

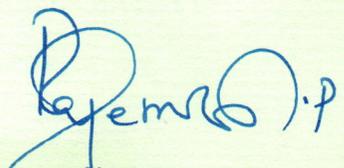
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
ORIGINAL APPLICATION NO.127 OF 2021**

P.Nandhagopal  
S/o.Pazhani Muruvappan  
110, Kunnavakkam Village  
Nellithoppu Street  
Pattaraikazhani Post  
Thirukazhukundram Taluk  
Chengalpattu – Tamil Nadu – 603102

...Applicant

Versus

1. The Commissioner  
Geology and Mining Department  
Government of Tamil Nadu  
Alandur Road, Guindy  
Industrial Estate, Guindy  
Chennai-600032
2. The District Collector  
Collectorate, GST Road  
Chengalpattu District  
Chengalpattu - 603001
3. The Deputy Director  
Geology and Mining Department  
Chengalpattu District  
Chengalpattu -603001
4. The Tahsildar  
VOC Nagar, Thirukazhukundram Taluk  
Chengalpattu District  
Chengalpattu -603001
5. The Member Secretary  
Tamil Nadu Pollution Control Board  
No.76, Mount Road  
Guindy, Chennai -600032
6. The District Environmental Engineer  
Tamil Nadu Pollution Control Board  
Maraimalai Adigalar Street,  
Next to Municipal Office,  
Kancheepuram District  
Chennai -603209

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

## 7. The Chairman

State Level Environment Impact Assessment Authority  
Ground Floor, Panagal Maligai  
No.1, Jeenis Road, Saidapet  
Chennai – 600015

## 8. Tvl.Salem Mines &amp; Aggregates

No.9, Nagarathinam Nagar Extension  
Thiruneermalai Road  
West Tambaram  
Chennai – 600045

... Respondents

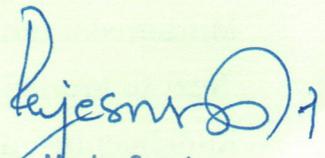
**COUNTER AFFIDAVIT FILED ON BEHALF OF SEVENTH RESPONDENT**

I, Tmt.P.Rajeswari, I.F.S., Member Secretary, State Level Environmental Impact Assessment Authority- Tamil Nadu having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015 solemnly affirm and sincerely state as follows

1. I respectfully submit that I am filing counter affidavit on behalf of 7<sup>th</sup> Respondent herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I respectfully submit that at the outset, I deny the averments stated in the application as false except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. I respectfully submit that the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.127 of 2021 dated: 14.06.2021 has stated that  

*“ 10. In order to ascertain the genuineness of the allegations and the violations alleged and its impact on environment, we feel it appropriate to appoint a joint committee comprising of (1) The District Collector, Chengalpattu District or a Senior Officer not below the rank of Assistant Collector of Sub Divisional Magistrate as deputed by the District Collector, (2) a Senior Geologist from the office of the Deputy rector of Geology and Mining Department, Chengalpattu District (3) Senior Officer from the Tamil Nadu State Environment Impact Assessment Authority/ (TNSEIAA) and (4) a Senior Office for the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman (to inspect the area in question and submit a factual as well as action report if there is any violation found.*

11. The committee is directed to ascertain as to:

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

(1) Whether there was any violation of conditions imposed in the environment clearance, Consent and other permissions granted committed by 8th respondent?

(ii) Whether there was any excess mining done by the 8th respondent and, if so what is the quantity of excess mining and the amount of compensation payable apart from royalty and penalty to be imposed,

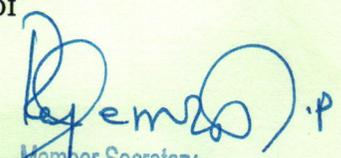
(iii) Whether the pollution control mechanisms have been strictly adhered to by the 8th respondent while operating the quarry including user of permitted explosives and timings and if there is any violation, what is the impact of same on environment and the remedial measures to be taken for rectifying the same.

(iv) Whether there was any impact on the neighbouring property owners on account of the alleged violations and pollutions said to have been caused by the 8th respondent,

(v) The committee is also directed to ascertain the nature of damage caused to environment and assess the environmental compensation to be fixed against the establishment of 8th respondent for the violations and also damage caused to the environment on account of such activities.

