

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

APPEAL NO.17 OF 2017(SZ)

M/s. V.V.Mineral
Tisaiyanvilai,
Tirunelveli district.

Appellant

-Vs-

The Member Secretary,
Tamil Nadu Coastal Zone
Management Authority,
Guindy,
Chennai-600 015.

Respondent

WRITTEN SUBMISSION FILED ON BEHALF OF THE RESPONDENT

I submit that I am filing this written submission on behalf of the respondent. I am filing this Written Submission in continuation of the oral arguments made before this Hon'ble Court on 14.12.2020. I submit that the reply affidavit filed by the respondent on ----- in the Appeal may please be taken into account while passing orders in the Appeal.

1) It is submitted that the appellant herein have been granted with 34 mining leases for mining Garnet, Ilmenite, Rutile etc., in patta and coastal poramboke lands in Tirunelveli, Thoothukudi and Kanniyakumari districts under the provisions of Mines and Minerals (Development & Regulation) Act, 1957 and Mineral Concession Rules, 1960 as detailed below:-

Sl. No.	District	No.of mining leases granted
1.	Tirunelveli	27
2.	Thoothukudi	1
3.	Kanniyakumari	6
	Total	34

2) It is further submitted that a Special Team under the head of Thiru Gagandeepsingh Bedi I.A.S., Secretary to Government of Tamil Nadu, Revenue Department has been constituted by the State Government to inspect and verify in terms of Section 24 of MMDR Act, 1957, whether there is illicit mining by the 6 private lessees

who have been granted with mining leases for Garnet, Ilmenite and Rutile in Thoothukudi District vide G.O.Ms.No.156 Industries (MMD.1) Department, dated 08.08.2013. The District Collector, Thoothukudi was directed to stop the mining operations of the 6 private lessees, pending completion of the inspections by the Special Team. The Assistant Director (Mines), Thoothukudi was directed to stop issuance of transport permits to the six private lessees in the district till the inspections are completed.

3) It is submitted that the Special Team headed by Thiru Gagandeep Singh Bedi, I.A.S., was further directed to inspect and verify in terms of Section 24 of MMDR Act, 1957, whether there is illicit mining by the private lessees of Garnet, Ilmenite, Rutile etc. in Tirunelveli, Kanniyakumari, Madurai and Tiruchirappalli Districts vide G.O.Ms.No.173 Industries (MMD.1) Department, dated 17.09.2013. The District Collectors of Tirunelveli, Kanniyakumari, Madurai and Tiruchirappalli Districts have been directed to stop the mining operations of the private lessees pending completion of the inspections by the Special Team. The Assistant Directors of the Districts concerned have been directed to stop issuance of transport permits to the private lessees in the above said districts till the inspections are completed.

4) It is submitted that the appellant filed writ petition No.19641 of 2014 before the Hon'ble High Court of Madras against the inspection of their mining lease hold areas by the Special Team headed by Thiru Gagandeepsingh Bedi, I.A.S., and obtained interim stay on 23.07.2014. The Hon'ble Madras High Court by order dated 29.07.2015 disposed the writ petition and appointed Dr.V.K.Sharma, Retired Justice of Madras Hon'ble Court for inspection of the lease hold areas of the appellant. The State Government have filed Writ Appeal No.1169 of 2015 against the order dated 29.07.2015 passed by the Hon'ble Singe Judge in writ petition No.19641 of 2014. The Hon'ble First Bench of Madras High Court granted interim stay on 12.08.2015 in the above Writ Appeal and the stay is still in force in favour of the State Government.

5) It is further submitted that a Public Interest Litigation in W.P.No.1592 of 2015 was filed by one Thiru Victor Rajamanickam

before the Honble High Court of Madras with a prayer to issue a Writ of Mandamus or any other appropriate Writ or Order or direction in the nature of a writ directing investigation by a Special Investigation Team to probe illegal beach sand mining in the coastal districts of Tamil Nadu and to bring the offenders to justice and pass such other or further orders.

