | | | 0 | | | | 0 | 34 | 44200 | 253184 | | |
| 17-18 | 7.69 | 192250 | 1000 | 7500 | 0 | | | 0 | | | | 0 | 48 | 62400 | 365760 | | |
| 18-19 | 7.69 | 192250 | 1000 | 7500 | 0 | | | 0 | | | | 0 | 20 | 26000 | 178400 | | |
| Total | | 576750 | | 22500 | 0 | | 0 | 0 | | 0 | 0 | 0 | | 132600 | 797344 | 0 | 15,29,194 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

## Project No. 4: Lime Stone Mine of M/s Aher Bhagwan Bhimsinh, (6.47 Ha Lease Area)
## Village: Ajotha, TAL: Veraval, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 196030 | 320 | 62729600 | |
| 2017-18 | 560 | 320 | 179200 | |
| 2018-19 | 0 | 400 | 0 | |
| Total | 1,96,590 | | 6,29,08,800 | 1,32,10,848 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Min e waste (MT) | Cost of Handling OB/Min e waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 6.47 | 161750 | 1500 | 11250 | 0 | | | 0 | | | | 0 | 159 | 206700 | 1254592 | | |
| 17-18 | 6.47 | 161750 | 1500 | 11250 | 0 | | | 0 | | | | 0 | 2 | 2600 | 3584 | | |
| 18-19 | 0 | 0 | 0 | 0 | 0 | | | 0 | | | | 0 | 0 | 0 | 0 | | |
| Total | | 323500 | | 22500 | 0 | | 0 | 0 | | 0 | 0 | 0 | | 209300 | 1258176 | 0 | 18,13,476 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 500 | 250 | 0.5 | 1 | 3750000 |

Project No. 5: Lime Stone Mine of Somnath Hydrated Lime & Chemicals Industries Pvt. Ltd., (Lease Area 15.1352 Ha)
Village: Kherali, TAL: Veraval, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 102250 | 320 | 32720000 | |
| 2017-18 | 194350 | 320 | 62192000 | |
| 2018-19 | 94000 | 400 | 37600000 | |
| Total | 390600 | | 132512000 | 2,78,27,520 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 15.1352 | 378380 | 200 | 1500 | 0 | | | 0 | | | | 0 | 84 | 109200 | 654400 | | |
| 17-18 | 15.1352 | 378380 | 200 | 1500 | 0 | | | 0 | | | | 0 | 157 | 204100 | 1243840 | | |
| 18-19 | 15.1352 | 378380 | 200 | 1500 | 0 | | | 0 | | | | 0 | 77 | 100100 | 752000 | | |
| Total | | 1135140 | | 4500 | 0 | | 0 | 0 | | 0 | 0 | 0 | | 413400 | 2650240 | 0 | 42,03,280 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

Project No. 6: Lime Stone Mine of M/s Noormahamad Kalubhai Patani (4.2593 Ha Lease Area)
Village: Kherali, TAL: Veraval, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 21061 | 320 | 6739520 | |
| 2017-18 | 43765 | 320 | 14004800 | |
| 2018-19 | 98509 | 400 | 39403600 | |
| | 163335 | | 60147920 | 1,26,31,063 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 4.2593 | 106483 | 500 | 3750 | 0 | 25556 | 511116 | 0 | 4259 | 106500 | 86625 | 0 | 19 | 24700 | 134790 | 42593 | |
| 17-18 | 4.2593 | 106483 | 500 | 3750 | 0 | | | 0 | | | 86625 | 0 | 37 | 48100 | 280096 | | |
| 18-19 | 4.2593 | 106483 | 500 | 3750 | 0 | | | 0 | | | 86625 | 0 | 81 | 105300 | 788072 | | |
| Total | | 319449 | | 11250 | 0 | | 511116 | 0 | | 106500 | 259875 | 0 | | 178100 | 1202958 | 42593 | 26,31,841 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

## Project No. 7: Lime Stone Mine of M/s Vikram Chemical Company, (2.00 Ha Lease Area) Village: Damasa, TAL: Una, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 0 | 320 | 0 | |
| 2017-18 | 1873 | 320 | 599360 | |
| 2018-19 | 0 | 400 | 0 | |
| | 1873 | | 599360 | 1,25,866 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 0 | 0 | 0 | 0 | 0 | 12000 | 240000 | 0 | 2000 | 50000 | 72500 | 0 | 0 | 0 | 0 | 20000 | |
| 17-18 | 2 | 50000 | 750 | 5625 | 0 | | | 0 | | | 72500 | 0 | 3 | 3900 | 11987 | | |
| 18-19 | 0 | 0 | 0 | 0 | 0 | | | 0 | | | 72500 | 0 | 0 | 0 | 0 | | |
| Total | | 50000 | | 5625 | 0 | | 240000 | 0 | | 50000 | 217500 | 0 | | 3900 | 11987 | 20000 | 5,99,012 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 250 | 250 | 0.5 | 1 | 1875000 |

