

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

APPEAL NO. 16 of 2024

IN THE MATTER OF: -

S. Uthirasami

.... 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.16 of 2024 (SZ)

S. UTHIRASAMI

Vs

State Level Environment Impact Assessment Authority (SEIAA)

&

State Level Expert Appraisal Committee (SEAC)

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****Appeal No.16 of 2024 (SZ)**

Thiru. S. Uthirasami,
S/o. Subramani,
5/56, O No.2/190, Kuttakadu,
Rc Chettipatti Post, Palpakki,
Omalur,
Salem – 636 455

... 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: seachairmantn@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

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.16 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 Thiru. Thiru.S.Uthirasami 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 for the proposed Rough Stone and Gravel Quarry lease over an extent of 1.21.50Ha S.F.No.246/3, Veppilai Village, Kadayampatti Taluk, Salem District, Tamil Nadu vide online proposal number SIA/TN/MIN/409129/2022, dated: 03.12.2022.
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

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



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

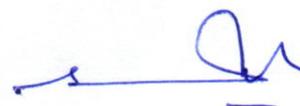
the purpose. The SEAC will take further course of action based on the site inspection & report.

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 clearence need not be given to the proposed quarries in the thoppur hills.



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

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.9622/2023 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

**FIRST & SECOND
RESPONDENT**

BEFORE ME



**MEMBER SECRETARY
SEIAA-TN**

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

Agenda No: 413-20

(File No: 10287/2023)

Proposed Quartz and Feldspar quarry lease over an extent of 2.17.5 Ha at S.F.Nos. 826/1B & 826/2 of Kosanam (B) Village, Nambiyur Taluk, Erode District, Tamil Nadu by M/s. Sri Hill Minerals – For Environmental Clearance. (SIA/TN/MIN/430938/2023, Dated: 26.05.2023)

The proposal was placed for appraisal in this 413th meeting of SEAC held on 05.10.2023. The details of the project furnished by the proponent are given in the website (parivesh.nic.in). The SEAC noted the following:

1. The project proponent, M/s. Sri Hill Minerals has applied for Environmental Clearance for the Proposed Quartz and Feldspar quarry lease over an extent of 2.17.5 Ha at S.F.Nos. 826/1B & 826/2 of Kosanam (B) Village, Nambiyur Taluk, Erode District, Tamil Nadu.
2. The project/activity is covered under Category "B2" of Item 1(a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006.

Based on the presentation and the documents furnished by the project proponent, the SEAC decided to call for the following details from the project proponent:

- i) The PP shall obtain Certified Compliance Report (CCR) from Integrated Regional Office, MoEF&CC, Chennai for the earlier Environmental Clearance obtained from DEIAA.

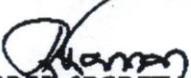
On receipt of the above details, the SEAC would further deliberate on this project and decide the further course of action. Hence, the Proponent is advised to submit the additional documents/information as sought above within the period of 30 days failing which your proposal will automatically get delisted from the PARIVRESH portal.

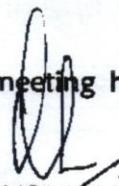
Agenda No: 413 – TA - 01

(File No: 9622/2023)

Proposed Rough Stone and Gravel Quarry lease over an extent of 1.21.50Ha S.F.No.246/3, Veppilai Village, Kadayampatti Taluk, Salem District by Thiru.S.Uthirasami - For Environmental Clearance. (SIA/TN/MIN/409129/2022, dt: 03.12.2022)

Earlier the proposal was placed for appraisal in this 364th SEAC meeting held on


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

23.03.2023. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

1. The Project Proponent, Thiru.S.Uthirasami has applied for Environmental Clearance for the proposed Rough Stone and Gravel Quarry lease over an extent of 1.21.50Ha S.F.No.246/3, 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.
3. The precise area communication/lease is issued for the period of 5Years. The approved mining plan is for the period of five years & production should not exceed 89,335m³ of Rough Stone & 18,852 m³ of Gravel and the annual peak production shall not exceed 18000 m³ of Rough Stone (4th Year) & 9312m³ of Gravel (1st Year). The ultimate depth is 42m BGL.