6) It is further submitted that orders have been issued by the State Government vide G.O.Ms.No.179 Industries Department dated 27.07.2015 constituting District Level and Taluk Level Committees to look into the complaints on illegal beach sand mining and transportation of beach sand minerals for taking appropriate action by the authorities concerned. The District Level Committee constituted vide Proceedings of the District Collector, Tirunelveli in Rc.No.M3/40365/2015 dated 12.08.2015, during the meeting held on 18.10.2016 and 09.11.2016 concluded that the entire stock of beach sand minerals both processed and unprocessed minerals available with the appellant and other lessees / plant owners were illegal storage and therefore it was resolved to request the Assistant Commissioner O/o.the Commissioner of Customs, Tuticorin to produce the Certificate of legally mined minerals from the District Collectors concerned before allowing export and to insist on transport permits along with bulk permit.

7) It is further submitted that the Commissioner of Customs, Thoothukudi issued Public Notice No.50/2016 under the Customs Act, 1962 stating that it was decided to verify the source of beach sand minerals being sent for export. The necessary Certificate / Documents viz., certificate of legally mined minerals from the concerned District Collector / transport permit along with the bulk permits certifying the legal source of such beach sand minerals brought to the Customs Area / export under Section 50 of the Customs Act, 1962 are required to be produced. Accordingly, all the exporters of beach sand minerals were required to produce the aforesaid documentary proof obtained from the competent authority. As the appellant and other private lessees were not able to obtain and produce valid documentary proof from the competent authorities in support of the minerals meant for export, export of

beach sand minerals through Tuticorin Port was completely stopped from the month of December, 2016 onwards.

8) As the appellant and other private lessees from the State of Tamil Nadu were making their attempt for export of beach sand minerals such as Garnet, Ilmenite, Rutile, Zircon etc., from the Ports situated outside the State of Tamil Nadu and the appellant and other private lessees have no locus standi to export beach sand minerals without valid transport permits obtained from the competent authority, no export of beach sand minerals can be allowed in the absence of such permits by any authority and therefore the Chairman, Port Trust authorities of Cochin, Visagapattinam and new Mangalore have been requested by the District Collector, Tirunelveli vide letter dated 19.12.2016 to insist for production of valid documentary proof before allowing export of beach sand minerals.

9) It is further submitted that the Commissioner of Customs, Cochin issued Trade Facility No.13/2016 dated 22.12.2016 stating that the Government of Tamil Nadu vide G.O.Ms.No.156 dated 08.08.2013 and G.O.Ms.No.173 dated 17.09.2013 has banned the mining operation of all private mining lessees issued for the beach sand minerals, pending completion of inspection by the Special Team and to stop the transport permit with respect to the leases granted to private parties. Therefore, it was decided to verify the source of beach sand minerals being sent for export. The necessary Certificate / Documents viz., Certificate of legally mined minerals from the concerned District Collector / transport permit along with the bulk permits, certifying the legal source of such beach sand minerals brought to the Customs Area / export under Section 50 of the Customs Act, 1962 are required to be produced.

10) It is further submitted the appellant filed writ petition No.650 of 2017 before the Hon'ble High Court of Kerala at challenging the Trade Facility No.13/2016 dated 22.12.2016 issued by the Commissioner of Customs, Cochin. The Hon'ble High Court of Kerala by order dated 26.07.2018 dismissed the writ petition filed by the appellant. The Writ Appeal No.1724 of 2018 filed by the

appellant was also dismissed by the Hon'ble First Bench of Kerala High Court by order dated 03.09.2018.

11) It is further submitted that the Public Interest Litigation in W.P.No.1592 of 2015 has been converted into Suo-Motu Public Interest Litigation by Orders of the Hon'ble First Bench of Madras High Court dated 28.01.2016 and it is pending before the Designated Bench of Madras High Court. Dr.V.Suresh, Advocate has been appointed as Amicus Curiae to assist the Hon'ble Court in the Suo-Motu Public Interest Litigation in W.P.No.1592 of 2015. The reports filed by the Learned Amicus Curiae before the Hon'ble High Court of Madras in the Suo-Motu PIL in W.P.No.1592 of 2015 reveal that the appellant and other lessees had indulged in large scale unlawful / illegal mining and transportation of Beach Sand Minerals. More specifically, the appellant who had been granted with 34 out of 64 mining leases in Tirunelveli, Kanniyakumari & Thoothukudi districts played a major role in the unlawful transport of beach sand minerals during the period from 2000-01 to 2013-14 as detailed below:

Illegal / unlawful transport of Raw Sand and Beach Sand Minerals by the appellant

Sl. No.	Category	Quantity transported (in M.T.)	Quantity unlawfully transported (in M.T.)	Unlawful transport (in percentage)
1.	Raw sand	97,71,100	45,77,330	46.85%
2.	Garnet	21,17,200	10,87,829	51.38%
3.	Ilmenite	29,20,027	21,23,202	72.71%
4.	Rutile	30,050	20,502	68.23%
5.	Zircon	46,700	46,556	99.69%
6.	Sillimanite	45,200	45,200	100%
7.	Leucoxene	4,200	4,200	100%

12) The reports filed by the Special Team headed by Thiru Gagandeepsingh Bedi, I.A.S., reveal that illegal mining was detected in 21 out of 34 mining leases granted to the appellant in the three districts and it was estimated that a total quantum of 39,75,695 M.T. of raw sand (RoM) was illegally mined and transported by the appellant in the three districts as detailed below:-

Illegal mining of Beach Sand by the appellant

Sl. No.	District	No.of mining leases granted	No.of lease hold areas wherein illegal mining detected	Extent of illegal mining detected (in Acres)	Quantum of raw sand illegally mined and transported (in M.T.)
1.	Tirunelveli	27	17	183.73	33,62,799
2.	Thoothu kudi	1	1	80.24	5,58,450
3.	Kanniya kumari	6	3	4.05	54,446
	Total	34	21	268.02	39,75,695

13) It is just necessary to highlight here on the major amendments made by the Central Government in the MM(DR) Act, 1957 by way of MM(DR) Amendment Act, 2015 and subsequent framing of Atomic Mineral Concession Rules, 2016 which came into force on 11.07.2016. The Ministry of Mines, Government of India, vide Notification S.O.No.2356 (E) dated 11.07.2016 made amendment to Part – B, Atomic Minerals of the First Schedule of Mines and Minerals (Development & Regulations) Act, 1957 by which a new entry, Viz., No.12 was added which provides as follows:-

“12. Beach Sand Minerals, that is, economic heavy minerals found in the teri or beach sands, which include Ilmenite, Rutile, Leucosene, Garnet, Monazite, Zircon and Sillimanite”

14) It is further submitted that in pursuance to the major amendments made to the Mines and Minerals (Development & Regulation) Act, 1957 and in exercise of the powers conferred by Section 11B of the Mines and Minerals (Development & Regulation) Act, 1957, the Central Government vide their Notification G.S.R.No.677 (E) dated 11.07.2016 framed the Atomic Mineral Concession Rules, 2016 (AMCR, 2016) which came into force with effect from 11.07.2016.

15) It is further submitted that as per Rule 2 (1)(b) of Atomic Minerals Concession Rules, 2016, “Atomic Minerals” means minerals specified in Part-B of the First Schedule to the Act, 1957

and as per Rule 2 (1)(c) of the said rules, "Beach Sand Minerals" means economic heavy minerals found in the teri or beach sands, which include Ilmenite, Rutile, Leucoxene, Garnet, Monazite, Zircon and Sillimanite.

16) It is further submitted that as per Rule 2 (1) (m) of AMCR, 2016, "threshold value" means the grade of atomic mineral, specified as percentage of weight of the prescribed substances contained in the ore, to be specified and notified by the Department from time to time in Schedule A as the threshold value for the particular atomic mineral occurring as such or in association with one or more minerals.

17) It is further submitted that the threshold value for Zirconium bearing minerals and ores including Zircon as prescribed in the Schedule - A of AMCR, 2016 was 0.75% Monazite in Total Heavy Minerals in the case of Zirconium bearing minerals and ores including zircon, occurring in Beach Sand Minerals in association with monazite, in other cases, zircon containing less than 2000 ppm of Hafnium.

