

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

APPEAL NO. 18 of 2023

IN THE MATTER OF: -

P. Indumathi

.... 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 AT CHENNAI**

Appeal No. 18 of 2023

IN THE MATTER OF:

P. INDUMATHI,

W/o. Gopal, aged about 29 years,
E1, East Street, Kuzhanthaikuppam,
Vilangalpattu, Vanamadevi Post,
Cuddalore Taluk & District – 607105
E-Mail id: gopall8nandha@gmail.com
Phone Number: 944543308

..... Applicant

Versus

**1. The STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
TAMIL NADU**

Third Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet, Chennai- 600015.
Phone : 044- 24359973
Email.: mstnseiaa@yahoo.com

2. STATE LEVEL EXPERT APPRAISAL COMMITTEE,

Through the Member Secretary
Third Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet, Chennai- 600015.
Phone : 044- 24359973
Email.: mstnseiaa@yahoo.com

..... Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – Tamilnadu, THE 1ST
and 2ND RESPONDENTS**

I, Deepak S. Bilgi, I.F.S., 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:

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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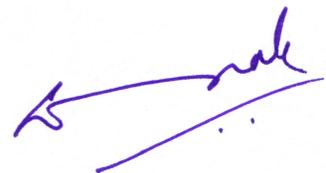


1. I am filing this counter affidavit on behalf of the 1ST & 2nd Respondent/SEIAA-TN herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I deny the averments and allegations stated in this Appeal No.18 of 2023 except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that; the project proponent has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking prior Environmental Clearance for the proposed Filed before the Respondent No.1 on 15.07.2021 under the category B2 of Item No .1(a) “mining of Minerals” of the schedule to the EIA notification, 2006 for the Proposed quarry operation of Gravel Laterite & Pebbles quarry Project over an extent of 2.25 ha in Patta Land bearing S.F.Nos.261/4(p), 262/3B & 262/4 OF C.N. palayam village, Cuddalore Taluk, Cuddalore District, Tamil nadu Vide proposal No.SIA/TN/MIN/221237/2021 date : 30.03.2023.
4. Earlier, this proposal was placed in the 338th State Expert Appraisal Committee (SEAC) meeting held on 14.12.2022. Based on the presentation and document furnished by the project proponent the SEAC has requested the project proponent to furnish the following additional details:
 - i. The project proponent shall enumerate the Trees, Age of trees & its yield details.
 - ii. The project proponent shall furnish irrigation potential of surrounding areas.
 - iii. The project proponent shall furnish the details of ground water table in the vicinity
of the project site.
 - iv. The project proponent shall furnish District Forest Officer (DFO) letter stating that
the proximity distance of nearest Reserve Forest, Wild Life Sanctuary located within 25Km radius from the project site.
5. The proposal was placed in the 583rd State Level Environment Impact Assessment Authority meeting held on 10.01.2023. Based on the details furnished by the proponent and after detailed discussion the SEIAA decided to request the following

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2.	Irrigation potential of surrounding areas.	<ul style="list-style-type: none"> • Generally, for agricultural purpose maximum amount of available water resources are utilized through minor irrigation schemes. The surface flow in the rivers can be observed only during monsoon periods. The deficient monsoon rainfall has effected the flow of surface water into reservoirs, anicuts, lakes etc. Hence under these circumstances the agriculturists have to totally depend upon an alternative source i.e., Ground Water to meet their irrigation requirement • Hydrogeological study has been carried out in and around the project area and it is inferred that on a regional trend, a area is hornblende biotite gneiss are intruded by Pegmatite and Granite terrain and the water table in the area (Fractured and Fissured zone) is below 35m to 40m. • There are no water bodies within the 500m radius. • The mining operation is proposed to carried out up to the depth of 7m (5m Above Ground Level + 2m Below Ground Level).
3.	Details of ground water table in the vicinity of the project site.	Hydrogeological Study has been conducted by Govt Approved Hydrogeologist, it is inferred from the report that the shallow aquifer is expected about 35m to 40m BGL and the productive aquifers are expected between 15-20m depth. The ultimate pit limit of the mining is 7m (5m AGL + 2m BGL) which will have no impact on the ground water.
4.	DFO letter stating the proximity distance of nearest RF, WLS located within 25 Km radius from the project site	Hydrogeological Study has been conducted by Govt Approved Hydrogeologist, it is inferred from the report that the shallow aquifer is expected about 35m to 40m BGL and the productive aquifers are expected between 15-20m depth. The ultimate pit limit of the mining is 7m (5m AGL + 2m BGL) which will have no impact on the ground water.

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additional details in addition to the above SEAC additional points from the project proponent.

- i. The project proponent shall furnish the type of vegetation present in the site. .
- ii. The project proponent shall study whether the proposed mining activity result in microclimatic changes due to temperature rise.
- iii. The project proponent shall carry out study on impact of mining on Agricultural/Horticulture.
- iv. The project proponent shall carry out a study on Biodiversity in the proposed mining area.
- v. The impacts of mining on flora, fauna & soil microorganisms in the mining area shall be studied.
- vi. The project proponent shall furnish details of soil erosion management and soil conservation plan.
- vii. Impacts of mining on the waterbodies and roads situated in the vicinity of the project area shall be studied.
- viii. The impact on Ground water, surface water due to mining activity.

