

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI.

ORIGINAL APPLICATION NO.175 OF 2021 (SZ)

P.Raja Rao(M/A 45 Years)  
S/o. Pandurangan Rao,  
Ex.President – Kallulurukki Panchayat,  
1/428, New Housing Board,  
Sathya Sai Nagar, Kallukurukki,  
Krishnagiri – 635 002.

...Applicant

Vs

The Commissioner,  
Geology and Mining Department,  
Government of Tamil Nadu,  
Alandur Road, Guindy Industrial Estate,  
Guindy, Chennai – 600 032 & 6 others.

... Respondents

INDEX

S.No	Description	Page No.
1.	REPORT FILED ON BEHALF OF THE 4 <sup>TH</sup> & 5 <sup>TH</sup> RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD	1 - 7

Filed by  
Thiru. S. Sai Sathya Jith,  
Advocate,  
Chennai.



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...Applicant

Vs

1. The Commissioner,  
Geology and Mining Department,  
Government of Tamil Nadu,  
Alandur Road, Guindy Industrial Estate,  
Guindy, Chennai – 600 032.
2. The District Collector,  
Collectorate Road,  
Krishnagiri District, Krishnagiri – 635 115.
3. The Assistant Director,  
Geology and Mining Department,  
Krishnagiri Collectorate Complex,  
Krishnagiri – 635 001.
4. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Road, Guindy,  
Chennai – 600 032.
5. District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Krishnagiri District, Chennai-635 126.
6. M. Venkatraman,  
S/o. M. Muniappan,  
Door No:3/245, Azad Nagar, Venkatapuram,  
Krishnagiri Town & Taluk,  
Krishnagiri – 635 001.

  
15/11/24

JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.

7. V. Rajesh  
S/o. M. Venkatraman,  
Door No:3/245, Azad Nagar, Venkatapuram,  
Krishnagiri Town & Taluk,  
Krishnagiri – 635 001.

...Respondents

**REPORT FILED ON BEHALF OF THE 4<sup>TH</sup> & 5<sup>TH</sup> RESPONDENTS**  
**TAMIL NADU POLLUTION CONTROL BOARD**

I, S. Ragupathi, son of Thiru. Sanganan, Hindu, aged about 57 years, having office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 4<sup>th</sup> & 5<sup>th</sup> Respondent Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble NGT in its order dated 20.09.2021 has directed inter alia that

*“Para 5:... the committee as well as the Pollution Control Board to file their respective report apart from parties filing independent response and complete the pleadings”.*

3. It is respectfully submitted that, in order comply with the said NGT order, the respondent quarry site of Survey No. 399/1 (Part-A), Kallugurikki Village, Krishnagiri Taluk and Krishnagiri District and its surroundings were jointly inspected by the TNPCB officials, RDO, Krishnagiri and Deputy Director, Department of Geology and Mining, Krishnagiri on 01.09.2021 & 08.10.2021. During inspection the following were observed:

  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.

- i. The respondent unit of M/s. M Venkatraman Rough Stone Quarry, S.F.No.399/1 (Part-A), Kallugurikki Village, Krishnagiri Taluk and Krishnagiri District has obtained Environmental Clearance from the DEIAA in their letter No.03/DEIAA-GK1/EC No.32/2018/dt.27.08.2018 under the EIA Notification, 2006 with validity upto 18.03.2022.
- ii. The unit has entered the lease agreement with the District Collector, Krishnagiri District ROC.No.165//2011/ Mines /dt. 19.06.2019 for the period of 2 year 9 Months (ie., upto 18.03.2022).
- iii. Consent to operate Order was issued to the respondent unit of M/s.M Venkatraman Rough Stone Quarry, S.F.No.399/1 (Part-A), Kallugurikki Village, Krishnagiri Taluk and Krishnagiri District by the DEE, TNPCB, Hosur vide Proc.No. F.2086HSR/RS/DEE/TNPCB/HSR/W&A/2019 dated 28.03.2019 with validity upto 31.03.2020 subject to certain conditions stated therein.
- iv. The product manufacture is Rough Stone Quarrying over an Extent of 5.00 Hectare in Govt. land S.F. No. 399/1 (Part- A) of Kallugurikki Village, Krishnagiri Taluk and Krishnagiri District – 1226973 cubic meter/2 year & 9 months.
- v. Mining lease was accorded by the District Authority and Department of Geology and Mining, Krishnagiri based on the Tamil Nadu Minor Mineral Concession Rules, 1959 considering the distance criteria that there is no habitations, Village Natham, approved house layouts and Archaeological important places were located within 300

meter radius from the S.F.No.399/1 (Part-A), Kallugurikki Village, Krishnagiri Taluk and Krishnagiri District.

