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:: REPORT OF COMMITTEE
FOR PROPOSED CEMENT
PROJECT OF M/S. NIRMA
LTD., AT MAHUVA ::

PART – I

REPORT OF COMMITTEE FOR PROPOSED CEMENT PROJECT
OF M/S. NIRMA LTD., AT MAHUVA.

INTRODUCTION:

268 hectares of government land has been allotted to M/s. Nirma Cement Project for erecting cement project, power project and coke project at village Padhiyarka of Mahuva Taluka which includes 222 hectares of land allotted previously to Salinity Control Department (Irrigation Department) for Samdhiyada Dam and with reference to principle approval of mining lease given for 3460.30.33 hectares of land taken from different villages for obtaining necessary limestone, Hon'ble MLA Shri Dr. Kanubhai V. Kalsariya and persons of village Padhiyarka as well as representatives of other nearby ten villages, representation was made to State Government. Besides this, the movement at local level was started. Hon'ble MLA as representative of people demanded that a committee consisting of experts of concerned departments shall be formed and after study of site and situation, the committee shall submit its report to the Government. Further he had asked to stop the work of the project till the committee completes the procedure.

The Government after careful consideration, formed the committee for proposed cement plant of M/s. Nirma Ltd., at Mahuva by Resolution dated 29-5-09 (Appendix-'A')

This committee was informed to submit the report within 15 days. The period of working was extended upto 31st July, 2009 vide Resolution dated 15/6/2009. (Appendix-'B')

Thereafter, the period of this committee was extended upto 20th August, 2009 vide Resolution dated 31/7/2009. (Appendix-'C')

(2) **Constitution of Committee:**

In order to stop the work of Nirma Cement Plant near village Padhiyarka of Mahuva Taluka in Bhavnagar District and for constituting the committee of experts, with reference to the representations of Hon'ble MLA of Mahuva, Shri Dr. Kanubhai V. Kalsariya, the following Committee was constituted vide Govt. Resolution No.MISC/102009/MLA/S.1/D dated 29-5-09.

- (1) Shri S.K. Shelat, Advisor of
Hon'ble Chief Minister,
Sachivalay, Gandhinagar (Chaiman)
- (2) Shri S.J. Desai,
Secretary,
Narmada Water Resources,
Water Supply Department,
Sachivalay, Gandhinagar (Member)
- (3) Shri C.L. Meena
I.A.S.,
Chairman,
Gujarat Pollution Control Board,
Gandhinagar (Member)

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- (4) Shri A.B. Panchal
Former Collector,
Bhavnagar (Member)
- (5) Shri K.N. Patel
Retd. Additional Director,
Geology and Minerals (Member)

The co-ordination of this committee will be done by Commissioner, Geology and Mineral Department. Further, the Committee is allowed to take help of other experts if required.

The committee, keeping in mind the subjects requiring inspection, decided to take help of Director (Agriculture) as an expert. Further the help of Collector, Bhavnagar was also taken for administrative and revenue work. When the Committee started its work, Commissioner – Geology and Mining Department was in training and Industrial Commissioner, Sujit Gulati was in charge and therefore, he was fully involved at the initial stage of working of committee. The State Government had decided to continue Shri Gulati, being Industrial Commissioner, as coordinator of the Committee so that the Committee can submit its report within stipulated time period.

(3) **Working pattern of the Committee:**

For preparing the report, the Committee had done following procedure.

1. First meeting was scheduled on 1-6-2009 at 12.00 hours.
2. The representations of Hon'ble MLA Shri Dr.Kanubhai Kalsariya were heard by the Committee on 1-6-2009 at 15.00 hours.
3. M/s. Nirma Ltd. - sponsor of cement plant was heard on 3-6-2009 at 15.00 hours, for examining the representations received against their project.
4. The complaints of public and elected leaders were heard on 6-6-2009 by the Committee at Government Guest House, Mahuva.
(Note of hearing **Appendix-'H'**)
5. The next meeting of the Committee thereafter met on 8/6/09 at 15-00 hours in which it was decided to obtain necessary technical reports with regard to representations.
 - 5.1 To obtain report of Director, Agriculture regarding recharging of wells, proportion of salinity, increase in the agriculture due to lift irrigation, fertility of the land, increase in the yield, change in the crop pattern and other agriculture as well as land matters. (**Appendix-'P'**).

- 5.2 To obtain report of Gujarat Pollution Control Board regarding hearing with reference to environment. (**Appendix-'N'**)
- 5.3 To obtain report of NCCBM as to whether the projects is feasible in 168 hectares of land after deducting 100 hectares of land from total 268 hectares of land allotted to Nirma Ltd for Cement Plant. (**Appendix-'Q'**).
- 5.4 To get the primary report done by NEERI as to whether there will be any direct effect on the environment because of the project. (**Appendix-'S'**).
- 5.5 To get the technical examination done by WAPCOS LIMITED, GOI (**Appendix-'O'**) regarding balance of the decrease in water storing capacity of dam due to the land transferred for Nirma Ltd. by the Irrigation Department and to get technical examination of alternative scheme of canal (**Appendix-'M'**) from catchment area.
- 6.0 The meeting of the Committee was held on 20/7/2009 at 15-00 hours to get the opinion of representatives of Government Departments shown as defendants in S.C.A. No.3477/2009 filed in the Hon'ble High Court of Gujarat.

7.0 In the meeting of the Committee held on 23/7/2009 at 15-00 hours, petitioners of S.C.A. No.3477/2009 filed in Gujarat High Court, were heard.

(4) **Details of project of Nirma Ltd:**

M/s. Nirma Ltd. has done following procedure to establish the plant.

Cement cleaner	1.50 Million Ton every year
Cement	1.91 Million Ton every year
Captive Power Plant	50 M.W.
Coke Oven Plant	1.5 Lakh Ton every year

After starting the first phase of the capacity mentioned above, the unit will establish the following capacity in second phase and further phases as under:

Cement Clear	6.00 Million Ton every year
Cement	7.64 Million Ton every year
Captive Power Plant	100 M.W.

For establishing the aforesaid project, Collector, Bhavnagar vide his order dated 13-2-08, has allotted land having details as under.

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Sr. No.	Name of village	Survey No.	H-Are. Sq.mts.	Note
01	Padhiyarka	Part of 80/A/1 80/B 80/C 80/A/2	98-98-68 44-51-57 20-48-74 16-18-75	Land received back from part of land transferred to Salinity Control Department Non-assessed uncultivated Government land
02	Dodiya	67 Part 1 67 Part 2 67 Part 3	48-18-82 00-40-47 09-47-97	Land received back from part of land transferred to Salinity Control Department
03	Vangar	200/A 200/B	30-61-52	Non-assessed Government uncultivated and grassy

222.0624 Hectares of land from the total land allotted for Samdhiyada Dam, is taken back from Salinity Control Department, in which 100 hectares of the land is from the submerged area of Samdhiyada dam whereas remaining H. 122.0624 sq.mts. of land is open in the area of the inflow of water.

