

**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

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

ENGINEER REGIMENT, 100th AIRBORNE DIVISION
AIRBORNE

1. The purpose of this report is to provide a detailed description of the activities of the Engineer Regiment during the period of the operation. This report is intended for the use of the commanding general and the staff of the division.

Summary

The Engineer Regiment was organized into three battalions, each of which was assigned to a specific area of responsibility. The 1st Battalion was assigned to the left flank, the 2nd Battalion to the center, and the 3rd Battalion to the right flank. The primary mission of the Engineer Regiment was to provide engineering support to the division, including the construction of fortifications, the maintenance of communication lines, and the clearing of obstacles.

Organization

The Engineer Regiment was organized as follows:

- 1st Battalion: 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th.

Activities

The activities of the Engineer Regiment during the operation were as follows:

- Construction of fortifications: The Engineer Regiment constructed a series of fortifications along the division's front line, including trench lines, pillboxes, and machine gun emplacements.
- Maintenance of communication lines: The Engineer Regiment maintained a network of communication lines between the division's headquarters and its subordinate units.
- Clearing of obstacles: The Engineer Regiment cleared a series of obstacles, including minefields and barbed wire entanglements, which impeded the division's advance.

The Engineer Regiment's activities were essential to the success of the division's operation. Without the support of the Engineer Regiment, the division would not have been able to advance to its objective.

The Engineer Regiment's activities were carried out in a professional and efficient manner. The regiment's personnel were well-trained and well-equipped, and they performed their duties with skill and courage.

The Engineer Regiment's activities were a testament to the regiment's commitment to the division's success. The regiment's personnel were proud to serve their country and their fellow soldiers.

The Engineer Regiment's activities were a source of pride for the division. The regiment's personnel were a credit to the division and to the Army.

The Engineer Regiment's activities were a source of inspiration for the division. The regiment's personnel were a model of professionalism and dedication.

The Engineer Regiment's activities were a source of strength for the division. The regiment's personnel were a source of courage and determination.

The Engineer Regiment's activities were a source of honor for the division. The regiment's personnel were a source of pride and respect.

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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.


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TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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 4TH & 5TH RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD

I, R. Vijayabaskaran, son of E. Rathinam, Hindu, aged about 59 years, having office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 4th & 5th 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 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".

3. 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 that "why the Board shall not levy and recover the


10/2/21
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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.

In this regard, the unit has furnished reply for the show cause notice vide their letter dt.29.10.2021 and stated the following:

- i. The lease period of the quarry is 20.06.2019 to 18.03.2022, Consent from TNPCB is valid from 28.03.2019 to 31.03.2019 to 31.03.2020.(Extended upto 30.09.2020, vide Bd's proc. Dt.01.07.2020 due to Covid-19)
- ii. Show cause notice was issued by the DEE/Hosur vide Proc. Dated:02.09.2021 for operating the unit without valid renewal consent of the Board. The unit submitted reply letter dated: 16.09.2021 stating that they did not carry out any quarry operation due to Covid- 19 pandemic situation from 23.03.2020 to till date and could not carry out any kind of blasting and drilling works.
- iii. They are handling quarry work by manual hand breaking of stone. Due to prevailing Covid 19 Lockdown, they could not operate the mines till January 2021.
- iv. Due to careless driving of the tractor by Thiru. Vijay, Temporary worker on the contract basis, accident happened on 06.07.2021 and he died. FIR also filed by the Police department regarding the accident.
- v. At the time of inspection on 01.09.2021 by the DEE/Hosur and others, there were no records of quarry operation; whereas they sell the old stocks only with transit pass by the Department of Geology and Mining.
- vi. The DEE/Hosur told to apply for renewal of consent from TNPCB through OCMMS. The unit could not apply for renewal consent due to lack of education & financial constraints.


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vii. Now, they have prepared everything for applying for renewal consent and due to poor financial situation, they could not pay the Environmental Compensation and requesting the TNPCB to cancel the proposed Environmental Compensation amount.

4. It is respectfully submitted that, the unit's reply for show cause notice is not satisfactory since the respondent has operated the unit without valid renewal consent to operate of the Board (consent to operate expired on 31.03.2020. TNPCB extended all Consent/Renewal Consent order valid upto 31.03.2020, till 30.09.2020, due to Covid-19 vide proc. Dated 01.07.2020)) and violated the consent order conditions and not complied with the certain conditions imposed in the Environmental Clearance.

5. It is respectfully submitted that the Environmental Compensation as per the directions of the Hon'ble NGT and CPCB methodology is calculated 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

(01.10.2020 to 31.12.2020, 01.01.2021 to 05.07.2021)

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.


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6. It is respectfully submitted that TNPC Board has issued direction under Section 5 of Environment (Protection) Act, 1986, to the respondent unit of M/s. Thiru. M. Venkatraman Rough Stone Quarry to remit the Environmental compensation for Rs.27.80 Lakhs for operating the quarry without valid renewal consent to operate of the Board and violated the consent order conditions vide Board's Proceeding dated 09.12.2021

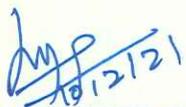
Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone), Chennai may be pleased to pass such further or other orders as it may deem fit and proper in the facts and circumstances of this case and thus render justice.


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BEFORE ME

VERIFICATION

I, R. Vijayabaskaran son of E. Rathinam, working as Additional 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.


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TAMIL NADU POLLUTION
CONTROL BOARD.**

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

Date:10.12.2021.

Hearing on :13.12.2021