

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application Nos.139 & 140 of 2017 (SZ)

In the matter of
Application No.139 of 2017

M/s. Gem Granites
Rep. by its Partner
S.R.Asaithambi
Chennai

.. Applicant

Application.No.140 of 2017

M/s. Imperial Granites Pvt. Ltd
Rep. by its Director
S.R.Asaithambi
Chennai

.. Applicant

Vs.

1. Ministry of Environment, Forest & Climate
Change, rep. by its Secretary to Government
Union of India, New Delhi

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

3. Department of Geology & Mines
rep. by its Commissioner, Chennai

.. Respondents
(in both)

Counsel appearing for the applicants

M/s. Abdul Saleem, S. Saravanan

Counsel appearing for the respondents

For respondent No.2 .. Mr. Gokul Krishnan

O R D E R

Present

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

11th July, 2017

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

In our order dated 22.5.2017 passed in Application No.114 of 2017 we have directed the State Level Environment Impact Assessment Authority (SEIAA), the 2nd respondent therein, to consider the various proposals stated to have been made by the applicant therein for granting Environmental Clearance (EC) in respect of different survey numbers for excavation of granite in the light of the recommendations made by SEAC on merits and in accordance with law.

2. Complaining that inspite of the said direction, the SEIAA has not granted EC and closed the applications, the present applications have been filed for a direction against SEIAA to consider the representations made by the applicants on 15.6.2017 in the light of our order dated 22.5.2017 and also to direct the SEIAA to grant (EC) pursuant to the recommendations of SEAC to the applicants' units. The applicants have also prayed for a direction against the 3rd respondent – Commissioner of Geology and Mines to issue permits till the disposal of the applications for the grant of EC.

3. When the matter came up for admission, without admitting the applications, we have directed Mr. Gokul Krishnan, learned counsel appearing for SEIAA, to take notice and find out as to whether the applications have been made by the applicants for the grant of EC before the cut-off date viz., 31.3.2016. The reason is that the Principal Bench of the National Green Tribunal in the order dated 4.5.2016 passed in O.A.No.34 of 2016 has directed to shut down all the units like that of the applicants who have not submitted their application for EC as on 31.3.2016 either to SEIAA or DEIAA. We have directed the learned counsel appearing for SEIAA to find out as to whether the applicants in respect of

various proposals have submitted their applications within the time prescribed by the Principal Bench.

4. It is the case of the applicants that in respect of the following 16 proposals

Sl. No	Quarry Site	Survey No	Extent	EC proposals submitted to the SEIAA thro'online	Status of the proposal of environmental clearance	Meeting held on
1	Panchapalli Village, Palacode Taluk, Dharmapuri District	261/4 ETC	8.56.5	18.12.2015	SEIAA-TN/F.No.4807/2015 Dt.05.01.2016	23.07.2016
2	D.Goundanur Village Sankari Taluk, Salem District	74/1B	4.37.0	18.12.2015	SEIAA-TN/F.No.4808/2015 Dt.05.01.2016	23.07.2016
3	Kakkambadi Village Yercaud Taluk, Salem District	3/1, 3/2 & 4	3.20.5	18.12.2015	SEIAA-TN/F.No.4811/2015 Dt.05.01.2016	23.07.2016
4	Pazhavalam Village, Gingee Taluk, Villupuram District	75/11& 12	9.02.0	25.12.2015	SEIAA-TN/F.No.5522/2016 Dt.11.07.2016	06.08.2016
5	Madakkal Village, Denkanikottai Taluk, Krishnagiri District	669/1A etc	11.19.5	25.12.2015	SEIAA-TN/F.No.5569/2016 Dt.22.07.2016	08.08.2016
6	D Goundanur Village Sankari Taluk, Salem District	25/2B etc	2.71.0	08.02.2016	SEIAA-TN/F.No.5519/2016 Dt.11.07.2016	06.08.2016
7	Karandapalli (K1) Village, Denkanikottai Taluk, Krishnagiri Dist	139/5	4.80.0	12.01.2016	SEIAA-TN/F.No.5564/2016 Dt.22.07.2016	08.08.2016
8	Karandapalli (K2) Village, Denkanikottai Taluk, Krishnagiri Dist	21/1	3.31.5	12.01.2016	SEIAA-TN/F.No.5568/2016 Dt.22.07.2016	08.08.2016
9	Palayankottai (P1) Village, Denkanikottai Taluk, Krishnagir Dist	444/6	0.92.5	12.01.2016	SEIAA-TN/F.No.5567/2016 Dt.22.07.2016	08.08.2016
10	D. Goundanur Village Sankari Taluk, Salem District	104/part	1.77.0	12.01.2016	SEIAA-TN/F.No.5516/2016 Dt.11.07.2016	08.08.2016
11	D. Goundanur Village Sankari Taluk, Salem District	106/1	4.87.0	12.01.2016	SEIAA-TN/F.No.5512/2016 Dt.11.07.2016	08.08.2016
12	Puligunda, Krishnagiri Taluk & District	540/1	2.77.5	18.12.2015	SEIAA-TN/F.No.4809/2015 Dt.5.01.2016	23.07.2016
13	Thevoor, Sankari Taluk Salem District	483	4.64.5	25.12.2015	SEIAA-TN/F.No.5518/	08.08.2016

