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DIRECTORATE OF GEOLOGY AND MINING

From
Thiru.L.Nirmal Raj, I.A.S.,
Director
Directorate of Geology and Mining,
Guindy,
Chennai - 600 032

To
The District Collector,
Salem District,
Salem.

Rc.No.1355/MM9/2006 Dated: 09.03.2022

Sir,

Sub: Mines and Minerals - Major Mineral - Magnesite and Dunite - Salem District and Taluk - Chettichavadi Village - over an extent of 574.46.00 Ha of Government lands - S.F.No. 6 - Mining lease granted to M/s Dalmia Bharat Sugar and Industries Limited - second renewal application filed -O.A. No. 213 of 2021 (SZ) filed by Thiru. S.Sakthivel before the NGT, Chennai -National Green Tribunal order for constituted in committee -inspection report submitted - Joint Committee report to be submitted before NGT -Request the District Collector, Salem for taking further action - Regarding.

- Ref:
1. G.O. Ms.No.903 Industries, Labour and Co-operation Department dated:25.02.1966.
 2. G.O.Ms.No.74 Industries, Department dated: 11.03.1997.
 3. Original application No. 213 of 2021 (SZ) filed by Thiru. S.Sakthivel before the National Green Tribunal, (SZ), Chennai respectively.
 4. National Green Tribunal, Southern Zone Order dated: 06.10.2021,04.01.2022 and 23.02.2022.
 5. Proceedings of the Director of Geology and Mining Rc. No.1355/MM9/2006 Dated 5.12.2021.
 6. Status report filed by the Director of Geology and Mining before National Green Tribunal on 31.12.2021.
 7. Inspection report submitted by the team formed by the Director of Geology and Mining received on 31.01.2022.

8. Report filed by the Director of Geology and Mining before National Green Tribunal on 1.2.2022.

Kind attention is invited to the above references cited. A mining lease has been granted to M/s Dalmia Bharat Sugar and Industries Limited for mining Magnesite and Dunite in Government poramboke land over an extent of 531.98.0 Hects. in S. F. No.6 of Chettichavadi Village, Salem Taluk and District.

2) Thiru. S.Shakthivel, Salem has filed O.A No.213 of 2021 before the National Green Tribunal (Southern Zone), Chennai regarding allegation of illegal mining of Magnetite and Dunite by Tvl. Dalmia Bharat Sugar and Industries Limited., in the lease hold areas granted, without Environmental Clearance.

3) The NGT by its order dated 06.10.2021 constituted , a joint Committee consisting of the following members with the direction to cause inspection and submit a factual as well as action taken report, if there is any violation found.

- I. The District Collector, Salem District or his/ her nominee not below the rank of Assistant Collector or Sub-Divisional Magistrate as nominated by the District Collector.
- II. A Senior Officer from Ministry of Environment, Forest and Climate Change (**MoEF& CC**) Integrated Regional Office, Chennai.
- III. The Director, Department of Geology and Mining or his nominee as nominated by the Director not below the rank of Additional Director of Mining and Geology.
- IV. The District Environmental Engineer (**DEE**) Tamil Nadu pollution Control Board (**TNPCB**), Salem District.:
- V. A Senior Officer from the Public Works Department (**PWD**) Ground Water Division, Salem District.

4) During the inspection, the Joint committee noticed that fresh mining operations were carried out in the subject area and

Magnesite and Dunite mined were stocked in the area. Further, observed that one bore well is located in S.F.No.6 of Chettichavadi Village.

5) The Director of Geology and Mining has constituted three technical Teams for surveying the subject area and to assess the actual quantum of minerals mined and transported vide proceeding dated 05.12.2021.