vi. The lessee has carried out cutting of fencing stones, dressed masonry stone blocks without adopting blasting operation. From the field observation it is observed that, the lessee has not carried out the rough stone quarrying abstracting stone boulders using blasting operations.

vii. There is no deposition of dust particles were observed in the agriculture lands, habitations located in the vicinity of the said quarry located at S.F.No.399/1 (Part-A), Kallugurikki Village, Krishnagiri Taluk and Krishnagiri District.

viii. No representation have been received from the Applicant so far in the 5<sup>th</sup> Respondent office ie., District Environmental Engineer, Tamil Nadu Pollution Control Board, Hosur, Krishnagiri District.

ix. The siting criteria provided as per the above B.P No. 04 dated 02.07.2004 is applicable only to the stone crusher and not applicable to the rough stone quarries as claimed by the petitioner.

x.M/s. M Venkataman Rough Stone Quarry was not found under operation at present.

xi. It was informed that they had stopped quarry activity due to fatal accident happened inside the quarry premises during July 2021.

xii. However, as per the records maintained by the quarry unit, it was found that the quarry was operated without valid renewal consent to operate of the Board until July 2021.

  
15/11/21  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD,  
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4. It is respectfully submitted that, based on the observation, show cause notice was issued to the respondent unit by the DEE, TNPCB, Hosur vide Proceeding No.F. HSR.2483/RS/DEE/TNPCB/HSR/W&A/2021, dated:02.09.2021 for operating the unit without obtaining valid renewal consent of the Board.

5. It is further submitted that the unit has submitted reply vide letter dated 16.09.2021 to the 5<sup>th</sup> respondent DEE, TNPCB, Hosur stating that, 'they have not carried out the quarry operations due to the fatal accident happened at their quarry site on 6th July 2021 and as per the letter dated 03.08.2021 received from Director General of Mines Safety ( DGMS), they have stopped the quarry operation during July 2021. Due to the COVID-19 Pandemic situation they are unable to file the application for the renewal of consent order from the TNPCB Board and assured to pay the consent fee and apply for the renewal of consent order of the Board immediately in TNPCB OCMMS portal. Further, the unit has requested to not to take any further proceedings against their stone quarry'.

6. It is further submitted that, in the meantime, the Hon'ble Tribunal its order dated 20.09.2021 and directed that

*"Para 4: "that respondents 6 & 7 were having earlier Environmental Clearance (EC) and also Consent to Operate etc., but that expired. Thereafter, it has not been renewed and without EC and consent, they were continuing with the operation and thereafter, they*



have stopped the operation due to some incident occurred within the quarry. Now, they are not operating the quarry”.

7. It is further submitted that, the respondent has operated the unit without valid renewal consent to operate of the Board (consent to operate expired on 31.03.2020) and violated the consent order conditions. Hence, the Environmental Compensation as per the CPCB methodology for assessing environmental compensation as follows:-

Environmental Compensation formulae =  $PI \times N \times R \times S \times LF$

PI – Pollution index for industry – 80 for Red Category Industries.

N – Number of days for which violation took place-278 days

R – A Factor in Rupees for EC- 250.

S – Factor for Scale of operation - 0.5 for Small scale unit

LF – Population is less than one million, Hence location factor – 1.0.

Hence, Environmental Compensation =  $80 \times 278 \times 250 \times 0.5 \times 1.0$

= Rs. 27.80 Lakhs.

8. It is respectfully submitted that TNPC Board has issued show cause notice under Section 5 of Environment (Protection) Act, 1986, to the respondent unit of M/s. Thiru. M. Venkatraman Rough Stone Quarry why the Board shall not levy and recover the Environmental compensation for operating the quarry without valid renewal consent to operate of the Board and violated the consent order conditions vide Board's Proceeding No. T4/TNPCB/LAW/LA-III/18388/Show Cause Notice/2021 dated 22.10.2021.



JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone), Chennai may be pleased to pass such further or other orders as it may deem fit and proper in the facts and circumstances of this case and thus render justice.

  
15/11/21  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.  
**BEFORE ME**

**VERIFICATION**

I, S. Ragupathi, son of Thiru. Sanganan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby verify that the contents of above report are true to the best of my knowledge through records.

  
15/11/21  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.





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**REPORT FILED ON BEHALF OF  
THE 4<sup>TH</sup> & 5<sup>TH</sup> RESPONDENTS -  
TAMIL NADU POLLUTION  
CONTROL BOARD.**

**Advocate for Respondent: - TNPCB  
Thiru.S. Sai Sathya Jith,  
Advocate, Chennai.**

**Date:15.11.2021.**

**Hearing on :22.11.2021**