

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
ORIGINAL APPLICATION No.141 of 2022 (SZ)

IN THE MATTER OF:

D. KARUNAKARAN

S/o. Shri. Dev,
No.192, Orangavalli Village,
Kattudevathur Panchayat,
Neerpeuyar Post, Maduranthagam Taluk,
Chengalpattu District – 603 313.

..... Applicant

/Versus/

1. **State Level Environment Impact Assessment Authority – Tamil Nadu**
Through the Chairman
Third Floor Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.
2. **Department of Geology and Mining,**
Through the Deputy Director,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai – 600 032.
3. **Tamil Nadu Pollution Control Board,**
Through the Chairman,
76, Mount Salai,
Guindy, Chennai – 600 032.
4. **The District Collector, Chengalpattu**
Collectorate, GST Road,
Chengalpattu – 603 001.
5. **The Superintendent of Police, Chengalpattu**
Hospital Road, Bypass Road,
Chengalpattu – 603 002.
6. **K.K. Raghavan**
S/o. M. Krishnan,
No.195, Theradi Street,
Madurantangam,
Chengalpattu – 603 306.

.....Respondent(s)


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

COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – Tamilnadu, THE FIRST RESPONDENT

I, Deepak S. Bilgi, I.F.S., working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015 solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the First Respondent/SEIAA-TN 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. At the outset, I deny the averments and allegations stated in this original application 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. K.K. Raghavan/Sixth Respondent has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) for seeking prior Environmental Clearance for the proposed Rough Stone & Gravel quarry over an extent of 2.34.5 Ha at S.F.No. 121/3 at Keelvasalai Village, Maduranthagam Taluk, Chengalpattu District, Tamil Nadu.
4. It is respectfully submitted that; the proposal was placed for appraisal in this 236th SEAC Meeting held on 05.10.2021. The project proponent gave a detailed presentation. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

The SEAC noted the following:

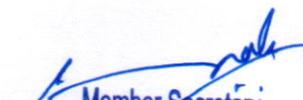
- a. The project proponent, Thiru. K.K Raghavan has applied for Environmental Clearance for the proposed Rough Stone & Gravel quarry lease over an extent of 02.34.5 Ha at S.F.Nos. 121/3 Keelvasala Village, Maduranthagam Taluk, Chengalpattu District, Tamil Nadu.
- b. The project/activity is covered under Category “B2” of Item 1(a) “Mining of Minerals Projects” of the Schedule to the EIA Notification, 2006.


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

- c. The production for the five years states that the total quantity of recoverable as 2,07,115 cu.m of rough stone & 35,738cu.m of gravel and the ultimate depth of mining is 17m below ground level.

Based on the presentation and documents furnished by the project proponent, SEAC decided to recommend the proposal for the grant of issue of Environmental Clearance subject to the following specific conditions, in addition to normal conditions stipulated by MOEF &CC:

1. The proponent shall form proper benches as per the approved mining plan during the operation of the quarry considering the hydro-geological regime of the surrounding area as well as for safe mining.
2. The Proponent should install cautionary boards at the entry and important locations of the mining site displaying caution notice to the public about the danger of entering the mining lease.
3. The proponent shall conduct annual physical fitness test and eye test for all the employees to ensure health & safety during occupation.
4. Fugitive emission measurements should be carried out during the mining operation and the report on the same may be submitted to TNPCB once in six months.
5. The Proponent shall ensure that the Noise level is monitored during mining operation at the project site and adequate noise level reduction measures be undertaken.
6. The proponent shall erect fencing all around the boundary of the proposed area with gates for entry/exit as per the conditions and shall furnish the photographs/map showing the same before obtaining the CTO from TNPCB.
7. Greenbelt needs to be developed in the periphery of the mines area preferably adopting Miyawaki scheme of at least 3m width so that at the closure time the trees would have grown well.


