

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

APPEAL NO. 15 of 2024

IN THE MATTER OF: -

U. Selvi

.... Applicant

Versus

The Member Secretary, SEIAA and Ors.

.... Respondent

**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, CHENNAI

Appeal No.15 of 2024 (SZ)

U. SELVI

Vs

State Level Environment Impact Assessment Authority (SEIAA)

&

State Level Expert Appraisal Committee (SEAC)

INDEX

S.No.	Description	Page No.
1.	Reply Affidavit on Behalf of Respondent No I, II Responded by the Member Secretary, State Level Environment Impact Assessment Authority – Tamil Nadu Third Floor Panagal Maaligai, No.1, Jeenis Road, Saidapet, Chennai – 600 015.	1 - 4
2.	ANNEXURE 1 – R2 Minutes of 413rd SEAC Meeting held on 05.10.2023	5 - 8
3.	ANNEXURE 2 – R1 Minutes of 665th SEIAA Meeting held on 26.10.2023	9 – 11
4.	ANNEXURE 3 – R1/R2 SEIAA-TN Rejection letter sent to Proponent Dated on 27.10.2023.	12 - 14

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Appeal No.15 of 2024 (SZ)

Tmt. U. SELVI,
W/o. S.Uthirasami,
5/56, O No.2/190, Kuttakadu,
Rc Chettipatti Post, Palpakki,
Omalur,Salem – 636 455
ritachandrasekar@gmail.com
Cell No. 9840979920

... APPELLANT

Vs

1. State Level Environment Impact Assessment Authority (SEIAA),
Rep. by its Member Secretary,
3rd Floor, Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai – 600 015.
Email: seiaamstn@gmail.com
Phone No. 044-24359973
2. State Level Expert Appraisal Committee (SEAC),
Rep. by its Chairman,
3rd Floor, Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai – 600 015.
Email: seacchairmantn@gmail.com
Phone No. 044-24359973.

... RESPONDENTS



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

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 – TAMIL NADU, THE
1st and 2nd RESPONDENTS

I, A.R. Rahul Nadh, I.A.S, aged 36 years 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 1st & 2nd 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. I deny all the averments and allegations stated in this Appeal No.15 of 2024 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 Tmt.U. Selvi has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking prior Environmental Clearance for the project/activity is covered under Category “B2” of Item 1(a) “Mining Projects” of the Schedule to the EIA Notification, 2006 the proposed Rough Stone and Gravel Quarry lease over an extent of 0.63.50Ha S.F.No.248/1, 248/2, 248/3, Veppilai Village, Kadayampatti Taluk, Salem District, Tamil Nadu vide online letter No. (SIA/TN/MIN/409029/2022, dt: 07.12.2022)
4. I respectfully submitted that; the proposal was placed for appraisal in the 364th SEAC meeting held on 23.03.2023. Based on the presentation and documents furnished by the project proponent, SEAC noted that
 - i. The proposed mine site is un-mined so far
 - ii. Thoppaiyar Dam & Amman Eri are located nearer to the proposed mining site.

Hence, the SEAC, after detailed deliberations, decided to make an on-spot inspection to assess the present status of highly sensitive environmental settings of the site and availability of haul road for the transportation through a sub-committee constituted for the purpose. The SEAC will take further course of action based on the site inspection & report.



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

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

5. I respectfully submitted that; The sub-committee visited Rough Stone and Gravel Quarry on 01.05.2023. The sub-committee inspection report was placed in the 413th meeting of SEAC held on 05.10.2023 and the Sub-Committee report was deliberated.

The following are the observations of committee.

