

F. No. J-11011/992/2007- IA II (I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi-110 003
Tele/fax: 011- 2436 3973
E-mail:-plahujarai@yahoo.com
Dated: 15th March, 2011.

To

M/s Nirma Ltd.
Nirma House, Ashram Road
Ahmedabad -38009, Gujarat

E-Mail : vndesai@nirma.co.in / cement_project@nirma.co.in.
Fax No.: 079-27546999

Sub: Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 for permanent suspension of work and revocation of the environmental clearance regarding the Cement Plant (Cement Plant 1.91 MTPA; 1.50 Clinker), Coke Oven Plant (1.5 LTPA) and Captive Power Plant (50 MW) near Village Padhiarka, Taluka Mahuva, District Bhavnagar, Gujarat by M/s Nirma Ltd.

Ref: Your Response dated 12.03.2011

Dear Sir,

In response to your letter dated the 12.03.2011, and without prejudice to the proceedings before the Hon'ble Supreme Court of India, we have the following observations to make:

The Show Cause notice dated 11.03.2011 is predicated on the findings of the Expert Appraisal Committee in its meeting held on the 22nd and 23rd of February 2011, which reached conclusions on findings that have emerged post a site visit by a team of the MoEF. Your attention is once again directed to those findings. The findings are not being reiterated here for the sake of brevity and to avoid repetition. However, for the removal of doubts and to clarify the intent behind the same, we would like to place on record our observations with regard to the following:

[I] Irreversible Damage to the Wetland:

It is stated that continuation of the work at this juncture will result in grave damage to the environment which would be irreversible. Given that the EAC has further identified the site as a wetland, the need for the protection of its integrity becomes even more urgent.

[II] Sufficient opportunity of hearing granted:

We place on record our objection to the argument that there has been a violation of natural justice. The notice dated 11.03.2011 clearly states that you will be given an **opportunity to file your objections, in addition to which a hearing may also be allowed if you so desire.**

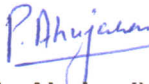
It may also be pointed out that you were granted a hearing before the EAC as well.

If you do not take immediate action to comply with the Show Cause Notice then we shall be constrained to take said dereliction into account when deciding upon whether to make the closure notice permanent.

We reiterate our directions contained in our letter dated 11.03.2011 and instruct you once again to cease and desist from taking any actions at the site pending a final resolution by the Ministry of Environment and Forests.

We await your detailed reply on merits on the issues raised in the Show Cause notice dated 11.03.2011.

Yours faithfully,



(Dr. P. L. Ahujara)

Scientist 'F'