

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

Application No. 116 of 2022

A. SUNDARAM

S/o. Agatheeshwara Gounder
No.9/98, Veerappa Goundanur,
Palarpathi 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 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. V. Uthirakumar

No.5/13, Muthugoundanur,
Palarpathi Post,
Kinathukadavu Taluk,
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, Thiru. V. Uthirakumar /4th Respondent, submitted his application of proposal for obtaining grant of Environment Clearance through Form-I, Pre-Feasibility report vide Proposal No. SIA/TN/MIN/155016/2020, submission dated, 29.05.2020 for S. No.183/2(P) 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.38/Kanimam/2019 dated 27.02.2020. Also mining plan has been approved by the competent authority vide Lr. Rc. No.38/Mines/2019 dated 11.05.2020.
5. It is respectfully submitted that; the project proposal was placed in the 163rd SEAC meeting held on 03.07.2020. 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 15.07.2020, subject to the following conditions, in addition to normal conditions stipulated by MOEF & CC: -
 - I. Groundwater level and quality should be monitored once in six months in few wells around the quarry and the record should be maintained and annual report should be submitted to the TNPCB.


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- II. After mining is completed, proper levelling should be done by the Project proponent & Environmental Management Plan furnished by the Proponent should be strictly followed.
- III. The proponent should erect fencing all around the boundary of the proposed area with gates as per the conditions and shall furnish the photographs/map showing the same before obtaining the CTO from TNPCB.
- IV. 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 which is fit for growth of fodder, flora, fauna etc.
- V. Proper barrier for reducing the Noise level and to combat the dust pollution 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.
- VI. The operation of the quarry should not affect the agriculture activities & water bodies near the project site.
- VII. Transportation of the quarried materials shall not cause any hindrance to the Village people/Existing Village Road.
- VIII. The Project Proponent shall comply with the mining and other relevant rules and regulations where ever applicable.
- IX. The proponent shall develop adequate green belt with native species on the periphery of the mine lease area before commencement of the mining activity, in consultation with DFO of the concern district/agriculture university.
- X. The quarrying activity shall be stopped if the entire quantity 36296 m³ of Granite 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.
- XI. 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.


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- XII. 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).
- XIII. The project site attracts the NBWL clearance, prior clearance from Forestry & Wild Life including clearance from committee of the National Board for Wild life as applicable shall be obtained before starting the quarrying operation.
- XIV. To ensure safety measures along the boundary of the quarry site, security guards are to be posted during the entire period of mining operation.
- XV. The mine closure plan submitted by the project proponent shall be strictly followed after the lapse of the mine.
- XVI. The amount of Rs. 86,000/- (2% of the total project cost) shall be utilized as CER activities to carry out the development of the Toilet Facilities & Drinking Water Facilities for Sokkanur Village Government School as reported before obtaining the CTO from TNPCB.
- XVII. The project proponent should plant trees in a 1:10 ratio for every tree to be cut down.
- XVIII. The depth of the mining is restricted to 42m only by considering the Environmental conditions of the surrounding area and the proponent also accepted for the same. Accordingly, the quantity of rough stone to be mined out is restricted to 143920 Cubic meters and 8428 cubic meters of Gravel. The proponent should carry out the quarrying as per the approved mining plan with bench height of 5 m and width of 5 m.
6. It is respectfully submitted that, the above said proposal seeking grant of Environment Clearance was placed in the 392nd State Level Environment Impact Assessment Authority Meeting held on 04.09.2020. After detailed discussion, the authority decided to grant Environmental Clearance subject to the conditions as recommended by the SEAC and General Conditions.


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- I. All the condition imposed by the District Collector, Coimbatore Rc.No.38/Mines/2019, Dated: 27.02.2020 should be strictly followed.
 - II. The EMP Cost shall be deposited in a nationalized bank by opening separate account and head wise expense statement shall be furnished to TNPCB with a copy to SEIAA annually.
 - III. The proponent should strictly comply with, Tamil Nadu Government Order (Ms) No.84 Environment and forests (EC.2) Department dated 25.06.2018 regarding ban on one time use and throw away plastics irrespective of thickness with effect from 01.01.2019 under Environment (Protection) Act, 1986.
 - IV. A detailed post-COVID health management plan for workers as per ICMR and MHA guidelines or the State Govt. guideline may be followed and report shall be furnished.
 - V. If there is any change in the production or lease area application for amendment has to be submitted to SEIAA for further approval.
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.7568/1(a)/EC.No.4329/2020, dated 09.09.2020.

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 19th day of December 2022
& Signed his name in my presence.


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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BEFORE ME
Attested Officer


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