Following permissions have been obtained for establishing the project.

- (1) The N.O.C. of GPCB for Coke Oven Plant is obtained vide letter dated 21/7/04.
- (2) "Environment Clearance" is granted vide letter dated 11th December, 2008 of the Ministry of Environment and Forest, Government of India.
- (3) NOC for cement project and power project has been issued vide letter dated 25/5/09 of the GPCB.

Over and above that, for getting necessary limestone as raw material, the Company has obtained principle approval for mining lease.

Name of village	Area	Permission Letter
Padhiyarka Dodiya	616.72.54 hectar	Order No.MCR-102004-1945-D, dated 15-2-2008 of Industry and Mines Department
Wangar Madhiya	1225.85.53 hectar	Order No.MCR-102004-1827-D, dated 15-2-2008 of Industry and Mines Department

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Gujarda Dudheri Dudhada-1	1497.47.01 hectar	Order No.MCR-102004-1943-D, dated 15-2-2008 of Industry and Mines Department
Naip Kalsar	120.25.25 hectar	Order No.MCR-102004- 1095/90/D.1, dated 7-10-2004 of Industry and Mines Department
Total Area	3460.30.33 hectar	

Only after preparing pre-feasibility report, EIA report, mining plan etc., after hearing public in general through GPCB as decided vide Notification of Ministry of Environment and Forest and after considering all the aspects, the lease agreement can be executed after obtaining permission regarding mining lease from the State Government, after issuance of Environmental Clearance Certificate by Ministry of Environment and Forest. Thus, presently only principle approval for lease area is granted. If the lands for mining are of the private farmers then it has to be purchased from the farmers and if the land is government land then it has to be obtained from the Government and only then the company can do mining work in this land.

The procedure for establishing the project is started at the site.

(5) Representations before the Committee:

5.1 **Submissions of Hon'ble MLA Shri Dr. Kanubhai Kalsariya:-**

Hon'ble Dr. Kanubhai Kalsariya has made various representations to Hon'ble Chief Minister and different departments of Government. Besides Hon'ble MLA has represented various facts before the Committee on 01.06.2009 at 03:00 p.m., which are narrated below in brief.

- (1) People of surrounding area are becoming more and more happy by getting crop in three seasons because of Samdhiyada – Dam and big development of agriculture as well as cattle husbandry is possible as the land is becoming fertile.
- (2) There is a provision of digging for replacing the decrease in the water storage capacity due to allotment of land of water body to the company. In this process, there will be ingress of sea water, if digging is done for more than 2 meters depth and total stored water of the dam will be

- (3) Before allotting the land of dam, public hearing was held without informing the persons who should have been informed. The MLA of this constituency was also not informed. Thus, the public hearing was not transparent and not according to rules.
- (4) Public has been kept in dark about the environmental hearing dated 9/9/08 by giving advertisement in less circulated newspapers. MLA is not informed about the hearing. As a result he was not able to remain present in the serious and important environmental hearing. People did not get enough opportunity to convey their representations. Ladies of Dudheri village were pulled away, insulted and not allowed to speak and therefore the excited ladies did broke fencing poles. Thus, the hearing was not transparent. Therefore the environmental hearing should be done again.
- (5) The area of mining of limestone is near the sea shore. Therefore there are all the chances of sea water ingress into these mines, which will directly affect the fertility of the land. At the same time the loss of land due to mining will

persist for ever. Thus, fertile land of mining area will be useless forever and people of this area will be unemployed permanently.

- (6) Construction of Malan, Nikol, Kalsar and Samdhiyada dam and planning for its distributing canal has been done. Malan – dam is in the last stage of its completion and the work of canal from Malan dam upto Samdhiyada dam is in the process of approval. On completion of this canal, Samdhiyada dam will also remain fully filled up as like Malan. Agriculture and cattle husbandry of this area will be highly benefited because of all these dams. Whereas on allotting these lands to Nirma Ltd., 500 to 700 persons will get their earnings and more than 500 to 700 Officers and some 2000 persons will get employment through transport. As against which, there is risk of 4000 to 5000 agriculture families getting deprived of their earnings. There will be irrigation in lands upto 40 kms from Kalsar to Wangar and land can be directly irrigated. Thus, 10,000 hectares of land will be irrigated from all the four dams.

- (7) The unit has submitted that all these lands are barren and desolate since many years and its production is not

satisfactory and company has asked permission for taking out limestone from the depth of the land. But the said land though barren today, but in the near future, because of dams, three crops will be taken from the same land.

- (8) As per the judgment of Hon'ble Gujarat High Court notification of any water body should be done within three months. Though Samdhiyada dam was constructed in the year 2001, notification of this water body was not done and entry in revenue record is not made. Now, when 222 hectares of land from water body is transferred to Nirma Cement, this matter being pending before the Hon'ble Gujarat High Court, judgment of Hon'ble Gujarat High Court shall be awaited.

- (9) Crop of onion and cotton is obtained in big quantity in Mahuva area. Surrounding the said Mahuvanagar, there are around 50 dehydration factories and around 20 ginning factories and 100 to 200 persons are working in each factory. Once the area around the Malan and Samadhiyala water body gets water, number of these industries will be doubled. The Committee should examine the agriculture income and employment likely to

be obtained from such agriculture in next 50 years and it should be compared with that of the income and employment opportunities by Nirma Ltd.

- (10) The Hon'ble MLA in his representations has stated that he is having objection regarding allotment of land of part of dam and land for mining lease of limestone to Nirma Ltd. and considering both these facts, has asked to cancel the establishment of cement plant.
- (11) As all the persons of affected area cannot put their individual submissions, Hon'ble MLA vehemently submitted that for obtaining public vote "referendum" procedure should be adopted.

Letters of submissions of Hon'ble MLA are produced vide (Appendix-'D').

