



सत्यमेव जयते

File No: 455384/09-MINB2/12-2023

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Environment Impact Assessment Authority(SEIAA),
ODISHA)



Dated 22/03/2024



To,

Ghanshyam Das Agarwal
GHANSHYAM AGARWAL
UDIT NAGAR, ROURKELA , SUNDARGARH, ODISHA, , 769012
ecupurdasandbed@gmail.com

Subject: Grant of EC under the provision of the EIA Notification 2006-regarding.

Sir/Madam,

This is in reference to your application for Grant of EC under the provision of the EIA Notification 2006-regarding in respect of project Proposal for expansion of EC Upurda Sand Bed of an area 12.355 acres or 5.00 hectares Upurda village under Bonai tahasil of Sundargarh district,Odisha submitted to Ministry vide proposal number SIA/OR/MIN/455384/2023 dated 15/12/2023.

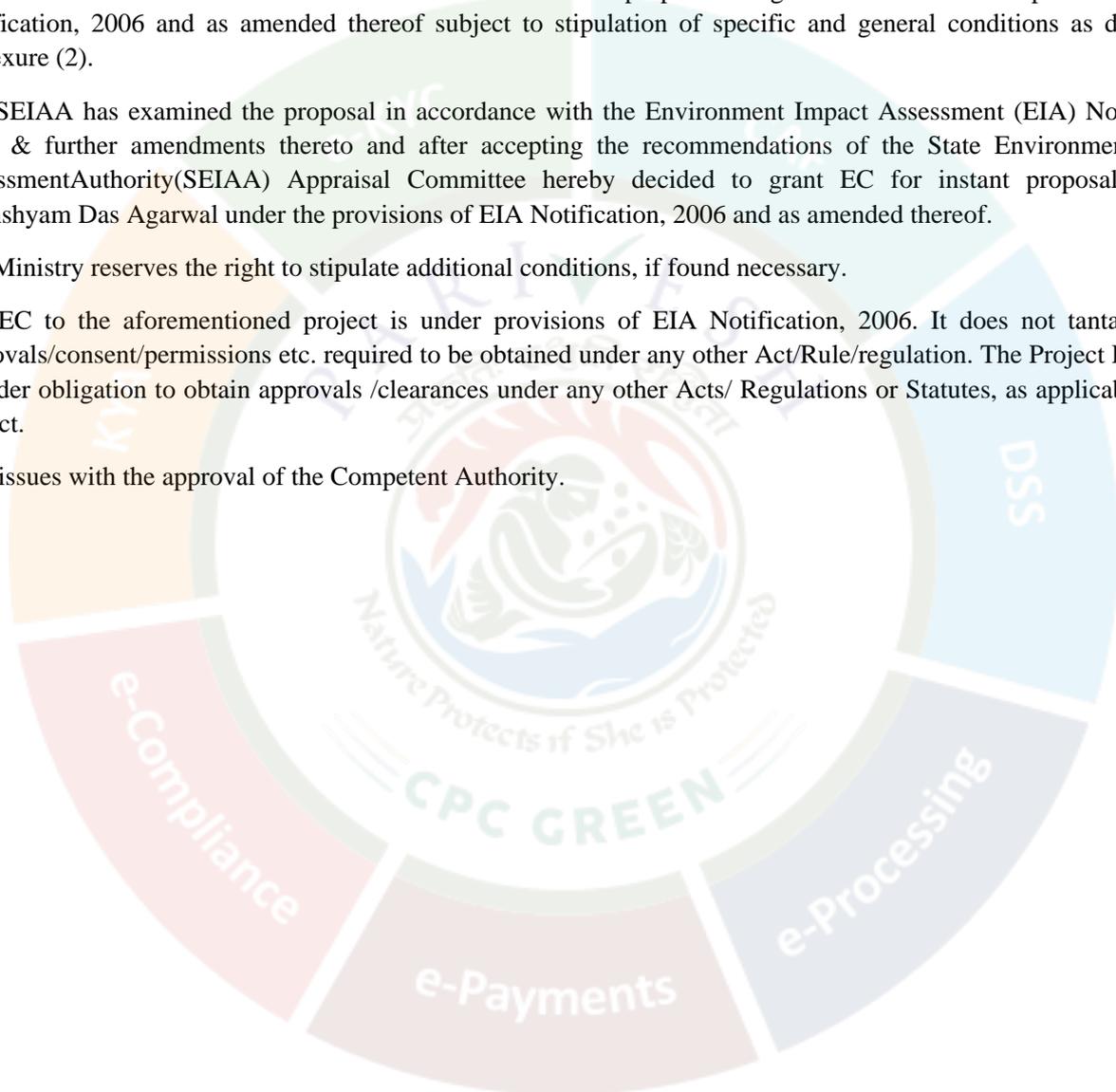
2. The particulars of the proposal are as below :