The salient features of the project are as follows:

Sl. No	Details of the Proposal	: Data Furnished
1	Name of the Owner/Firm	: Thiru.S.Uthirasami, S/o.Subramani, 5/56, O No.2/190 Kuttakkadu, Rc Chettipatti Post, Palpakki, Omalur Taluk, 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	: 246/3
4	Village in which situated	: Veppilai
5	Taluk in which situated	: Kadayampatti
6	District in which situated	: Salem
7	Extent of quarry (in ha.)	: 1.21.50Ha
8	Latitude & Longitude of all corners of the quarry site	: 11°56'39.19"N to 11°56'44.32"N 78°07'33.79"E to 78°07'38.62"E
9	Topo Sheet No.	: 58 – 1/1
10	Type of mining	: Opencast Semi-Mechanized of Mining
11	Period of quarrying proposed	: 5 years


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

12	Production (Quantity in m ³)	:	89335m ³ of Rough Stone & 18852m ³ of Gravel
13	Depth of quarrying	:	42m 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. Dust suppression, Green Belt & Wet Drilling (in KLD)	:	1.81 KLD 0.81 KLD 0.5 KLD 0.5 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.107/2021/Kanimam-A, dt: 14.10.2022
21	Mining Plan approved by Deputy Director, Department of Geology and Mining with date	:	Roc.No.107/2021/Mines-A, dt: 01.11.2022
22	Deputy Director, Department of Geology and Mining 500m cluster letter	:	Roc.No.107/2021/Mines-A, dt: 11.11.2022
23	VAO certificate regarding 300m radius cluster		Letter dt: 05.10.2022.
24	Project Cost (including EMP cost)	:	Rs.111.225 Lakhs
25	EMP cost	:	Rs.65 Lakhs/ 5 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 mining 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.


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

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.
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.

Hence the subcommittee opined that the Environmental Clearence 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 accept the recommendation of the subcommittee and not to recommend grant of EC for this project.


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

	<p>Ha at S.F.Nos. 826/1B & 826/2 of Kosanam (B) Village, Nambiyur Taluk, Erode District, Tamil Nadu by M/s. Sri Hill Minerals – For Environmental Clearance. (SIA/TN/MIN/430938/2023)</p>		<p>on the presentation and the documents furnished by the project proponent, the SEAC decided to call for the following details from the project proponent:</p> <p>i) The PP shall obtain Certified Compliance Report (CCR) from Integrated Regional Office, MoEF&CC, Chennai for the earlier Environmental Clearance obtained from DEIAA.</p> <p>On receipt of the above details, the SEAC would further deliberate on this project and decide the further course of action. Hence, the Proponent is advised to submit the additional documents/information as sought above within the period of 30 days failing which your proposal will automatically get delisted from the PARIVESH portal.</p> <p>In view of the above, the Authority accepted the decision of SEAC and decided to request Member Secretary, SEIAA to communicate the minutes of 413th SEAC meeting to the project proponent.</p>
21.	<p>Proposed Rough Stone and Gravel Quarry lease over an extent of 1.21.50Ha S.F.No.246/3, Veppilai Village, Kadayampatti Taluk, Salem District by Thiru.S.Uthirasami - For Environmental Clearance. (SIA/TN/MIN/409129/2022)</p>	9622	<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 otherwise a dry area.


MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-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.
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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


MEMBER


CHAIRMAN
SEIAA-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



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

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMILNADU

3rd Floor, Panagal Maaligai,
No.1, Jeevis Road, Saidapet
Chennai-600015
Phone No.044-24359973
Fax No. 044-24359975

Letter No. SEIAA-TN/F.No.9622/2023 dated:27.10.2023

To

Thiru.S.Uthirasami,
S/o.Subramani,
5/56, O no. 2/190 Kuttakkadu,
RC Chettipatti post,
Palpakki, Omalur,
Salem - 636 455.

Sir,

Sub: SEIAA-TN – Proposal seeking Environmental Clearance for Proposed Rough Stone and Gravel Quarry lease over an extent of 1.21.50Ha S.F.No.246/3, Veppilai Village, Kadayampatti Taluk, Salem District by Thiru.S.Uthirasami – 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/409129/2022, dt: 03.12.2022
2. Project proponent submitted EC SEIAA-TN on 06.12.2022
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 Thiru.S.Uthirasami for Environmental Clearance for the Proposed Rough Stone and Gravel Quarry lease over an extent of 1.21.50Ha S.F.No.246/3, 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).

1. The Project Proponent, Thiru.S.Uthirasami has applied for Environmental Clearance for the proposed Rough Stone and Gravel Quarry lease over an extent of 1.21.50Ha S.F.No.246/3, 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.
3. The precise area communication/lease is issued for the period of 5Years. The approved mining plan is for the period of five years & production should not exceed 89,335m³ of Rough Stone & 18,852 m³ of Gravel and the annual peak production shall not exceed 18000 m³ of Rough Stone (4th Year) & 9312m³ of Gravel (1st Year). The ultimate depth is 42m 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 mining 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.
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6. The quarrying activity also alters and affects the water drainage system of the hill.

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.

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 accept the recommendation 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