

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

Application No. 113 of 2022

K. Mohan Kumar
S/o. Kandhasamy Gounder
Sokkanur, Sokkanur (Post)
Kinnathukadavu,
Coimbatore – 642 109.

.... Applicant

/Versus/

1. The Member Secretary

State Environment Impact Assessment Authority – Tamilnadu
3rd Floor, Panagal Maligai,
No. 1, Jeenis Maligai, Saidapet, Chennai – 600 015

2. The District Collector

Office of the District Collector,
Coimbatore.

3. The Director

Department of Geology and Mining
Industrial Estate, Guindy
Chennai – 600 032

4. Assistant Director

Department of Geology and Mining
District Collector Office Building
Coimbatore – 641 018

5. V. Ranjith Kumar

S/o. S.A. Velusamy
6/1, Jawarayan Thottam
Sukunapuram, Kuniyamuthur,
Coimbatore District.

6. The Member Secretary

Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai – 600 032

.... Respondent(s)


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

**COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT ON BEHALF
OF SEIAA, TAMIL NADU**

I, Thiru. Deepak S. Bilgi, I.F.S., S/o Mr. Siddappa, aged about 43 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Building, Saidapet, Chennai - 600 015, solemnly affirm and sincerely state as follows:

1. It is respectfully submitted that; I am the 1st Respondent / Member Secretary, SEIAA-TN, herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in the office.
2. It is respectfully submitted that; at the outset, I deny the averments stated in the writ petition as false except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that; the project proponent, Thiru V. Ranjithkumar /5th Respondent, submitted his application of proposal for obtaining grant of Environment Clearance through Form-I, Pre-Feasibility report vide Proposal No. SIA/TN/MIN/196939/2021, submission dated 06.02.2021 for S.No. 179/A1B(Part) at Pottaiyandipurambu Village, Kinathukadavu Taluk, Coimbatore District.
4. It is respectfully submitted that; the precise area communication letter given by the District Administration vide Lr. Na.Ka.No.184/Kanimam/2020 dated 29.12.2020. Also mining plan has been approved by the competent authority vide Lr. Rc. No.184/Mines/2020 dated 20.01.2021.
5. It is respectfully submitted that; the project proposal was placed in the 205th SEAC meeting held on 03.03.2021. Based on the presentation made and the documents furnished by the project proponent, SEAC decided to recommend the project proposal for grant of Environment Clearance and accepted the proposal on 27.03.2021, subject to the following conditions, in addition to standard conditions stipulated by the MoEF & CC: -
 - I. Restricting the maximum depth of mining from 22m to 17m considering the environmental impacts due to the mining, safety of the working personnel and following the principle of the sustainable mining and consequently the maximum minable quantities of 48607cu.m of rough stone & 5124cu.m of Gravel are permitted for mining over five years.
 - II. A bench height of 5m needs to be maintained as per the approved mining plan considering the hydrogeological regime of the surrounding area as well as for safe mining.


Member Secretary
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- III. Fugitive emission measurements should be carried out during the mining operation and the report on the same may be submitted to SEIAA once in six months.
- IV. Proponent shall ensure that the Noise level is monitored during mining operation at the project site and adequate noise level reduction measures undertaken.
- V. The proponent shall erect fencing all around the boundary of the proposed area with gates for entry/exit as per the conditions and shall furnish the photographs/map showing the same before obtaining the CTO from TNPCB.
- VI. Greenbelt needs to be developed in the periphery of the mines area so that at the closure time the trees would have grown well.
- VII. Ground water quality monitoring should be conducted once every six months and the report should be submitted to TNPCB.
- VIII. After mining is completed, proper levelling should be done by the Project proponent & Environmental Management Plan furnished by the Proponent should be strictly followed.
- IX. The Project proponent shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition that is fit for the growth of fodder, flora, fauna etc.
- X. Proper barrier to reduce noise level, dust pollution and to hold down any possible fly material (debris) should be established by providing greenbelt and/or metal sheets along the boundary of the quarrying site and suitable working methodology to be adopted by considering the wind direction.
- XI. The operation of the quarry should not affect the agriculture activities & water bodies near the project site and a safety distance of 50m from the water body should be left vacant without any mining activity.
- XII. Transportation of the quarried materials shall not cause any hindrance to the Village people or damage to the existing Village Road.
- XIII. The Project Proponent shall comply with the mining and other relevant rules and regulations wherever applicable.