5.2 S.C.A. No.3477 of 2009 filed in Hon'ble Gujarat High Court:-

Shri Pratapbhai Nanjibhai Gohil on behalf of Shri Mahuva Bandhara Khetivadi, Paryavaran Bachav Samiti and others have filed SCA No.3477 of 2009 in Hon'ble Gujarat High Court in which Hon'ble Gujarat High Court vide its interim order (Appendix-'J')

dated 26/6/09 has ordered that keeping in mind the issues raised in the petition by the petitioner Institution and considering the submissions, if any obtained, by the petitioner and other aspects, the Committee shall decide. In this reference, petitioner Shri Pratapbhai Nanjibhai Gohil and Shri Khimjibhai Lakhabhai Baraiya were informed to remain present on 23/7/09 at 15-00 hours before the Committee but they could not reach in time. Still however, Committee taking liberal approach coordinated with them and by sending Officers to bring them at the place of meeting, provided opportunity for making their submissions by arranging the meeting at 16-20 hours. Accordingly, they remained present personally and presented their written submissions, which is annexed at (**Appendix-'K'**). As stated in the written submissions, this expert Committee is not acceptable to the petitioners. Further, they have asked for time of 15 days for submitting their oral and written submissions. As per the opinion of the Committee, after the judgment of Hon'ble Gujarat High Court, petitioners were having ample time to make submissions before the Committee but still however, they have demanded additional 15 days for making submissions which demand is not reasonable and does not appears to be acceptable. Further, petitioners propose to file affidavit in the Hon'ble Gujarat High Court with reference to the issues. In these circumstances, issues raised in petition have been taken into consideration.

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The Committee as per the order of Hon'ble Gujarat High Court has taken into consideration the following issues raised by the petitioners in their petition.

1. The Dodiya Gram Panchayat At the relevant time, for the through its resolution has given public purpose of dam scheme, consent to Salinity Department the pasture land of survey No.67 for converting the Hectar 9,47.97 was transferred to Executive sq.mts. of pasture land of survey Engineer, Saline Control No.67 of village Dodiya for the Department vide consent order of dam purpose therefore, it is not Collector, Bhavnagar under proper to say that the pasture Section 108(4) of Gujarat land is not acquired for the Panchayat Act, 1993. Thus, the company. Similarly, the land being transferred from the H.20.4874 sq.mts. land of village record of pasture land to the Padhiyarka which was ruled as government record of unused pasture of village Wangar, is also land, no procedure is required to consented to be transferred for be done for its other use. salinity control to Salinity Department through resolution of Wangar Gram Panchayat. Similarly, other unused and pasture lands of village Dodiya

and Padhiyarka were transferred to Salinity Control Department for this purpose. (Para-4.3)

2. In July-2000, on completion of work of Samdhiyada dam and on increase of level of water, there is improvement in quality and quantity of water in villages of this area. The water level has been continuously increasing from 2002 to 2008 and there has been decrease in PPM and TDS.
- As per the report of Director, Agriculture, there occur seasonal changes in the quality of water. Considerable decrease in salinity of drinking water is not recorded in this area. However, because of increase in water level, agriculture work is done from water available.

Therefore, this water has become worth drinking, increasing agriculture produce and improving health of cattles. The petitioner has obtained this information by writing a letter dated 30/1/09 to Geologist-2, Engineering and Geology Sub-Division, Mahuva. (Para-4.4)

3. It is the submission of petitioner. Petitioner has produced fact

that Nil Cow and other type of oriented details. Inspection in animals are roaming freely in this this regard in EIA study in area. In that reference, damages mining area will be done and at caused by these animals are that time, this issue will also be produced. (Para-4.5) raised at public hearing.

4. (A)M/s. Nirma Ltd. (Respondent M/s. Nirma Ltd. in its original No.-4) has not submitted true and application regarding the land sufficient facts in the application has mentioned about the cement dated 24th February, 2004, for plant and has made clarification getting government land. Such in that regard that power plant is as, check dams, recharge tank, a captive power plant and the gas well, school, crematorium, water coming from coke plant which is pipe line, electric supply line and to be used for power plant is also details of tar road are not shown a connected plant. In these in the attached map. Letters of circumstances, under the department connected with pond permission for cement plant, of Wangar village and Madhiya- both the plants are included. Padhiyarka-Dodiya road are Still however, with reference to attached. In the said application, submission of the company, M/s. Nirma Ltd. has not stated Industrial Commissioner has anything about coke plant. made correction on date 21/6/04 Further, the H.16.1875 sq.mts. that all the plants are included. land of village Padhiyarka, which Company has clarified with

is shown in the application by regard to map that they have M/s. Nirma Ltd., is not unused produced "line" map obtained government land because, it is from the Revenue Department given to Salinity Control and there is not any main impact Division. The basic application in the allotment of land on the of Collector does not have basis of their map because the reference to Coke Plant. In revenue inspection of site and support thereof, it has been stated record is being done by the in the letter dated 21/6/04 of government independently.

Industrial Commissioner written

to Collector, Bhavnagar to read it. In the file of Collector, as cement manufacturing, power Bhavnagar, recommendation to project and coke plant instead of government was made for all the cement manufacturing and power three plants as instructed by the project. (Para-4.8 to 4.12)

Industrial Commissioner. But on the basis of written direction of

(B) Average H.268.8652 sq.mts. only cement plant given by the of pasture and waste land of government, land was ordered to villages Wangar - Padhiyarka - be allotted only for the cement Dodiya which has been allotted plant.

vide order dated 16/4/08, is allotted only for the cement plant. It does not include power

plant, coke plant or lime stone
mining. (Para 4.17)

5. (A) M/s. Nirma Ltd. obtained As stated by Paschim Gujarat Vij electric connection on the basis Co. Ltd. (Appendix-'U'), they of NOC issued by Gujarat have given electric supply for Pollution Control Board in June- construction and there is no 04 for "Beehive Hard Coke condition precedent that Oven". At the time of getting environment clearance must have electric connection in May-08, been obtained, for this company was not having connection. Whenever environment clearance because connection is given for company had filed application production process of any for environment clearance on project, environment clearance date 11/12/08. has to be produced after (Para 4.13) obtaining the same.

(B) The permission has been When the NOC was issued by granted to Gujarat Pollution Gujarat Pollution Control Board, Control Board and PGVCL to Notification of Government of provide electricity line legally India dated 27/1/94 of before obtaining environment Environment and Forests clearance because Company has Department was in force. As applied for environment Beehive Hard Coke was not

clearance on 11/12/08 whereas included under Schedule-1 of the GPCB has issued NOC for said notification, environment providing electricity line on clearance was not applicable. It 10/9/08. does not come within the profile

(Para 4.17)

of GPCB to provide electric supply line and therefore, no

(C) Petitioner has filed complaint authority has been instructed to on date 28/2/09 before Gujarat erect the electricity line.