18) It is further submitted that in exercise of the powers conferred under Section 11B of the Mines and Minerals (Development & Regulation) Act, 1957 and Rule 36 of the Atomic Mineral Concession Rules, 2016, the Central Government has amended AMCR, 2016 vide GSR 134 (E) dated 20.02.2019. The Schedule A of the AMCR, 2016 prescribing the particulars of threshold value for Atomic Minerals has been substituted by the second amendment to AMCR, 2016 and the threshold values for:

- i) Titanium bearing minerals and ores (Ilmenite, Rutile and Leucoxene);
- ii) Uraniferous allanite, monazite and other thorium minerals;
- iii) Zirconium bearing minerals and ores including zircon;
- iv) Beach Sand Minerals i.e. economic heavy minerals found in the teri or beach sand, which include Ilmenite, Rutile, Leucoxene, Garnet, Monazite, Zircon and Sillimanite;

occurring in Beach Sand Minerals and other placer deposits in association with Monazite are notified as above threshold (i.e., the

threshold is 0.00% Monazite in Total Heavy Minerals), irrespective of monazite grade.

19) It is further submitted that, in view of the amendment made to Schedule - A of AMCR, 2016 all the existing Mineral Concessions of Beach Sand Minerals are above the threshold value. As a consequence of the amended threshold value, mining operations for Beach Sand Minerals and other Placer Deposits can only be carried out by Central Government / State Government Companies / Corporations owned or controlled by it as stipulated under Rule 3(1), 4 (5) (b) and 6 of AMCR, 2016. In exercise of the powers conferred under Section 4A (1) of the Act, the Central Government, after consultation with the State Governments decided vide Order dated 01.03.2019, that it is expedient in the interest of regulation of mines and minerals development and conservation of mineral resources, to prematurely terminate all the existing mineral concessions of Beach Sand Minerals held by private persons / companies in the Country and directed the State Government to take necessary action as per the provisions of Section 4A (1) and 4A(3) of the Act. Under the circumstances stated above, show cause notices were issued by the Principal Secretary to Government of Tamil Nadu, Industries Department directing the Appellant/ Respondent and other private lessees to show cause as to why the mining leases granted to the appellant and other private lessees in the State for mining Garnet, Ilmenite, Rutile etc. should not be prematurely terminated, under section 4A (1) of the Act, 1957 and explanations are awaited from the lease holders.

20) It is further submitted that orders have been issued by the State Government of Tamil Nadu in G.O.Ms.No.41 Industries Department, 07.04.2017 by constituting a Special Team under the head of Thiru.Satyabrata Sahoo, I.A.S., to undertake the assessment of stocks of beach sand minerals in various places of Thoothukudi, Tirunelveli and Kanniyakumari districts under Section 23B and 24 of MMDR Act, 1957.

21) It is further submitted that in pursuance of the orders issued by the Government in G.O.Ms.No.41, Industries Department

dated 07.04.2017, the Special Team headed by Thiru Satyabrata Sahoo, I.A.S., after making thorough inspection of various sites including semi processing plants, separation plants, warehouses, godowns etc., wherein, Beach Sand Minerals were stocked and after taking samples by the Atomic Minerals Directorate for analysis submitted a Comprehensive Report on the assessment of stocks available with the appellant and other plant owners in the three districts of Tirunelveli, Thoothukudi and Kanniyakumari. The report filed by the Sahoo Committee reveals that a total quantum of 38,77,391 M.T of beach sand minerals were available with the appellant in the three districts as detailed below:

**District-wise BSM stocks of the appellant
(In metric tonne)**

Sl No.	District	Raw sand	Semi processed sand	Processed minerals	Total
1.	Tirunelveli	30,18,420.554	4,58,473.365	5,303	34,82,196.919
2.	Thoothukudi	142.59	2,38,042	1,11,760.35	3,49,944.94
3.	Kanniyakumari	17,727.541	26,919.545	603	45,250.086
	Total	30,36,290.685	7,23,434.91	1,17,666.35	38,77,391.945

22) It is further submitted that the category wise stocks of beach sand minerals available with the appellant in the three districts as assessed by the Sahoo Committee are tabulated below:

Category-wise stocks in possession of the appellant

Sl No.	Category	Quantity (in M.T)
1.	Raw sand	30,36,290.685
2.	Semi Processed sand	7,23,434.910
3.	Garnet	69,609.250
4.	Ilmenite	44,253.098
5.	Zircon	2,994.7
6.	Rutile	809.3
	Total	38,77,391.943 (or) 38.77 Lakh M.T

23) It is further submitted that Second Report filed by the Learned Amicus Curiae before the Hon'ble Madras High Court on 09.07.2018 in the Suo-Motu PIL 1592 of 2015 reveals that the total quantum of stock found to belong to the appellant as reported in the