- i. The subcommittee observed that the quarries are located on Thoppur hills, an eastern ghat hill range that runs in Dharmapuri district.
- ii. The entire Thoppur hills is a major watershed for the area, which is otherwise a dry area.
- iii. The water that runs off the Hill, drains in to an Odai that feeds the 'Amman Eri', a nearby lake, that is key to all the agricultural activities in the area.
- iv. Surplus from Amman eri flows in to the Thoppaiyar dam, a crucial watershed that supports agricultural area and a source of drinking water for the population in and around, otherwise a dry area.
- v. The proposed quarries are spread over the hills. the dust and the residue, including the explosive residues from the quarries and a crusher located in the vicinity, likely to seep into the odai and eventually in to the Amman eri. this pollution load interferes with the quality of water and may reduce the agricultural productivity in the long run.
- vi. The quarrying activity also alters and affects the water drainage system of the hill.
- vii. Thoppaiyar Dam, a source of drinking water for the population around, will be rendered with a reduced services that affects the ecology and economy of the area.

Hence the subcommittee opines that the environmental clearance need not be given to the proposed quarries in the thoppur hills.

Based on the presentation and documents furnished by the project proponent and the recommendation of the Sub- committee constituted by SEAC. Considering the environmental settings of the proposed mining area, SEAC decided to agree with the conclusion of the subcommittee and not to recommend grant of EC for this project.



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

6. I respectfully submitted that; subsequently, the subject was placed before the **Authority (SEIAA-TN) in its 665th meeting held on 26.10.2023**. In view of the above, The Authority after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.
7. I respectfully submitted that; based on the above, **the rejection letter was sent to the Project proponent vide this office letter No. SEIAA-TN/F.No.9635/2023 dated 27.10.2023. Hence this file is closed and recorded.**

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 27th day of February 2024 &
Signed his name in my presence

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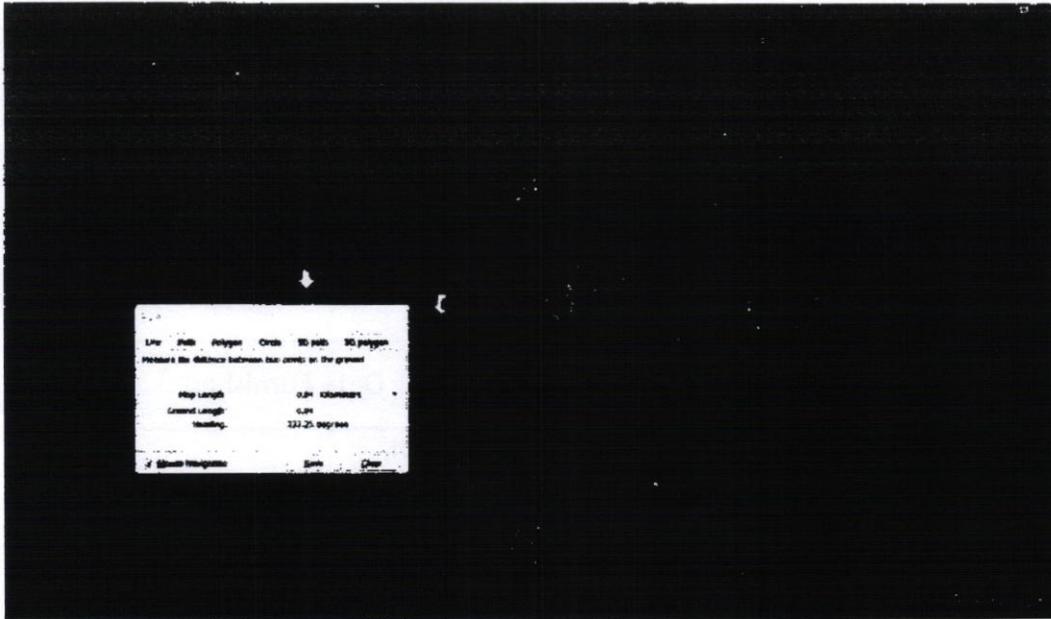
**FIRST & SECOND
RESPONDENT**

BEFORE ME



**MEMBER SECRETARY
SEIAA-TN**

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



Based on the presentation and documents furnished by the project proponent and the recommendation of the Sub- committee constituted by SEAC. Considering the environmental settings of the proposed mining area, SEAC decided to agree with the conclusion of the subcommittee and not to recommend grant of EC for this project.