Energy Development

Corporation Ltd. that PGVCL

has provided electric connection

without following sufficient

procedure and without sufficient

evidence. (Para 4.18)

6. M/s. Nirma Ltd. vide its letter Normally, if any way, electric dated 1/6/08 written to Executive line or water pipeline for public Engineer, R & B Division use passes from the land granted (Panchayat), Bhavnagar by government then it has to be requested to shift the Padhiyarka- shifted by the applicant Unit at Dodiya rural road as it was its own cost. The applicant Unit passing from the land allotted to is required to deposit the M/s. Nirma Ltd.. As per the expenses for shifting of public letter dated 15/9/08 written by way, electric line or water

M/s. Nirma Ltd. to Executive pipeline with the concerned Engineer, Technical-(1), department and on deposit of PGVCL, procedure of shifting such an amount, concerned the electricity line from their land department takes on hand such is under process. Thus, it is shifting work.

established from both the facts that the Company though in knowledge of both these facts at the time of their application dated 24/2/04 to Collector, demanding for land, have hidden the said facts. Over and above that, pipeline of Dodiya-Padhiyarka Group Water Supply Scheme being passing from land allotted to Company, the Gujarat Water Supply and Sewage Board, Mahuva Office vide its letter dated 8/11/08, instructed to inform the company before shifting the line. Thus, the Company has hidden the said fact. (Para 4.14/4.16)

7. (A) EIA report is deficient and illegal because there is no mention regarding the fact that basis of clearance from NOI and CRZ Authority shall be obtained. There is no mention of any such application. Ministry of Environment and Forests has also not stated any time limit with regard to CRZ clearance. EIA report does not say anything about electric supply and there is no mention of NOC of GPSB with reference to water supply and usage. Justification regarding study of 3.6 km radius is not there in EIA report. In fact study of radius of minimum 10 km shall be included. The damages likely to be caused to fertile and agriculture land of surrounding areas shall also be made. Further, due to mining,
- EIA report is being prepared by the Unit. After preparing as per the TOR conditions decided by Ministry of Environment and Forests, Government of India and after hearing, its complete report has to be send to Ministry of Environment and Forests. Thus, before giving environment clearance, EIA report is completely examined by the Ministry of Environment and Forests, Government of India. Process of Environment clearance is compulsory for mining and for it the applicant Unit has filed application to Ministry of Environment and Forests, Government of India. As per the report of M/s. Hall Tech Consulting Pvt. Ltd. – consultant of M/s. Nirma Ltd.,

sea water will ingress and will 418 direct and 9500 indirect
 damage agriculture land because employments will be available
 presently, this land is protected from this plant.

by natural wall of limestone. In
 this report, there is no mention as
 to how much employment will
 rise and how much agriculture
 land and cattles would be
 endangered because of the noted
 project. Along with it there is no
 mention as to how many trees
 and plantations will be damaged.

The scheme of harvesting
 (collecting) rainy water in the
 plant is not proper.

(Para 4.19)

(B) There is no mention as to
 whether environment clearance
 has been obtained for limestone
 mining at village Padhiyarka.

(Para 4.19)

8. There is mention by Gujarat The applicant Unit is having two

Water Infrastructure Ltd. with alternatives for getting water regard to collecting sweet water amongst which first is that and collecting and releasing sea arrangement has been made by water through Narmada pipeline Gujarat Water Infrastructure Ltd. but in that regard NOC or CRZ to collect sweet water. If the clearance has not been obtained applicant Unit is required to take therefore, its exercise shall be sea water or to release waste made by NIO Institution. (Para water into the sea, then it is 4.21) compulsory to obtain CRZ clearance from the Authority and if such a clearance is required to be taken then only exercise through NIO institution is required. Before starting production, for obtaining consent of GPCB, this procedure is compulsory.

9. Final EIA report by Ministry of Environment and Forests or GPCB has not been kept on website. Copy of environment clearance though being asked from GPCB, is not provided. It is clarified by GPCB that said details were kept on website at relevant point of time.

<p>Details not being available on website, appeal cannot be filed before National Appellate Authority, New Delhi within the time limit. (Para 4.22)</p>	
<p>10. Flora and fauna will be destroyed because of the project and there is not made any provision for 500 peacocks declared as National bird in these areas. Above 3000 Neel cows which are to be protected under the Wild Life Protection Act, will damage crops by entering into agricultural lands. As per the rules of State Government to hit the wild animals entering into the private fields and spoiling the crops, serious questions will arise. Because of plant coming in this area, forests in this area also will be eliminated. (Para 4.23)</p>	<p>There will not be any such direct effects at the place of plant but this issue will be included in exercise of EIA for limestone and this issue will be examined by the concerned department in its environment clearance.</p>
<p>11. Under Section-(1) of circular dated 15th February of Industry and Mines Department, in which there will be violation of</p>	<p>Submission is not clear.</p>

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<p>provision that people may not reach such areas and shall not remain within the control of private firm. (Para 4.25)</p>	
<p>12. Dodiya-Padhiyarka and Wangar villages have lost their pasture as also the surrounding lands on obtaining pasture lands from company, there will not be pasture land. There will not remain pasture and fodder lands in these villages. As per the resolution of Government, for 100 cattles, 40 acres of land shall be kept reserved for pasture. Against that lands in which grass is growing are allotted to industry. (Para 4.27)</p>	<p>As per the report of Collector, Bhavnagar dated 27/7/09, there is not available any pasture land at villages Wangar, Padhiyarka and Dodiya. As against strength of 616 cattles at village Padhiyarka, 1223 cattles at village Dodiya and 702 cattles at village Wangar, H.99.59.06, H.197.91.08 and H.113.39.06 of land respectively are entitled to be kept as pasture land. H.98.98.68 land of village Padhiyarka and H.9.47.98 land of village Dodiya originally part of pasture land transferred to Salinity Control Department for dam and H.26.44.64 pasture land</p>

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of village Wangar for giving to Company for industrial purpose, Resolution No.110 showing consent is passed by Gram Panchayat, Wangar on date 26/3/04 and these areas are allotted to company for plant.

It is a fact that presently pasture lands do not remain in these villages. The cattles of these villages used to graze the natural grass which grows on the unused government land. As against the reducing pasture land, in order to appoint other pasture lands, no demands have been put up on behalf of the village.

The village-wise statement showing the details of pasture and unused government land included under the mining lease

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	L.O.I. granted for cement plant to M/s. Nirma Ltd. (Appendix- 'L')
13.	<p>Petitioner has obtained opinion of the qualified Civil Engineer and accordingly if the 75 hectares of land of Samdhiyada dam is dug upto depth of 2.70 meters for inclusion of water then the reserved water will become saline. As per the report of Salinity Department and request of M/s. Nirma Ltd., in order to balance the reduction of water, salinity will increase by making depth of 2.82 meters. If the land allotted for dam is filled up by the company then its effect will be on high flood level and the design of check dam will also be affected. (Para 4.27)</p> <p>As stated by Salinity Control Department, on technical examination of their report by "Wapcos Ltd.", Government of India, it is found that there is no possibility of increase in salinity upto 2.40 meter R.L. and storage strength will be balanced by making such a depth.</p>
14.	If the limestone working At the time of EIA exercise for

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naturally as protecting wall mining, this aspect has to be against the sea water, is mined examined. Public hearing will then sea water will ingress in this also be conducted at the relevant area and will increase salinity of time. As per the report of the underground and well water, Agriculture Department, water as a result of which salinity of reservoirs can be raised in the land surface will increase. The mines and if reservoir is filled by local MLA has made harvesting water then submissions to the Government surrounding lands can be made in this regard. fertile.

