

# **Smt. Prem Devi Singh W/O Sri Mangal Singh ... vs Union Of India Through The Secretary ... on 28 February, 2022**

**Author: Adarsh Kumar Goel**

**Bench: Adarsh Kumar Goel**

Item Nos. 04 & 05

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL  
SPECIAL BENCH

(By Video Conferencing)

Appeal No.10/2020 (CZ)  
(I.A.No.78/2021)

Prem Devi Singh & Anr.

Appellant(s)

Versus

Union of India & Ors.

Respondent(s)

WITH

Appeal No.11/2020 (CZ)

Brij Kishore Pathak

Appellant

Versus

MPPCB & Ors.

Respondent(s)

Date of hearing: 28.02.2022

CORAM:	HON'BLE	MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
	HON'BLE	MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
	HON'BLE	MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
	HON'BLE	DR. ARUN KUMAR VERMA, EXPERT MEMBER
	HON'BLE	PROF. A. SENTHIL VEL, EXPERT MEMBER
	HON'BLE	DR. VIJAY KULKARNI, EXPERT MEMBER

Appellant: Mr. Akshat Shukla, Advocate in Appeal No. 11/2020(WZ)

Respondent(s): Mr. Sachin K. Verma, Advocate for the State of Madhya Pradesh

Ms. Parul Bhadoria, Advocate for MPPCB  
Mr. Om Shankar Shrivastava, Advocate for Indian Bureau of Mines  
Mr. Ajay Mishra, Senior Advocate with Mr. Surendra Sharma, Advocate for M/s Jaykaycem Central Limited

#### ORDER

1. These appeals have been filed raising common issue of validity of Environment Clearance (EC) dated 31.08.2020, granted in favour of M/s Jayakaycem Central Limited, Bhopal in respect of 'Kakra-Panna Limestone Mine' for production of 4.08 MTPA Lime stone; 1.61 MTPA OB/Top Soil/Waste; and 0.58 MTPA sub-grade mineral [Total excavation 6.27MTPA] in the mine lease area of 1594.34 ha, located at Villages Kakra, Kamtana, Saptai, Judi, Devri Purohit & Devra, Tehsil Amanganj, District Panna of State Madhya Pradesh, by the MoEF&CC.

2. It will suffice to refer to the record of Appeal No. 10/2020(CZ) the issue in both the appeals being same. PP submitted its proposal in Form No. 1 along with pre-feasibility report. Terms of References (ToRs) were granted to the PP. The proposal was considered by the Expert Appraisal Committee (EAC). A Sub-committee of the EAC undertook visit to the site.

TORs included observations with regard to rivers, safety distances, villages, roads, mine lease, water bodies, embankments, OB dumps, plantations etc. showing critical distances for drawing the appropriate mitigation measures. Proposal of the PP, filed on 04.07.2020 with EIA-

EMP, was finally considered on 22-24 July, 2020 by the EAC and was recommended for EC. PP submitted mining plan and closure plan, duly approved by the Bureau of Mines for five years. The plan inter alia provides for transportation of the material, crushing of the material and safeguards to mitigate adverse impact on environment which are mentioned in detail in the EMP. All environmentally sensitive locations are mentioned. Public hearing was duly conducted. Provision for Corporate Environmental Responsibility (CER) covers developing health infrastructure, educational infrastructure, drinking water facilities, development of villages and other social needs. There is also proposal for settlement of 'Project Affected Persons'. There are specific and general conditions, including the condition that there will be no mining upto 250 m. distance from the river, construction of embankment of not less than 3 m. height above HFL and development of thick green belt with native species, before commencing mining operations. The conditions are reproduced below:

#### "A. - Specific Conditions:

I. Mining shall be restricted to the land already acquired near the Judi Village (about 235 ha). Meanwhile the PP may acquire the land, modify the mining sequence to avoid the void in west side of Dewra Village and approach the Ministry for re-validation or amendment in environmental clearance for permission for the entire area proposed for mining within the ML area.

II. The safety barrier of 100 m against the village / Habitation; 45 m on either side of the Nallah; 50 m on either side of the village roads shall be left as non-mining zone and thick green belt shall be developed with native species before commencement of mining operations in the area.