12. The Mining and Geology Department will be the nodal agency for coordination and for providing necessary logistics for this purpose."

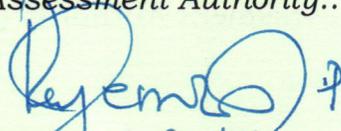
4. I respectfully submit that the EIA Notification, 2006 mandates prior Environmental Clearance (hereinafter referred to as EC) for new projects or Activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Ministry of Environment, Forest and Climate Change, New Delhi and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (UTEIAA). This respondent is concerned only with category "B" projects. For the proposed mining projects, the Proponent shall submit an application seeking Environmental Clearance for the proposed quarry along with Form-1, precise area communication from the District Collector stating that , Mining plan approved by the Department of Geology and Mining, Mining lease deed, prefeasibility report and other essential documents. The proposal will be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal. Based on the recommendations of SEAC, the proposal is placed before the State Environment Impact Assessment Authority (SEIAA) for the consideration of issue of

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

Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance is issued by the Authority.

5. I respectfully submit that the as per under EIA notification 2006, as amended activity of mining of Minerals ( $\leq 100$  ha of mining lease area in respect to non-coal mine lease area &  $\leq 150$  ha of mining lease area in respect to coal mine lease area) falls under category 'B' Projects.
6. I respectfully submit that the project proponent M/s. Tvl. Salem Mines & Aggregates has submitted the application received by SEIAA-TN on 30.01.2016 for seeking Environment Clearance for quarrying Rough stone & Gravel quarry over an extent 3.13.0 Ha located at S.F.No 175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 175/12, 176/2A & 176/2B, Kunnavakkam Village, Thirukazhukundram Taluk, Kanchipuram District for production of 99,210 Cu.m of Rough stone & 47,700 Cu.m of Gravel upto the depth of 30m.
7. I respectfully submit that the above said proposal seeking Environmental Clearance was placed in the 72<sup>nd</sup> meeting of State Level Expert Appraisal Committee (SEAC) held on 04.02.2016, 05.02.2016 and 06.02.2016 the committee has recommended subject to certain conditions.
8. I respectfully submit that the above said proposal seeking Environmental Clearance was subsequently placed the 165<sup>th</sup> Meeting State Level Environment Impact Assessment Authority (SEIAA-TN) held on 19.02.2016, the Authority has issued Environmental Clearance will be coterminous with the mine lease period or limited to a maximum period of 5 Years from the date of issue whichever is earlier vide this office Lr.No.SEIAA-TN/F.No.5005/1(a)/ EC.No.2958/2016 dated: 19.02.2016.
9. I respectfully submit that as per the G.o.(Ms) No.29 dated 21.03.2020 issued by Environment and Forests (EC.3) Department has stated that

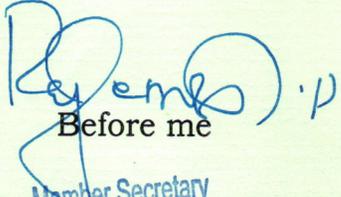
*"...10. The Government, after careful examination, accept the proposal of the Chairman, Tamil Nadu Pollution Control Board and empower the Tamil Nadu Pollution Control Board to monitor the compliances of Environmental Clearance conditions further issuance of the compliance certificate relating to Category "B" projects issued by the State Level Environmental Impact Assessment Authority..."*

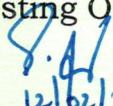
  
 Member Secretary  
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN  
 Panagal Maligai, No.1, Jeenis Road,  
 Saidapet, Chennai - 15

10. I respectfully submit that the in regard to Hon'ble National Green Tribunal (NGT) order Dt: 14.06.2021, the joint committee has inspected the site of 8<sup>th</sup> respondent on 16.09.2021 and submitted the report with recommendations before Hon'ble NGT including Environmental Compensation for excess and illegal mined out minerals.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record and pass orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai  
On this 12th day of February 2022  
& signed his name in my presence

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

Attesting Officer  
  
12/02/2022  
Assistant Environmental Engineer  
State Level Environment Impact Assessment Authority-Tamilnadu  
Third Floor, Panagal Maligai  
Saidapet, Chennai - 600 015