

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

Original Application No.115 of 2022 (SZ)

Selvakumar Nadaraj, Coimbatore

...Applicant

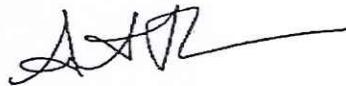
Vs

The Member Secretary
SEIAA, Chennai and ors.

.... Respondents

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**Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 115 of 2022 (SZ)

Selvakumar Nadaraj
S/o Nadaraj
D.No.109/1
SangarayapuramThottahu Road
10, Muthoor
Coimbatore District – 642 109.

...Applicant

Vs

1. The Member Secretary
State Environment Impact Assessment Authority
3rd Floor, PanagalMaligai
No.1, Jennis Road
Saidapet, Chennai - 600 015.
2. The Director
Geology & Mining Department
Industrial Estate, Guindy
Chennai - 600 032.
3. The Assistant Director
Department of Geology & Mining
District Collector Office Building
Coimbatore- 641 018.
4. K.Sivakami
No.2/3D, Sangarapuram
Kinathukadavu
Coimbatore District – 642109
5. The Tamil Nadu Pollution Control Board
Represented by its Chairman
No.76, Mount Salai
Guindy
Chennai – 600 032.

...Respondents

REPORT FILED BY THE 5TH RESPONDENT
TAMIL NADU POLLUTIONCONTROL BOARD.

I, R.Rajamanickam, S/o. P.M.Ramasamy, Hindu, aged about 59 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-


16/10/2022
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, and I am filing this Report on TNPCB and as such I am well acquainted with the facts of the case from the records.
2. The answering respondent denies all the averments contained in the appeal except those that are specifically admitted hereinafter. None of the allegations contained in the said appeal shall be deemed to be admitted merely for want of a specific denial/traverse.
3. Before responding to the averments contained in the appeal, the answering respondents submit the brief facts of the case for appreciation of this Hon'ble Tribunal.
4. It is respectfully submitted that this Hon'ble Tribunal vide order dated 21.10.2022 directed as follows:

"1. In all these applications, the complaint of the applicant is that the project proponent though have obtained the Environmental Clearance (EC), had violated the EC conditions viz., (i) Have mined in excess than the quantity permitted, (ii) Blasting is done in the site when the same is also prohibited, (iii) Project Proponent had not raised proper barriers to reduce noise level, dust pollution and other materials like metal sheets etc. Therefore, there is no greenbelt provided in surrounding area.

3. The State Pollution Control Board is also a necessary party here, as one of the conditions in the Environmental Clearance (EC) is that the project proponent should have obtained the Consent to Operate from the Pollution Control Board.

4. In the interest of the justice, we SuoMotu implead the Tamil Nadu Pollution Control Board as party respondent No.6 in O.A. Nos.113/2022, 114/2022, 117/2022, 118/2022 and 5th respondent in O.A. Nos.115/2022 and 116/2022.

5. We also direct the Tamil Nadu Pollution Control Board to file an independent report after visiting the site adverting to the allegations made in the applications."

P. Kumar 16/10/2023
 ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

5. It is respectfully submitted that the Hon'ble NGT in its order dated :23.08.2023 has stated that;

"5. Let the Tamil Nadu Pollution Control Board file a detailed report after making a spot inspection, as the TNPCB has filed only one report which pertains to O.A. No.113 of 2022 (SZ). For the rest of the applications, the report has to be filed. However, the report of the Department of Mines and Geology has pointed out certain shortcomings. Let the TNPCB verify whether they are complied with the shortcomings as pointed out earlier."

