

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI

Original Application No. 141 of 2022(SZ)

D.Karunakaran
Chengalpattu District-603 313

...Applicant

Vs

State Environment Impact Assessment Authority
Tamil Nadu and 5 Ors

...Respondents

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Advocate for the Respondent: TNPCB
Tr. S. Sai Sathya Jith,
Advocate, Chennai

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.141 of 2022 (SZ)**

D.Karunakaran
Chengalpattu District – 603 313.

...Applicant

Vs

State Environment Impact Assessment Authority
Tamil Nadu and 5 ors.

.... Respondents

**REPLY FILED ON BEHALF OF THE 3RD RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, S/o. P.M.Ramasamy, Hindu, aged about 58 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai -600 032, and filing this Report on behalf of the Respondents Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.
2. It is respectfully submitted that the Applicant has filed this present application with the following among other prayers:

“I) Direct the Respondent No.1 i.e. State Environment Impact Assessment Authority, Tamil Nadu to withdraw the impugned Environmental Clearance dated 12.11.2021 for the grave violations of the significant conditions imposed by the said authority for the mitigation of Air, Water, Noise Pollution, as well for the safety of the people in the surrounding areas.

II) Direct penal action and impose environmental compensation including restitution of environment on the Project Proponent for violating the conditions of the Environmental Clearance granted on 12.11.2021 by the State Environment

R. Rajamanickam 10/2/2023
**ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,**


Impact Assessment Authority, Tamil Nadu, breach of statutory provisions and inter-alia for loss of ecological services foregone and costs to restore the damage done to the environment and ecology....”

3. It is respectfully submitted that in the hearing dated 19.12.2022, this Hon'ble Tribunal directed as under:

“3.Let the papers be served on the learned standing counsel appearing for the authorities. The respondents are directed to file their response to the allegations made in the application before the next hearing date.”


4. At the outset, it is respectfully submitted that the unit of the 6th Respondent obtained Environmental Clearance from the 1st Respondent vide letter dated 03.11.2021 for quarrying of rough stone – 207115 cu.m and Gravel – 35738 cu.m for 5 years from the date of execution of mining lease period in an area of 2.34.5 Hectare.
5. It is respectfully submitted that the unit of the 6th Respondent obtained approval from the 2nd Respondent for quarrying activity in an area of 2.34.5 Hectare in the said location vide proceedings dated 15.06.2021 for a period of 10 years.
6. It is respectfully submitted that the unit of the 6th Respondent applied for consent of the answering Respondent vide application dated 19.11.2021. Accordingly, the unit was inspected on 19.11.2021 and the subject was placed before the 215th District Level Consent Clearance Committee of the answering Respondent held on 29.11.2021. As per the decision of the said Committee, Consent to Operate was issued to the Unit of the 6th Respondent vide proceedings dated 30.11.2021 for the period valid up to 31.03.2026.
7. It is respectfully submitted that in view of the order passed by this Hon'ble Tribunal directing the answering Respondent to file a reply in this matter, the quarry of the 6th Respondent was inspected and the observations are as follows:

1. *The quarry was in operation.*


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2. *The said site is surrounded by vacant land in all directions.*
3. *The unit has provided manual Water sprinkling arrangements to control the fugitive emissions during Drilling, Blasting, Loading operations and Vehicle movement.*
4. *The unit has provided G.I. sheet fencing arrangements all along the periphery of the quarry site.*
5. *The unit has planted greenbelt arrangements all along the periphery of the quarry site.*
6. *Boundary pillars are erected / provided in all along the boundary of the quarry site.*
7. *Photographs taken during inspection are enclosed as annexure.*
8. It is respectfully submitted that with respect to the submissions in Paragraphs I and II of the application, these are matters of record and does not warrant any reply from the answering Respondent.
9. It is respectfully submitted that with respect to the allegations in Paragraph III of the application, quarry operation is carried out in the day time only from 7 am to 5 pm and the blasting is carrying out only in the fixed time of between 3 pm – 5 pm with proper intimations.
10. It is respectfully submitted that with respect to the allegations in Paragraph IV of the application, the unit of the 6th Respondent has provided manual Water sprinkling arrangements to control the fugitive emissions during Drilling, Blasting, Loading operations and Vehicle movement. However the unit of the 6th Respondent has not made any measurement / test during mining operation and has not filed any report to the answering Respondent.
11. It is respectfully submitted that with respect to the allegations in Paragraph V of the application, the unit of the 6th Respondent is surrounded by vacant land and no trade effluent is generated from the quarrying activity.
12. It is respectfully submitted that with respect to the allegations in Paragraph VI of the application, as mentioned earlier, the unit of the 6th Respondent has provided manual Water sprinkling arrangements to


