

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

Application No. 115 of 2022

Selvakumar Nadaraj

S/o. Nadaraj

D. No.109/1,

Sangarayapuram Thottahu Road,

10, Muthoor

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 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. K. Sivakami

No.2/3D, Sangarayapuram,

Kinathukadavu

Coimbatore – 642 109.

5. 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, Tmt. K. Sivakami /4th Respondent, submitted her application of proposal for obtaining grant of Environment Clearance through Form-I, Pre-Feasibility report vide Proposal No. SIA/TN/MIN/211627/2021, submission dated 07.05.2021 for S. No.187/A2 (P) at Sangarayapuram Village, Kinathukadavu Taluk, Coimbatore District, Tamilnadu.
4. It is respectfully submitted that; the precise area communication letter given by the District Administration vide Lr. Rc.No.433/Mines/2018 dated 05.02.2021. Also mining plan has been approved by the competent authority vide Lr. Rc. No.433/Mines/2018 dated 23.02.2021.
5. It is respectfully submitted that; the project proposal was placed in the 240th SEAC meeting held on 02.11.2021. 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 29.01.2022, subject to the following conditions, in addition to normal conditions stipulated by MOEF & CC: -
 - I. Restricting the ultimate depth of mining up to 37m below ground level and quantity of 98.960 cu.m of rough stone & 10212 cu.m of Gravel are permitted for mining over five years considering the environmental impacts due to the mining, safety of the working personnel and following the principle of the sustainable mining.


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

- II. The proponent shall erect fencing all around the boundary of the area with gates for entry/exit as per the conditions and shall furnish the photographs/map showing the same before obtaining the OCTO from TNPCB.
- III. The proponent shall form proper benches as per the approved mining plan during the operation of the quarry considering the hydro-geological regime of the surrounding area as well as for safe mining.
- IV. The proponent should install cautionary boards at the entry and important locations of the mining site displaying caution notice to the public about the danger of entering the mining lease.
- V. The proponent shall conduct annual physical fitness test and eye test for all the employees to ensure health & safety during occupation.
- VI. Fugitive emission measurements should be carried out during the mining operation and the report on the same may be submitted to TNPCB once in six months.
- VII. The proponent shall ensure that the noise level is monitored during mining operation at the project site and adequate noise level reduction measures be undertaken.
- VIII. The purpose of green belt around the project is to capture the fugitive emissions and to attenuate the noise generated, in addition to the improvement in the aesthetics. A wide range of indigenous plants species should be planted in and around the premise in consultation with the DFO. District / State Agriculture University. The plants species should have thick canopy cover, perennial green nature, native origin and large leaf areas. Medium size trees and small trees alternating with shrubs shall be planted. Miyawaki method of planting i.e., planting different types of trees at very close intervals may be tried which will give a good green cover. The proponent shall earmark the greenbelt area with GPS coordinates all along the boundary of the project site with at least 3 meters wide and in between blocks in an organized manner.
- IX. Groundwater quality monitoring should be conducted once in every six months and the report should be submitted to TNPCB.


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

- X. After mining is completed, proper levelling should be done by the project proponent & Environmental Management Plan furnished by the proponent should be strictly followed.
- XI. The project proponent shall strictly adhere to mine closure plan after ceasing mining operations as committed. Also, the proponent shall undertake re- grassing of 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.
- XII. 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.
- XIII. 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 boundary should be left vacant without any mining activity.
- XIV. Transportation of the quarried materials shall not cause any hindrance to the Village people or damage to the existing Village Road.
- XV. The project proponent shall comply with the mining and other relevant rules and regulations wherever applicable.
- XVI. 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.
- 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. 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.


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

- XX. All the conditions imposed by the Deputy Director, Geology & Mining, Coimbatore District in the mining plan approval and the precise area communication issued by District Collector, Coimbatore District should be strictly followed.
6. It is respectfully submitted that, the above said proposal seeking grant of Environment Clearance was placed in the 484th State Level Environment Impact Assessment Authority Meeting held on 29.01.2022. After detailed discussion, the authority accepts the recommendation of SEAC and decided to grant Environment Clearance subject to the conditions as recommended by SEAC in addition to the following conditions:
- I. As per the recommendation of SEAC and as accepted by the proponent, the ultimate depth of mining is restricted to 37m below ground level and quantity of 98,960 cu.m of rough stone & 10212cu.m of Gravel are permitted for mining over five years considering the environmental impacts due to the mining, safety of the working personnel and following the principle of the sustainable mining.
 - 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 mentioning all the activities as proposed in the CER and furnish the same to TNPCB before obtaining CTE from TNPCB. All the activities proposed shall be carried out before obtaining CTO from TNPCB.
 - III. The proponent shall ensure that the activity does not disturb the movement of grazing animals and free ranging wildlife.
 - IV. The proponent shall ensure that the activity does not disturb the biodiversity the flora & fauna in the ecosystem.
 - V. The proponent shall ensure that the activity does not neither disturb the water bodies and natural flow of surface and ground water, nor cause any pollution.
 - VI. The proponent shall ensure that the activities undertaken should not result in carbon emission, and temperature rise, in the area.
 - VII. The proponent shall ensure that the mine. closure plan are followed as per mining plan and the mine restoration should be done with native species, and site restored to near original status.


Member Secretary

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

- VIII. The proponent shall ensure that Monitoring must be carried out with reference to the quantum of particulate matter during excavation: blasting: material transport and also from cutting waste dumps and haul roads.
- IX. The proponent shall ensure that the area, should be ecologically restored to conserve the ecosystems and ensure flow of goods and services.
- X. The proponent shall ensure that the activities shall not disturb the agro biodiversity and agro farms.
- XI. The proponent shall ensure that the activity. should not result in invasion by invasive alien species.
- XII. Actions to be taken to promote agro forestry. mixed plants and biodiversity conservation.
- XIII. The proponent shall ensure that activity should not deplete the indigenous soil seed bank and disturb the micorizal fungi. soil organism. soil community nor result in eutrophication of soils and water.
- XIV. The proponent shall ensure that all mitigation measures listed in the EIA/EMP are taken to protect the biodiversity and natural resources in the area.

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.8629/EC.No.4945/2021, dated 04.02.2021.

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 Malligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

BEFORE ME
Attested Officer


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