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- XIV. The proponent shall develop an adequate greenbelt with native species on the periphery of the mine lease area before the commencement of the mining activity, in consultation with DFO of the concerned district/agriculture.
- XV. The quarrying activity shall be stopped if the entire quantity indicated in the Mining plan is quarried even before the expiry of the quarry lease period and the same shall be monitored by the District Authorities.
- XVI. The recommendation for the issue of environmental clearance is subject to the outcome of the Hon'ble NGT, Principal Bench, New Delhi in O.A. No.186 of 2016 (M.A.No.350/2016) and O.A.No.200/2016 and O.A.No.580/2016 (M.A.No.1182/2016) and O.A.No.102/2017 and O.A.No.404/2016 (M.A. No. 758/2016. M.A.No.920/2016, M.A.No.1122/2016, M.A.No.12/2017 & M.A.No.843/2017) and O.A.No.405/2016 and O.A.No.520 of 2016(M.A.No.981/2016, M.A.No.982/2016 & M.A.No.384/2017).
- XVII. Prior clearance from Forestry & Wild Life including clearance from committee of the National Board for Wildlife as applicable shall be obtained before starting the quarrying operation, if the project site attracts the NBWL clearance.
- XVIII. To ensure safety measures along the boundary of the quarry site, security guards are to be posted during the entire period of the mining operation.
- XIX. The mine closure plan submitted by the project proponent shall be strictly followed after the lapse of the mine.
- XX. As per the MoEF&CC Office Memorandum F. No. 22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020 the proponent shall furnish the detailed EMP mentioning all the activities as proposed in the CER and furnish the same before placing the subject to SEIAA.
- XXI. All the condition imposed by the Assistant Director, Geology & Mining, Coimbatore District in the mining plan approval letter Rc. No.184/Mines/2020, dated:20.01.2021 and the precise area communication letter Na.Ka.No.184/Kanimam/2020, dated:29.12.2020 should be strictly followed.
6. It is respectfully submitted that, the above said proposal seeking grant of Environment Clearance was placed in the 437th State Level Environment Impact Assessment Authority Meeting held on 09.04.2021. After detailed discussion, the authority unanimously accepts the recommendation of SEAC and decided to grant Environment

Clearance subject to the conditions as recommended by SEAC & normal condition in addition to the following condition.

- I. As per the recommendation of SEAC, the ultimate depth of mining is restricted to 17m considering the environmental impacts due to the mining, safety of the working personnel and following the principle of the sustainable mining and consequently the maximum minable quantities of 48607cu.m of rough stone & 5124cu.m of Gravel are permitted for mining over a period of five years.
 - II. As per the MOEF& CC office memorandum F.No.22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020 the proponent shall furnish the detailed EMP to TNPCB, mentioning CER activities as committed. The CER activities shall be carried out before obtaining CTO from TNPCB.
7. It is respectfully submitted that; based on the presentation made, documents furnished and the recommendation of the SEAC for grant of EC to the proponent, the Environment Clearance was issued to the proponent by State Environment Impact Assessment Authority vide Lr. No. SEIAA-TN/F.No.8298/1(a)/EC.No.4640/2021, dated 27.04.2021.

It is therefore humbly prayed that this Hon'ble National Green Tribunal Court, South Zone, may be pleased to record the above-mentioned facts and pass appropriate orders as this Hon'ble NGT(SZ) may deem fit and proper in this case and thus render justice.

Solemnly affirmed at Chennai
On this 19th day of December 2022
& Signed his name in my presence.


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

BEFORE ME
Attested Officer


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