					2016 Dt.11.07.2016	
14	Arasiramani, Sankari Taluk, Salem District	498	3.94.0	25.12.2015	SEIAA-TN/F.No.5520/2016 Dt.11.07.2016	08.08.2016
15	Arasira mani, Sankari Taluk, Salem District	549/2 etc	1.69.5	25.12.2015	SEIAA-TN/F.No.5523/2016 Dt.11.07.2016	08.08.2016
16	Arasiramani, Sankari Taluk, Salem District	569/1 etc	4.83.0	25.12.2015	SEIAA-TN/F.No.5517/2016 Dt.11.07.2016	08.08.2016

they have submitted their applications on-line before the cut-off date viz., 31.3.2016.

5. Today, the learned counsel appearing for SEIAA has submitted a Note based on our direction. From the Note, it is clear that two projects of the project proponent viz., M/s. Gem Granites and M/s. Imperial Granites Pvt. Ltd., have submitted their applications seeking EC and the said proposals were placed before the 78th and 79th meeting of SEAC held on 22.7.2016 and 8.8.2016 for appraisal and the SEAC has recommended the projects, subject to the following conditions:

i. The Assistant/Deputy Director, Department of Geology & Mining shall ensure that the proponent has engaged the blaster with valid Blasting license/certificate obtained from the competent authority before execution of mining lease.

ii. The proponent shall furnish the Baseline data covering the Air, Water, Noise and land environment quality for the proposed quarry site before execution of mining lease.

iii. The proponent shall erect the pillars in accordance with the Rules for depicting GPS details in the earmarked boundary of the quarry site to monitor electronically before execution of mining.

iv. The Proponent has to carry out the Resistivity survey through authorized experts/institutes for Ground water table land based on the report, the Assistant/Deputy Director of Department of Geology & Mining shall ensure that the depth of mining shall be restricted as per the MMCR, 1959 before execution of the mining lease.

v. The proponent has to provide insurance protection to the workers in the case of existing mining or provide the affidavit in case of fresh lease before execution of mining lease.

vi. Permission may be obtained from the competent authority for using heavy earth machineries wherever required.”

6. In respect of all the 16 proposals the SEAC has made the following recommendations, as it is seen in the Note submitted by the learned counsel appearing for SEIAA:

S.No	File No	Site Address	SEAC Recommendations
1	5519	25/2B, 26/2B & 33/3 Devannagounanaur Village, Sankari Taluk, Salem	Recommended subject to condition and Adequacy of dumping site proposed in the lease area
2	5569	669/1A,2A,670/1,2,3 etc Madakkal, Denkanikottai Krishnagiri	Recommended subject to condition and also on receipt of acknowledgement copy obtained for NBWL. And the proponent shall submit the affidavit stating that the interim court order is valid till date
3	5512	4/4B, 2/3, 52/4,52/5,52/6 52 etc Vengamur & Anumanthapuram Village Villupuram	Recommended subject to condition
4	5516	104(P) Devannagoundana Nur Village, Sankari Taluk Salem	Recommended subject to condition
5	5567	444/6 (P) Palayamkottai Denkanikottai Krishnagiri	Recommended subject to condition and also on Receipt of acknowledgement copy obtained for NBWL
6	4807	S.F.No.261/4, 262/ 1 etc Panjapalli Village Palacode Taluk Dharmapuri	Recommended subject to condition that the PP has to furnish the photocopies of tree plantation and receipt of NBWL acknowledgement copy
7	4808	S.F.No.74/1B,74/2B,91/1 Devannagoundanur Village,SankariT,aluk, Salem	Recommended subject to condition that the PP has to klfurnish 1.Photocopies of 130 no. of tree plantation 2.Since no tree plantation has been done for lthe kpast 7 years, the PP has to lgive Rs.3.0 lakhs to the District Collector for tree plantation in the forest land and lreceipt to be submitted. 3.Details of the CSR activities. 4.Address the adverse impact due to mining on the habitation in the downsides
8	4811	S.F.No.3/1,3/2 & 4/1 Kakkambadi Village Yercaud Taluk, Salem	Recommended subject to condition that the PP ha to furnish 1.Photocopies of 130 no. of tree plantation 2.Since no tree plantation has been done for the past 7 years, the PP has to give Rs.3.0 lakhs to the District Collector for tree plantation in the forest lan and receipt to be submitted. 3.Deteails of the SR activities 4.Address the adverse impact due to mining on the habitation in the downsides
9	5522	75/11,75/12 Pazhavalam Village Gingee Taluk, Villupuram	Recommended subject to condition and adequacy of ldumping site proposed in the lease area
10	5564	139/5 (P) Karandapalli Denkanikottai,Krishnagiri	Recommended subject to lcondition and also on receipt of acknowledgement copy obtained for NBWL
11	5568	521/1, Karandapalli Denkanikottai,Krishnagiri	Recommended subject to condition and also on receipt of acknowledgement copy obtained for NBWL
12	4809	S.F.No.540/1 Puligunda Village Krishnagiri Taluk Krishnagiri	Recommended subject to lcondition that the PP has to furnish the details of SR activities carried out
13	5517	569/1,2,3,4,5,7,8 etc	Recommended subject to condition

		Arasiramani Bit – II Village Sankari Taluk Salem	
14	5518	483, Thevoor Village Sankari Taluk, Salem	Recommended subject to condition
15	5520	498, Arasiramani Bit – II Village, Sankari Taluk, Salem	Recommended subject to condition
16	5523	549/2,3,4 & 5 Arasiramani Bit I- II Village, Sankari Taluk Salem	Recommended subject to condition

7. However, it is the case of SEIAA that the applications for grant of EC were received after the cut-off date viz., 31.3.2016. The particulars given in respect of 16 units are as follows:

Sl. No	File No	Name & address of The proponent	Type of activity	Site address	Date of receipt	Letter sent Regarding 14.03.2017 Notification
1	5519	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Multi Colour granite	25/2B,26/2B & 33/3,Devannago unanaur Village, Sankari Taluk Salem	11.07.16	11.05.17
2	5569	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Multi Colour granite	669/1A, 2A, 670/1, 2,3 etc Madakkal, Denkanikottai Krishnagiri	22.07.16	11.05.17
3	5512	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Black Granite	4/, 4/B,2/3,52/4, 52/5, 52/6,52 Etc Vengamur & Anumanthapuram Village, Villapuram	11.07.16	11.05.17
4	5516	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Multi Colour Granite	104(P) Devannagoundanaur Village Sankari Taluk Salem	11.07.16	12.05.17
5	5567	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Black Granite (Dolerite)	444/6 (P) Palayamottai Denkanikottai Krishnagiri	22.07.16	12.05.17
6	4807	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Black Granite	S.F.No.261/4, 262/1 etc Panjapalli Village Palacode Taluk Dharmapuri	05.01.16	15.05.17
7	4808	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Multi Coloured Granite Quarry	S.F.No.74/1B, 74/2B, 91/1 Devannagoudanur Village, Sankari Taluk, Salem	05.01.16	15.05.17
8	4811	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Black Granite	S.F.No.3/1,3/2 & 4/1, Kakkambadi	05.01.16	15.05.17