Sahoo Committee report of 38.77 lakh M.T. is totally illegal. Apart from that, the report further reveals that a quantum of 671 M.T. of Monazite is available in the processed minerals kept with the appellant at various sites. Besides, the report reveals that the total quantity of Monazite available in the stocks of the appellant company is approximately to 15,000 M.T. The details are extracted below:-

Sl. No.	Category of stocks	Stocks having less than 0.25% Monazite		Stocks having more than 0.25% Monazite		Total	
		Number of stocks / samples	Quantum of Monazite available (in M.T)	Number of stocks / samples	Quantum of Monazite available (in M.T)	Number of stocks / samples	Quantum of Monazite available (in M.T)
1.	Raw sand	13	2242.02	9	5267.93	22	7509.95
2.	Semi processed	9	10.7	33	6755.85	42	6766.55
3.	Processed minerals	14	51.85	5	671.99	19	723.84
	All stocks	36	2304.57	47	12695.77	83	15000.34

24) It is further submitted that, the Hon'ble Designated Bench of Madras High Court by Order dated 21.01.2019 in the Suo-Motu PIL W.P.No.1592 of 2015, under para 21 ordered as follows:-

21. Thus, this Court makes it clear that Suo-Motu Public Interest Litigation covers all Beach Sand Minerals, pertains to alleged unauthorized / illegal extraction of minerals, transportation and other associated alleged illegal or unlawful activities.

25) It is further submitted that the appellant filed Special Leave Petition (C) No.10498 of 2019 before the Hon'ble Supreme Court of India challenging the orders passed by the Madras High Court dated 21.01.2019 in the Suo-Motu PIL in W.P.No.1592 of 2015. The Hon'ble Supreme Court by order dated 04.07.2019 requested the High Court of Madras to dispose of the writ petition along with connected matters as expeditiously as its business would permit and in the event it becomes so necessary, the petitioner should also be permitted to urge the interim relief, terms of which have been noted above. The Hon'ble Court requested the Chief Justice of Madras High Court to make the Designated Bench available for hearing of the matter. Aggrieved by this orders, the

appellant filed M.A.No.1406 of 2019 in Special Leave Petition (C) No.10498 of 2019. The Hon'ble Supreme Court by order dated 02.08.2019 ordered that the Chief Justice of the High Court would be at liberty to ensure that the two Judges, who are on the bench hearing the matter, sit either in Madras or in Madurai, as may be convenient.

26) In this connection, it is further submitted that the appellant has filed CMP No.6433 of 2017 in the month of April, 2017 with a prayer to vacate the stay granted by the Hon'ble Madras High Court on 12.08.2015 in M.P.No.2 of 2015 in W.A.No.1169 of 2015 in so far to the limited extent of permitting processing of the existing stock available in the factories and processed minerals available in the existing factories and warehouses and to export them. The appellant has subsequently filed CMP No.15072 of 2017 in the month August, 2017 with a prayer to vacate the order of the stay granted on 12.08.2015 in M.P.No.2 of 2015 in W.A.No.1169 of 2015. The Government have strongly opposed the prayer made by the appellant in the above miscellaneous petitions, as the entire quantum of beach sand minerals stock available with the appellant and other private lessees are arrived as illegally mined, transported and stored one contravening the provisions of Section 4 (1) and 4 (1A) of the MM(DR) Act, 1957 as per the reports of the Bedi Committee, District Level Committee and as per the reports of the Learned Amicus Curiae. The Miscellaneous Petitions are pending before the Hon'ble Designated Bench of Madras High Court.