III. No mining shall be carried up to 250 m: distance from the bank of Ken River and an embankment of not less than 3 m height above the HFL shall be constructed and thick green belt shall be developed with native species before commencement of mining operations in the area.

IV. The PP shall adopt control blasting with necessary permission from the Director General of Mines Safety within 300 m from the village / Habitation boundary and non-conventional mining with ripper dozer or other mechanical means by avoiding the blasting within 100 m from the village / Habitation boundary. Thick plantation with native and broad leaved species shall be developed in the safety barrier left against the Habitations before commencement of mining operations in the area.

V. The ground induced blasting vibrations shall be monitored regularly for every blast performed and the values of "Peak Particle Velocity" and "Air Over Pressure" shall be maintained below the permissible values prescribed by the DGMS, from time to time.

VI. NO external dumping of overburden and/or sub-grade material shall be made outside the mining lease area.

VII. Site specific conservation plan for all the Schedule-I species reported in the study area shall be implemented in consultation with State Forest Department as per the recommendations of Chief Wildlife Warden.

VIII. Total Excavation shall not be exceeded to 7,61 which includes 4.08 MTPA Lime Stone, 0.58 MTPA sub-grade limestone, 1.51 MTPA Interburden Soil/Alluvium 1.26 MTPA, Mine Waste 0.18 MTPA.

IX. Plantation shall be carried out as per the mining plan both concurrent and closer phase reclamation, inter alia, including plantation all along the boundary of the mining lease shall be completed within 2 years of commencement of mining operations, with saplings of native and broad leaved species of not less than 12 feet and shall maintain the record of the same, gap plantation and grassing as per the directions of the Hon'ble Supreme Court.

X. The project proponent shall implement the commitments made on the issues raised in PH and activities proposed under CER, in a period of three years and record for the same shall be maintained and audited and reported to the Regional Office of the Ministry along with the compliance reports.

XI. All the mitigation measures committed / envisaged in the EIA/EMP report and subsequent submission shall be implemented.

XII. In pursuant to Ministry's o.M No 22-34/2018-IA.III dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake regressing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. B. - Standard EC Conditions:

I. Statutory compliance

1) The EC granted to the project/ activity is strictly under the provisions of the EIA Notification, 2006 and its amendments issued from time to time. It does not tantamount/ construe to approvals/ consent/ permissions etc. required to be obtained or standards / conditions to be followed under any other. Acts/ Rules/ Subordinate legislations, etc., as may be applicable to the project.

2) The Project proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors. before commencing the mining operations.

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

4) The Project Proponent shall follow the mitigation measures provided in MoEF&CC's Office Memorandum No. Z-11013/57/2014-IA.II (M), dated 29th October, 2014, titled "Impact of mining activities on Habitations-

Issues related to the mining Projects wherein Habitations and villages are the part of mine lease areas or Habitations and villages are surrounded by the mine lease area".

5) A copy of EC letter will be marked to concerned Panchayat / local NGO etc. if any, from whom suggestion / representation has been received while processing the proposal.

6) State Pollution Control Board/Committee shall be responsible for display of this EC letter at its Regional office, District Industries Centre and Collector's office/ Tehsildar's Office for 30 days.

7) The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board/Committee and web site of the Ministry of Environment, Forest and Climate Change ([www.parivesh.nic.in](http://www.parivesh.nic.in)). A copy of the advertisement may be forwarded to the concerned MoEFCC Regional Office for compliance and record.

8) The Project Proponent shall inform the MoEF&CC for any change in ownership of the mining lease. In case there is any change in ownership or mining lease is transferred than mining operation, shall only be carried out after transfer of EC as per provisions of the para 11 of EIA Notification, 2006 as amended from time to time.

