

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE  
BENCH, CHENNAI

ORIGINAL APPLICATION NO. 148 of 2022

IN THE MATTER OF: -

Dr. Sushmitha

.... Applicant

Versus

The Member Secretary,  
SEIAA, Chennai and Ors.

.... Respondent(s)

COUNTER AFFIDAVIT FILED ON BEHALF OF STATE LEVEL  
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)



Filed by:  
G.M. SYED NURULLAH SHERIFF  
Senior Standing Counsel  
MoEF&Cc.  
Mob. No. 9444015330  
Counsel for Respondent no.1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
ORIGINAL APPLICATION No.148 of 2022 (SZ)

**IN THE MATTER OF:**

**Dr. SUSHMITHA**

No.C-302,  
Radiance Mandarin Apartment,  
Thoraipakkam,  
Chennai – 600 096.

..... Applicant

**/Versus/**

1. **The Member Secretary,**  
State Level Environment Impact  
Assessment Authority – Tamil Nadu  
Third Floor Panagal Maaligai,  
No.1, Jeenis Road, Saidapet,  
Chennai – 600 015.
2. **The District Collector,**  
Collectorate, Karur District,  
Tamil Nadu.
3. **The Member Secretary,**  
Tamil Nadu Pollution Control Board,  
76, Mount Salai,  
Guindy, Chennai – 600 032.
4. **Commissioner,**  
Department of Geology and Mining,  
Industrial Estate,  
Alandur Road, Chennai – 600 032.
5. **The District Environmental Engineer,**  
Tamil Nadu Pollution Control Board,  
No.26, Ramakrishnapuram West,  
Karur – 639 001.
6. **The Deputy Director,**  
Geology and Mining Department,  
Room No.302, Third Floor,  
Collectorate, Karur – 639 007.
7. **The Executive Engineer,**  
Karur Distribution Circle,  
Tamil Nadu Generation  
and Distribution Corporation,  
TNEB Complex, 3, Kovai Road,  
Karur – 639 002.
8. **M/s. Sri Rathnagiriswarar Blue Metals,**  
Rep. by its Proprietor Mr. M. Palaniyandi,  
No.2/1, Shivayam North Village,  
Ayyermalai Post, Karur – 639 120.

  
**Member Secretary**  
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN  
Panagal Maaligai, No.1, Jeenis Road,  
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9. **M/s. Navamani Mines Private Limited,**  
Rep. by its Managing Director P. Mani,  
Door No.5/898, Azhagu Nagar,  
Trichy Road, Namakkal – 637 007.

10. **Mr. Palaniyandi**  
S/o. Mr. Mottaiyandi  
No.2/34, Ambalakarar Street,  
Somarasampettai,  
Sriangam Taluk,  
Trichy District.

.....Respondent(s)

**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/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 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 proponent Thiru M. Palaniyandi/Tenth Respondent submitted application for ToR on 16.08.2019 in Form-1, Pre-Feasibility report for Rough Stone & Gravel Quarry lease over an extent of 2.34.5 Ha at S.F.No.2/2 in Sivayam (North) Village, Krishnarayapuram Taluk, Ayyar Malai Post, Karur District, Tamilnadu.
4. It is respectfully submitted that, the project proposal was placed in the 138<sup>th</sup> SEAC Meeting held on 09.11.2019. Based on the presentation made by the proponent and the documents furnished, the SEAC decided to recommend the proposal for the grant of ToR to SEIAA with Public Hearing, subject to the following specific conditions in addition to the normal conditions as part of ToR:
  1. The study shall be conducted on the combined impact of the quarries in the cluster
  2. A detailed study of the lithology of the mining lease area shall be furnished.
  3. Details of village map, “A” register and FMB sketch shall be furnished.
  4. The proposal for green belt activities shall be furnished.
  5. The Socio-economic studies should be carried out within 10km buffer zone from the mines.

  
Member Secretary  
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6. Detailed study report combined impact of the crushers, impact of the water body, open well detail within 1 km radius impact on this the project proponent shall furnish in the EIA report.
7. Detailed mining closure plan for the proposed project approved by the Geology of Mining department shall be shall be submitted along with EIA report.
8. The spot levels and contour levels of the proposed quarry site shall be studied and the same shall be furnished to along with EIA.
9. A detailed report on the safety and health aspects of the workers and for the surrounding habitants during operation of mining for drilling and blasting shall be submitted.
10. The proponent may conduct Hydrology study report towards the impact of this mining on the surface water & ground hydrology and furnished the report along with EIA report.
11. The proposal for CER shall be furnished with time frame as per Office Memorandum of MoEF & CC dated 01.05.2018.
12. Obtain a letter /certificate from the Assistant Director of Geology and Mining standing that there is no other Minerals/resources like sand in the quarrying area within the approved depth of mining and below depth of mining and the same shall be furnished in the EIA report.
13. Ground water quality monitoring should be conducted as per norms and the report shall furnish in the EIA report.
14. EIA report should strictly follow the Environmental Impact Assessment Guidance Manual for Mining of Minerals published February 2010.
15. Detail plan on rehabilitation and reclamation carried out for the stabilization and restoration of the mined areas.
16. The EIA study report shall include the surrounding mining activity, if any.
17. Modelling study for Air, Water and noise shall be carried out and incremental increase in the above study shall be substantiated with mitigation measures.
18. A study on the geological resources available shall be carried out and reported.
19. A specific study on agriculture & livelihood shall be carried out and reported.
20. Impact on ponds, rivers and other water bodies to be elaborated.
21. Impact of soil erosion, soil physical chemical and biological property changes may be assumed.
22. The recommendation for the issue of Terms of Reference is subject to the final 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).

