

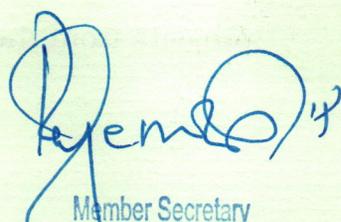
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
ORIGINAL APPLICATION NO.106 OF 2021**

M.Kathirvel
S/o. K.MarappaGounder
No.138, Kattumunnur Post
Munnur Village, Pugalur Taluk
Karur District-639111

...Applicant

Versus

1. Union of India
Rep.by the secretary,
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhavan, Jor Bagh
New Delhi-110003
2. Tamil Nadu Pollution Control Board
Represented by its Chairman
Anna Salai Guindy,
Chennai - 600032
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
No.26, Ramakrishnapuram West
Karur-639001
4. The Assistant Director of Geology & Mining
302, Collectorate Complex
Karur District-639007
5. The District Collector
Karur District
Karur-639007
6. The State Environmental Impact Assessment Authority
Represented by its Member Secretary
No.1, Jeenis Road, Panagal Building
Saidapet
Chennai-600015
7. The Revenue Divisional Officer
Revenue Divisional Office
Karur-639007
8. Devaraj
S/o.Subramani
7/14, Raj Residency


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagai Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

Pon Nagar, Andankovil

Karur District-639002

9. T.Selvarani

W/o.K.Kandasamy

59/1/4, Raj Residency

Pon Nagar, Andankovil

Karur District-639002

10. Thiru. Thangaraj

S/o.Kandasamy

59/1/4, Raj Residency

Pon Nagar, Andankovil

Karur District-639002

11. M/s.Bala Vinayaga Blue Metals

Represented by its Manager Partner

Thiru. Thangaraj

SF. 571, Saminatha Puram

Munnur Post, Pugalur Taluk

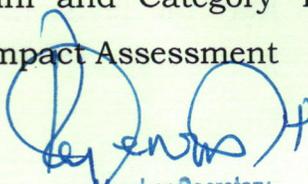
Karur District-639111

... Respondents

COUNTER AFFIDAVIT FILED BY SIXTH RESPONDENT

I, Tmt.P.Rajeswari, I.F.S., Member Secretary, having office at State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN), Third Floor, Panagal Maaligai, Saidapet, Chennai - 600 015 do hereby solemnly affirm and sincerely state as follows:-

1. I respectfully submit that I am filing counter affidavit on behalf of 6th 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.
2. 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.
3. I respectfully submit that the EIA Notification, 2006 mandates prior Environmental Clearance (hereinafter referred to as 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 Ministry of Environment, Forest and Climate Change, New Delhi and Category 'B' projects from the concerned State Level Environment Impact Assessment


 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Maaligai, No.1, Jeeris Road,
 Saidapet, Chennai - 15

Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (UTEIAA). This respondent is concerned only with category "B" projects. For the proposed mining projects, the Proponent shall submit an application seeking Environmental Clearance for the proposed quarry along with Form-1, precise area communication from the District Collector stating that, Mining plan approved by the Department of Geology and Mining, prefeasibility report and other essential documents. 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.

4. I respectfully submit that the as per under EIA notification 2006, as amended activity of mining of Minerals (≤ 100 ha of mining lease area in respect to non-coal mine lease & ≤ 150 ha of mining lease area in respect to coal mine lease area) falls under category 'B' Projects.
5. I respectfully submit that the project proponent M/s Bala Vinayaga Blue Metals, Karur District (11th Respondent) has submitted application to SEIAA TN on 05.02.2014 seeking Environmental Clearance for quarrying of Rough Stone over an extent of 4.86.0 Ha at S.F No. 571(P), 670(P), 669, 671, Munnur Village, Aravakurichi Taluk, Karur District for production of 5,62,600 Cu.m of Rough Stone upto the depth of 32 mm BGL.
6. I respectfully submit that the above said proposal seeking Environmental Clearance was placed in the 53rd meeting of State Level Expert Appraisal Committee (SEAC) held on 30.04.2014 and the committee has recommended subject to certain conditions.
7. I respectfully submit that the above said proposal seeking Environmental Clearance was subsequently placed in 107th meeting State Level Environment Impact Assessment Authority held on 12.05.2014 the authority has issued Environmental Clearance vide this office Lr.No.SEIAA-TN/F.No.2264/EC/1(a)/1281/2014, dated: 20.05.2014. Subject to specific conditions viz., the environmental clearance will be coterminous with the mine lease period, however limited to a maximum period of 5 Years from the date of issue.