## II. Air quality monitoring and preservation

9) The Project Proponent shall install a minimum of 3 (three) online Ambient Air Quality Monitoring Stations with 1 (one) in upwind and 2 (two) in downwind direction based on long term climatological data about wind direction such that an angle of 120° is made between the monitoring locations to monitor critical parameters, relevant for mining operations, of air pollution viz. PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>2</sub>, CO and SO<sub>2</sub> etc. as per the methodology' mentioned in NAAQS Notification No. B-29016/20190/PCI/I dated 18.11.2009 covering the aspects of transportation and use of heavy machinery in the Impact zone. The ambient air quality shall also be monitored at prominent places like office' building, canteen etc. as per the site condition to ascertain the exposure characteristics at specific places. The above data shall be digitally displayed within 03 months in front of the main Gate of the mine site.

10) Effective safeguard measures for prevention of dust generation and subsequent suppression (like regular water sprinkling, metalled road construction etc.) shall be carried out in areas prone to air pollution wherein high levels of PM<sub>10</sub> and PM<sub>2.5</sub> are evident such as haul road, loading and unloading point and transfer points. The Fugitive dust emissions from all sources shall be regularly controlled by installation of required equipments/ machineries and preventive maintenance. Use of suitable water-soluble chemical dust suppressing agents may be explored for better effectiveness of dust control system. It shall be ensured that air pollution level conform to the standards prescribed by the MoEFCC/ Central Pollution Control Board III. Water quality monitoring and preservation

11) In case, immediate mining scheme envisages intersection of ground water table, then Environmental Clearance shall become operational only after receiving formal clearance from CGWA. In case, mining operation involves intersection of ground water table at a later stage, then PP shall ensure that prior approval from CGWA and MoEFCC is in place before such mining operations. The permission for intersection of ground water table shall essentially be based on detailed hydro-geological study of the area.

12) Project Proponent shall regularly monitor and maintain records w.r.t. ground water level and quality In and around the mine lease by establishing a network of existing wells as well as new

piezo-meter installations during the mining operation in consultation with Central Ground Water Authority/ State Ground Water Department. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.

13) The Project Proponent shall undertake regular monitoring of natural water course/ water resources/ springs and perennial nallahs existing/ flowing in and around the mine lease including upstream and downstream. Sufficient number of gullies shall be provided at appropriate places within the lease for management of water. The parameters to be monitored shall include their water quality vis-à-vis suitability for usage as per CPCB criteria and flow rate. It shall be ensured that no obstruction and/ or alteration be made to water bodies during mining operations without justification and prior approval of MoEFCC. The monitoring of water courses/ bodies existing in lease area shall be carried out four times in a year viz. pre- monsoon (April- May), monsoon (August), post-monsoon (November) and winter (January) and the record of monitored data may be sent regularly to Ministry of Environment, Forest and Climate Change and its Regional Office, Central Ground Water Authority and Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board. Clearly showing the trend analysis on six-monthly basis.

14) Quality of polluted water generated from mining operations which include Chemical Oxygen Demand (COD) in mines run-off; acid mine' drainage and metal contamination in runoff shall be monitored along with Total Suspended Solids (TDS), Dissolved Oxygen (DO), pH and Total Suspended Solids (TSS). The monitored data shall be uploaded on the website of the company as well as displayed at the project site in public domain, on a display board, at a suitable location near the main gate of the Company. The circular No. 3-20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forest and Climate Change may also be referred in this regard.

15) Project Proponent shall plan, develop and implement rainwater harvesting measures on long term basis to augment ground water resources in the area in consultation with Central Ground Water Board/ State Groundwater Department. A report on amount of water recharged needs to be submitted to Regional Office MoEFCC annually.

16) Industrial waste water (workshop and waste water from the mine) should be properly collected and treated so as to conform to the notified standards prescribed from time to time. The standards shall be prescribed through Consent to Operate (CTO) issued by concerned State Pollution Control Board (SPCB). The workshop effluent shall be treated after its initial passage through Oil and grease trap.

17) The water balance/water auditing shall be carried out and measure for reducing the consumption of water shall be taken up and reported to the Regional Office of the MoEF&CC and State Pollution Control Board/Committee.

#### IV. Noise and vibration monitoring and preservation

18) The peak particle velocity at 500m distance or within the nearest habitation, whichever is closer shall be monitored periodically as per applicable DGMS guidelines.

19) The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day /night hours.

