

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
APPEAL NO.15 OF 2022**

Arjun Gopalratnam
S/o. R.Gopalratnam
No.02, Nerkundram Village,
Salavakkam Post via Anambakkam
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...Appellant

Versus

1. The Tamil Nadu State Environment Impact Assessment Authority
Rep by its Member Secretary
3rd Floor, Panagal Maaligai No.1, Jeenis Maligai, Saidapet
Chennai-600015
E-Mail - mstnseiaa@yahoo.com
Ph - 044 -24359973

2. Mr.R.Giridharan
S/o. Rajendiran
No.12/113, 1st Main Road
Moogambikai Nagar
Sikkarayapuram Extension
Gerugambakkam, Kancheepuram
Chennai - 600128

... Respondents

COUNTER AFFIDAVIT FILED BY FIRST RESPONDENT

I, Thiru.Deepak S.Bilgi, I.F.S., S/o.Siddappa, aged about 43 years having office at Third Floor, Panagal Buildings, Saidapet, Chennai - 600015 solemnly affirm and sincerely state as follows


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

1. I respectfully submit that I am the Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) and I am well acquainted with the facts of the case from the records available and I am filing this reply in my official capacity on behalf of 1st Respondent.
2. I respectfully submit that I am filing counter affidavit on behalf of 1st 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.
3. I respectfully submit that the Environment Impact Assessment (EIA) Notification, 2006 as amended dated 14.09.2006, 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, Mining plan approved by the Department of Geology and Mining, 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 will be placed before the State Environment Impact Assessment Authority (SEIAA) for the consideration of issue of Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance is issued by SEIAA.


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4. I respectfully submit that the as per under EIA notification 2006, as amended activity of mining of Minerals (≤ 100 ha of mining lease area in respect to non-coal mine lease area & ≤ 250 ha of mining lease area in respect to coal mine lease area) falls under category 'B' Projects.
5. I respectfully submit that the project proponent Thiru.R.Giridharan has submitted online application through PARIVESH to SEIAA-TN on 28.11.2020 and hard copy of application received by this office of SEIAA-TN on 07.12.2020 for seeking Environment Clearance for quarrying Proposed Rough Stone & Gravel over an extent of 2.77.0Ha at S.F.Nos.367/1, 367/2, 368/1G, 368/1H, 368/1I, 376/1 & 376/2, 376/3, 376/4, 376/5 Edamachi Village, Uthiramerur Taluk, Kancheepuram District, Tamil Nadu mentioned in the Form 1M- the Ground Water Table is 48 m Below Ground Level.
6. I respectfully submit that the above said proposal was placed in the 223rd meeting of State Level Expert Appraisal Committee (SEAC) held on 30.07.2021 and the committee has recommended Environmental Clearance subject to certain conditions.
- i. Restricting the depth of mining to 32m ultimate depth and quantity of 40432 cu.m of Rough stone & 6528 cu.m of Gravel for five years with a bench height of 10m as per the approved mining plan considering the hydrogeological regime of the surrounding area as well as to ensure sustainable and safe mining.
 - ii. The project proponent shall submit hydraulic particulars of the tank located nearby at a distance of 150m before obtaining EC.
 - iii. The project proponent shall submit hydrogeological study report to SEIAA before placing the subject in SEIAA.


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- iv. Fugitive emission measurements should be carried out during the mining operation at regular intervals and submit the consolidated report to SEIAA once in six months.
- v. Proponent shall ensure that the Noise level is monitored during mining operation at the project site and adequate noise level reduction measures undertaken.
- vi. 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.
- vii. Greenbelt needs to be developed in the periphery of the mines area so that at the closure time the trees would have grown well.
- viii. Ground water quality monitoring should be conducted once in every six months and the report should be submitted to TNPCB.
- ix. After mining is completed, proper leveling should be done by the Project proponent & Environmental Management Plan furnished by the Proponent should be strictly followed.
- x. 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 that is fit for the growth of fodder, flora, fauna etc.
- xi. Proper barriers 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.


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- xii. The operation of the quarry should not affect the agricultural activities & water bodies near the project site and a 50m safety distance from water body should be left vacant without any activity.
- xiii. Transportation of the quarried materials shall not cause any hindrance to the Village people/Existing Village road.
- xiv. The Project Proponent shall comply with the mining and other relevant rules and regulations wherever applicable.
- xv. 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.
- xvi. 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 concerned District Authorities.
- xvii. 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).
- xviii. 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, as per the existing law from time to time.


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- xix. 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.
- xx. The mine closure plan submitted by the project proponent shall be strictly followed after the lapse of the mining activities.
- xxi. 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 particularly sanitizing facility for schools proposed in the CER and furnish the same before placing the subject to SEIAA.
- xxii. All the conditions imposed by the Assistant Director, Geology & Mining, Kancheepuram District in the mining plan approval and the Precise area communication letter issued by concerned District Collector should be strictly followed.
7. I respectfully submit that the above said proposal was placed in the 459th meeting of State Level Environment Impact Assessment Authority held on 09.09.2021 and the Authority has issued Environmental Clearance for the period of five years from the date of execution of the mining lease vide this office Lr.No.SEIAA-TN/F.No.8101/1(a)/EC.No.4730/2021 dated 20.09.2021.
8. I respectfully submit that, subsequently, the petition received from Thiru.Arjun Gopalratnam, Kancheepuram District requesting to take action against the mining industry of Thiru.R.Giridharan, Kancheepuram District was forwarded to Member Secretary, Tamil Nadu Pollution Control Board, Chennai District and the Commissioner, Department of Geology and Mining, Guindy, Chennai for necessary action.


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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...”

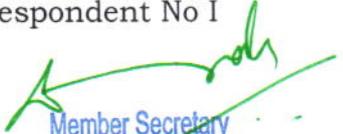
10. It is therefore humbly prayed that this Hon’ble Tribunal may be pleased to record and pass orders as this Hon’ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai

On this 18th day of July 2022

& signed his name in my presence

Respondent No I


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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Saidapet, Chennai - 15

Before me


Assistant Environmental Engineer
State Level Environment Impact Assessment Authority-Tamilnadu
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