

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

Original Application No.116 of 2022 (SZ)

A.Sundaram, Coimbatore

...Applicant

Vs

The Member Secretary
SEIAA, Chennai and ors.

.... Respondents

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

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

Original Application No. 116 of 2022 (SZ)

A. Sundaram,
S/o. Agatheeshwara Gounder,
No.9/98, Veerappa Goundanur,
Palarpathi Post,
Kinnathukadavu,
Coimbatore-642 109.

...Applicant

Vs

1. The Member Secretary,
State Environment Impact Assessment Authority,
3rd Floor, Panagal Maligai,
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. V. Uthirakumar,
No.5/13, Muthugoundanur,
Palarpathy Post,
Kinathukadavu Taluk,
Coimbatore District - 642 109.
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 POLLUTION CONTROL 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:-


16/10/23
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."


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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 V.Uthirakumar Rough Stone and Gravel Quarry:

- i. The unit of M/s. V.Uthirakumar Rough Stone and Gravel Quarry, located at S.F.No. 183/2 Part, Sokkanur village, Kinathukadavu Taluk, Coimbatore District.
- ii. The unit has obtained Environmental Clearance from State Level Environment Impact Assessment Authority vide Lr. No. SEIAATN/F.No.7568/1(a)/E.C.No.4329/2020 dated 09.09.2020 for the mining activity of 1,43,920 Cu.m of Rough Stone Mining & 8,428 Cu.m of Gravel Mining over a period of 5 years in the mining lease area of about 1.00.0 Hectares.
- iii. The unit has submitted application for CTO - Direct under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 through OCMMS with No. 34734417 dated 01.10.2020 for Rough Stone and Gravel Quarrying activities over an extent of 1.00.0 Hectare for the,
 - a) Rough Stone (Quarrying Area 1.00.0 Hectares) – 143920 Cu.Meter/Five Years, ii) Gravel (Quarrying Area 1.00.0 Hectares) – 8428 Cu.Meter/Five Years and
 - b) Generation of Sewage – 0.5 KLD,
 - c) No trade effluent generation
 - d) Fugitive emission from Drilling and Blasting area & Vehicle Movements.


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- iv. It is a fresh quarry, the proponent has submitted the copy of fresh mining plan approved by the Assistant Director (i/c), Geology and Mining, Chennai dated 11.05.2020.
- v. The unit has furnished the report by the VAO, Sokkanur Village dated 22/05/2020 regarding the approved layouts, approved habitations and other criteria that no approved residences within 300m radius of the unit.
- vi. During inspection of the unit on 14/10/2020, the following observations were made,
- a) The unit has obtained Environmental Clearance from State Level Environment Impact Assessment Authority-Tamilnadu vide Lr. No. SEIAATN/F.No.7568/1(a)/E.C.No.4329/2020 dated 09.09.2020 for the mining activity of 1,43,920 Cu.m of Rough Stone Mining & 8,428 Cu.m of Gravel Mining over a period of 5 years in the mining lease area of about 1.00.0 Hectares.
 - b) It is a fresh quarry, the proponent has submitted the copy of fresh mining plan approved by the Assistant Director (i/c), Geology and Mining, Chennai dated 11.05.2020.
 - c) The quarry has an extent area of 1.00.0 Ha only.
 - d) No trade effluent will be generated from the process.
 - e) The unit has proposed to carry out dust suppression system during mining operation to control the fugitive dust emission.
 - f) The nearest habitation "Sokkanur" is at a distance of 1.3 kms from the site.
 - g) No complaint is against the unit.
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 V.UTHIRAKUMAR ROUGH STONE AND GRAVEL QUARRY and placed before the 212th DLCCC meeting dated 22.10.2020 and CTO was issued vide this office Proc. No. F.3202CBS/ RS/ DEE/TNPCB/CBS/W/2020 DATED: 28/10/2020 with validity up to 31.03.2025.


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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 5th 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.


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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.


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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.