20) The Project Proponent shall take measures for control of noise levels below 85 dBA in the work environment. The workers engaged In operations of HEMM, etc. should be provided with ear plugs /muffs. All personnel including laborers working in dusty areas shall be provided with protective respiratory devices along with adequate training, awareness and information on safety and health aspects.

The PP shall be held responsible in case it has been found that workers/ personals/ laborers are working without personal protective equipment.

#### V. Mining Plan

21) The Project Proponent shall adhere to approved mining plan, inter alia, including, total excavation (quantum of mineral, waste, over burden, inter burden and top soil etc.); mining technology; lease area; scope of working ( method of mining, overburden & dump management, 0.13& dump mining, mineral transportation mode, ultimate depth of mining, concurrent reclamation and reclamation at mine closure; land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life; etc.).

22) The shall be governed as per the approved Mining Plan. The excavation vis-à-vis backfilling in the mine lease area and corresponding afforestation to be raised in the reclaimed area shall be governed as per approved mining plan. PP shall ensure the monitoring and management of rehabilitated areas until the vegetation becomes self- sustaining. The compliance status shall be submitted half- yearly to the MoEFCC and its concerned Regional Office.

#### VI. Land reclamation

23) The he Overburden (O.B.), waste and topsoil generated during the mining operations shall be stacked at earmarked OB dump site(s) only and it should not be kept active for a long period of time. The physical parameters of the OB / waste dumps / topsoil dump like height, width and angle of slope shall be governed as per the approved Mining Plan and the guidelines/circulars issued by D.G.M.S. The topsoil shall be used for land reclamation and plantation.

24) The slope of dumps shall be vegetated in scientific manner with suitable native species to maintain the slope stability, prevent erosion and surface run off. The selection of local species

regulates local climatic parameters and help in adaptation of plant species to the microclimate. The gullies formed on slopes should be adequately taken care of as it impacts the overall stability of dumps. The dump mass should be consolidated with the help of dozer/ compactors thereby ensuring proper filling/ leveling of dump mass. In critical areas, use of geo textiles/ geo-membranes / clay liners / Bentonite etc. shall be undertaken for stabilization of the dump.

25) Catch drains, settling tanks and siltation ponds of appropriate size shall be constructed around the mine working, mineral yards and Top Soil/OB/Waste dumps to prevent run off of water and flow of sediments directly into the water bodies (Nallah/ River/ Pond etc.). The collected water should be utilized for watering the mine area, roads, green belt development, plantation etc. The drains/ sedimentation sumps etc. shall be de-silted regularly, particularly after monsoon season, and maintained properly.

26) Check dams of appropriate size, gradient and length shall be constructed around mine pit -and OB dumps to prevent storm run-off and sediment flow into adjoining water bodies. A safety margin of 50% shall be kept for designing of sump structures over and above peak rainfall (based on 50 years data) and maximum discharge in the mine and its adjoining area which shall also help in providing adequate retention time period thereby allowing proper settling of sediments/ silt material. The sedimentation pits/ sumps shall be constructed at the corners of the garland drains.

## VII. Transportation

27) No Transportation of the minerals shall be allowed in case of roads passing through villages/ habitations. In such cases, PP shall construct a 'bypass' road for the purpose of transportation of the minerals leaving an adequate gap (say at least 200 meters) so that the adverse impact of sound and dust along with chances of accidents could be mitigated. All costs resulting from widening and strengthening of existing public road network shall be borne by the PP in consultation with nodal State Govt. Department. Transportation of minerals through road movement in case of existing village/ rural roads shall be allowed in consultation with nodal State Govt. Department only after required strengthening such that the carrying capacity of roads is increased to handle the traffic load. The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly. Vehicular emissions shall be kept under control and regularly monitored. Project should obtain Pollution Under Control (PUC) certificate for all the vehicles from authorized pollution testing centers. [If applicable in case of road transport]

28) The Main haulage road within the mine lease should be provided with a permanent water sprinkling arrangement for dust suppression. Other roads within the mine lease should be wetted regularly with tanker-mounted water sprinkling system. The other areas of dust generation like crushing zone, material transfer points, material yards etc. should invariably be provided with dust suppression arrangements. The air pollution control equipments like bag filters, vacuum suction hoods, dry fogging system etc. shall be installed at Crushers, belt-conveyors and other areas prone to air pollution. The belt conveyor should be fully covered to avoid generation of dust while transportation. PP shall take necessary measures to avoid generation of fugitive dust emissions.



