

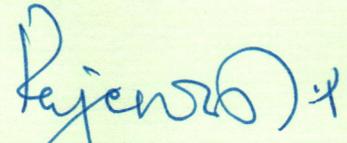
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
ORIGINAL APPLICATION NO.101 OF 2021**

C.R. Vijayakumar
S/o.M.C. Ranganathan
No.223/1, Bajanaikovil Street
Unamancheri, Chennai-600127

...Applicant

Versus

1. The Member Secretary
State Level Environmental Impact
Assessment Authority, 3rd Floor
Panagal Maaligai, No.1, Jeenis Road
Saidapet, Chennai-600015
Email ID: mstnseiaa@yahoo.com,
Phone No.044-24359974.
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Padappai, Kancheepuram District – 602301.
Email ID: tnpcboraadam@gmail.com
Phone No.9884800236.
3. The District Collector
Collectorate, GST Road,
Chengalpattu District
Chengalpattu-603001.
Email ID: collr-cpt@nic.in
Phone No.044-27427412.
4. The Director
Geology and Mining Department
Industrial Estate, Guindy
Chennai-600032
Email.ID: geomine@nic.in,
Phone No.044-22501874
5. The Assistant Director
Geology and Mining Department
Kancheepuram-631501
Email ID:minekanchi@gmail.com
Phone No. 044-27237104.


DIRECTOR
DEPARTMENT OF ENVIRONMENT
CHENNAI - 600 015.

6. U.G.C. Aravind
 Unamancheri Village
 Kancheepuram District,
 Email.ID:ugc.arvind@gmail.com
 Phone No.9940651139.

... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF FIRST RESPONDENT -
SEIAA-TN

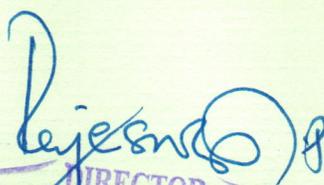
I, Tmt.Rajeswari.P, I.F.S., Director, Department of Environment, Government of Tamil Nadu having office at, Ground Floor, Panagal Maaligai, No1,Jeenis Road, Saidapet, Chennai-600015, do here by solemnly affirm and state as follows;

1. I respectfully submit that as per the G.O.(Ms)No:260 Environment and Forests (EC.3) dated: 15.12.2012 the Directorate of Environment is nominated to the function as the secretariat for the State Level Environment Impact Assessment Authority and State Level Expert Appraisal Committee from the date of issue of the order.
2. I respectfully submit that as per the Ministry of Environment, Forests and Climate Change, New Delhi Notification S.O.No.5651 (E), dated: 05.11.2018, the tenure of State Level Expert Appraisal Committee and State Level Environment Impact Assessment Authority - Tamil Nadu expired on 04.11.2021 on completion of three years.
3. I respectfully submit that I am filing counter affidavit on behalf of 1st Respondent herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
4. I respectfully submit that at the outset, I deny the averments stated in the application as false except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
5. I respectfully submit that, the Environmental Impact Assessment Notification, 2006 mandates prior Environmental Clearance (EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union


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Territory Environment Impact Assessment Authority (SEIAA). The proposal will be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal; Based on the recommendations of SEAC, the proposal is placed before the State Environment Impact Assessment Authority (SEIAA) for the consideration of issue of Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance is issued by the Authority.

6. I respectfully submit that, the project proponent Thiru.U.G.C.Aravind, Chennai District (6th Respondent) has submitted application to SEIAA TN on 07.06.2013 seeking Environmental Clearance for quarrying of Rough Stone over an extent of 1.77.50 Ha at S.F No.273/1, 319/1, 326/1A, 326/4, Unamancheri Village, Chengalpattu Taluk, Kancheepuram District.
7. I respectfully submit that the above said proposal was placed in the 41st meeting of State Level Expert Appraisal Committee (SEAC) held on 26.06.2013 & 27.06.2013 and the committee has recommended grant of Environmental Clearance for the said Rough Stone Quarry project.
8. I respectfully submit that the above said proposal was placed in the 81st Meeting of State Level Environment Impact Assessment Authority held on 18.07.2013 the authority has issued Environmental Clearance for quarrying operation production of 37411 Cu.m of rough stone & depth upto 30m vide this office Lr.No.SEIAA-TN/F.No.1339/EC/1(a)/594/2013,dated: 18.07.2013,subject to specific conditions viz., the environmental clearance will be coterminous with the mine lease period, however limited to a maximum period of 5 (five) Years from the date of issue.
9. I respectfully submit that the Hon'ble National Green Tribunal, Southern Zone Chennai in the matter of Original Application No.101 of 2021 vide order dated: 16.04.2021 has to appoint a Joint Committee comprising of (1) District Collector, Chengalpattu District or a Senior Office not below the rank of Assistant Collector/Sub Divisional Magistrate as deputed by the District Collector (2) a Senior Officer from the State Environment Impact Assessment Authority (SEIAA), (3) a Senior from the Directorate of Geology and Mining Department as deputed by its Director and (4) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if there is any violation found"


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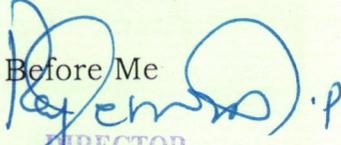
10. I respectfully submit that the committee is also directed to ascertain the following facts

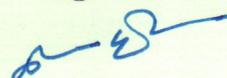
- i. whether the 6th respondent is having necessary clearance/permission for the purpose of carrying out the quarrying operation,
- ii. whether the 6th respondent had violated the conditions/permission/clearance, if any granted,
- iii. whether the 6th respondent had encroached into other areas, than the area permitted under the lease and Environmental Clearance (EC) or permission granted,
- iv. whether the 6th respondent had done any excess mining and if so, what is the quantity of excess mining done
- v. whether any action has been taken for realization of any penalty or compensation for the alleged excess mining done,
- vi. whether the 6th respondent is continuing with his operation even after the expiry of the validity of Environmental Clearance / permission granted as alleged in the application and if so, what is the quantity of minerals mined during this period,
- vii. whether the 6th respondent had carried out his obligation undertaken under the Mining Closure Plan in accordance with law and if there is any violation found and damage caused to the environment, then assess environmental compensation to be recovered from the 6th respondent.

11. I respectfully submit that the joint committee have inspected the project site and submitted the joint committee report before the Hon'ble National Green Tribunal, Southern Zone, Chennai on 22.10.2021.

In view of the above mentioned facts, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record and pass such order (or) any other orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai
On this 04th day of January 2022
& signed his name in my presence

Before Me

DIRECTOR
DEPARTMENT OF ENVIRONMENT
CHENNAI - 600 015.

Attesting Officer

Assistant Environmental Engineer
State Level Environment Impact Assessment Authority-Tamilnadu
Third Floor, Panagal Maligai
Saidapet, Chennai - 600 015