Agenda No: 413 – TA - 03

(File No: 9635/2023)

Proposed Rough Stone and Gravel Quarry lease over an extent of 0.63.50Ha S.F.No.248/1, 248/2, 248/3, Veppilai Village, Kadayampatti Taluk, Salem District by Tmt.U.Selvi - For Environmental Clearance. (SIA/TN/MIN/409029/2022, dt: 07.12.2022)

Earlier, the proposal was placed for appraisal in this 364th SEAC meeting held on 23.03.2023. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

1. The Project Proponent, Tmt.U.Selvi has applied for Environmental Clearance for the proposed Rough Stone and Gravel Quarry lease over an extent of 0.63.50Ha S.F.No.248/1, 248/2, 248/3, Veppilai Village, Kadayampatti Taluk, Salem District, Tamil Nadu.
2. The project/activity is covered under Category "B2" of item I(a) "Mining of Minerals Project" of the Schedule to the EIA Notification,2006.


MEMBER SECRETARY
SEAC - TN

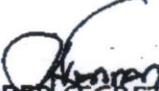
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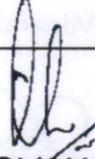

CHAIRMAN
SEAC- TN

3. The precise area communication/lease is issued for the period of 3 Years. The approved mining plan is for the period of 3 Years & production should not exceed 23805 m³ of Rough Stone & 5670 m³ of Gravel and the annual peak production shall not exceed 7965 m³ of Rough Stone & 5670 m³ of Gravel. The ultimate depth is 17m BGL.

The salient features of the project are as follows:

Sl. No	Details of the Proposal	:	Data Furnished
1	Name of the Owner/Firm	:	Tmt.U.Selvi, W/o.Utthirasamy, 5/56, O No.2//190 Kuttakkadu, RC Chettipatti Post, Palpakki, Omalur Salem-636455
2	Type of quarrying (Savudu/Rough Stone/Sand/Granite)	:	Rough Stone and Gravel
3	S.F No. Of the quarry site with area break-up	:	248/1, 248/2, 248/3
4	Village in which situated	:	Veppilai
5	Taluk in which situated	:	Kadayampatti
6	District in which situated	:	Salem
7	Extent of quarry (in ha.)	:	0.63.050 Ha
8	Latitude & Longitude of all corners of the quarry site	:	11°56'32.42"N to 11°56'39.26"N 78°07'45.61"E to 78°07'49.21"E
9	Topo Sheet No.	:	58 - 1/1
10	Type of mining	:	Opencast Semi-Mechanized of Mining
11	Period of quarrying proposed	:	5 years
12	Production (Quantity in m ³)	:	23805m ³ of Rough Stone & 5670m ³ of Gravel
13	Depth of quarrying	:	17.0m BGL
14	Depth of water table	:	65m - 70m BGL
15	Man Power requirement per day:	:	18 Nos.
16	Source of Water Requirement	:	water vendors and Existing Borewell
17	Water requirement: 1. Drinking & domestic purposes (in KLD)	:	2.00 KLD 1.00 KLD


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

	2. Dust suppression, Green Belt & Wet Drilling (in KLD)	0.50 KLD 0.50 KLD
18	Power requirement	TNEB
19	Whether any habitation within 300m distance	: No
20	Precise area communication approved by the, District Collector, Department of Geology and Mining with date	: Rc.No.136/2021/Kanimam-A, dt: 14.10.2022
21	Mining Plan approved by Deputy Director, Department of Geology and Mining with date	: Roc.No.136/2021/Mines-B, dt: 01.11.2022
22	Deputy Director, Department of Geology and Mining 500m cluster letter	Roc.No.136/2021/Mines-B, dt: 11.11.2022
23	VAO certificate regarding 300m radius cluster	Letter dt: 05.10.2022.
24	Project Cost	: Rs.46.23 Lakh
25	EMP cost	: Rs.24.89 Lakhs/3 Years
26	CER cost	Rs.5 Lakhs