27) It is further submitted that the Learned Amicus Curiae filed his third report in the month of September 2019 in the Suo-Motu PIL 1592 of 2015 before the Designated Bench of Madras High Court. The report reveals that a sum of 3581.11 crores of rupees to be recovered from the appellant towards cost of mineral and royalty for the quantum of beach sand minerals unlawfully/illegally mined and transported by them for the period from 2000-2001 to 2013-2014 (Upto September, 2013) and from 2014 to 2016. The details are tabulated as follows:-

Sl. No.	Period	Quantum of BSM unlawfully transported (in M.T.)	Royalty to be recovered from the appellant (in Rs.)	Cost of mineral to be recovered from the appellant (in Rs.)	Royalty and cost of mineral to be recovered from the appellant (in Rs.)
1.	2000-01 to 2013-14 (upto Sep.13)	33,27,489	59,51,22,388	26,08,56,00,977	26,68,07,23,364
2.	2014 to 2016	7,70,200	30,04,94,387	8,82,99,58,451	9,13,04,52,838
	Total	40,97,689	89,56,16,775	34,91,55,59,428	3,581,11,76,202 (or) 3581.11 crores of rupees

28) It is further submitted that the appellant in their letter dated 27.04.2016 addressed to the respondent submitted that the following activities are proposed Sector Specific SEZ proposal:

- **Heavy mineral processing plants (cracking of monazite) for throughput quantity will be 90,000 Tonnes Per Annum (TPA) out of which 50,000 TPA of Rare earth oxide production by processing Monazite and 40,000 TPA Titanium Pigment & Zirconium production by processing Ilmenite in Non-CRZ area.**
- Stand by DG House, Workshops, Rest Houses, Admin, Buildings etc., in Non-CRZ Area.
- Common ETP of 100 KLD capacity in Non-CRZ Area
- All weather Captive Port of 4.90 MTPA cargo handling capacity with all its Administrative Offices and other infrastructures in CRZ Area.
- Desalination / RO plant of 700 KLD capacity in CRZ area
- 50 KLD Sewage Treatment Plant in CRZ Area
- **Storage of excavated earth containing heavy minerals (about 2.0 Million Tonnes) from construction in CRZ and Non-CRZ Areas for future use after obtaining required approvals from the Government.**

29) In this connection, the Joint Secretary Department of Atomic Energy, Mumbai in letter dated 30.09.2016 informed that the proposed activities to be carried out in the SEZ amongst others include cracking of Monazite. Monazite is a 'Prescribed Substance' declared under the Atomic Energy Act, 1962 since it contains Uranium and Thorium. Cracking of Monazite results in production

of Uranium used for strategic purposes while Thorium is used in engineered trenches for future use in the Nuclear Power Programme. Cracking of monazite also produces Rare earths which are strategic importance in the field of Defence, Space, DAE etc.

30) The Joint Secretary to Government of India, Department of Atomic Energy further informed that even though Titanium bearing minerals (Ilmenite, Rutile and Leucoxene) and Zircon have been removed from the list of Prescribed Substances under the Atomic Energy Act, 1962, Monazite continues to be a prescribed substance considering its strategic importance. The appellant herein does not possess any permission or license for handling or processing of Monazite from the Department of Atomic Energy under Clause 3 of Atomic Energy (Working of Mines, Minerals and Handling of Prescribed Substances) Rules, 1984 and under the Atomic Energy Act, 1962. Moreover, seeking Environmental Clearance for cracking of Monazite under the blanket of SEZ will lead to statutory violations.

31) It was reported by the appellant that they have provided the additional details vide their letter dated 27.04.2016 in response to the details called for by this respondent vide letter Rc.No.P1/1898-2012, dated 21.06.2012. It was further reported by the appellant in their letter dated 27.04.2016 that they have 26 mining leases in Thoothukudi, Tirunelveli and Kanniyakumari districts and its group of company namely, Transworld Garnet India Pvt. Ltd., have 14 mining leases in Tirunelveli district. Whereas, the appellant has suppressed many facts including the stopping of mining operations of beach sand minerals and stopping of issuance of transport permits in the district of Thoothukudi from the month of August, 2013 onwards vide G.O.Ms.No.156 Industries (MMD1) Department dated 08.08.2013 and stopping of mining operations of private lessees who have been granted with mining leases for Garnet, Ilmenite, Rutile etc., and stopping of issuance of transport permits in Tirunelveli, Kanniyakumari, Madurai and Tiruchirapalli districts vide G.O.Ms.No.173 Industries (MMD1) Department dated 17.09.2013. Apart from that, the appellant has not revealed anything on the inspections carried out by the Special Team headed

by Thiru Gagandeepsingh Bedi, I.A.S., in the mining lease hold areas of the appellant and other private lessees in the districts of Tirunelveli, Thoothukudi and Kanniyakumari to verify whether there is any illegal mining by the private lessees in the three districts. Moreover, the appellant has not disclosed anything on the Suo-Motu Public Interest Litigation in W.P.No.1592 of 2015 related to beach sand minerals and other connected matters pending before the Designated Bench of Hon'ble Madras High Court, while seeking CRZ clearance before this respondent vide their letter dated 27.04.2016, 25.05.2016 and 21.07.2016.

