

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

APPEAL NO. 19 of 2024

IN THE MATTER OF: -

Selvaraj .A

.... 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, CHENNAI

Appeal No.19 of 2024 (SZ)

A. SELVARAJ

Vs

State Level Environment Impact Assessment Authority (SEIAA)

&

State Level Expert Appraisal Committee (SEAC)

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****Appeal No.19 of 2024 (SZ)**

Thiru. A. SELVARAJ,
S/o Ariya Perumal,
No. 3/44, Andigoundanpatti,
Kannivadugapatti Post, Manapparai Taluk,
Tiruchirappalli District.

... APPELLANT

Vs

1. **State Level Environment Impact Assessment Authority (SEIAA),**

Tamilnadu,

Rep. by its Member Secretary,

3rd Floor, Panagal Maaligai, No.1, Jeenis Road,

Saidapet, Chennai – 600 015.

Email: seiaamstn@gmail.com

Phone No. 044-24359973

2. **State Level Expert Appraisal Committee (SEAC),**

Rep. by its Chairman,

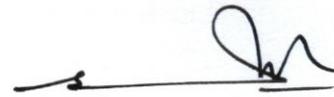
3rd Floor, Panagal Maaligai, No.1, Jeenis Road,

Saidapet, Chennai – 600 015.

Email: seacchairmantn@gmail.com

Phone No. 044-24359973.

... RESPONDENTS



Member Secretary

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN

Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

Member Secretary

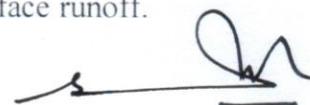
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN

Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMIL NADU, THE
1st and 2nd RESPONDENTS

I, A.R. Rahul Nadh, aged 36 years 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:

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.19 of 2024 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 Thiru. A.Selvaraj has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking prior Environmental Clearance for the project/activity is covered under Category “B2” of Item 1(a) “Mining Projects” of the Schedule to the EIA Notification, 2006 for the Proposed Rough Stone Quarry lease over an extent of 2.00.0 Ha at S.F.No. 692(part) of Karuppur Village, Manapparai Taluk, Tiruchirappalli District, Tamil Nadu vide online proposal No. SIA/TN/MIN/433049/2023, Dated: 16.06.2023.
4. I respectfully submitted that; the proposal was placed in the **402nd meeting of State Expert Appraisal Committee (SEAC) held on 17.08.2023**. Based on the presentation made by the project proponent, SEAC observed the following,
 - i. From the approved Mining Plan furnished by the Project Proponent, it is seen that there is top soil up to a depth of 1m and complete excavation of the top soil will be detrimental to the local ecology as well as to the nearby agricultural lands.
 - ii. Further, the proposed mine lease area is abutting the Karuppur Reddiyapatti Reserve Forest.
 - iii. The location forms foot of the hill and any mining activity in thick area will turn have implications for the water flow and surface runoff.



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maaligai, No.1, Jeanis Road,
Saidapet, Chennai - 15

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maaligai, No.1, Jeanis Road,
Saidapet, Chennai - 15

- iv. Besides, the proposed quarrying site is an elevated small hillock with agricultural activities being carried out all around.
- v. There are few numbers of farm houses / structures within 300 m.

The SEAC took note of the following:

"Mountains, forests, hills, hillocks and rivers are Nature's gifts and it is the duty of the Government and the administration to ensure that they are preserved for future generations."

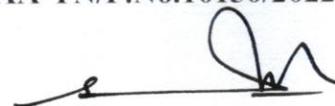
The Clause extracted from the 1972 Stockholm declaration adds that

"The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate..."

Further, the SEAC had understood from the Mining Plan/EMP submitted by the QP & EIA Coordinator that the quarrying activities are proposed in an ecologically fragile land carrying top soil of 1 m in thickness apart from abutting the reserve forest and hence it is concluded that the depletion of fertile topsoil will lead to environmental degradation to flora and fauna existing in and around the proposed site.