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

8. Groundwater quality monitoring should be conducted once every six months and the report should be submitted to TNPCB.
9. After mining is completed, proper leveling should be done by the Project proponent & Environmental Management Plan furnished by the Proponent should be strictly followed.
10. The Project proponent shall strictly adhere to mine closure plan after ceasing mining operations as committed. Also, the proponent shall undertake re- grassing of the mining area and any other area which might have been disturbed due to the mining activities and restore the land to a condition that is fit for the growth of fodder, flora, fauna etc.
11. Proper barrier to reduce noise level, dust pollution and to hold down any possible fly material (debris) should be established by providing greenbelt and/or metal sheets along the boundary of the quarrying site and suitable working methodology to be adopted by considering the wind direction.
12. The operation of the quarry should not affect the agriculture activities & water bodies near the project site and a safety distance of 50m from the boundary should be left vacant without any mining activity.
13. Transportation of the quarried materials shall not cause any hindrance to the Village people or damage to the existing Village Road.
14. The Project Proponent shall comply with the mining and other relevant rules and regulations wherever applicable.
15. The proponent shall develop an adequate greenbelt with native species on the periphery of the mine lease area before the commencement of the mining activity, in consultation with DFO of the concerned district/agriculture.
16. The quarrying activity shall be stopped if the entire quantity 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.

17. Prior clearance from Forestry & Wild Life including clearance from committee of the National Board for Wildlife as applicable shall be obtained before starting the quarrying operation, if the project site attracts the NBWL clearance.
18. To ensure safety measures along the boundary of the quarry site, security guards are to be posted during the entire period of the mining operation.
19. As per the MoEF & CC Office Memorandum F.No. 22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020 the proponent shall furnish the detailed EMP mentioning all the activities as proposed in the CER and furnish the same before placing the subject to SEIAA.
20. All the conditions imposed by the Deputy Director, Geology & Mining, Chengalpattu District in the mining plan approval and the precise area communication issued by District Collector, Chengalpattu District should be strictly followed.
5. It is respectfully submitted that; the proposal was later placed in this 478th SEIAA Meeting held on 29.10.2021. After detailed discussions, the Authority accepted the recommendation of SEAC and decided to grant Environmental Clearance to the proposed Project subject to the conditions as recommended by SEAC & normal conditions in addition to the following conditions:
 - a. The production for the five years states that the total quantity of recoverable as 2,07,115 cu.m of rough stone & 35,738cu.m of gravel and the maximum depth of mining is 17m below ground level.
 - b. As per the MoEF& CC office memorandum F.No.22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020 the proponent has furnished the detailed EMP mentioning all the activities in the CER for Rs. 1.45lakhs. All the activities proposed shall be carried out before obtaining CTO from TNPCB.
6. It is respectfully submitted that; after detailed report and recommendation of the authority for the grant of Environmental Clearance (EC), SEIAA-TN issued EC to the project proponent through their Letter Vide Lr. No. SEIAA-TN/F.No.8576/1(a)/EC. No:4914/2021 dated:03.11.2021.
7. It is respectfully submitted that; with regard to the prayer of the petitioner (i) & (ii), the monitoring of compliance of the EC conditions and the action for non-compliance is vested

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


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

with the Department of Geology and mining/Second Respondent and TNPCB/Third Respondent.

8. It is respectfully submitted that; with regard to the prayer of the petitioner (iii), the monitoring of compliance of the EC conditions and the action for non-compliance with regard to the quarry operations is vested with the Department of Geology and mining/Second Respondent.
9. It is respectfully submitted that; this Environmental Clearance (EC) issued is subject to the general condition No. 20. "Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (protection) Act, 1986". In view of above, the withdrawal of the said Environmental Clearance (EC) is reserved with State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN).

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 02nd day of March 2023
& Signed his name in my presence.

**FISRT RESPONDENT
MEMBER SECRETARY**


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

BEFORE ME
Attested Officer


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