



सत्यमेव जयते

File No.: 23-116/2018-IA.III(V)
Government of India
Ministry of Environment, Forest and Climate Change
IA Division



Dated 31/07/2023



To,
Abdul Trumboo
KHYBERINDUSTRIES
Khayam road, Nowpora, Srinagar, J& K , Tulpow, SRINAGAR, JAMMU AND KASHMIR, , 190001
khyberindu@gmail.com

Subject: Amendment in prior Terms of Reference (ToR) granted to the project under the provision of the EIA Notification 2006 and as amended thereof regarding.

Sir/Madam,
This is in reference to your application submitted to Ministry vide proposal number IA/JK/MIN/428722/2023 dated 09/05/2023 for grant of an amendment in prior Terms of Reference (ToR) to the project under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) ToR Identification No.	TO23A0000JK5793625A
(ii) File No.	23-116/2018-IA.III(V)
(iii) Clearance Type	Amendment in ToR
(iv) Category	A
(v) Schedule No./ Project Activity	1(a) Mining of minerals
(vi) Sector	Non-Coal Mining
(vii) Name of Project	ToR Amendment - Expansion of Tulpow Limestone Mine in 61.10 ha with production capacity from 3,80,000 TPA to 7,00,000 TPA by M/s Khyber Industries Private Limited located at Tulpow, vill. Khunmoh, Srinagar, Jammu & Kashmir.
(ix) Location of Project (District, State)	SRINAGAR, JAMMU AND KASHMIR
(x) Issuing Authority	MoEF&CC
(xi) ToR Date	31/07/2023
(xii) Applicability of General Conditions	Yes

1. 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 Expert Appraisal Committee (EAC) in the Ministry under the provision of EIA notification 2006 and its subsequent amendments.

2. The above-mentioned proposal has been considered by EAC in the meeting held on 11/07/2023. The minutes of the meeting and all the project documents are available on PARIVESH portal which can be accessed by scanning the QR Code above.
3. The brief about the reasons for an amendment requested and comparison table, as submitted by the Project Proponent in Form-1 (Part A and B) and presented during EAC are annexed to this letter as Annexure (1) and Annexure (2), respectively along with the observations of EAC.
4. The EAC, in its meeting held on 11/07/2023, based on information & clarifications provided by the project proponent and after detailed deliberations recommended the proposal for grant of amendment in Terms of Reference under the provision of EIA Notification, 2006 and as amended thereof.
5. This issues with the approval of the Competent Authority

Annexure 1

Specific Terms of Reference for (Mining of minerals)

1. Miscellaneous

Sr. No	Terms of Reference
1.1	All other terms and conditions mentioned in the ToR letter dated 28.12.2020 shall remain unchanged.
1.2	A Cumulative Impact Assessment be also carried out keeping in mind the presence of other mining activity in the vicinity and providing for adequate green belt and dust control pollution device.

2. Mining Plan

Sr. No	Terms of Reference
2.1	The Project Proponent needs to submit the approved Mining Plan for the reduced area of 61.10 ha at the time of submission of EC proposal.

3. Public hearing

Sr. No	Terms of Reference
3.1	Activity-wise time-bound action plan on the issues raised and commitment made during public hearing to be submitted as part of the final EMP Report in compliance of the Ministry's OM F.No.22-65/2017-IA.III dated 30 th September, 2020.

4. Risk and Disaster

Sr. No	Terms of Reference
4.1	As the project is located in Seismic Zone-V, the Project Proponent needs to submit the risk assessment and disaster management plan with specific reference to seismic zone.

5. EC Compliance

Sr. No	Terms of Reference
5.1	The Project Proponent needs to submit the Certified Compliance Report as per Ministry's OM dated 08.06.2022 at the time of appraisal of EC.

6. Wildlife

Sr. No	Terms of Reference
6.1	The Ministry may seek comments from the Wildlife Division regarding the applicability of the Wildlife Protection Act (1972) in the Union Territory of Jammu & Kashmir before and after the abrogation of article 370 and Jammu & Kashmir Reorganization Act 2019.
6.2	The Project Proponent needs to submit the action plan for movement of wildlife in the study area and the mitigation measures to prevent the impact due to mining activity.