Therefore, based on the presentation and documents furnished by the proponent, **SEAC after detailed discussions decided not to recommend this project proposal considering the environmental settings.**

5. I respectfully submitted that; subsequently, the subject was placed before the **Authority (SEIAA-TN) in its 653rd meeting held on 11.09.2023.** In view of the above, The Authority, after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.
6. I respectfully submitted that; based on the above, **the rejection letter was sent to the Project proponent vide this office letter No. SEIAA-TN/F.No.10150/2022 dated 11.09.2023. Hence this file is closed and recorded.**



Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Maligai, No.1, Jeonis Road,
 Saidapet, Chennai - 15

Therefore, humbly prayed that this Hon'ble Tribunal may be pleased to record and pass orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai on
this 26th day of February 2024 &
Signed his name in my presence

**FIRST & SECOND
RESPONDENT**

BEFORE ME



**MEMBER SECRETARY
SEIAA-TN**

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeanis Road,
Saidapet, Chennai - 15

Agenda No: 402-02

(File No: 10150/2023)

Proposed Rough Stone Quarry over an extent of 2.00.0 Ha at S.F.No.692(Part) of Karuppur Village, Manapparai Taluk, Tiruchirappalli District, Tamil Nadu by Thiru.A.Selvaraj-For Environmental Clearance. (SIA/TN/MIN/433049/2023, Dated: 16.06.2023).

The proposal was placed in this 402nd Meeting of SEAC held on 17.08.2023. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

The SEAC noted the following:

1. The Project Proponent, Thiru.A.Selvaraj has applied for Environmental Clearance for the Proposed Rough Stone Quarry over an extent of 2.00.0 Ha at S.F.No.692(Part) of Karuppur Village, Manapparai Taluk, Tiruchirappalli District, Tamil Nadu.
2. The proposed quarry/activity is covered under Category "B2" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006.
3. As per the mining plan the lease period is 5 years. The mining plan is for the period of Five years & production should not exceed 85,050 m³ of Rough Stone with ultimate depth of mining 21m AGL (1m Topsoil +20m Rough Stone).

Based on the presentation made by the proponent, SEAC observed the following,

1. From the approved Mining Plan furnished by the PP, it is seen that there is top soil up to a depth of 1m and complete excavation of the top soil will be detrimental to the local ecology as well as to the nearby agricultural lands.
2. Further, the proposed mine lease area is abutting the Karuppur Reddiyapatti Reserve Forest.
3. The location forms foot of the hill and any mining activity in this area will turn have implications for the water flow and surface runoff.
4. Besides, the proposed quarrying site is an elevated small hillock with agricultural activities being carried out all around.
5. There are few numbers of farm houses / structures within 300 m.

The SEAC took note of the following:


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

"Mountains, forests, hills, hillocks and rivers are Nature's gifts and it is the duty of the Government and the administration to ensure that they are preserved for future generations."

The Clause extracted from the 1972 Stockholm declaration adds that

"The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate..."

Further, the SEAC had understood from the Mining Plan/EMP submitted by the QP & EIA Coordinator that the quarrying activities are proposed in an ecologically fragile land carrying top soil of 1 m in thickness apart from abutting the reserve forest and hence it is concluded that the depletion of fertile topsoil will lead to environmental degradation to flora and fauna existing in and around the proposed site.

Therefore, based on the presentation and documents furnished by the proponent, SEAC after detailed discussions decided not to recommend this project proposal considering the environmental settings.

Agenda No: 402-03

(File No: 10156/2023)

Proposed Rough Stone Quarry over an extent of 1.86.5Ha at S.F. No: 213 & 216/1 of Nathathahalli Village, Nallampalli Taluk, Dharmapuri District, Tamil Nadu by Thiru. J. Panneerselvam-For Environmental Clearance. (SIA/TN/MIN/434059/2023, Dated:20.06.2023).

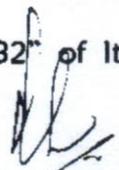
The proposal was placed in this 402nd Meeting of SEAC held on 17.08.2023. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

The SEAC noted the following:

1. The Project Proponent, Thiru. J. Panneerselvam has applied for Environmental Clearance for the Proposed Rough Stone Quarry over an extent of 1.86.5Ha at S.F. No: 213 & 216/1 of Nathathahalli Village, Nallampalli Taluk, Dharmapuri District, Tamil Nadu.
2. The proposed quarry/activity is covered under Category "B2" of Item 1(a)


