

Item No. 04

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL**  
(Through Video Conferencing)

**Execution Application No. 07/2021(CZ)**  
**In**  
**Appeal No. 02/2019 (CZ)**

Mukest Sethi

Applicant(s)

Versus

Rajasthan SEIAA & Ors.

Respondent(s)

Date of hearing: **14.02.2022**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s):

Mr. Sanjay Upadhyay, Adv.

For Respondent(s):

Mr. Rohit Sharma, Adv.

**ORDER**

1. This Execution has been filed for compliance of the order passed in Appeal No. 02/2019. This Tribunal had constituted a committee to submit the report. The committee has submitted the report, which is as follows :

“In compliance of the order dated 01/11/20 11, Sh K C Gupta, Group In charge (Mines), RSPCB and Sh. Rajneesh Jain, Member Secretary SEAC- Rajasthan were nominated on behalf of “ Rajasthan State Pollution Control Board (RSPCB) and State Environment Impact Assessment Authority (SEIAA) (Annexure-II), respectively.

The committee members conducted a meeting on 22.12.2021. During the meeting the back ground of the case was discussed which is summarized as below:

## 1. Back Ground

- The Project proponent Smt Anoop Devi Sethi W/O Late Shri B.L.Sethi, had applied for EC to SEIAA for Quartz, Feldspar & Mica Mining project, M.L No-01/96, Area-4.59 Ha, Production Capacity-91,000 TPA, Near Village-Ramsar. Tehsil-Nasirabad, Dist-Ajmer. The proposal was forwarded to State Expert Appraisal Committee (SEAC) for appraisal.
- The SEAC. Rajasthan in its 118<sup>th</sup> meeting held on 06.05.2016, considered The project and after detailed deliberations resolved to recommend to SEIAA for Grant of EC.
- The SEIAA took up the proposal for grant EC in its 232<sup>nd</sup> meeting and granted EC to the project. The EC was issued by Member Secretary, SEIAA, vide letter dated 24.05.2016.
- Thereafter, Shri Mahavir Chand Jain, S/o Late Sh Bhanwari Lal Sethi submitted an application dated 09.02.2017, for transfer of this EC in his name because of demise of Smt. Anoop Devi Sethi. The application for transfer of EC was considered in the 300<sup>th</sup> meeting of SEIAA dated 11.05.2017, and EC was transferred to Shri Mahavir Chand Jain vide letter dated 31.05.2017. Because of death of the Shri Mahaveer Chand Jain, the lease was transferred to Smt Kanta Devi on 07.03.2018, who gave a power of attorney to her son Shri Mukesh Sethi.
- SEIAA received a complaint from DCF, Ajmer stating that mine lease area falls within breeding area of Gpdawam (Great Indian Bustard) and Kharmor (Lesser florican). The species fall under critically Endangered and Endangered category respectively. Consequently SEIAA issued a show cause notice to the project proponents for intended cancellation of EC vide letter dated 14.12.2017.
- The EC dated 24.05.2016. was cancelled by the SEIAA vide letter dated 06.12.2018.

- Aggrieved with the cancellation order dated 06.12.20 18 Shri Mukesh Sethi approached Hon'ble NGT by way of Appeal no 2/2019. The learned NGT vide order dated 24.09.2019, set aside the cancellation order dated 06.12.2018 of SEIAA. "The orders of Hon'ble NGT dated 24.09.2019 is reproduced as below.
  - It is the undisputed fact that the total area of 43 villages of Sokhliya is more than 526.81 Km<sup>2</sup> and out of which only 102.41 Km<sup>2</sup> of sivayachak land and 57.47 Km<sup>2</sup> of Charagah land needs to be kept for conservation of Lesser florican. In the absence of any notification for protection of GIB or Lesser florican or demarcation of such area on ground, the mining lease arva of 4. 9414 Hectare of mining lease of 05/96 near village• Sanod cannot be said to be falling within the conservation area of GIB or Lessor Florican. We, therefore, set aside the order dated 06. 12.2018 issued by SEIAA, Rajasthan to the appellatant for cancelling the Environmental Clearance dated 07.04.16.
  - The Principal Secretary, Department of Forest & Environment and Chief Wildlife Warden. of the State of the Rajasthan are directed to identify area required for conservation for Godawan GIB /Kharmor (Lesser Florican) on emergent basis and notify the same as Godawan/ Kharmor conservation area or birds Sanctuary as deemed appropriate within a period of six months (6) from hence.
  - In the event, the mining lease area of the applicant is found to be falling within the Lessor Florican/GIB conservation area after same is notified, the SEIAA Rajasthan and State Respondents will be free to restrain his mining in accordance with the EIA Notification 2006. (Annexure 111)

## **2. Field Visit**

The committee members visited the area on 29.1.2022. Following official were also present during the field visit

- A. Shri Jitendra Singh Rathore, Regional Forest Officer, Department of Forest, Government of Rajasthan, Nasirabad, District-Ajmer.
- B. Shri Rajendra Singh Rathore, Forester, Office Sokhliya., Department of Forest. Government of Rajasthan, Nasirabad, District-Ajmer.
- C. Shri Raghuvver Singh, Forman, Office of Assistant Mining Engineer, Department of Mines and Geology, Sawar
- D. Shri Shivon, Mines Forman, Office of Mining Engineer, Department of Mines and Geology, Ajmer
- E. Sh Hitesh, Scientific Officer, Regional Office, Rajasthan State Pollution Control Board, Kishangarh