32) It is submitted that the appellant in their letter dated 27.04.2016 and 25.05.2016 reported that they have proposed a Special Economic Zone (SEZ) – Specific Mineral based (SEZ) over an extent of 166.66.5 hect. of patta lands at Tiruvambalapuram Village, Radhapuram Taluk, Tirunelveli District. The appellant has further reported that they will transport the heavy minerals from the mining leases to the SEZ for further processing (Cracking of Monazite) to produce Garnet abrasive grit, upgraded Ilmenite, Rare Earth oxide, Titanium Pigments, Zircon Powder etc., on stage by stage – and all industrial activities in the non CRZ area. The processed / value added products will be exported to the existing customers by ship. It was further reported by the appellant that there will be no mining activity proposed within the SEZ area except the excavated earth predominantly heavy minerals of above 2.0 Million tonnes which will be stacked at a suitable site within the SEZ for future utilization after obtaining all required approvals from the Government.

33) In this connection, it is submitted that all the activities proposed by the appellant in the Special Economic Zone are Specific Mineral based Special Economic Zone only as reported by the appellant himself. It is clear that all the proposed activities are relied on the stocking of 2.0 Million Tonnes of heavy minerals at suitable site within the Special Economic Zone for future utilization and for production of upgraded Ilmenite, Rare Earth Oxide, Titanium Pigments, Zircon Powder etc., on stage by stage by cracking of Monazite and the processed / value added products will

be exported to the existing customers by ship as declared by the appellant. Therefore, all the activities proposed by the appellant including standby DG house, Workshops, Rest Houses, Admin, Buildings, etc., in Non-CRZ Area, Common ETP of 100 KLD capacity in Non-CRZ area, all weather **Captive Port of 4.90 MTPA Cargo Handling capacity** with all its Administrative Offices and other infrastructures in CRZ area etc., are totally relied on the quantum of beach sand minerals stocked at various places in the districts of Tirunelveli, Thoothukudi and Kanniyakumari including the proposed site at Tiruvambalapuram Village, Radhapuram Taluk, Tirunelveli District. It is just necessary to highlight here that the entire quantum of beach sand minerals available with the appellant are arrived as illegally mined, transported and stored one contravening the provisions of Section 4 (1) and 4(1A) of the Act as per the reports of the District Level Committee, Bedi Committee and the Learned Amicus Curiae.

34) It is further submitted that as ordered by the Hon'ble Designated Bench of Madras High Court dated 21.09.2019, in the Suo-Motu PIL in W.P.No.1592 of 2015, the issues related to all beach sand minerals pertains to alleged unauthorized / illegal extraction of minerals, transportation and other associated alleged illegal or unlawful activities are covered in the Suo-Motu Public Interest Litigation in W.P.No.1592 of 2015 pending before the Designated Bench of Hon'ble Madras High Court and therefore the proposed activities could not be carried out by the appellant till final orders are passed by the Hon'ble Designated Bench of Madras High Court in the Suo-Motu PIL W.P.No.1592 of 2015 and other connected matters pending before the Hon'ble Court.

35) In addition to the above, it is submitted that export of beach sand minerals - Ilmenite, Rutile, Leucoxene, Monazite, Zircon, Sillimanite and Garnet have been brought under State Trading Enterprise and shall be canalized through M/s.Indian Rare Earths Ltd., (IREL) a Government of India Undertaking. Standard Operating Procedure (SOP) towards export policy of beach sand minerals in terms of Notification No.26/2015-2020 dated

21.08.2018 has been published by Directorate General of Foreign Trade (DGFT), Ministry of Commerce, Government of India.

36) Under the circumstances stated above, it is therefore respectfully prayed that this Hon'ble Tribunal may be pleased to record the above facts and to dismiss the Appeal and pass such further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Dated : 17/12/2020
Chennai


Standing Counsel
National Green Tribunal (SZ),
Chennai.