MEMBER SECRETARY
SEAC -TN

4


CHAIRMAN
SEAC- TN

			<p>On receipt of the above details, the SEAC would further deliberate on this project and decide the further course of action. Hence, the Proponent is advised to submit the additional documents/information as sought above within the period of 30 days failing which your proposal will automatically get delisted from the PARIVRESH portal.</p> <p>In view of the above, the Authority decided to request the Member Secretary, SEIAA to communicate the SEAC minutes to the project proponent held on 17.08.2023.</p>
2.	<p>Proposed Rough Stone Quarry over an extent of 2.00.0 Ha at S.F.No.692(Part) of Karuppur Village, Manapparai Taluk, Tiruchirappalli District, Tamil Nadu by Thiru.A.Selvaraj-For Environmental Clearance. (SIA/TN/MIN/433049/2023)</p>	10150	<p>The Authority noted that the subject was appraised in the 402nd SEAC meeting held on 17.08.2023. Based on the presentation made by the proponent, SEAC observed the following,</p> <ol style="list-style-type: none"> 1. From the approved Mining Plan furnished by the PP, it is seen that there is top soil up to a depth of 1m and complete excavation of the top soil will be detrimental to the local ecology as well as to the nearby agricultural lands. 2. Further, the proposed mine lease area is abutting the Karuppur Reddiyapatti Reserve Forest. 3. The location forms foot of the hill and any mining activity in this area will turn have implications for the water flow and surface runoff. 4. Besides, the proposed quarrying site is an elevated small hillock with agricultural activities being carried out all around. 5. There are few numbers of farm houses / structures within 300 m.

MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN

		<p>The SEAC took note of the following:</p> <p><i>“Mountains, forests, hills, hillocks and rivers are Nature's gifts and it is the duty of the Government and the administration to ensure that they are preserved for future generations.”</i></p> <p>The Clause extracted from the 1972 Stockholm declaration adds that</p> <p><i>"The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate..."</i></p> <p>Further, the SEAC had understood from the Mining Plan/EMP submitted by the QP & EIA Coordinator that the quarrying activities are proposed in an ecologically fragile land carrying top soil of 1 m in thickness apart from abutting the reserve forest and hence it is concluded that the depletion of fertile topsoil will lead to environmental degradation to flora and fauna existing in and around the proposed site.</p> <p>Therefore, based on the presentation and documents furnished by the proponent, SEAC after detailed discussions decided not to recommend this project proposal considering the environmental settings.</p> <p>The Authority noted that the subject was appraised in the 402nd SEAC meeting held on 17.08.2023. Based on the presentation made by the proponent, SEAC observed the following,</p> <ol style="list-style-type: none"> 1. From the approved Mining Plan furnished by the PP, it is seen that there is top soil up to a
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MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN

			<p>depth of 1m and complete excavation of the top soil will be detrimental to the local ecology as well as to the nearby agricultural lands.</p> <ol style="list-style-type: none"> 2. Further, the proposed mine lease area is abutting the Karuppur Reddiyapatti Reserve Forest. 3. The location forms foot of the hill and any mining activity in this area will turn have implications for the water flow and surface runoff. 4. Besides, the proposed quarrying site is an elevated small hillock with agricultural activities being carried out all around. 5. There are few numbers of farm houses / structures within 300 m. <p>The SEAC took note of the following:</p> <p><i>“Mountains, forests, hills, hillocks and rivers are Nature's gifts and it is the duty of the Government and the administration to ensure that they are preserved for future generations.”</i></p> <p>The Clause extracted from the 1972 Stockholm declaration adds that</p> <p><i>"The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate..."</i></p> <p>Further, the SEAC had understood from the Mining Plan/EMP submitted by the QP & EIA Coordinator that the quarrying activities are proposed in an ecologically fragile land carrying top soil of 1 m in</p>
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MEMBER SECRETARY