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control the fugitive emissions during Drilling, Blasting, Loading operations and Vehicle movement. However the proponent has not made any measurement / test during mining operation and has not filed any report to the answering Respondent. The unit of the 6th Respondent has not monitored the noise level during the mining operation. The unit of the 6th Respondent has provided G.I. sheet fencing arrangements all along the periphery of the quarry site.

13. It is respectfully submitted that with respect to the allegations in Paragraph VII of the application, the concerned authority to evaluate and report the same is the 2nd Respondent. It is beyond the purview of the answering Respondents.
14. It is respectfully submitted that with respect to the allegations in Paragraph 1 of the Facts-in-Brief of the application, the Applicant is put to strict proof of the same.
15. It is respectfully submitted that with respect to the submissions in Paragraph 2 of the Facts-in-Brief of the application, these are matters of record and does not warrant any reply.
16. It is respectfully submitted that with respect to the allegations in Paragraph 3 of the Facts-in-Brief of the application, it is submitted that the unit of the 6th Respondent has provided manual Water sprinkling arrangements to control the fugitive emissions during Drilling, Blasting, Loading operations and Vehicle movement. However the unit of the 6th Respondent has not made any measurement / test during mining operation and has not filed any report to the answering Respondent. The unit of the 6th Respondent has not monitored the noise level during the mining operation. The unit of the 6th Respondent has provided G.I. sheet fencing arrangements all along the periphery of the quarry site. The unit of the 6th Respondent has planted greenbelt arrangements all along the periphery of the quarry site.
17. It is respectfully submitted that with respect to the allegations in Paragraph 4 of the Facts-in-Brief of the application, it is submitted that the unit of the 6th Respondent has not monitored the noise level during

 01/11/2023

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- the mining operation. It is reported that the quarry operation is carried in the day time only from 7 am to 5 pm and the blasting is carrying out only in the fixed time of between 3 pm – 5 pm with proper intimations.
18. It is respectfully submitted that with respect to the allegations in Paragraph 5 of the Facts-in-Brief of the application, the appropriate authority to respond to the same is the 2nd Respondent.
 19. It is respectfully submitted that with respect to the allegations in Paragraphs 6, 7, 8 and 9 of the application, the appropriate authority to respond to the same is the 1st Respondent.
 20. It is respectfully submitted that with respect to the allegations in Paragraphs 10 and 11 of the application, the same are responded to in paragraph 16 of this reply.
 21. It is respectfully submitted that with respect to the allegations in Paragraph 12 of the application, the unit of the 6th Respondent has planted greenbelt arrangements all along the periphery of the quarry site.
 22. It is respectfully submitted that with respect to the allegations in Paragraphs 13 to 21 of the application, the same are responded to in the previous paragraphs of this reply.
 23. It is respectfully submitted that with respect to the grounds on paragraph 22 of the application, the same are responded to in the previous paragraphs of this reply.

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


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ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, R. Rajamanickam, S/o. P.M. Ramasamy, working as Additional Chief Environmental Engineer, having office at No. 76, Anna Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

R. Rajamanickam
w/2/2023

ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
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ANNEXURE

**Photographs taken during inspection of the unit M/s. K. K. Raghavan,
S.F.No. 121/3, Keezvasalai village, Maduranthagam Taluk, Chengalpattu District**

	
<p>G.I. sheet fencing arrangements all along the periphery of the quarry site</p>	
	
<p><u>Greenbelt development</u></p>	<p><u>Name board placed in the entrance</u></p>

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POLLUTION CONTROL BOARD.**

**Advocate for Respondent: TNPCB
Thiru. Sai Sathyajith
Advocate, Chennai.**

Date:10.02.2023

Date of hearing: 13.02.2023