7. Violation

Sr. No	Terms of Reference
7.1	The Project Proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
7.2	Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
7.3	Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
7.4	The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
7.5	The Project Proponent shall give an undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. before grant of ToR/ EC. The undertaking inter-alia include commitment of the PP not to repeat any such

Sr. No	Terms of Reference
	violation in future.
7.6	In case of violation of above undertaking, the ToR/Environmental Clearance shall be liable to be terminated forthwith.
7.7	The State Government/SPCB to take action against the Project Proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate for expansion project to be issued till the project is granted EC for the expansion.

Annexure 2

Amendment Logs

Description	Reference	Existing	Proposed / Amendment	Reason
NA	NA	NA	NA	NA

Copy To

1. **The Secretary**, Ministry of Mines, Government of India, ShastriBhawan, New Delhi-110 001.
2. **The Secretary**, Department of Mines & Geology, Government of Jammu & Kashmir, Secretariat, Srinagar/Jammu.
3. **The Secretary**, Department of Environment, Government of Jammu & Kashmir, Secretariat, Srinagar/Jammu.
4. **The Chief Wildlife Warden**, Government of Jammu & Kashmir, Secretariat, Srinagar/Jammu.
5. **The Dy. Director General of Forests (C)**, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Jammu IWDP Complex, Gladin, Narwal, Near J&K Pollution Control Board, Jammu - 180006.
6. **The Chairman**, Central Pollution Control Board, PariveshBhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
7. **The Member Secretary**, Central Ground Water Authority, 18/11, Jam Nagar House, Man Singh Road, New Delhi-110011.
8. **The Member Secretary**, Jammu and Kashmir Pollution Control Board, PariveshBhawan, Forest Complex, Gladni, Narwal, Transport Nagar, Jammu, Jammu and Kashmir 180004.
9. **The Controller General**, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur-440 001.
10. **The District Collector**, Srinagar District, Government of Jammu & Kashmir.
11. **Guard File.**
12. **Parivesh portal.**

The details of the project as ascertained from the documents submitted by the Project Proponent and as revealed from the discussions held during the meeting are given as under:

- i. The proposed project activity is listed at schedule no. 1(a) Mining of Minerals and the Project Proponent has submitted that the instant proposal attracts the general conditions as the Dachigam National Park is located at a distance of 1.1 km, N from the mine lease area.
- ii. The Project Proponent has obtained the Terms of Reference (ToR) vide ToRLr.No. 23-116/2018-IA.III(V) dated 28.12.2020 for expansion of Tulpow Limestone Mine in 77.96 ha with production capacity from 3,80,000 TPA to 7,00,000 TPA located at Tulpow, Vill. Khunmoh, Srinagar, Jammu & Kashmir under Violation.
- iii. Now, the Project Proponent has requested for amendment in Terms of Reference (ToR) dated 28.12.2020 w.r.t. change in mine lease area 77.96 ha to 61.10 ha and also change in production capacity from 6,71,874 TPA to 7,00,000 TPA.
- iv. The Project Proponent has submitted that the project site falls within 1.1 km from the boundary of Dachigum National Park. As per communication received from Office of Wildlife Warden, Central Division, J&K, vide letter noWLWC/Esstt/2020-21/773-77 dated 21.07.2020, the mining activity was prohibited within onekilometer from the boundary of Dachigam National Park. The mining activity was stopped in the prohibited area of 10.87 ha of mining lease area. An area of 16.86 ha including the prohibited area and the safety barrier was surrendered and hence the mine lease area was reduced from 77.96 ha to 61.10 ha. NOC has been obtained from the Forest Dept, Government of Jammu & Kashmir vide letter no. CFS/2022-23/lease/CFS/2022/450 dated 01.08.2022 stating that the lease area falls outside demarcated Forest Area as defined in the Indian Forest Act of 1927. Further, the Project Proponent has submitted that the proposal for obtaining Wildlife Clearance has been submitted vide online proposal no: FP/JK/MIN/5358/2020, dated 18/09/2020.
- v. The Project Proponent has submitted that the Government of Jammu and Kashmir (UT), Directorate of Geology and Mining, Jammu vide Order no. 756/MCC/DGM/Khy/4318-22 dated 26.08.2022 sanctioned the order for surrender of part area of 16.86 hectares (Limestone mine at Village Khonmuh Block, Tulpow Tehsil and District Srinagar) out of the total leased area of 0.7796 sq.km (77.96 hectares) granted vide Government Order No. 369-Ind of 1983 dated 19.12.1983 in favour of M/s Khyber Industries Pvt Ltd, renewed vide Government Order No.144-Ind of 2004 dated 18.06.2004 read with Corrigendum issued under endorsement No. Ind/83-MNG/82-II dated 25.10.2004 and further