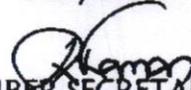
Based on the presentation and documents furnished by the project proponent, SEAC noted that (i) the proposed mine site is un-mined so far and (ii) Thoppaiyar Dam & Amman Eri are located nearer to the proposed mine. Hence, SEAC, after detailed deliberations, decided to make an on-spot inspection to assess the present status of highly sensitive environmental settings of the site and availability of haul road for the transportation through a sub-committee constituted for the purpose.

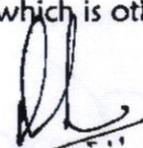
The SEAC will take further course of action based on the site inspection & report.

The sub-committee inspection report was placed in this 413th meeting of SEAC held on 05.10.2023. The sub-committee visited Rough Stone and Gravel Quarry on 01.05.2023.

The following are the observations of committee.

1. The Sub Committee observed that the quarries are located on Thoppur hills, an eastern ghat hill range that runs in Dharmapuri district.
2. The entire Thoppur hills is a major watershed, for the area, which is otherwise a dry area.


MEMBER SECRETARY
SEAC - TN


CHAIRMAN
SEAC- TN

3. The water that runs off the hill, drains in to a *odai* that feeds the '*Amman eri*', a nearby lake, that is key to all the agricultural activities in the area.
4. Surplus from *Amman eri* flows in to the Thoppaiyar dam, a crucial watershed that supports agricultural area and a source of drinking water for the population in and around, otherwise a dry area.
5. The proposed quarries are spread over the hills, the dust and the residue, including the explosive residues from the quarries and a crusher located in the vicinity, likely to seep into the *odai* and eventually in to the *Amman eri*. this pollution load interferes with the quality of water and may reduce the agricultural productivity in the long run.
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Hence the subcommittee opined that the environmental clearance need not be given to the proposed quarries in the Thoppur hills.

Based on the presentation and documents furnished by the project proponent and the recommendation of the Sub- committee constituted by SEAC. Considering the environmental settings of the proposed mining area, SEAC decided to agree with the conclusion of the subcommittee and not to recommend grant of EC for this project.

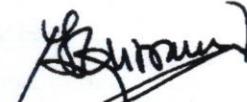

MEMBER SECRETARY
SEAC -TN

75


CHAIRMAN
SEAC -TN

			The Authority after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.
22.	Proposed Rough Stone and Gravel Quarry lease over an extent of 0.93.0 Ha S.F.No.247/2, Veppilai Village, Kadayampatti Taluk, Salem District by Tmt. U. Selvi - For Environmental Clearance. (SIA/TN/MIN/409045/2022)	9634	<p>The authority noted that the subject was appraised in the 413th SEAC meeting held on 05.10.2023. Based on the presentation and documents furnished by the project proponent and the recommendation of the Sub-committee constituted by SEAC. Considering the environmental settings of the proposed mining area, SEAC decided to agree with the conclusion of the subcommittee and not to recommend grant of EC for this project.</p> <p>The Authority, after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per 413th SEAC minutes. Further, Authority decided to close and record this proposal.</p>
23.	Proposed Rough Stone and Gravel Quarry lease over an extent of 0.63.50Ha S.F.No.248/1, 248/2, 248/3, Veppilai Village, Kadayampatti Taluk, Salem District by Tmt.U.Selvi - For Environmental Clearance. (SIA/TN/MIN/409029/2022)	9635	<p>The authority noted that the subject was appraised in the 413th meeting of SEAC held on 05.10.2023 and the sub-committee visited Rough Stone and Gravel Quarry on 01.05.2023. The following are the observations of committee.</p> <ol style="list-style-type: none"> 1. The sub committee observed that the quarries are located on Thoppur hills, an eastern ghat hill range that runs in Dharmapuri district. 2. The entire Thoppur hills is a major watershed for the area, which is other wise a dry area.