(i) EC Identification No.	
(ii) File No.	455384/09-MINB2/12-2023
(iii) Clearance Type	EC
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vii) Name of Project	Proposal for expansion of EC Upurda Sand Bed of an area 12.355 acres or 5.00 hectares Upurda village under Bonai tahasil of Sundargarh district,Odisha
(viii) Name of Company/Organization	GHANSHYAM AGARWAL
(ix) Location of Project (District, State)	SUNDARGARH, ODISHA
(x) Issuing Authority	SEIAA
(xii) Applicability of General Conditions	no
(xiii) Applicability of Specific Conditions	no

3. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-1(Part A and B) were submitted to the Ministry for an appraisal by the State Environment Impact Assessment Authority(SEIAA) Appraisal

Committee (SEIAA) in the Ministry under the provision of EIA notification 2006 and its subsequent amendments.

4. The above-mentioned proposal has been considered by State Environment Impact Assessment Authority (SEIAA) Appraisal Committee of SEIAA in the meeting held on 06/03/2024. The minutes of the meeting and all the Application and documents submitted [(viz. Form-1 Part A, Part B, Part C EIA, EMP)] are available on PARIVESH portal which can be accessed by scanning the QR Code above.
5. The brief about configuration of plant/equipment, products and byproducts and salient features of the project along with environment settings, as submitted by the Project proponent in Form-1 (Part A, B and C)/EIA & EMP Reports/presented during SEIAA are annexed to this EC as Annexure (1).
6. The SEIAA, in its meeting held on 06/03/2024, based on information & clarifications provided by the project proponent and after detailed deliberations recommended the proposal for grant of EC under the provision of EIA Notification, 2006 and as amended thereof subject to stipulation of specific and general conditions as detailed in Annexure (2).
7. The SEIAA has examined the proposal in accordance with the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and after accepting the recommendations of the State Environment Impact Assessment Authority (SEIAA) Appraisal Committee hereby decided to grant EC for instant proposal of M/s. Ghanshyam Das Agarwal under the provisions of EIA Notification, 2006 and as amended thereof.
8. The Ministry reserves the right to stipulate additional conditions, if found necessary.
9. The EC to the aforementioned project is under provisions of EIA Notification, 2006. It does not tantamount to approvals/consent/permissions etc. required to be obtained under any other Act/Rule/regulation. The Project Proponent is under obligation to obtain approvals /clearances under any other Acts/ Regulations or Statutes, as applicable, to the project.
10. This issues with the approval of the Competent Authority.





ENVIRONMENTAL CLEARANCE FOR SAND MINING

Subject: Application of Sri Ghanshyam Agarwal for extraction of Sand from Upurda Sand Bed of an area 12.355 acres or 5.00 hectares Upurda village under Bonai Tahasil of Sundargarh District, Odisha -Environmental Clearance (EC)-Reg.

The project proponent Sri Ghanshyam Agarwal, the successful bidder/lessee has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MOEF&CC, GOI vide online application no. SIA/OR/MIN/455384/2023 dated 15.12.2023 for mining of Sand from Upurda Sand Bed of an area 12.355 acres or 5.00 hectares upurda village under Bonai tahasil of Sundargarh district, Odisha.

