

## BEFORE THE NATIONAL GREEN TRIBUNAL

## SOUTHERN ZONE, CHENNAI

Application Nos.114 of 2017 (SZ)

In the matter of

M/s. Gem Granites  
Rep. by its Partner  
S. R. Asaithambi  
No.78, Cathedral Road  
Chennai – 86

.. Applicant

Vs

1.Ministry of Environment, Forest and Climate Change  
Rep. by its Secretary to Government  
Union of India, New Delhi – 110 003

2. State Level Environment Impact Assessment Authority  
Rep. by its Member Secretary, Chennai

3. Department of Geology and Mines  
Rep. by its Commissioner  
Guindy, Chennai – 32

.. Respondents

Counsel appearing for the applicants

Mr. Manoj Pandian, Senior Counsel  
for Mr. Abdul Saleem

Counsel appearing for the respondents

For respondent Nos.1 &amp; 2 .. Mr. Gokul Krishnan

For respondent No.3 .. Mr. E. Manoharan  
Addl. Govt. Pleader

## O R D E R

Present

Hon'ble Shri Justice Dr. P. Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

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22<sup>nd</sup> May, 2017  
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Whether judgment is allowed to be published on the Internet .. Yes/No

Whether judgment is to be published in the All India NGT Reporter .. Yes/No

We have heard the learned counsel appearing for the applicant. Mr. Gokul Krishnan is directed to take notice for the respondents 1 and 2 and Mr. E. Manoharan is directed to take notice for the 3<sup>rd</sup> respondent.

2. The applicant who is stated to be an exporter of granite and carrying on the activity of excavation of granite, has filed this application for a direction against the 2<sup>nd</sup> respondent – State Level Environment Impact Assessment Authority (SEIAA) for the grant of Environmental Clearance (EC) pursuant to the recommendation of State Expert Appraisal Committee (SEAC). Based on the application stated to have been made by the applicant on 5.1.2016, it appears that the SEAC has been directed to inspect and to give its recommendations.

3. In the 78<sup>th</sup> and 79<sup>th</sup> meetings of the SEAC dated 23.7.2016 and 6.8.2016/8.8.2016 respectively, the SEAC has considered the proposal of the applicant and recommended to the SEIAA for the grant of EC, subject to certain additional conditions. On a reference to the minutes of the above said meetings, it is clear that the proposal of the applicant was considered by the SEAC and recommendation has been made to the 3<sup>rd</sup> respondent for the issuance of EC, subject to various conditions.

4. The grievance of the applicant is that inspite of such recommendation having been given in July/August, 2016, the SEIAA has not passed any order. It is not in dispute that for some time there was no Chairman to the SEIAA and that may be the reason for SEIAA for not considering the application and now that the Chairman has been appointed. However, in view of the recommendations made by the SEAC

on 23.7.2016 and 6.8.2016/8.8.2016 and without expressing any opinion on the merits of the matter, we direct the 2<sup>nd</sup> respondent to consider various proposals made by the applicant for excavation of granite relating to different survey numbers in the light of the recommendations made by SEAC on merits and in accordance with law and pass appropriate orders expeditiously, in any event within four weeks from the date of receipt of the copy of this order.

With the above direction, the application is disposed of. There shall be no order as to cost.

Justice Dr.P.Jyothimani

Judicial Member

Shri P.S.Rao

Expert Member

NGT