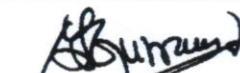

MEMBER SECRETARY

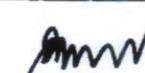

MEMBER


CHAIRMAN
SEIAA-TN

		<p>3. The water that runs off the Hill, drains in to an <i>Odai</i> that feeds the 'Amman Eri', a nearby lake, that is key to all the agricultural activities in the area.</p> <p>4. Surplus from <i>Amman eri</i> flows in to the Thoppaiyar dam, a crucial watershed that supports agricultural area and a source of drinking water for the population in and around, otherwise a dry area.</p> <p>5. The proposed quarries are spread over the hills. the dust and the residue, including the explosive residues from the quarries and a crusher located in the vicinity, likely to seep into the <i>odai</i> and eventually in to the Amman eri. this pollution load interferes with the quality of water and may reduce the agricultural productivity in the long run.</p> <p>6. The quarrying activity also alters and affects the water drainage system of the hill.</p> <p>7. Thoppaiyar Dam, a source of drinking water for the population around, will be rendered with a reduced services that affects the ecology and economy of the area.</p> <p>Hence the subcommittee opines that the environmental clearance need not be given to the proposed quarries in the Thoppur hills.</p> <p>Based on the presentation and documents furnished by the project proponent and the recommendation of the Sub- committee constituted by SEAC. Considering the environmental settings of the proposed mining area, SEAC decided to agree with the conclusion of the subcommittee and not to recommend grant of EC for this project.</p>
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MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN

		<p>The Authority after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.</p>
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Annexure 'A'

a) EC Compliance

1. The Environmental Clearance is accorded based on the assurance from the project proponent that there will be full and effective implementation of all the undertakings given in the Application Form, Pre-feasibility Report, mitigation measures as assured in the Environmental Impact Assessment/ Environment Management Plan and the mining features including Progressive Mine Closure Plan as submitted with the application.
2. All the conditions as presented by the proponent in the PPT during SEAC appraisal should be addressed in Full.
3. The proponent shall submit Compliance Reports on the status of compliance of the stipulated EC conditions including results of monitored data. It shall be sent to the respective Regional Office of Ministry of Environment, Forests and Climate Change, Govt. of India and also to the Office of State Environment Impact Assessment Authority (SEIAA).
4. Concealing the factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

b) Applicable Regulatory Frameworks

5. The project proponent shall strictly adhere to the provisions of Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991, along with their amendments, Minor Mineral Conservation & Development Rules, 2010 framed under MMDR Act 1957, National Commission for protection of Child Right Rules, 2006, Wildlife Protection Act, 1972, Forest Conservation Act, 1980, Biodiversity Conservation Act, 2016, the Biological Diversity Act, 2002, Biological diversity Rules, 2004 & TN Forest Act, 1882 and Rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/Hon'ble High Court of Madras and any other Courts of Law relating to the subject matter


MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN



THIRU. DEEPAK S. BILGI, I.F.S
MEMBER SECRETARY

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMILNADU
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet
Chennai-600015
Phone No.044-24359973
Fax No. 044-24359975

Letter No. SEIAA-TN/F.No.9635/2023 dated:27.10.2023

To

Tmt. U. Selvi,
W/o. Utthirasamy,
5/56, O No. 2/190, Kuttakkadu,
RC Chettipatti Post, Palpakki,
Omalur,
Salem District - 636 455.

