

From

Dr.G.S.Sameeran,I.A.S.,
District Collector,
Coimbatore.

To

The Standing Counsel,
National Green Tribunal,
Southern Zone,
Chennai - 600 005.

Rc.No.825/Mines/2021 Dated: 20.07.2022

Sir,

Sub: Mines and Minerals – Minor Minerals - Coimbatore District - excessive extraction of brick earth for the purpose of Brick Kilns – O.A.No.119 of 2021 (SZ) SuoMotu by Hon'ble NGT, Southern Zone, Chennai – orders passed – final report forwarded for filing before the Hon'ble National Green Tribunal, Southern Zone, Chennai - reg.

Ref: Orders passed by the Hon'ble NGT Southern Zone, Chennai in O.A.No.119 of 2021 (SZ) dated: 04.06.2021, 02.02.2022, 08.04.2022 and 13.05.2022.

Kind attention is invited to the reference cited above.

2) With regard to O.A.No.119 of 2021 (SZ) SuoMotu by the Hon'ble National Green Tribunal regarding the functioning of brick kilns in the Thadagam valley, the Hon'ble NGT in its order dated 04.06.2021 and 22.09.2021 have constituted a Joint Committee comprising the following officers to ascertain the real nature of the things going on in that area,

- i) The District Collector, Coimbatore
- ii) District Environmental Engineer, Tamil Nadu Pollution Control Board, Coimbatore North.
- iii) A Senior Officer, State Level Impact Assessment Authority (SEIAA), Chennai.
- iv) Regional Joint Director, Department of Geology and Mining, Tiruchirappalli Region.
- v) Senior Scientist, Central Pollution Control Board (CPCB), Regional Office, Chennai

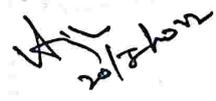
2) In this regard, the Hon'ble National Green Tribunal in its order dated 13.05.2022 have directed to submit the final report before

13.07.2022. The Hon'ble National Green Tribunal, Southern Zone has adjourned the case on 27.07.2022 for filing final report.

Hence, the final report of the Joint Committee is sent herewith for filing the same before the Hon'ble National Green Tribunal, Southern Zone, Chennai.

Encl: As above.


District Collector,
Coimbatore.


20/8/2022

Copy To:

1. Additional Chief Secretary to Government,
Industries Department,
Secretariat, Chennai-09.
2. The Commissioner of Geology and Mining,
Dept of Geology and Mining,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai-32.

Report submitted by the Joint Committee in compliance to the orders passed by the Hon'ble National Green Tribunal dated 13.05.2022 in O.A.No.119 of 2021.

A. Background

It is submitted that one Thiru S.Muralidharan has filed a Public Interest Litigation in W.P.No.27356/2019 before the Hon'ble Madras High Court with a prayer to issue a Writ of Mandamus or any other Writs or directions, directing the Principle Chief Conservator of Forest and Wild Life Warden to identify and secure the elephant corridors in Coimbatore Forest Division with the support of the other respondents.

2) It is further submitted that one Thiru T.M.S.Rajendran has filed a Public Interest Litigation in W.P.No.28475/2019 before the Hon'ble Madras High Court with a prayer to direct the respondents to take necessary action to close down the illegal brick kilns being operated in all the villages of Veerapandi, Thadagam, Somayampalayam, Nanjundapuram and Pannimadai panchayats of Coimbatore District within the time frame stipulated by the Hon'ble Court.

3) It is further submitted that both the writ petitions were taken up for hearing and the Hon'ble First Bench of Madras High Court by Order dated 06.01.2021 in W.P.No.27356 of 2019 and 28475 of 2019 under para 4 & 5 ordered as follows:-

4. *The State in consultation with the Principal Chief Conservator of Forests will file a report when the matter appears next six weeks hence to indicate how conflict between the large animal and man can be avoided and the right of passage be given to the elephants to move from one tract of land to another in such manner that it does not cause much displacement to humans yet allows the animals the freedom they deserve. A copy of such report should be available to the petitioners at least two days before the matter appeal petition.*

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5. The pendency of these Writ Petitions should not deter the respondent authorities from taking immediate appropriate action against brick kilns which may be operating illegally or without license or in excess of the extent of their area of operation.