## Project No. 8: Lime Stone Mine of Dhirajlal Panchabhai Vachhani, (Lease Area 4.00 Ha) Village: Undari, TAL: Veraval, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 80630 | 320 | 25801600 | |
| 2017-18 | 109276.3 | 320 | 34968412.8 | |
| 2018-19 | 82009.54 | 400 | 32803815.2 | |
| | 271915.84 | | 93573828 | 1,96,50,504 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 4 | 100000 | 1500 | 11250 | 0 | 24000 | 480000 | 0 | 4000 | 100000 | 85000 | 0 | 67 | 87100 | 516032 | 40000 | |
| 17-18 | 4 | 100000 | 1500 | 11250 | 0 | | | 0 | | | 85000 | 0 | 89 | 115700 | 699368 | | |
| 18-19 | 4 | 100000 | 1500 | 11250 | 0 | | | 0 | | | 85000 | 0 | 68 | 88400 | 656076 | | |
| Total | | 300000 | | 33750 | 0 | | 480000 | 0 | | 100000 | 255000 | 0 | | 291200 | 1871476 | 40000 | 33,71,426 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

## Project No. 9: Lime Stone Mine of M/s Somnath Hydrated Chemicals (10.00 Ha Lease Area) Meghal River, Village: Zadaka, TAL: Malia, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 21079.37 | 320 | 6745398 | |
| 2017-18 | 103638.5 | 320 | 33164330 | |
| 2018-19 | 0 | 400 | 0 | |
| Total | 124717.87 | | 39909728 | 83,81,043 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 10 | 250000 | 0 | 0 | 0 | | | 0 | | | | 0 | 19 | 24700 | 134908 | | |
| 17-18 | 10 | 250000 | 0 | 0 | 0 | | | 0 | | | | 0 | 85 | 110500 | 663287 | | |
| 18-19 | 0 | 0 | 0 | 0 | 0 | | | 0 | | | | 0 | 0 | 0 | 0 | | |
| | | 500000 | | 0 | 0 | | 0 | 0 | | 0 | 0 | 0 | | 135200 | 798195 | 0 | 14,33,395 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

## Project No. 10: Lime Stone Mine of M/s Dineshkumar & Co. (5.00 Ha Lease Area) Village: Khorasa, TAL: Malia, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 46210 | 320 | 14787200 | |
| 2017-18 | 72649.47 | 320 | 23247828.8 | |
| 2018-19 | 42706.87 | 400 | 17082748 | |
| | 161566.34 | | 55117776.8 | 1,15,74,733 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 5 | 125000 | 100 | 750 | 0 | 30000 | 600000 | 0 | 5000 | 125000 | 91250 | 0 | 39 | 50700 | 295744 | 50000 | |
| 17-18 | 5 | 125000 | 100 | 750 | 0 | | | 0 | | | 91250 | 0 | 60 | 78000 | 464957 | | |
| 18-19 | 5 | 125000 | 100 | 750 | 0 | | | 0 | | | 91250 | 0 | 36 | 46800 | 341655 | | |
| Total | | 375000 | | 2250 | 0 | | 600000 | 0 | | 125000 | 273750 | 0 | | 175500 | 1102356 | 50000 | 27,03,856 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

## Project No. 11: Lime Stone Mine of M/s Rajsi Rana Jotava (4.00 Ha Lease Area)
## Village: Khorasa, TAL: Malia, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 39524 | 320 | 12647680 | |
| 2017-18 | 70725 | 320 | 22632000 | |
| 2018-19 | 32310 | 400 | 12924000 | |
| | 142559 | | 48203680 | 1,01,22,773 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Min e waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | ost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 4 | 100000 | 150 | 1125 | 0 | 24000 | 480000 | 0 | 4000 | 100000 | 85000 | 0 | 34 | 44200 | 252954 | 40000 | |
| 17-18 | 4 | 100000 | 150 | 1125 | 0 | | | 0 | | | 85000 | 0 | 59 | 76700 | 452640 | | |
| 18-19 | 4 | 100000 | 150 | 1125 | 0 | | | 0 | | | 85000 | 0 | 28 | 36400 | 258480 | | |
| Total | | 300000 | | 3375 | 0 | | 480000 | 0 | | 100000 | 255000 | 0 | | 157300 | 964074 | 40000 | 22,99,749 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

## Project No. 12: Lime Stone Mine of M/s GHCL Ltd., (8.73 Ha Lease Area)
## Village: Gorakhmadhi, TAL: Sutrapada, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-2017 | 12840.6 | 320 | 4108992 | |
| 2017-18 | 11941.8 | 320 | 3821376 | |
| 2018-19 | 2727.67 | 400 | 1091068 | |
| Total | 27510.07 | | 9021436 | 18,94,502 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 8.7311 | 218278 | 1750 | 13125 | | | | | | | | | 12 | 15600 | 82180 | | |
| 17-18 | 8.7311 | 218278 | 1750 | 13125 | | | | | | | | | 12 | 15600 | 76428 | | |
| 18-19 | 8.7311 | 218278 | 1750 | 13125 | | | | | | | | | 4 | 5200 | 21821 | | |
| Total | | 654834 | | 39375 | 0 | | 0 | 0 | | 0 | 0 | 0 | | 36400 | 180429 | 0 | 9,11,038 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