MEMBER

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SEIAA-TN

			<p>thickness apart from abutting the reserve forest and hence it is concluded that the depletion of fertile topsoil will lead to environmental degradation to flora and fauna existing in and around the proposed site.</p> <p>Therefore, based on the presentation and documents furnished by the proponent, SEAC after detailed discussions decided not to recommend this project proposal considering the environmental settings.</p> <p>The Authority, after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.</p>
3.	Proposed Rough Stone Quarry over an extent of 1.86.5Ha at S.F. No: 213 & 216/1 of Nathathahalli Village, Nallampalli Taluk, Dharmapuri District, Tamil Nadu by Thiru. J. Panneerselvam-For Terms of Reference under violation. (SIA/TN/MIN/434059/2023)	10156	<p>The Authority noted that the subject was appraised in the 402nd SEAC meeting held on 17.08.2023. Based on the presentation and documents furnished by the project proponent, SEAC decided to grant of Terms of Reference (TOR) under Violation category, subject to the specific TORs stated therein, in addition to the standard terms of reference for EIA study for non-coal mining projects and the EIA/EMP report along with assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter by the accredited consultants.</p> <p>The grant of Terms of Reference (TOR) under Violation category does not entail EC which is subject to the outcome of the final orders of the Hon'ble High Court of Madras in the matter of W.P.(MD) No. 11757 of 2021.</p>

MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN



/ /

THIRU.DEEPAK S. BILGI, I.F.S
MEMBER SECRETARY

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMILNADU

3rd Floor, Panagal Maaligai,

No.1, Jeenis Road, Saidapet

Chennai-600015

Phone No.044-24359973

Fax No. 044-24359975

Letter.No. SEIAA-TN/F.No.10150/2022 dated:11.09.2023.

To

Thiru.A.Selvaraj,

S/o. Ariyaperumal,

No.3/44, Andigoundanpatti, Kannivadugapatti Post,

Manapparai Taluk,

Tiruchirappalli District-621310.

Sir,

Sub: SEIAA-TN – Proposed Rough stone quarry over an Extent of 2.00.0 Ha at S.F.Nos. 692(Part) of Karuppur Village, Manapparai Taluk, Tiruchirappalli District, Tamil Nadu by Thiru.A.Selvaraj - under 1(a) Mining projects of the schedule of the EIA Notification, 2006 – not recommended - Application Closed and Recorded – Regarding.

Ref: 1. Online Proposal No. SIA/TN/MIN/433049/2023, Dated: 16.06.2023.
2. Minutes of the 402nd Meeting of SEAC held on 17.08.2023.
3. Minutes of the 653rd meeting of SEIAA held on 11.09.2023.

I invite your kind attention to the reference cited above, wherein the application received from Thiru.A.Selvaraj for Environmental Clearance for Proposed Rough stone over an Extent of 2.00.0 Ha at S.F.Nos. 692(Part) of Karuppur Village, Manapparai Taluk, Tiruchirappalli District, Tamil Nadu.

Your proposal was placed for appraisal in the 402nd Meeting of SEAC held on 17.08.2023 vide reference 2nd cited. **Based on the presentation made by the proponent, SEAC observed the following,**

1. From the approved Mining Plan furnished by the PP, it is seen that there is top soil up to a depth of 1m and complete excavation of the top soil will be detrimental to the local ecology as well as to the nearby agricultural lands.

2. Further, the proposed mine lease area is abutting the Karuppur Reddiyapatti Reserve Forest.
3. The location forms foot of the hill and any mining activity in this area will turn have implications for the water flow and surface runoff.
4. Besides, the proposed quarrying site is an elevated small hillock with agricultural activities being carried out all around.
5. There are few numbers of farm houses / structures within 300 m.

The SEAC took note of the following:

"Mountains, forests, hills, hillocks and rivers are Nature's gifts and it is the duty of the Government and the administration to ensure that they are preserved for future generations."

The Clause extracted from the 1972 Stockholm declaration adds that

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Further, the SEAC had understood from the Mining Plan/EMP submitted by the QP & EIA Coordinator that the quarrying activities are proposed in an ecologically fragile land carrying top soil of 1 m in thickness apart from abutting the reserve forest and hence it is concluded that the depletion of fertile topsoil will lead to environmental degradation to flora and fauna existing in and around the proposed site.

Therefore, based on the presentation and documents furnished by the proponent, SEAC after detailed discussions decided not to recommend this project proposal considering the environmental settings.

In the light of the above, SEIAA accepted the decision taken by the committee vide ref 3rd cited, Hence your proposal is rejected for the afore stated reasons.

Hereby, your above-mentioned file is **closed and recorded accordingly.**

na
MEMBER SECRETARY
SEIAA-TN

Antoak