2. Proposal in brief:

Proposal No.	SIA/OR/MIN/455384/2023
Date of application	15.12.2023
File No.	455384/09-MINB2/12-2023
Project Type	Expansion of EC proposal
Category	B2
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for EC mining of sand from Upurda Sand Bed of an area 12.355 acres or 5.00 hectares upurda village under Bonai Tahasil of Sundargarh district, Odisha.
Name of the company/Organization	Sri Ghanshyam Agarwal
Location of Project	Upurda village under Bonai tahasil of Sundargarh district, Odisha
ToR Date	N/A
Name of the Consultant	N/A

3. Project details: The highlights of the project, as ascertained from the application and as revealed from the proceedings/discussions held during the meetings of SEAC/SEIAA, are given as under:

- (i). This is a proposal for mining of sand from Upurda Sand Bed of an area 12.355 acres or 5.00 hectares upurda village under Bonai tahasil of Sundargarh district, Odisha.
- (ii). The mining area is a part of Survey of India Toposheet No. F45N13 and is bounded between the Latitude - 21 0 47'55.02"N to 21 0 48'12.78"N and longitudes of 84°58'03.15"E to 84°58'06.91"E.



- (iii). The mining lease is an identified sairat source in the DSR. The Upurda Sand Bed sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Bonai to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- (iv). Documents submitted: -Form-1, PFR, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Tahasildar, topo map etc.
- (v). Whether submitted KML file of the lease area-Yes
- (vi). Whether submitted scrutiny fee-Yes of Rs. 2000/- vide e Challan Reference Id no. 31DF3523E6 dt. 08.07.2021
- (vii). Distance from nearest sanctuary/ESZ- Ushakothi WLS-80.0 Km
- (viii). Whether the lease area coming in DLC report-No N/A
- (ix). Whether the lease area reflecting in DSR-Yes
- (x). Method of mining-Manual
- (xi). River-Brahamani, Depth of sand deposition-1.0 meter, depth mining as per approved mining plan-1.0 meter
- (xii). Distance from nearest road bridge-5.0 km, village road -0.30 km
- (xiii). Whether it is part of cluster -No.
- (xiv). Whether EC obtained earlier-Yes, by SEIAA, Odisha, vide letter no.9563/SEIAA dt. 04.11.2020 an submitted EC compliance but not satisfactory. EC amended vide letter no. 5392/SEIAA dt. 02.09.2022 and allowed 2nd year production 20000 cum provisionally.
- (xv). Date of approval of Modified mining plan- the Joint Director of Geology, Zonal Survey, Sambalpur vide letter no.765 dt.18.06.2021.
- (xvi). Production capacity per annum-40000 cum/annum (max.), total production in 5 years period-100000 cum, Geological reserve-50000 cum and Mineable reserve-40644 cum
- (xvii). ARRS report submitted by RQP with mentioned that 20322 cum of sand replenished and proposed production is 40000 cum/annum.
- (xviii). The EMP budget provision of Rs. 1.20 Lakh/annum
- (xix). The DSR has not been prepared as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining guidelines-2016 and Enforcement & Monitoring Guideline for sand mining-2020 and as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others).
- (xx). The cluster certificate has been furnished by the Tahasildar certifying that there are no other quarries coming within the radius of 500meter of the proposed quarry. Hence it is not coming cluster proposal.
- (xxi). The project proponent has also not furnished the width of the river, nor the alignment of the extraction path for sand transportation.



4. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha.
5. The proposal was placed in the SEAC meeting held on The Proposal was placed in the SEAC meeting held on 30.01.2024 and The SEAC decided **to reject the proposal for following reasons:**
 - i) The proposal was for expansion in production quantity of sand from 20000 to 40000 as per Replenishment study report and Modified Mining Plan.
 - ii) Modified mining plan has been approved basing on the replenishment study report. But the replenishment study report has not been prepared in accordance with prescribed guidelines and the report does not contain the required data of R.L.s, common safe minable area and average depth of deposit.
6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 159th meeting held on 04.03.2024 & 06.03.2024 in accordance with the EIA Notification, 2006 and further amendments thereto as well as the Judgement dated 2nd February, 2022 of Hon'ble National Green Tribunal in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore).
7. **Environmental Clearance (EC) is granted under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for mining of Sand from Upurda Sand Bed of an area 12.355 acres or 5.00 hectares upurda village under Bonai tahasil of Sundargarh district, Odisha with the following stipulations, environmental conditions and safeguards.**

A: Stipulations:

Sl.	Descriptions	Stipulation
(i)	Lease Area:	12.355 Acres or 5.00 Ha.
(ii)	No Mining Zone:	(i). The PP shall maintain safety and stability of Riverbanks i.e. 3 meter or 10% of river width whichever is more for protection of river bank and (ii). 7.5-meter safety zone from all side of lease boundary. (iii). No stream should be diverted for the purpose of sand mining. No natural water course and/ or water resources are obstructed due to mining operations.
(iii)	Maximum Depth of Mining:	1.0 meter as per the approved mining plan
(iv)	Method of Mining:	Manual as per approved mining plan



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
(Protection) Act, 1986

(v)	Permitted Quantity:	4 th year production quantity- 20000 cum (In absence of ARRS report, the Authority allowed EC for extraction of the same quantity of sand 20000 cum for the 4 th year which was allowed earlier EC letter on adhoc manner)
(vi)	Validity Period of EC:	The validity of EC is for 4 th year or validity of DSR or validity of lease period whichever is earlier.
(vii)	ARRS report	PP shall submit Annual rate of replenishment study (ARRS) report through NABET Consultant or ORSAC empanel agency by 31st March 2025 and submit to SEIAA, Odisha.

B: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED WITH BY THE TAHASILDAR/MINING OFFICER BEFORE LEASE AGREEMENT:

- 7.1 **Boundary Demarcation:** - The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.
- 7.2 **Digital Map:** -A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar/Mining Officer shall be submitted to SEIAA, Odisha through email at seiaaodisha@gmail.com.
- 7.3 **Intimation of EC:** - The copies of the EC shall be sent to the Sarpanch (s) of the concerned Gram Panchayat (s), Urban Local Bodies and relevant other Offices of the Government with a request to display the same for 30 days from the date of receipt.
- 7.4 **Tree Plantation:** - Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs.2,50,000/- with the respective District Environment Society for raising 500 plants of native species within 2 years in a suitable location adjoining to quarry.
- 7.5 **State EMF Fund:** - An amount equal to five percent (5%) of the royalty payable shall be collected from the lessee by the Tahasildar/ Mining Officer and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.
- 7.6 **Condition by Collector:** - Any other condition(s) the Collector & Chairman, District Environment Impact Assessment Authority (DEIAA), may impose in the interest of protection and safeguarding the local environment.



- 7.7 **Compliance report for Transfer of EC:** - Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar/ Mining Officer concerned of the above environmental conditions and safeguards.
- C: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT**
- 7.8 **Maximum permissible depth:** This Environmental Clearance is given with the condition that maximum depth of digging of sand shall be 1.0 m as per mining plan. Any flouting of this restriction shall make this EC liable to cancellation.
- 7.9 **Maximum permissible quantity:** Maximum quantity of material is permitted to remove from the quarry area for the 4th year **2000 cum** only. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 7.10 **Annual Replenishment Rate Study of Sand:** -The Project Proponent shall carry out Annual Rate of Replenishment study of sand by ORSAC empanel agency or NABET Consultant as per prescribed drone method of MoEF & CC, Govt. of India by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the actual rate of replenishment of mined out sand in the lease area. PP shall carry out Annual Rate of Replenishment Study (ARRS) through ORSAC empanel agency in every year and submit the report to SEIAA, Odisha during submission of EC compliance with attaching real-time geo-coordinating photographs both pre and post monsoon data collection time.
- 7.11 **District Survey Report:** The District Survey Report (DSR) shall be prepared by the competent District Authority as per the MoEF & CC, Govt. of India Notification S.O.3611(E) dated 25.07.2018, Sustainable Sand Mining Guidelines-2016, Enforcement & Monitoring Guidelines for Sand Mining-2020 and also as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others) submitted to competent authority for approval.
- 7.12 **EC Extension:** - Any further extension of EC beyond two years shall be considered only with submission of duly approved District Survey Report and Annual Replenishment Rate Study report of sand.