(Para 4.28)

With reference to the above issues, petitioner has prayed to the Hon'ble Gujarat High Court,

(1)	To direct the respondent to restore the lands of Samdhiyada, Padhiyarka and land of check dam of village Dodiya, pasture land and land of natural pond of village Wangar.	
(2)	To direct the Collector, Bhavnagar to make necessary corrections in revenue records with regard to pond and dam	

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	which have reserve water, as per the application dated 9/2/09 of the petitioner.	
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5.3 Submissions of M/s. Nirma Ltd.:

The representatives of M/s. Nirma Ltd. were given hearing on 3/6/09 at 15-00 hours with regard to details of the project. The presentation was done before the Committee mainly on following details. (Appendix-‘E’)

Following issues were covered in the presentation.

- (1) Capacity of project
- (2) Details of principle approval of mining lease.
- (3) Regulations for selecting the project site.
- (4) Comparison and evaluation of different places as per the regulations.
- (5) Reasons for selecting Padhiyarka as site for plant.
- (6) Procedure of obtaining place for plant.
- (7) Legal approvals required for establishing the project.
- (8) Expenses incurred for the project till date.
- (9) Situation of project under establishment as on now.
- (10) Calculation of compensating the reduction of water storing capacity of Samdhiyada dam.

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- (11) Effects of environment.
- (12) Details of mining activity for digging of proposed limestone.
- (13) Hydrology of mining lease area.
- (14) Details of steps taken for stopping the ingress of sea water into the mining lease area.
- (15) Employment opportunities for project.
- (16) Procedure of social – economic development.
- (17) Opinion dated 18/7/09 of Nirma regarding report of NEERI (Appendix-‘T’)
- (18) Opinion dated 18/7/09 of Nirma regarding report of NCCBM (Appendix-‘R’)

6 Site visit of the Committee:

The members of the Committee alongwith invited experts and Collector, Bhavnagar visited Mahuva on date 6/6/09 and performed the following activities.

- (1) Site inspection of Samdhiyada dam (8.30 a.m. to 11.30 a.m.)
- (2) Site visit of cement plant of Nirma Ltd. at village Padhiyarka (11.30 a.m. to 12.30 p.m.)
- (3) Hearing of submission makers (2.30 p.m. to 6.30 p.m.)

At the time of visit of Samdhiyada dam, made discussion with Officers of Salinity Department and experts of Agriculture Department and requested the Director (Agriculture) to produce report

of the study of agriculture benefits and quality of water due to the dam.

The Committee was to give personal hearing to complaints of public and elected representatives with regard to the activities to be done. Accordingly, hearing programme was arranged at Circuit House, Mahuva for public of project area for making submissions.

6.1 Method of hearing:

Prior to the date of meeting with Committee, Collector, Bhavnagar published a public notice (Appendix-'F') stating that the representatives of public and any other who wants to make submissions shall make their submissions in group of 10 persons.

The office of Mamlatdar, Mahuva recorded the groups of 10 persons each seeking to make their submissions. Accordingly, total 76 groups were recorded. At the initial stage, groupwise submissions were heard wherein 18 groups had made their submissions. MLA Shri Kanubhai Kalsariya was heard and during the discussion with him, Committee was informed that around 500 to 600 persons of affected villages are still to be heard. Therefore, the members of the Committee agreed to hear the submissions of all the remaining groups together. Remaining all the groups were heard together in which Dr. Kanubhai Kalsariya and other public representatives had made their

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submissions. Thereafter, the Chairman of the Committee gave introduction of experts of the committee.

Groupwise submissions were heard in which MLA Dr. Kanubhai Kalsariya (Mahuva), MLA Smt. Bhavnaben R. Makwana (55-Talaja), Taluka Panchayat President, Mahuva, Members of Mahuva Taluka Panchayat, Members of District Panchayat, Sarpanchs of affected villages, representatives of business societies, representative societies of social institutions, representatives of political parties and village persons of Padhiyarka, Mandhiya, Dodiya, Dudheri, Wangar, Samdhiyada, Kalsar, Naip, Gujarda, Neswad, Bildi, Kumbhan, Bhadroad etc. had made their submissions. List of submission makers and submissions (Appendix-'G') are attached.

6.2 Main issues of submissions during public hearing:

- (1) Around 57 groups having leadership of Hon'ble MLA made submissions in group in which groups stating that the land of Samdhiyada dam shall not be allotted for industrial purpose of project submitted that, for balancing the water stock, by digging 3 meters in dam, sea water from the bottom will ingress into the dam and the water stored in dam will be made saline, agriculture will be badly affected. After doing mining work of limestone in mining lease area, sea water due to ingress will get

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collected in area of mines and therefore, water of surrounding wells will become saline and agriculture will be affected badly. Over and above the Samdhiyada dam, water for agriculture during three seasons is going to be available from Malan, Nikol and Kalsar dams and therefore, the land of this area is going to be a greenbelt. Economic condition of farmers will improve markedly whereas if lands of these areas are used in mines of limestone then there will be a reduction of 4000 hectares of agricultural lands. Along with that cattles as well as animals will also be affected. For these reasons, land of Samdhiyada dam given to Nirma Ltd. For cement and other projects should be taken back. There being probable increase in agriculture produce due to dam and there being possible loss to earnings of farmers due to mining, land of mining also should not be allotted. Farmers should be allowed to take benefits of the dam and cement factory should not be allowed to be established in this area. In the said common submissions, considering the above aspects, main issue was that process of establishing cement factory by Nirma Ltd. should be stopped. Thus, considering the submissions made before the Committee, it was the process of submissions same as the submission by MLA Dr. Kalsariya at Gandhinagar. (Appendix-'I')

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(2) At the initial stage groupwise submissions were heard by the Committee in which 18 groups had made submissions out of which 14 groups had made submissions favouring the cement plant in which MLA Talaja, Members of District / Taluka Panchayat, Members of Mahuva Urban Development Committee as well as Sarpanch and village persons of certain affected villages were included. It was also the submission of these groups that previously also one cement project was to be established but could not be established because of certain objections and therefore, development of this area is halted. Production of onion and cotton being major in these areas, projects of onion dehydration and ginning are established. But no big industries are established. In these circumstances, if industry based on local available mineral is established then only there are possibilities of employment opportunities. Limestone being available in these areas, by establishing cement industry, direct or indirect employment on large scale can be raised. Due to cement industry, mining, transportation and ancillary industries will generate employment and Mahuva Port will also develop. Thus, considering the probable employment opportunities, development of area etc., establishment of cement project was supported.