8. I respectfully submit that the activities of Stone Crusher & m Sand units do not attract the EIA Notification, 2006 as amended.

9. I respectfully submit that as per the G.o.(Ms) No.29 dated 21.03.2020 issued by Environment and Forests (EC.3) Department has stated that

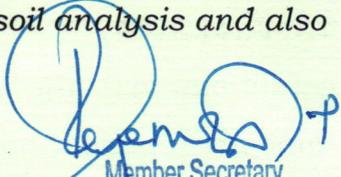
“ ...10. The Government, after careful examination, accept the proposal of the Chairman, Tamil Nadu Pollution Control Board and empower the Tamil Nadu Pollution Control Board to monitor the compliances of Environmental Clearance conditions further issuance of the compliance certificate relating to Category “ B” projects issued by the State Level Environmental Impact Assessment Authority...”

10. I respectfully submit that the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.106 of 2021 dated: 20.05.2021 has stated that

“11. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a joint committee comprising of (1) a Senior Officer from Integrated Regional Office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Chennai, (2) a Senior Officer from State Environment Impact Assessment Authority (SEIAA), Tamil Nadu, (3) The Revenue Divisional Officer, Karur, (4) The Assistant Director of Geology & Mining, Karur District and (5) a Senior Officer from Tamil Nadu Pollution control Board (TNPCB) as deputed by its Chairman to inspect the unit in question and submit a factual as well as action report, if there is any violation found.

12. The committee is directed to ascertain as to whether the present 11th respondent (Originally 16th respondent) unit is having all necessary clearance and permission, whether sufficient pollution control mechanism has been provided, whether any pollution both air, noise and soil pollution has been caused on account of the operation of the unit as alleged by the applicant, whether any excess mining has been done or mining is being carried out in an area other than the area permitted and if so, what is the nature of action taken. If there is any violation found, the committee is directed to assess the environment compensation apart from imposing penalty and royalty for excess mining done has provided under the respective rules.

13. The committee is also directed to conduct the soil analysis and also


 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Melligai, No.1, Jeenis Road,
 Saidapet, Chennai - 15

water analysis of water bodies nearby and ascertain as to whether there was any degradation caused on account of the operation of these units and if there is any contamination found, what is the remedial measures to be taken for rectifying the same this may also be incorporated in the report.”

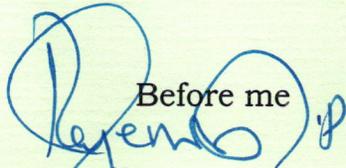
11. I respectfully submit that the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.106 of 2021 dated: 03.08.2021 has stated that

“...4. The learned counsel appearing for the applicant submitted that at the time of inspection, there was heavy rain, and there was no proper inspection conducted, and even not the quarry is functioning. The committee is directed to conduct the fresh inspection when the unit is functioning then evaluate the situation and then incorporate these observations also in the report...”

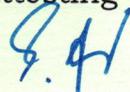
12. I respectfully submit that the joint committee has inspected the site of 11th respondent on 28.07.2021 and again on 13.08.2021 in compliance with the direction of the Hon'ble NGT vide its order dated: 03.08.2021 and submitted the report with recommendations before Hon'ble National Green Tribunal including Environmental Compensation for the excess and illegal mined out minerals.

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 14th day of February 2022
& signed his name in my presence

Before me

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

Attesting Officer


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