Besides above, Shri Mukesh Sethi (applicant) and Shri Sunil Kumar Jain were also present during the field visit

During the field visit, the discussions were also held with the stakeholders present there. Following facts emerged:

- the Mine of Shri Mukesh Sethi was non operative during the Field visit.
- The lessee had carried out mining earlier. The pit depth is about 70-80 feet. The committee also observed that the pit is having accumulated water.
- The representatives of Mining Department informed that the department had sanctioned 51 leases in the proposed conservation reserve area and nearby.
- Lesser Florican is an endangered species, according to IUCN Red List 2011. It is included as one of the priority species for recovery, by the Ministry of Environment, Forest and Climate Change ( MoEF&CC) in 2009, under the scheme of Integrated Development of Wildlife Habitats.
- The representative of Forest Department informed that a study was carried out by Forest Department through Bombay Natural History Society (BNHS) for survey of the Lesser Florican in the Shokaliya area, with focus on consecration. The report is available online ([https://www.bnhs.org/public/pdf\\_documents/LF-report\\_final.pdf](https://www.bnhs.org/public/pdf_documents/LF-report_final.pdf)).

- As per the survey report the bird species were found across five states: Rajasthan, Madhya Pradesh, Gujarat, Maharashtra and Andhra Pradesh. The Shokaliya landscape of Rajasthan (Nasirabad, Bhinai, Tantoti, Kekri, Sarwar Tehsils in Ajmer district; Malpura tehsil of Tonk district; Gulabpura and Shahpura tehsils of Bhilwara district) emerged as the strongholds of the species.
- Chief Conservator of Forest, Ajmer vide letter dated 09.12.2020 had sent proposal to the Principal Chief Conservator of Forest and Chief Wild Life Warden for notification of Khamnor Conservation Reserve. According to the letter dated 09.12.2020 the proposed area is approx 931.007 Ha., consisting of four forest blocks, namely Beed Arvad having area 271.13 Ha., and Beed Goyala having Area- 81.20 Ha. and Deed Brij Mohan Das Shivsingh Khiria having Area-07.23 Ha. Deed Athun Vajeer Khan having Area- 241 .447 Ha. Letter and other relevant documents provided by forest Department are annexed as annexure IV.

### **3. Additional Information**

- Conservator Forest, Wild Liife. Jaipur, vide its letter datcd 03.02.2022 has informed that the proposal of issuance of notification is still in process, in want of supplementary information, such as marking of area proposed for conservation reserve on GT Sheet, document regarding Public consultation with local  
habitants from CCF, Ajmer (Annexure V)
- As per the information provided by the AME Sawar and ME, Ajmer of Department of Mines. 51 mines have been sanctioned in the area and out of these 19 mines have been accorded EC. Further, it is also informed by Department of Mines that rests of the mines are non-operative/non-active (Annexure VI).
- As per information provided by RSPCB, out of 19 mines wherein EC has been granted 18 numbers of mines are having valid consent to operate and application for consent to operate of 01 mine is pending (Annexure VII).

- The SEIAA vide its letter dated 07.02.2022 has informed the appellant that the EC granted by SEIAA dated 07.4.2016 has been revived in compliance to the order of Hon'ble NGT dated 24.09.2019 in the matter of Appeal No 02/2019 (CZ) Mukesh Sethi Vs SEIAA and Ors (Annexure VIII).

#### **4. Compliance Status:**

- A. The Hon'ble NGT, vide its order dated 24.9.2019, has set aside the order of SEIAA dated 06.12.2018, cancelling the Environment Clearance dated 24.5.2016 granted to mine and in compliance the SEIAA vide its letter dated 07.02.2022, has informed the appellant that the EC granted by SEIAA dated 07.4.2016 has been revived.
  
- B In the matter of identification and notification of area required for conservation for Godawan (GID)/Kharmor (Lesser florican) on emergent basis, the CCF Ajmer, vide his letter dated 09.12.2020 had sent the proposal to Principal Chief Conservator of Forest and Chief Wild Life Warden for notification. Conservator of Forest, Wild Life, Jaipur, vide its letter dated 03.02.2022, has communicated that additional information (such as marking of area proposed for conservation reserve on GT Sheet, document regarding public consultation with local habitants) has been sought from CCF. Ajmer.
  
- C The Sonkhliya Conservation Reserve has not been notified till date.”

2. We have gone through the reply submitted by the Rajasthan Pollution Control Board. The consent application could not be processed due to inadequate fees. Learned Counsel appearing for the applicant has submitted that the respondents/authorities may be directed to dispose the application as early as possible, according to law.

3. In view of the reply submitted by the Rajasthan State Pollution Control Board, no grievance stands as of now. Thus, the E.A No. 07/2021 (CZ) is **finally disposed of.**

**Sheo Kumar Singh, JM**

**Dr. Arun Kumar Verma, EM**

14<sup>th</sup> February, 2022  
E.A. No. 7/2021 (CZ)  
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