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Further, it was submitted that villagers of these area have to go to other areas for employment and also have to take their children alongwith them because of which children are deprived of education. But on arrival of cement plant, local employment will be generated and there being arrangement of local education, children will be able to study.

7.0 Technical Opinions:

7.1 WAPCOS LTD., (GOI undertaking), (Appendix-'O')

Before giving consent for allotting 222 hectors of land from part of Samdhiyada water body (Constructed), irrigation department had made a scheme to compensate for decrease in water storage capacity of the dam to the tune of 21 million cubic foot and had also planned approach channel and link channel for water coming from catchment area and has obtained consent from Nirma Ltd. to act as per the said scheme at its own cost. The Indian Government Institution 'Wapcos Ltd.' was given the job for technical testing of this scheme. The report issued by this institution is produced at **Appendix-'O'**. As mentioned in the report, for balancing the reduction of storing capacity, if digging work keeping R.L. of maximum 2.40 meters is done then there is no possibility of saline sea

water coming in the dam and by digging to this much of depth, storing capacity to the tune of further 21.23 million cubic foot will increase.

In these circumstances, a fear presumed by Hon'ble MLA and public that by balancing water stock by digging in dam, salinity will enter in sweet water of dam, which does not get support technically. As per the technical opinion of 'Wapcos Limited', there is no possibility of increase in salinity in dam.

7.2 Submerged and beneficial village area of the part of dam coming under the LOI of Nirma factory and mining area.

Sr.No.	Name of Dam	Village	Factory Area Hectar	Area under LOI of mining
01	Samdhiyada	Dodiya	58-07-26	105-00-00
		Wangar	--	27-00-00
		Padhiyarka	163-98-98	90-00-00
02	Kalsar and	Kalsar	--	91-99-87
	Nikol	Naip	--	28-25-38

- (1) The beneficial area of 120.25.25 hectares of villages Kalsar and Naip under the Kalsar and Nikol dams comes under the LOI which is very far at a distance of 25 kms from the factory. The

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Committee believes that this area shall be deducted from the LOI so that beneficiary area of this dam is not affected.

- (2) There are beneficiary villages Dodiya, Padhiyarka and Wangar of Samdhiyada dam whose total beneficial area is 500 hectares in which 350 hectar is to be irrigated by recharge and 150 hectar is going to be irrigated by lift. Most of the lands of these villages is covered under LOI for which Nirma will have to willingly purchase the lands from farmers as per their wish. Government will not acquire these lands.
- (3) Most of the villages of Madhiya, Dudheri, Dudhada-1 and Gujarda are covered under the mining LOI. But lands of these villages do not come under the beneficial area of any of the existing dams.

7.3 Director, Agriculture (Agriculture Expert):- (Appendix-‘P’)

The Director, Agriculture (Agriculture Expert) has prepared a report after study of probable effects of limestone mining over agriculture, survey, testing of samples of water-land, information from various institutions after mining restoration, which is as under.

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No Land of Private Land holder / agriculturist is included in the factory area therefore, there is no possibility of agriculture of that area getting affected. Out of the total 3460 hectares of mining area under the LOI, 2871 hectares of area is of the private land holders / agriculturists. The said lands will have to be purchased by Nirma for mining purpose according to the owners' wish. Government will not have to acquire this land. If the farmers think it proper they can sell this land to Nirma under the existing law of the State.

- In the villages of this area, crops of mainly cotton, groundnut, maize, wheat, onion and cattle fodder are obtained and considering the agricultural pattern of last ten years, production of cotton, wheat and onion/vegetables has increased.
- As per the report of sample of land of villages / water, extent of salinity in the land of village Dodiya is acceptable. Whereas extent of salinity in the lands of Padhiyarka and Wangar villages being more, it is harmful for the crops. Further, salinity level being high in irrigation water, it is normally not worth for irrigation.
- There has been reduction in cultivation of groundnut in Dodiya,

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whereas increase in cultivation of cotton, wheat and onion crop has been noticed. Increase noticed in irrigation in last five years is mainly due to the water of well. Whereas out of the above villages, only in village Dodiya 23 hectares have been irrigated by lifting method (in the year 2004).

- Thus, water level has risen normally because of the dam. But there is no definite improvement in the quality of the water.
- As per the agriculture pattern of Naip and Kalsar villages, area of irrigation has increased. The extent of salinity in the land of Kalsar is acceptable whereas in Naip it is upto the harmful extent.
- During the last five years, there has been average increase of irrigation in these villages. Main cultivation is during the monsoon season. Still however, in some of the areas, crops are being obtained in winter and summer with the help of water from well.
- As per the report of Soil Testing Laboratory of Agriculture Department, Bhavnagar, extent of salinity in water of Padhiyarka, Wangar, Madhiya and Naip villages is found to be upto harmful level.

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- In order to examine the effects on stock and quality of water from wells of surrounding areas because of well, every year in the months of October and May, data base is being prepared after taking samples. Looking to the details of results of 2008-09 as compared to 2000-01 regarding the wells coming under the Samdhiyada dam area, it is apparent that
 - (a) Water level in the month of October has come up to 2.6 meter, which is minimum 0.70 meter and maximum 6.70 meters. Whereas results of TDS (Total Soluble Salt) of wells show that salinity has decreased in 8 wells whereas it has increased in 5 wells. Whereas
 - (b) Looking the results of the month of May, water level has increased upto average 5.5 meters which is minimum 2.90 meters and maximum 10.10 meters. Whereas results of TDS (Total Soluble Salt) show that salinity has decreased in 10 wells and it has increased in 9 wells.

Thus, because of the dam the water level in the wells has increased but there is no apparent improvement in the quality of the water.

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- As per the analysis report of samples of water of well taken in June-2009, salinity level in water of most of the wells being high, it is not worthy for irrigation.
- Agriculture oriented land will not remain in mining area after mining work. But water reservoirs can be erected in such area. If reservoir is filled after harvesting the water then land of surrounding areas can be made worth irrigation and alternative activities like animal husbandry, fisheries, plantation etc.. Still however, it depends on the availability of mineral in the land that can be mined.

7.4 NCCBM (Appendix-'Q')

The technical report of M/s. National Council for Cement and Building Materials (NCCBM) was obtained regarding establishment of cement plant of different capacity by M/s. Nirma Ltd in 168 hectares of land remaining after deduction of 100 hectares of submerged land from total land allotted to Nirma i.e. 222 hectares.

