

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

**Application No. 114 of 2022**

**P. Balasubramanian**

S/o. Pazhanisamy  
Karuparrayar Kovil Thottam,  
Veerapaabagoundanoor  
Sokkanur, Palarpathi Post,  
Kinathukadavu  
Coimbatore – 642 109.

**.... Applicant**

/Versus/

**1. The Member Secretary**

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

**2. The Director**

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

**3. The Assistant Director**

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

**4. The District Collector**

Office of the District Collector,  
Coimbatore.

**5. V. Dileep**

S/o. T.N. Vijayan Nair  
Vrindavan House  
Peramangalam Post,  
Trissur District,  
Kerala – 680 545.

**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 1<sup>st</sup> 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. Dileep /5<sup>th</sup> Respondent, submitted his application of proposal for obtaining grant of Environment Clearance through Form-I, Pre-Feasibility report vide Proposal No. SIA/TN/MIN/44849/2019, submission dated 16.10.2019 for S. No's. 728/2, 729/1, 729/2 and 729/3 at Sokkanur Village, Kinathukadavu Taluk, Coimbatore District, Tamilnadu.
4. It is respectfully submitted that; the precise area communication letter given by the District Administration vide Lr. Na.Ka.No.267/Kanimam/2019 dated 12.09.2019. Also mining plan has been approved by the competent authority vide Lr. Rc. No.267/Mines/2019 dated 17.09.2019.
5. It is respectfully submitted that; the project proposal was placed in the 141<sup>st</sup> SEAC meeting held on 16.12.2019. 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 13.12.2019, subject to the following conditions, in addition to normal conditions: -
  - I. Ground water quality monitoring should be conducted every month and the report should be submitted to TNPCB.
  - II. The proponent shall leave safety distance of 50m from the boundary of the ODAI which is located nearby the project site.
  - III. The depth of the mining shall be restricted to 33m.

  
Member Secretary  
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- IV. Proper barrier for reducing the Noise level shall be established like providing Green Belt along the boundary of the quarrying site, etc. and to prevent dust pollution, suitable working methodology needs to be adopted taking wind direction into consideration.
- V. The fugitive emissions should be monitored during the mining activity and should be reported to TNPCB once in a month and the operation of the quarry should no way impact the agriculture activity & water bodies near the project site.
- VI. Transportation of the quarried materials shall not cause any hindrance to the Village people/Existing Village Road.
- VII. The Project Proponent shall comply with the mining and other relevant rules and regulations where ever applicable.
- VIII. The quarrying activity shall be stopped if the entire quantity indicated in the Mining
- IX. plan is quarried even before the expiry of the quarry lease period and the same shall be monitored by the District Authorities.
- X. 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. MA. 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).
- XI. To ensure safety measures along the boundary of the quarry site. security guards are to be engaged during the entire period of mining operation.
- XII. The mine closure plan submitted by the project proponent shall be strictly followed after the lapse of the mine as reported.
- XIII. The proponent shall submit the proposal for the CER as per office memorandum of MOEF&CC dated 01.05.2018 before placing the subject to SEIAA. In this regard the project proponent is requested to submit the sworn affidavit duly signed by the project proponent and authorized by the Notary public.

6. It is respectfully submitted that, the above said proposal seeking grant of Environment Clearance was placed in the 369<sup>th</sup> State Level Environment Impact Assessment Authority Meeting held on 10.02.2020. After detailed discussion, the authority decided

  
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Chennai - 15

to issue Environment Clearance subject to following conditions in addition to normal condition:

- I. All the condition imposed by the District Collector; Coimbatore vide Na.Ka.No.267/Kanimam/2019 dated: 12.09.2019 should be strictly followed.
  - II. The project proponent shall utilize the CER amount for Rs. 1.70 Lakhs (2% of project cost) to carry out infrastructure facilities in nearby Govt. School as per Office Memorandum of MoEF & CC dated 01.05.2018. The above activity shall be carried out before obtaining CTO from TNPCB.
  - III. The Project proponent has to strictly comply the outcome/direction of the Hon'ble NGT, Principal Bench, New Delhi in the O.A. No.186 of 2016 (M.A. No 350/2016), O.A. No.200/2016, O.A. No. 580/2016 (M.A. No. 1182/2016), O.A. No. 102/2017, 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), 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).
  - IV. The EMP Cost shall be deposited in a nationalised bank by opening separate account and head wise expense statement shall be furnished to TNPCB with a copy to SEIAA annually.
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.7214/1(a)/EC.No.4148/2020, dated 10.02.2020.

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 19<sup>th</sup> 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