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- 7.13 **Any change in mining plan requires fresh EC:** - Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of sand from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 7.14 **Environmental Management Plan:** EMP shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed in EMP. The PP will implement the EMP with a budgetary allocation of Rs.1.20 Lakh/annum. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar/ Mining Officer shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- 7.15 **Common Forum for EMP:-** All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar/ Mining Officer and contribute funds to it for grading, compaction and maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity.
- 7.16 **No Working Zone:** - The lessee shall ensure that no sand mining is carried out in the areas as specified below: -
- During the rainy season;
 - Within the water channel or stream flow area throughout the year;
 - Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
 - The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non-monsoon period.
 - No stream shall be diverted for the purpose of sand mining and no natural water course shall be obstructed.
 - Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.



- g) The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.

7.16 Transport Safeguards:

- a) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
- b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project.
- c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- d) Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar/ Mining Officer may collect an appropriate additional road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- f) Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.

7.17 Other Environmental Conditions: -The Project Proponent shall follow all the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 for this sand mining project.

- a) The Tahasildar/ Mining Officer shall take adequate measures to prevent unauthorized mining;
- b) The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source;
- c) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- d) At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.

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- 7.18 **Half-yearly Compliance Report:** -It shall be mandatory for the project management to submit half yearly compliance reports on the status of implementation of the above stipulated environmental. The project authority mandatory to upload the compliance report of EC conditions including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions. No hard copy and soft copy required to submit to SEIAA, Odisha, failing which EC is liable to be revoked.
- 7.19 **Concomitant Monitoring:** - The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar/mining officer, who shall ensure compliance of the stipulated conditions and take corrective measures promptly in case of any non-compliance and also ensure that the project proponent submits half yearly compliance reports.
- 7.20 **Independent Monitoring:** -The concerned Regional Office of the MoEF & CC/SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 7.21 **Revocation of EC:** - The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.22 **Change in Ownership of Lease:** - This EC shall not be transferred without the permission of SEIAA, Odisha. The Tahasildar/ Mining Officer shall inform the SEIAA of any change in ownership of the mining lease. No mining is allowed without transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 7.23 **Basis of Permitted Quantity:** - It is made clear that the EC granted is on adhoc basis as the applicant has not submitted the approved District Survey Report (DSR) or Annual Replenishment Rate Study Report (ARRS). In the absence of approved District Survey Report (DSR) the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report (Refer Para: 4.3 (r) of the Enforcement & Monitoring Guidelines for Sand Mining issued in January, 2020 by the Ministry of Environment, Forest and Climate change). The permitted quantity in the 1st year has been calculated on the basis of 60% mine lease area or quantity mentioned in the Mining Plan, whichever is less. Further in the absence of approved Annual Replenishment Rate Study Report an annual replenishment rate of @25% of the 1st year quantity is allowed for 2nd year w.r.t Order dated 02.02.2022 of the Hon'ble NGT in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore). Further amendment to the permitted quantity in the 2nd year shall be considered on submission of duly approved ARRS.



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

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statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment (Protection) Act, 1986

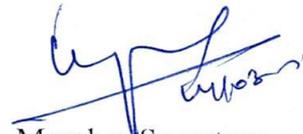
8. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
9. This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court and Hon'ble NGT as may be applicable.
10. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours Faithfully,


Member Secretary

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Sundargarh / DFO, Sundargarh /Sub Collector, Sundargarh and Tahasildar, Bonai /Mining Officer, Sundargarh for Information and necessary action with specific reference to para in respect of year wise permitted quantity.
7. Guard file for record/Website/Parivesh Portal.


Member Secretary