## VIII. Green Belt

29) The Project Proponent shall develop greenbelt in 7.5m wide safety zone all along the mine lease boundary as per the 'guidelines of CPCB in order to arrest pollution emanating from mining operations within the lease. The whole Green belt shall be developed within first 5 years starting from windward side of the active mining area. The development of greenbelt shall be governed as per the EC granted by the Ministry Irrespective of the stipulation made in approved mine plan.

30) The Project Proponent shall carryout plantation/ afforestation in backfilled and reclaimed area of mining lease, around water body, along the roadsides, In community areas etc. by planting the native species in consultation with the State Forest Department/ Agriculture Department/ Rural development those species be selected which are of use to the local people. The CPCB guidelines in this respect shall also be adhered. The density of the trees should be around 2500 saplings per Hectare. Adequate budgetary provision shall be made for protection and care of trees.

31) The Project Proponent shall make necessary alternative arrangements for livestock feed by developing grazing land with a view to compensate those areas which are coming within the mine lease. The development of such. grazing land shall be done in consultation with the State Government. In this regard, Project Proponent should essentially implement the directions of the Hon'ble Supreme Court with regard to acquisition of grazing land. The sparse trees on such grazing ground, which provide mid-day shelter from the scorching sun, should be scrupulously guarded/ protected against felling and plantation of such trees should be promoted.

## IX. Public hearing and human health issues

32) Project Proponent shall make provision for the housing for workers/labors or shall construct labor camps within/ outside (company owned land) with necessary basic infrastructure/ facilities like fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche for kids etc. The housing may be provided in the form of temporary structures which can be removed after the completion of the project related infrastructure. The domestic waste water should be treated with STP in order to avoid contamination of underground water.

## X. Corporate Environment Responsibility (CER)

33) The activities and budget earmarked for Corporate Environmental Responsibility (CER) as per Ministry's

O.M No 22-65/2017-IA. II (M) dated 01.05.2018 or as proposed by EAC should be kept in a separate bank account. The activities proposed for CER shall be Implemented in a time bound manner and annual report of implementation of the same along with documentary proof viz. photographs, purchase documents, latitude & longitude of Infrastructure developed & road constructed needs to be submitted to Regional Office MoEF&CC annually along with audited statement.

## XI. Miscellaneous

34) "The Project Proponent shall prepare digital map (land use & land cover) of the entire lease area once in five years purpose of monitoring land use pattern and submit a report to concerned Regional Office of the MoEF&CC.

35) The Project Authorities should Inform to the Regional Office regarding date of `financial closures and final approval of the project by the concerned authorities and the date of start of land development work.

36) The Project Proponent shall submit six monthly compliance reports on the status of the implementation of the stipulated environmental safeguards to the MOEFCC & its concerned Regional Office, Central Pollution Control Board and State Pollution Control Board.

37) A separate 'Environmental Management Cell' with suitable qualified manpower should be set-up under the control of a Senior Executive: The Senior Executive shall directly report to Head of the Organization. Adequate number of qualified Environmental Scientists and Mining Engineers shall be appointed and submit a report to RO, MoEFCC.

38) The concerned Regional Office of the MoEFCC shall randomly monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the MoEFCC officer(s) by furnishing the requisite data / information / monitoring reports.

39) In pursuant to Ministry's o.M No 22-34/2018-IA.III dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc."

3. Appeal No. 10/2020(CZ) came up for hearing on 02.12.2020 when notice was issued to the respondents including MoEF&CC, State of MP, MPPCB, District Collector and the PP. Both the appeals were taken up for hearing on 04.10.2021. The Tribunal directed that all relevant documents be filed for consideration, including EIA, EMP and minutes of EAC.

Accordingly, the PP has filed all the relevant documents in 8 volume in 2045 pages which include Form 1 with feasibility report, TORs, minutes of the meetings and additional details sought by the EAC, EIA and EMP with annexures. Replies have been filed by the MoEF&CC, State PCB, Indian Bureau of Mines and the PP.