The opinion was asked regarding cement plant of the capacity of 1.91 million ton, 50 Mega Watt Power Plant and coke-oven plant having yearly capacity of 1.5 lakh ton and various alternatives of its

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future expansion as planned by M/s. Nirma Ltd.. In response to which, NCCBM gave the following opinions.

- After shifting road, school and power line, cement plant having yearly capacity of 1.91 million ton and 50 Mega Watt power plant is possible in area of 168.00.00 hectar.
- The lay-out is prepared as having railway side power plant in the north, main plant in the centre and materials storage room in the below portion.
- As per the opinion of NCCBM, to establish the clinker plant and 50 Mega Watt power plant in first stage. In order that capacity can be increased to 3 million ton in future, clinker grinding unit shall be erected in nearby centres viz. Ahmedabad, Mumbai where consumption of cement is more.

NCCBM, New Delhi in order to establish the proposed plant in 168 hectares of land lying with M/s. Nirma Ltd. after deducting 100 hectares land of Samdhiyada dam, as per the study of alternative schemes, has made alternate request to M/s. Nirma Ltd. to make the capacity of first stage to 3 million ton instead of 1.5 million ton clinker. In addition thereto, it has also recommended to establish

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clinker grinding plant wherever there is market for final products of cement and possibility of C-Transportation in Gujarat and other States. This being a major change, M/s. Nirma Ltd. has denied to accept the same because with reference to the financial arrangements for project, raising of experience and other facilities, they after starting with 1.5 million ton at first stage want to take it to 6.0 million ton stage wise. Over and above that, Company has clarified that there being chances of direct effect on financial capacity of the project by change in plan lay-out, it is really difficult to implement the request because the project with the proposed request can only be established after purchasing land for proposed railway line and after removing existing electricity line, water pipeline, school etc. which will halt the entire project for a considerable period of time. (Reply of Nirma Appendix-'R')

7.5 NEERI, Nagpur (Appendix-'S')

The technical report of M/s. National Environmental Engineering Research Institute, Nagpur (NEERI) regarding steps to be taken for prevention of environment in the area under L.O.I. of mining lease of M/s. Nirma Ltd., preventions of salinity ingress and restoration of mining area and for international regulations in this regard, was obtained.

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NEERI, Nagpur has given the report after analysis of primary report of mining plan allowed by Indian Bureau of Mines and environment impact and management plan, regarding the mining lease area of M/s. Nirma Ltd. as per the guidelines of permission of Ministry of Environment and Forests. In the said report, Company has to include the aspects noted in environment clearance report of EIA/EMP.

As stated by NEERI, the aspects of R and R plan especially the prevention of salinity ingress and restoration of mining area, for environment clearance, shall be prepared as per the requirements of Ministry of Environment and Forests.

M/s. Nirma Ltd. Has to fill up the data gap on this aspect before going to MOEF for clearance.

8.0 Opportunities of development of industry based on limestone:-

Natural property of limestone is available under the sea surface from Gopnath, Taluka Talaja, District Bhavnagar upto Okha, District Jamnagar, out of this approximate area of 2700 sq.kms. it is possible

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that approximate 4545 ton can be available (produced at Appendix- 'V'. From this stock of limestone, production capacity of approximately 75 million ton of cement can be established. Out of this, in this area capacity of 14.60 million ton is established whereas 6 industries have taken on hand the procedure for establishing the capacity of 26 million ton. Thus, still there is ample opportunity of establishing additional 34 million ton of capacity which may increase in future, the SDP of the State to the tune of Rs.24,000 Crore.

The State Government has given priority to the development of small port areas of the sea shores of Saurashtra. Considering the fact that because of development of these ports, transportation business on Saurashtra sea area is developing and therefore, it is equally important for the State Government to promote the mineral based industries. As per the idea of direct or indirect employment given by M/s. Nirma Ltd. through its technical consultant, 9500 employment opportunities are likely to be raised. The direct employment includes the employment attached with production and mining whereas indirect employment will include employment arising out of transport used for transportation of raw material and finished material, employment arising out of repairing and maintenance of vehicles, hotel restaurant, selling of essential commodities required for livelihood etc.. It may

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arise stage wise therefore, if the half the average of estimated employment is taken into calculation then also, there are 5000 employment opportunities in plant of 1.5 million ton capacity. In this context, in future on the entire sea belt, approximately 2,00,000 persons may get direct or indirect employment through limestone based projects. Looking to the existing employment standards in this sea area, very rare employment opportunities are available other than the agriculture. In agriculture also, most of the crops being of monsoon season, employment restricted to only one season is available. In these circumstances, if local mineral based industries are established then it is favourable that employment opportunities for local public will be generated.

There is a presumption that in the above stated limestone belt, only from 600 sq.kms of area of Mahuva / Talaja area, 800 million ton of limestone is likely to be obtained and accordingly cement plant of capacity of 13 million ton can be erected. Nearby Pipvav port is developing rapidly and a committee has been appointed by Gujarat Maritime Board for starting Mahuva Port. Over and above that, procedure to upgrade the Bhavnagar Port is taken on hand. In these circumstances, there are sufficient chances of export and transportation to other States, for the cement industries getting established in this area, which cannot be overlooked.

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Thus, if the cement industry is developed on this sea belt then there are ample local employment opportunities and because of that there are chances that financial development of this area gets enhanced. So, in this context, along with development of limestone based industries, the industrialist will have to follow the legal provisions regarding environment for maintenance of environment.

9.0 Conclusions of Committee:

Considering the submissions of Hon'ble MLA, submissions of representatives of public, submission of M/s. Nirma Ltd., various technical opinions and procedures done by various departments, Committee has reached to following conclusion.

1. With reference to the submission of Hon'ble MLA regarding the inclusion of Technical Experts, Committee is empowered by the provisions of Government Resolution to take help of experts. Accordingly, for questions regarding agriculture, Director, Agriculture is included as an expert of agricultural field. Over and above, with regard to technical issues raised in submissions, opinions of established technical institutions have been obtained.

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2. The scheme of Irrigation Department about increasing the depth in certain areas of dam for balancing the water storing capacity of dam which has reduced because of allotment of part of land of submerged area of Samdhiyada dam to Industrial Department and for transporting the water from catchment area to the dam, has been certified to be just and proper by the technical institution of Government of India, "Wapcos Limited", Gandhinagar. Further, the institution has stated that by digging upto the depth of 2.4 meter R.L. at the noted place in dam area, there is no possibility of sea water ingress in dam from the bottom and by making depth in proposed area, storing capacity can be increased upto 21.23 million cubic foot.