6) The subject mining areas were surveyed by technical teams by using total station instrument and they have submitted their report on 31.1.2022 with following observations:

- i. No safety Zone was maintained on the north east and south west side of the present lease area.
- ii. The lease area has partitioned by the lessee as 4 Blocks for their convenience viz, Block A, B, C and MT Block. In the lease granted area there are 32 number of pits and 10 number of waste reject dumps noticed during inspection.
- iii. Three dumps have been noticed outside the lease granted area with the volume of 63,48,750 cbm of rejects dumped in patta lands belonging to the said company in Vellakalpatti village.
- iv. Three pits were found to be water stagnated and the dimensions of the pits were measured above water level only.
- v. The lessee has operated the subject mine without Environmental Clearance for which demand notices have been issued by the District Administration for a sum of Rs.18.69 cr for transport of Dunite and Magnesite. The Lessee company has filed Writ Petition No.889/2020 before Hon'ble High Court of Madras which was dismissed. Subsequently they had filed Writ Appeal 834/2020 which is pending.
- vi. As per the pit dimension the total quantity of mineral removed from the subject mining lease area is worked out as follows:

| Total Volume of Mineral removed (in CBM) | Quantity of rejects/ waste dumped | |
|--|-----------------------------------|---------------------------------|
| | Inside the lease area (in CBM) | Outside the lease area (in CBM) |
| 4,65,36,477 (or) 11,16,87,545 Tonnes | 1,94,95,000 | 63,48,750 |

vii. From the above by using recovery percentage as per the latest mining plan of 4% for Magnesite and 10% for Dunite, the total quantity of Magnesite and Dunite removed from the lease area is arrived as follows:

| Mineral | Quantity of mineral removed (in Tonnes) | Quantity of mineral transported by valid transport permit from the year 1979-80 to 2018-19 (in Tonnes) | Stock available in the lease area (in Tonnes) | Total quantity of mineral transported with valid transport permit and stocks available in the lease area (in Tonnes) |
|-----------|---|--|---|--|
| Magnesite | 44,67,502 | 28,72,450 | 7,730 | 28,80,180 |
| Dunite | 1,11,68,755 | 1,83,888 | 11,851 | 1,95,739 |

viii. As per the findings of the technical team, the total quantity of 28,72,450 Tonnes of Magnesite and 1,83,888 Tonnes of Dunite were transported with valid transport permits from the mining area and 7730 Tonnes of Magnesite and 11851 Tonnes of Dunite are available as stock in the subject mining lease area.

ix. As per the permit issued by the District mines office from 1979-80 to 2018-19 and stocks available in the lease area, it is brought to the notice that the lessee company has transported 15,87,322 Tonnes of Magnesite and 1,09,73,016 Tonnes of Dunite from the lease hold areas without any valid transport permits. Further, the lessee company has dumped the waste rejects outside the lease hold areas and also has not provided safety distance to

the adjoining lands abutting the North-east and South-west side of the lease hold area by violating the lease deed conditions.

7) The Hon'ble High Court, Chennai in its order dated 11.01.2021 in W.P No 29275/2016 has stated that it is left open to the petitioner company to submit all the required documents, including the Environment Clearances certificate issued by the Competent Authorities of the State, enabling the State Authorities to consider the case and take a decision and pass appropriate orders on merits and in accordance with law.

8) Further the Hon'ble Court has observed that the petitioner company have made a submission that they are not carrying on any mining operations at present. Hence, the Hon'ble Court directed the respondents to conduct inspection and verify whether mining operations were done or not, by verifying the statement made by the learned counsel for the petitioner during the hearing.

9) The Joint Committee constituted by the Honourable National Green Tribunal has initially inspected the subject mining area and noticed that fresh mining operation were carried out in the subject mining area. This observation is confirmed by the Technical Team and reported that the lessee company has transported 15,87,322 Tonnes of Magnesite and 1,09,73,016 Tonnes of Dunite from the lease hold area without valid transport permit.

10) In this connection, as already informed in the status report filed by the Director of Geology and Mining on 1.2.2022 the District Collector, Salem is requested to take action to collect 100 % of cost of the mineral from the lessee company for transportation of 15,87,322 Tonnes of Magnesite and 1,09,73,016 Tonnes of Dunite from the lease hold areas without valid transport

permits under section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957, after taking into consideration of the transport permit already issued by the District administration, Salem from 1966-67 to 1978-79 and send action taken report within 30 days.

Encl: Team Inspection Report.

Sd/-L.Nirmal Raj
Director of Geology and Mining

// Forwarded / By order//

~~Joint Director~~

Copy to

✓ The Deputy Director (G&M),
Salem District.

9/3/22