  
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5. It is respectfully submitted that, the proposal was placed before the 368<sup>th</sup> SEIAA Meeting held on 31.01.2020. The Authority decided to recommend the proposal for the grant of ToR along with Public Hearing for the preparation of EIA Report with additional ToR as recommended by SEAC in addition to the following conditions with standard terms of reference:
- I. Details of study on social impact, including livelihood of local people.
  - II. A specific study should include impact on flora & fauna, disturbance to migratory pattern of animals.
  - III. Reserve funds should be earmarked for proper closure plan.
  - IV. A detailed plan on plastic waste management shall be furnished. Further, 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. In this connection, the project proponent has to furnish the action plan.
6. It is respectfully submitted that, the ToR was issued to the project through vide Lr. No. SEIAA-TN/F.No.7034/SEAC/TOR-686/2020 dated:31.01.2020.
7. It is respectfully submitted that, the project proponent Tvl. Navamani Mines Private Limited/Ninth Respondent has submitted application for ToR on 01.08.2019, in Form-1, Pre-Feasibility report for the Rough Stone & Gravel Quarry lease over an extent of 2.80.5 Ha at S.F.Nos.15/1 & 15/2 at Sivayam (North) Village, Krishnarayapuram Taluk, Karur District, Tamilnadu.
8. It is respectfully submitted that, the proposal was placed in the 166<sup>th</sup> SEAC Meeting held on 30.07.2020. Based on the presentation given by the project proponent and document furnished by the project proponent, the SEAC has recommended the proposal for the grant of Terms of Reference (ToR) to SEIAA with Public Hearing, subject to the following specific conditions in addition to the points mentioned in the standard Terms of Reference for conducting Environment Impact Assessment study for non-coal mining projects and information to be included in EIA/EMP report issued by the MoEF&CC.
1. The proponent shall furnish the contour map of the water table detailing the number of wells located around the site and impacts on the wells due to mining activity.
  2. The proponent shall conduct the hydro-geological study to evaluate the impact of proposed mining activity on the groundwater table, agriculture activity, and water bodies such as rivers, tanks, canals, ponds etc. located nearby by the proposed mining area.
  3. The proponent shall furnish the details on number of groundwater pumping wells, open wells within the radius of 1 km along with the water levels in both monsoon and non-monsoon seasons. The proponent would also collect the data of water table

  
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level in this area during both monsoon and non-monsoon seasons from the PWD / TWAD.

4. The Proponent shall conduct the Cumulative impact study on the Agricultural area due to Mining, Crushers and other activities around the site area.
5. The details of surrounding well and the cumulative impact on the ground water shall be part of EIA study.
6. The Socio-economic impact assessment due to the project needs to be carried out within 10km of the buffer zone from the mines.
7. A detailed report on the green belt development already undertaken is to be furnished. They also need to submit the proposal for green belt activities for the proposed mine(s).
8. Proposal for CER activities should be furnished taking into consideration the requirement of the local habitants available within the buffer zone as per Office Memorandum of MoEF & CC dated 01.05.2018.
9. A detailed Mine-closure plan for the proposed project shall be submitted.
10. A detail report on the safety and health aspects of the workers and for the surrounding habitants during operation of mining for drilling and blasting shall be submitted.
11. The recommendation for the issue of Terms of Reference 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).
12. Details of the lithology of the mining lease area shall be furnished.
13. A study shall be conducted on the number of trees (name of the species, age) present in the mining lease applied area and how, it will be managed during mining activity.
14. The proponent shall furnish the following details along with the EIA Report from AD/DD - mines of concern District to ensure no violation file is appraised under normal cases.
  - a) What was the period of the operation and stoppage of the earlier mines with last work permit issued by the AD /DD mines?
  - b) Quantity of minerals mined out.
  - c) Detail of approved depth of mining.
  - d) Actual depth of the mining achieved earlier
  - e) Name of the person already mined in that leases area.
  - f) If EC and CTO already obtained compliance report from competent authority to be furnished.

  
Member Secretary  
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9. It is respectfully submitted that, the proposal was placed before the 397<sup>th</sup> SEIAA Meeting held on 21.09.2020. After detailed discussion the authority decided to grant ToR along with Public Hearing for the preparation of EIA Report with additional ToR as recommended by SEAC.
10. It is respectfully submitted that, the ToR was issued to the project through vide Lr. No. SEIAA-TN/F.No.6993/SEAC/TOR-761/2020 dated:24.09.2020 with validity up to 3 years from the date of issue of the ToR.
11. It is respectfully submitted that, MoEF&CC has issued a gazette notification vide S.O.751 (E) dated 17.02.2020 stating that the Terms of Reference for the projects or activities except for River Valley and Hydro-electric projects, issued by the concerned regulatory authority, shall have the validity of four years from the date of issue. In case of the river valley and hydro-electric projects, the validity of ToR will be for five years.
12. It is respectfully submitted that, the proponent is yet to submit their EIA Report to SEIAA-TN, on receipt of the report SEIAA-TN will consider it for the process.
13. It is respectfully submitted that; with regard to the prayer of the petitioner the monitoring of compliance of the EC conditions and the action for non-compliance is vested with the Department of Geology and mining/Fourth Respondent and TNPCB/Fifth Respondent.

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 02<sup>nd</sup> day of March 2023  
& Signed his name in my presence.

**FISRT RESPONDENT  
MEMBER SECRETARY**

  
**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