4. We have heard learned Counsel for the parties and perused the record with their assistance.

5. Only points made during the hearing by learned Counsel for the appellants are closeness of the project to the Ken River and absence of public hearing. The PP has pointed out that as per EC condition itself, no mining can be carried out within 250 meters from the river. With regard to public hearing, our attention has been drawn to the minutes of the EAC to the effect that public

hearing was duly held and that this aspect has already been dealt with by this Tribunal in favour of the PP which order has since become final. The record of 19th meeting of the EAC held on 22-24 July, 2020 mentions as follows:

"xxx .....xxx .....xxx The Petitioner alleged that Proper procedure was not followed by the Member Secretary and RO of MPPCB while conducting Public Hearing. He alleged that no intimation was given for the Public hearing and coercion was used during the public hearing, as well as there is a differentiation in the land rate.

All the Non-Applicant Parties (Respondents) have filed their replies before the Permanent Lok Adalat and rebutted all allegations with the contention that Prescribed procedure has been followed at all stages for conducting the Public Hearing on 17.07.2019 after giving intimation of Public Hearing. In this matter, on 08.05.2020, the Hon'ble NGT, Bhopal has conducted a hearing by way of Video Conferencing and dismissed the Original Application and Interim Application at the initial stage as the bench did not find any merit in the original application. Further, no coercion was used and every participant presented his views freely. It is pertinent to mention that except the Petitioner, no other Participant / Land seller has expressed any kind of grievance. In fact, the Petitioner had also welcomed the Project during his more than 1 hour long speech, at the Public Hearing. In short, all allegations are frivolous and intended for extracting undue benefits from the Project Proponent.

Current Status: The Mediation Proceeding is pending before the Permanent Lok Adalat, Panna presided by the Additional District Judge (Chairperson), Panna and lastly the matter was listed /fixed for Mediation on 28.03.2020. However, the proceedings could not be taken up till date due to COVID-19 pandemic precautions being followed by the Courts/ Permanent Lok Adalat. The next date of hearing has not been fixed as yet and will be notified once the Lok Adalat resumes its functioning. PP states that they are confident that this case will be decided in their favor during next hearing as this matter is devoid of any merit."

6. Order of this Tribunal dated 08.05.2020 is as follows:

"Heard the Learned Counsel for the applicant. This original application has been filed with the prayer that respondents be directed to conduct a fresh public hearing with regard to setting up of a cement plant in Village Kakra, Tehsil Amanganj, District Panna, Madhya Pradesh.

At outset it may be noted that the said public hearing had taken on 17 of July 2019 and there is no dispute about the fact that public had participated therein. The only grievance raised by the petitioner is that proper hearing was not given.

In any case the fact remains that public hearing had been conducted on 17 July 2019 and the matter proceeding thereafter. The petitioner did not thought it proper to immediately raise his grievance. Apart from it much time had passed after the public hearing and no explanation has been given for the delay in filing this petition. The petitioner has filed this application in the month of January 2020.

xxx .....xxx.....xxx Taking note of the consideration the overall facts and circumstances and for the aforesaid reasons we do not find any merit in this original application. Consequently, it is dismissed with no order as to cost."

7. In the reply of the MoEF&CC filed on 01.11.2020, it is stated that requisite process of screening, scoping and public consultation was duly conducted.

8. In view of the fact that this Tribunal has already held that public hearing was duly conducted which order has attained finality and condition imposed while granting EC to maintain distance of 250 meters from the river for mining which is not shown in any manner to be illegal, we do not find any merit in these appeals which are dismissed.

9. However, we direct that all EC conditions be strictly followed and, if any, violation is observed, the aggrieved party will be at liberty to take remedies, in accordance with law.

The appeals are disposed of. I.A.No.78/2021 also stands disposed of.

Adarsh Kumar Goel, CP Sheo Kumar Singh, JM Sudhir Agarwal, JM Dr. Arun Kumar Verma, EM Prof. A. Senthil Vel, EM Dr. Vijay Kulkarni, EM February 28, 2022 Appeal No.10/2020 (CZ) DV