6. The Proponent has furnished the following reply for the above SEAC & SEIAA additional query vide letter dated 08.02.2023:

Sl.No	SEAC queries and Project proponent reply					
1.	The project proponent shall enumerate the Trees, Age of trees & its yield details.					
	S.No	Name of the Tree	Location and Number of Trees		Age	Yield (Per year)
			Core Zone	Buffer Zone		
	1	Cashew Tree	60	10	2-4 Years	5 kg
	2	Cashew Tree	65	15	6-8 Years	7 kg
	3	Neem Tree	0	10	>10 Years	Approx. – 40 to 50 Kgs
Total 160 trees are present inside the lease area.						

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7. The Project proponent shall furnish the type of vegetation present in the site.
- 130 Nos of Cashew trees with an anticipated survival rate of 80%
 - The estimated budget for plantation and maintenance of Green belt development would be around Rs.15,000/- for the period of Two years.

The Project proponent shall study whether the proposed mining activity result in microclimatic changes due to temperature rise. Temperature data of Cuddalore District in the Month of Oct-2021, Nov-2021 & Dec-2022.

S. No	Parameters	2021	2022	
1	Temperature (°C)	Max	30.06	27.62
		Min	20.62	20.51
		Avg	24.34	24.60

- *It is a B2 Category project, Total Extent of the mining area within 500m radius 3.79.5 Ha (Total Three quarries within 500m Radius).*
- *Trees will be planted in the Safety barrier and un utilized areas.*
- *The quarried out pit will be allowed to collect rain water and it will act as temporary reservoir.*

The Project proponent shall carry out study on Impact of mining on agriculture/horticulture.

- *No major agriculture activities in the vicinity of the area, agriculture is practiced only during rainy seasons.*
- *Major land type within 1km radius is cashew farm land contributing 55%, major plantation in the vicinity of the area is Cashew plantation.*
- *Mine pit water is used for the Mango plantation in the nearby project area*
- *Greenbelt development is proposed all along the boundary barrier to mitigate dust propagation into the surrounding fields and regular water sprinkling for dust suppression as per EMP shall be strictly implemented.*

The project proponent shall carry out a study on Biodiversity in the proposed mining area.

- *The project area is a plain terrain, altitude of the area is 61m AMSL*
- *Thickness of the topsoil 1m of the proposed area.*

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- *The proponent proposed to plant 500Nos of Native species like Cashew trees boundary besides three tier plantations will be carried out during the mining operation*
- *Nearest wild life sanctuary is Oussudu Lake Bird Sanctuary - 28.0km - Northeast side*
- *Nearest Reserve Forest are Gangiruppu R.F-11.0 km-South West and Thiruthuraiyur R.F-14.0 km-Northwest*
- *There is no Schedule I species in the vicinity of the project area*
- *It is inferred from the primary and secondary data's the project will not have any significant impact on the soil and biodiversity of the area.*

The Impact of mining of flora, fauna & Soil microorganisms in the mining area shall be studied.

- *Thickness of the topsoil 1m of the proposed area.*
- *There is no Schedule I species in the vicinity of the project area*
- *It is inferred from the primary and secondary data's the project will not have any significant impact on the soil and biodiversity of the area.*

The Project proponent shall furnish details of soil erosion management and soil conservation plan.

- *Soil Erosion:*
 - *There are no streams, canals or water bodies crossing within the project area. Garland drains will be constructed around the project area to arrest any soil from the quarry arca being carried away by the rainwater. This will also avoid the soil erosion and siltation in the mining pits and maintaining the stability of the benches.*
 - *Soil Conservation.*
- There is no topsoil of the area. Overburden in the form of gravel formation, the gravel will be directly loaded into tippers for the filling and leveling of low lying areas.*

8. The proposal was again placed in the **366th State Expert Appraisal Committee (SEAC) meeting** held on 30.03.2023. Based on the presentation & documents furnished by the proponent, the Committee carefully examined the points raised by the SEAC. The proposal involves cutting of several trees as noted above, resulting in ecological degradation and loss of top soil. SEAC therefore decided not to recommend the proposal for grant of Environmental Clearance.
9. Subsequently, the proposal was placed in the **613th State Level Environment Impact Assessment Authority (SEIAA) meeting** held on 21.04.2023. In view of

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the above, the Authority decided to accept the decision made by the SEAC and decided to request the Member Secretary, SEIAA to communicate the SEAC minutes to the project proponent.

10. In this regard the Rejection letter was communicated to the project proponent by SEIAA vide letter No. SEIAA-TN/F.No.8652/2023 dated 22.06.2023 and in continuation to it the above said file was closed and recorded accordingly.

**FIRST & SECOND
RESPONDENT**

Solemnly affirmed at Chennai
On this th 27 day of October 2023
& Signed his name in my presence.

BEFORE ME


Member Secretary

SEIAA-TN

Member Secretary
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