3. As per the study of Director (Agriculture), water level of wells of surrounding areas have increased due to Nikol, Kalsar and Samdhiyada dams. There is change in cultivation of crops, cultivation area has increased but no considerable improvement in reduction of salinity of water of wells has been noted. Over and above that, through lift irrigation, maximum 23 hectares of land is irrigated at village Dodiya, which as compared to planned area of 150 hectare of dam is only 15%.

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Land of no private land holder / farmer is included in the factory area so, there is no possibility of agriculture getting affected in that area. Out of the 3460 hectar area of mining under LOI, 2871 hectar area is of the private land holder / farmers which Nirma has to purchase from the private farmers as per their willingness. Government will not have to acquire these lands. If the farmers think it proper then they may sell these lands to Nirma as per the existing rules of the State.

4. As per the primary report of NEERI for mining area, M/s. Nirma Ltd. have to conduct the procedure. It is the opinion of the Committee that maintenance of environment should be done as MOEF guidelines as well as EIA/EMP compliance and suggested by NEERY on following points.
 - (1) Prevention of salinity ingress
 - (2) Restoration of mines area
 - (3) R and R Plan (Rehabilitation and Resettlement Plan)

5. Committee recommends to include the study in EIA Report about threat to existence of various wild animals in mining area. It is hereby instructed to include this issue in the public hearing with regard to environment.

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6. As stated in para 7.2, 120 hectares of mining lease area of Kalsar and Naip village, the principle approval of which has been granted, is away from the plant of Nirma Ltd. And it being small as compared to the area, if it is cancelled then there is no chance of arising of reduction in capacity of plant to be established.

7. Considering the availability of limestone in sea belt area of Saurashtra and development of small ports, there are ample opportunities of transportation and export of cement to other States, which cannot be overlooked. Thus, if cement industry is developed on this sea belt then there are ample opportunities of local employment and as a result there are circumstances that may lead to fast development of this area. So, in this context, along with development of cement industry, newly establishing industries will have to follow the legal provisions of prevention of environment. In past there had come opportunity of establishing cement industry but because of local objection the said industry was shifted to other place Kodinar / Rajula area. Committee has also noted the industrial development in talukas of Kodinar and Rajula.

compared to direct employment and considering the fact that financial condition of surrounding areas also get improved, the Committee recommends for establishment of cement industry. So, it instructs the industries to strictly follow the legal provisions of prevention of environment alongwith the establishment of industries.

9. Committee recommends to make arrangement so that sweet water can be stored against the sea water ingress into mines because of mining work in mining area. By doing this, the salinity proportion in wells of this area will reduce and there are possibilities of increase in fertility of remaining land of mining area.

10. As a result of study conducted by the Committee, it submits the following three alternatives for consideration of Cabinet Committee of the Government.

(A) Alternative of establishing cement plant in 268 hectar area as per the submission of M/s. Nirma Ltd.

Following are the conclusions of the Committee with regard to alternative of establishing cement plant in 268 hectares of area.

Wapcos Ltd. has given the technical opinion that there will not be any major change with regard to water storing

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capacity and salinity ingress by this plant. Advocate General has given legal opinion that water body is not notified as water body. Considering the opinion of Director (Agriculture) with regard to crops, quality of water and irrigation, agriculture would not be affected by the land of factory. Agriculture in lands of private land holders of 2,871 hectares of land out of 3460 hectares of mining area will be affected. But the concerned farmers will have to willingly sell the land to M/s. Nirma Ltd.. Company will have to follow the conditions of MOEF Environment Clearance obtained for the plant, for prevention of environment. MOEF Clearance is pending for mining area. The conditions that may be imposed in that will have to be followed by the Company. Over and above that, NEERI will have to fill the deficiencies shown in its report.

But, 100 hectar land of submerged area of Samdhiyada dam does not get open by this alternative therefore, public agitation is likely to continue. Feeling of public satisfaction for project does not arise with the help of this alternative. S.C.A. No.3477/2009 filed by Shri Mahuva Dam Agricultural Environment Protection Committee in Hon'ble Gujarat High Court is pending.

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- (B) Alternative suggested by Nirma Company to establish cement plant in remaining 214 hectar area after deducting 54.295 hectar area from 268 hectar area

M/s. Nirma Ltd. has shown consent for establishing cement plant on remaining part of land after deducting 54.295 hectar land out of the allotted 268 hectar land which is attached with area of dam, as a result of which construction of cement plant can be done on the decided place. As also balancing the water storing area, area that of original area can be maintained.

100 hectar land of submerged area of Samdhiyada dam does not get open by this alternative. By giving back of 54.295 hectar area by the company, surrounding farmers will not have any benefit because on all its three sides there is plant and mining lease area of M/s. Nirma Ltd.. So, in future this area will be useful for the company itself. Further, the main issue in Special C.A. filed before the Hon'ble Gujarat High Court is of reservoir which will continue.

- (C) Alternative suggested by NCCBM to establish the cement plant in 168 hectar area:-

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Renowned institution like NCCBM, after detailed study, has given technical opinion to establish plant in 168 hectar area after deducting 100 hectar area.

Nirma Ltd. has shown its incapability to accept this alternative because financial arrangements for project, raising of experience and other facilities, they after starting with 1.5 million ton at first stage want to take it to 6.0 million ton stage wise. Over and above that, Company has clarified that there being chances of direct effect on financial capacity of the project by change in plan lay-out, it is really difficult to implement the request because the project with the proposed request can only be established after purchasing land for noted railway line and after removing existing electricity line, water pipeline, school etc. which will halt the entire project for a considerable period of time.

Committee believes that considering the alternative given by renowned institution like NCCBM, company can start the plant of 1.5 million ton at first stage and because of that naturally public objections will decrease and there are possible chances for the company to get land willingly for mining purpose. The entire agitation against the project and the present

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public feelings for Samdhiyada dam will also get reduced. NCCBM after examining all aspects have given its opinion. It also requires to be taken into consideration that there is no mention with regard to coke oven plant in the land given by the Collector, Bhavnagar. So, Company shall think to establish the coke oven plant near soda ash project of Nirma Ltd..

Out of these alternatives, whichever is decided, the principle approval which has been granted for 120 hectar area of Naip / Kalsar under the mining lease, is recommended to be cancelled as shown in the conclusions above.

Committee is thankful to other experts viz. Director (Agriculture), Wapcos Ltd., NEERI and NCCBM, who after their technical studies, in very short time have given their reports.

Respectfully submitted to Cabinet Committee for deciding any one out of these three alternatives or any new alternative.

Sd/- (S.K. Shelat) Chairman	Sd/- (S.L. Meena) Member	Sd/- (Sujit Gulati) Compiler	Sd/- (Vinay Vyas) CGM
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Sd/- (S.G. Desai) Member	Sd/- (A.B. Panchal) Member	Sd/- (K.N. Patel) Member
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