extended vide Government Order No. 167-Ind of 2017 dated 30.06.2017 at Village Khonmuh, Block Tulpow, District Srinagar under Khasra No. 2601 & 2608 in terms of Rule-21 of the Minerals (other than Atomic and Hydro Carbon Energy Minerals) Concession Rules, 2016. The Site Plan for the revised area of 61.10 hectares of Tulpow Limestone Mine forms following Geo-coordinates:- "(A=34°4'35.00"N, 74°58'25.12"E, B=34°4'35.14"N, 74°58'11.97"E, C1=34°5'02.47"N 74°58'12.51"E, C2=34°5'09.84"N, 74°58'27.56"E, D1=34°5'14.73"N, 74°58'42.36"E, E=34°4' 49.66"N, 74°58'41.86"E, F=34°4'49.87"N, 74° 58' 25.51 " E)".

- vi. The Project Proponent also submitted that the Indian Bureau of Mines, Dehradun vide File.No: 614(2)/MP-B-178/2002-DDN dated 28.01.2022 approved the Review and updation of Mining Plan with Progressive Mine Closure Plan (PMCP) of Tulpow Limestone mine over an area of 77.96 ha for the production capacity of 7,00,000 TPA for the period 2022-23 to 2026-27.

3. Observation and Recommendation of the EAC: -

The Project Proponent/Consultant informed the EAC that the instant proposal is for amendment in ToR dated 28.12.2020 w.r.t. change in mine lease area 77.96 ha to 61.10 ha and for change in production capacity of Limestone from 6,71,874 TPA to 7,00,000 TPA. The Project Proponent also informed the EAC that the ToR dated 28.12.2020 was granted under Ministry's Notification dated 14.03.2017.

The EAC asked the Project Proponent to show the lease document showing the reduced mine lease area of 61.10 ha. The Project Proponent informed the EAC that the Government of Jammu and Kashmir (UT), Directorate of Geology and Mining, Jammu vide order dated 26.08.2022 sanctioned the order for surrender of part area of 16.86 hectares (Limestone mine at Village Khonmuh Block, Tulpow Tehsil and District Srinagar) out of the total leased area of 0.7796 sq.km (77.96 hectares) granted vide Government Order No. 369-Ind of 1983 dated 19.12.1983 in favour of M/s Khyber Industries Pvt Ltd, renewed vide Government Order No.144-Ind of 2004 dated 18.06.2004 read with Corrigendum issued under endorsement No. Ind/83-MNG/82-II dated 25.10.2004 and further extended vide Government Order No. 167-Ind of 2017 dated 30.06.2017 at Village Khonmuh, Block Tulpow, District Srinagar under Khasra No. 2601 & 2608 in terms of Rule-21 of the Minerals (other than Atomic and Hydro Carbon Energy Minerals) Concession Rules, 2016. The Project Proponent also shown the site plan for the revised area of 61.10 hectares of Tulpow Limestone Mine with Geo-coordinates.

Further, the Project Proponent informed the EAC that the Review and updation of Mining Plan with along with Progressive Mine Closure Plan (PMCP) was approved by Indian Bureau of Mines vide letter dated 28.01.2022 for the production capacity of 7,00,000 TPA over an area of 77.96 ha for the period 2022-23 to 2026-27. The EAC observed that the mine lease area is 77.96 ha in approved mining plan dated 28.01.2022 and hence the EAC asked the Project Proponent to modify the mining plan for the reduced area of 61.10 ha and shall submit the same at the time of submission of EC proposal. Based on the above discussions, the EAC

recommended the proposal for amendment in Terms of Reference dated 28.12.2020 w.r.t. change in mine lease area 77.96 ha to 61.10 ha and change in production capacity of Limestone from 6,71,874 TPA to 7,00,000 TPA for Tuplow Limestone mine of M/s Khyber Industries Private Limited, located at Tulpow, Vill. Khunmoh, Srinagar, Jammu & Kashmir along with the additional conditions.