				Village, Yercaud Taluk, Salem		
9	5522	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Black Granite	75/11,75/12 Pazhavalam Village, Gingee Taluk Villupuram	11.07.16	15.05.17
10	5564	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Black Granite (Dolerite)	139/5(P) Karandapalli Denkanikottai Krishnagiri	22.07.16	15.05.17
11	5568	M/s.Gem Granites No.78, Cathedral Road, Chennai - 86	Black Granite (Dolerite)	521/1 Karandapalli Denkanikottai Krishnagiri	22.07.16	15.05.17
12	4809	M/s.Imperial Granites (P) Ltd No.76, Cathedral Road,Chennai-86	Black Granite	S.F.No.540/1 Puligunda Village Krishnagiri Taluk	05.01.16	15.05.17
13	5517	M/s.Imperial Granites (P) Ltd No.76, Cathedral Road,Chennai-86	Multi Colour Granite	569/1,2,3,4,5,7, 8,9,10,11,17(P), 570/3A,3B,3C, 577/2 & 4 Arasiraani Bit – II Village, Sankari Taluk, Salem	11.07.16	10.05.17
14	5518	M/s.Imperial Granites (P) Ltd No.76, Cathedral Road,Chennai-86	Multi Colour Granite	483,Thevoor Village, Sankari Taluk, Salem	11.07.16	13.05.17
15	5520	M/s.Imperial Granites (P) Ltd No.76, Cathedral Road,Chennai-86	Multi Colour Granite	498,Arasiramani Bit –II Village, Sankari Taluk Salem	11.07.16	15.05.17
16	5523	M/s.Imperial Granites (P) Ltd No.76, Cathedral Road,Chennai-86	Multi Colour Granite	549/2,3,4&5 Arasiramani Bit – II Village, Sankari Taluk Salem	11.07.16	15.05.2017

8. According to SEIAA for the Sl.Nos.6, 7, 8 and 12 in respect of S.F.No.261/4, 262/1 etc., Panjapalli Village, Palacode Taluk, Dharmapuri, S.F.No.74/1B, 74/2B, 91/1, Devannagoundanur Village, Sankari Taluk Salem, S.F.No.3/1, 3/2 & 4/1 Kakkambadi Village, Yercaud Taluk, Salem and S.F.No.540/1, Puligunda Village, Krishnagiri Taluk the applications are received within the time stipulated by the Principal Bench and the remaining applications, according to the learned counsel appearing for SEIAA, are received after the cut-off date and therefore they were not considered.

9. On a perusal of the dates on which the applications were made regarding all the 16 proposals, it is clear that the applications were made on-line before 31.3.2016. Even though the learned counsel appearing for SEIAA would submit that the said applications were incomplete and defective and as certain conditions are to be complied with they were not considered, it is an admitted fact that those applications were not returned by SEIAA.

10. In such circumstances, we are unable to accept the contention of the learned counsel appearing for SEIAA that in respect of 12 (16-4) units the proposals applications were made beyond the cut-off date. Needless to state that in the light of the recommendations by SEAC, it is the duty of SEIAA to consider the applications on merits and pass orders. We make it clear that while passing orders, SEIAA shall impose all the conditions which are recommended by SEAC as stated in the Note submitted by the learned counsel appearing for SEIAA. The SEIAA shall pass orders in the light of the recommendations of SEAC within two weeks from the date of receipt of the copy of this order.

11. In respect of 3rd prayer, it is stated that the prayer relates to the grant of transport permit by the Department of Geology and Mines in respect of quarry which was already effected, we are of the considered view that this Tribunal cannot issue such order. It is always open to the applicants to approach the appropriate authority for necessary orders. We also make it clear that while imposing various conditions in the EC, the SEIAA shall also incorporate the conditions that in the event of failure of compliance of any of the conditions, it will be open to the SEIAA to cancel the EC.

Accordingly the applications stand ordered. No cost.

Justice Dr.P.Jyothimani
Judicial Member

Shri P.S.Rao
Expert Member



NGT