6. It is respectfully submitted that following are the details of 4th respondent, M/s K.Sivakami Rough Stone and Gravel Quarry:

i. The unit of M/s. K. Sivakami Rough Stone and Gravel is situated at S.F.No. 187/A2(PART), Sankarayapuram Village, Kinathukadavu Taluk, Coimbatore District.

ii. The unit has submitted application for CTO - Direct under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 through OCMMS with application No. 43537335 dated 23.02.2022 for Rough Stone and Gravel Quarrying activities over an extent of 1.06.5 Hectare for:

a. Rough Stone (Quarrying Area 1.06.5 Hectares) – 98960

Cu.Meter/Five Years,

b. Gravel (Quarrying Area 1.06.5 Hectares) – 10212

Cu.Meter/Five Years and

c. Generation of Sewage – 0.4 KLD,

d. No trade effluent generation

e. Fugitive emission from Drilling and Blasting area & Vehicle Movement.

iii. The unit has already obtained Environmental Clearance from State Level Environment Impact Assessment Authority vide Letter No. SEIAA-TN / F. No.8629/EC No: 4945 / 2021, Dated: 04.02.2021 valid for 5 years and furnished the same along with the application. The unit has also obtained approved mining plan for rough stone quarry and gravel from the AD (Mines), Coimbatore and also furnished the same along with application.

R. L. S. 16/10/2023
 ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
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iv. The unit has also furnished approved mining plan for quarrying rough stone and gravel from the Assistant Director (Mines), Coimbatore District vide letter dated 23/02/2021.

v. The unit has furnished the preliminary reports from various authorities regarding the approved layouts, approved habitations and other criteria:

- a. The Sub-Collector, Pollachi, dated: 07.09.2020
- b. Tahsildhar, Kinathukadavu, dated: 28.08.2020
- c. The VAO, Sankarayapuram Village dated nil

vi. During inspection of the unit on 08.03.2022, the following observations were made:

- i) The unit has already obtained Environmental Clearance from SEIAA, TN, Chennai vide Letter No. SEIAA-TN / F. No.8629/EC No: 4945 / 2021, Dated: 04.02.2021 valid for 5 years and furnished the same along with the application. The unit has also obtained approved mining plan for rough stone quarry and gravel from the AD (Mines), Coimbatore and also furnished the same along with application.
- ii) The unit has already provided Leach Pit arrangement for the treatment of sewage generated from the unit of about 0.4 KLD.
- iii) No trade effluent will be generated from the process.
- iv) The unit has provided Air Pollution Control measures such as Water Sprinkler arrangement so as to control the dust emission generated from the Mining and Vehicle Movement area.
- v) The unit has obtained Environmental Clearance from SEIAA and applied for Consent to Operate – Direct since there is no establishment activity required. However, the unit has remitted Consent Fee for CTE along with required Consent Fee.
- vi) The unit has applied for CTO – Direct with remittance of required Consent Fee along with Consent Fee for CTE.
- vii) The unit has proposed to carry out dust suppression system during mining operation to control the fugitive dust emission.


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viii) The unit has been advised to develop more green belt in and around the quarry site.

7. It is respectfully submitted that based on the above, subject was recommended for considering the issue of Consent to Operate (CTO) to the unit of the 4th respondent, M/s. K. SIVAKAMI ROUGH STONE AND GRAVEL QUARRY and placed before the 239th DLCCC meeting dated 10.03.2022 and CTO was issued vide this office Proc. No .F.3693CBS/RS/DEE/ TNPCB/CBS/A/2022 DATED: 11/03/2022 with validity up to 31.03.2026.

8. It is respectfully submitted that in compliance with the directions of this Hon'ble Tribunal vide order dated 23.08.2023, the quarry was inspected by the 6th respondent on 12.09.2023 and the following were observed,

- i. The unit was in operation.
- ii. The unit has not provided proper fencing for the quarrying area.
- iii. Minimum number of trees have been planted. The unit has not provided adequate green belt around the premises. However, the unit is continuing the development of Green Belt around the premises.
- iv. The unit has not sprinkled water on road to suppress the dust arising from transport activities.
- v. The unit has not submitted any report regarding ground water quality.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


16/10/2023
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, R. Rajamanickam, S/o. P.M.Ramasamy, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


16/10/2023
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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Vs

The Member Secretary
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**REPORT FILED ON BEHALF OF THE 5TH
RESPONDENT-TAMIL NADU POLLUTION
CONTROL BOARD .**

**Advocate for Respondent- TNPCB:
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:17.10.2023

Hearing date on:18.10.2023.