Sir,

Sub: SEIAA-TN – Proposal seeking Environmental Clearance for Proposed Rough Stone and Gravel Quarry lease over an extent of 0.63.50Ha S.F.No.248/1, 248/2, 248/3, Veppilai Village, Kadayampatti Taluk, Salem District by Tmt.U.Selvi – under 1(a) Mining projects of the schedule of the EIA Notification, 2006 – not recommended – Application Closed and Recorded – Regarding

- Ref:
1. Online Proposal No. SIA/TN/MIN/409029/2022, dt: 07.12.2022)
 2. Project proponent submitted EC SEIAA-TN on 08.12.2022
 3. Minutes of the 364th SEAC meeting held on 23.03.2023
 4. Minutes of the 611th SEIAA meeting held on 12.04.2023.
 5. Minutes of the 413th meeting of SEAC held on 05.10.2023.
 6. Minutes of the 665th SEIAA meeting held on 26.10.2023

I invite your kind attention to the reference cited above, wherein the application received from Tmt. U. Selvi for Environmental Clearance for the Proposed Rough Stone and Gravel Quarry

lease over an extent of 0.63.50Ha S.F.No.248/1, 248/2, 248/3, Veppilai Village, Kadayampatti Taluk, Salem District, Tamil Nadu.

The proposal was placed for appraisal in this 364th SEAC meeting held on 23.03.2023. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

4. The Project Proponent, Tmt.U.Selvi has applied for Environmental Clearance for the proposed Rough Stone and Gravel Quarry lease over an extent of 0.63.50Ha S.F.No.248/1, 248/2, 248/3, Veppilai Village, Kadayampatti Taluk, Salem District, Tamil Nadu.
5. The project/activity is covered under Category "B2" of item 1(a) "Mining of Minerals Project" of the Schedule to the EIA Notification,2006.
6. The precise area communication/lease is issued for the period of 3 Years. The approved mining plan is for the period of 3 Years & production should not exceed 23805 m³ of Rough Stone & 5670 m³ of Gravel and the annual peak production shall not exceed 7965 m³ of Rough Stone & 5670 m³ of Gravel. The ultimate depth is 17m BGL.

Based on the presentation and documents furnished by the project proponent, SEAC noted that (i) the proposed mine site is un-mined so far and (ii) Thoppaiyar Dam & Amman Eri are located nearer to the proposed mine site. Hence, SEAC, after detailed deliberations, decided to make an on-spot inspection to assess the present status of highly sensitive environmental settings of the site and availability of haul road for the transportation through a sub-committee constituted for the purpose. The SEAC will take further course of action based on the site inspection & report.

The sub-committee inspection report was placed in this 413th meeting of SEAC held on 05.10.2023. The sub-committee visited Rough Stone and Gravel Quarry on 01.05.2023.

The following are the observations of committee.

1. The Sub Committee observed that the quarries are located on Thoppur hills, an eastern ghat hill range that runs in Dharmapuri district.
2. The entire Thoppur hills is a major watershed, for the area, which is other wise a dry area.
3. The water that runs off the hill, drains in to a *odai* that feeds the '*Amman eri*', a nearby lake, that is key to all the agricultural activities in the area.
4. Surplus from *Amman eri* flows in to the Thoppaiyar dam, a crucial watershed that supports agricultural area and a source of drinking water for the population in and around, otherwise a dry area.
5. The proposed quarries are spread over the hills. the dust and the residue, including the explosive residues from the quarries and a crusher located in the vicinity, likely to seep into

the *odai* and eventually in to the Amman eri. this pollution load interferes with the quality of water and may reduce the agricultural productivity in the long run.

6. The quarrying activity also alters and affects the water drainage system of the hill.
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Hence the subcommittee opined that the environmental clearance need not be given to the proposed quarries in the Thoppur hills.

Based on the presentation and documents furnished by the project proponent and the recommendation of the Sub- committee constituted by SEAC. Considering the environmental settings of the proposed mining area, SEAC decided to agree with the conclusion of the subcommittee and not to recommend grant of EC for this project.

Subsequently, the proposal was placed in the 665th SEIAA meeting held on 26.10.2023. The Authority after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal. Hence, the above mentioned file is **closed and recorded accordingly**.


Unit-II


MEMBER SECRETARY
SEIAA-TN