Project No. 13: Lime Stone Mine of M/s GHCL Ltd., (4.70 Ha Lease Area)
Village: Kodidra, TAL: Veraval, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 12945.34 | 320 | 4142509 | |
| 2017-18 | 14136.07 | 320 | 4523542 | |
| 2018-19 | 9341.71 | 400 | 3736684 | |
| Total | 36423.12 | | 12402735 | 26,04,574 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10 % of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 4.7 | 117500 | 500 | 3750 | 0 | 28200 | 564000 | 0 | 4700 | 117500 | 89375 | 0 | 12 | 15600 | 82850 | 47000 | |
| 17-18 | 4.7 | 117500 | 500 | 3750 | 0 | | | 0 | | | 89375 | 0 | 13 | 16900 | 90471 | | |
| 18-19 | 4.7 | 117500 | 500 | 3750 | 0 | | | 0 | | | 89375 | 0 | 9 | 11700 | 74734 | | |
| Total | | | 235000 | | 7500 | 0 | | 0 | 0 | | 0 | 178750 | 0 | | 28600 | 165205 | 0 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 750 | 250 | 0.5 | 1 | 5625000 |

Project No. 14: Lime Stone Mine of M/s S. J. Trivedi. (9.35 Ha Lease Area)
Village: Dari, TAL: Veraval, DIST: Gir Somnath.

Damage Assessment cost calculations

Assessment as per Resolution passed by Industries & Mines Department, Govt. of Gujarat

| Production (considered under violation) | | Declared Mineral Sale value by CGM/IBM in Rs. | Total sale value of mineral in Rs. | Damage Assessment cost in Rs. |
|---|---|---|---|---|
| Year | Production | | | |
| 2016-17 | 0 | 320 | 0 | |
| 2017-18 | 0 | 320 | 0 | |
| 2018-19 | 0 | 400 | 0 | |
| Total | 0 | | 0 | 0 |

Assessment as per Indicative Guidelines for Assessment of Ecological Damage, SEIAA/SEAC Gujarat

| Year | AP | | Transport | | WP | SHW | | NV | Green Belt | | | HG | RH/OHS | | CSR | SC | Total Damage Assessment Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Water requirement (KLD) | Cost of water (Rs) per year | Length of Road, m | Cost of water Sprinkling (Rs) | Water pollution envisioned | Quantity of OB/Mine waste (MT) | Cost of Handling OB/Mine waste (Rs) | | 10% of lease area (Sq. M.) | Cost of green belt (Rs) | Maintenance cost (Rs) | | No. of workers | Cost | 2% of Mineral Sale Value | Cost of soil preservation (Rs) | |
| 16-17 | 0 | 0 | 0 | 0 | 0 | | | 0 | | | | 0 | 0 | 0 | 0 | | |
| 17-18 | 0 | 0 | 0 | 0 | 0 | | | 0 | | | | 0 | 0 | 0 | 0 | | |
| 18-19 | 0 | 0 | 0 | 0 | 0 | | | 0 | | | | 0 | 0 | 0 | 0 | | |
| Total | | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 |

Compensation cost Assessment as per Methodology for Assessing Environmental Compensation, CPCB

| CPCB Guidelines for Penalty/Compensation | | | | | |
|---|---|---|---|---|---|
| Pollution Index, PI | Number of days in Violation, N | Factor in Rs, R | Scale of Operation, S | Location Factor, LF | Environmental Compensation, EC (Rs.) |
| | | | | | |
| 60 | 0 | 250 | 0.5 | 1 | 0 |

49. We find that the Committee has calculated the amount of environmental compensation by the above three modes and the mode which brought the environmental compensation to the maximum level, the same was recommended to be levied, while we are of the opinion that the amount which

is arrived at as average of the amount calculated by the three modes, should be levied by way of environmental compensation.

50. We hereby direct that the amount of Environmental Damage Compensation shall be deposited by the responding units, namely, respondent nos.9 to 22 with GPCB within two months. GPCB in consultation with the department of Industries and mines shall prepare plan within one month for utilization of the said amount for environmental improvement in the area where these mines were operating. Thereafter, the GPCB shall host the said environmental improvement plan for two weeks on its website for inviting inputs/suggestions from the stake holders and finalize the same within two weeks thereafter. Plan so prepared shall be executed within 6 months and report shall be uploaded on website of GPCB.

51. We have also noticed in the reply-affidavits that most of the respondents have applied for EC to be granted and the applications for the same are long pending with the respondent authorities and are not being decided on the pretext of the present matter being pending before this Tribunal. In these circumstances, we direct that the respondent authorities shall decide all such pending applications within a period of two months as per the provisions of the relevant Acts and Rules.

52. With above directions, the Original Application stands disposed of.

No costs.

53. In view of disposal of the Original Application, all pending Misc. Applications and Interlocutory Applications stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 14 , 2022
Original Application No.58 of 2018
npj