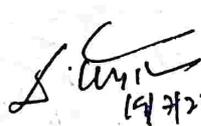
4) It is further submitted that the above writ petitions came up for hearing on 10.02.2021 and the orders passed by the Hon'ble First Bench of Madras High Court in W.P.No.27356 of 2019 and 28475 of 2019 under para 2 & 3 are reproduced hereunder:-

2. In some of the other matters, the grievances appear to be directed against brick kilns which have mushroomed all over the State and the general refrain is that the local authorities have turned a Nelson's eye to the illegal operations of brick kilns. The official respondents must take immediate remedial measures to ensure that brick kilns function within the parameters set down and upon obtaining license remain confined to the areas demarcated. Burgeoning brick kilns that encroach into forest lands or elephant corridors should be proceeded against without undue delay.
3. These matters will now appear six weeks hence for a status report to be filed by the State through its Chief Secretary upon due coordination between the various departments.

5) As directed by the Hon'ble First Bench of Madras High Court dated 06.01.2021 and 10.02.2021 in W.P.No.27356 of 2019 and 28475 of 2019, the Tahsildar, Coimbatore North has been directed to close down and seal the unauthorized Brick Kiln Units functioning in Veerapandi, Chinnathadagam, Somayampalayam, Nanjundapuram and Pannimadai villages in Coimbatore North Taluk, Coimbatore District. Further, the Executive Engineer, TANGEDCO has been directed to disconnect the electricity supply to the Brick Kiln Units with immediate effect. Apart from that the Assistant Director of Geology and Mining, Coimbatore and the District Environmental Engineer, Coimbatore North have been directed to





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coordinate with the Departments concerned and to submit an action taken report in this regard.

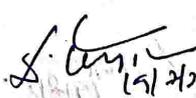
6) It is further submitted that as directed by the District Collector, the Tahsildar, Coimbatore North, the District Environmental Engineer, Coimbatore North, Tamil Nadu Pollution Control Board and the Assistant Director of Geology and Mining, Coimbatore inspected the areas in Veerapandi, Chinnathadagam, Somayampalayam, Nanjundapuram and Pannimadai villages in Coimbatore North Taluk on 19.03.2021 and found that many Brick Kiln units were operating without obtaining necessary permission from the Tamil Nadu Pollution Control Board and without obtaining Registration Certificates from the District Collector as required under sub-rule(2) of Rule 19 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and therefore the District Authorities have temporarily stopped the Brick Kiln activities in the area from 19.03.2021 and notices were properly served to the Brick Kiln owner/representatives.

7) Aggrieved by the closure order passed by the Team of Officials, the brick kiln owners have filed writ petitions before the Hon'ble Madras High Court. The batch cases came up for final hearing on 30.04.2021 and the Hon'ble Madras High Court has disposed the writ petitions with certain directions. The Common Orders passed by the Hon'ble Madras High Court on 30.04.2021 in W.P.Nos.9606, 9726, 9738, 9741, 9745, 9748/2021 etc., batch cases under para 22 are reproduced hereunder:-

22. For the foregoing reasons, without delving much upon the merits and demerits of the other submissions of the learned counsel on either side, excepting incorporating the same hereinabove, this Court is of the opinion that the impugned orders need interference by this Court. Accordingly, the impugned orders are set aside and the District Collector, Coimbatore, who is the competent



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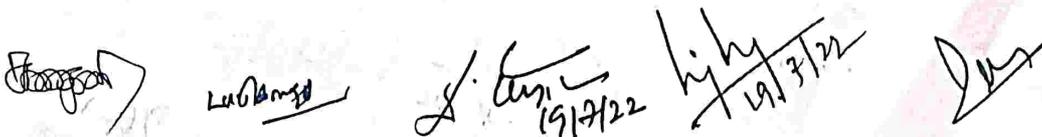
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authority under the statute, shall pass appropriate orders with respect to all these petitioners after affording an opportunity of hearing within a period of four weeks from the date of receipt of a copy of this order. The impugned orders would be treated as notices to the petitioners for appearing before the District Collector. No separate notice in this regard will be issued to the petitioners. The petitioners are at liberty to submit all relevant documents in support of their claim. It is made clear that no further extension of time would be granted to the District Collector to complete the above exercise of passing the appropriate orders qua these petitioners. The District Collector, Coimbatore, shall proceed with the further process based on the web copy of this order, without waiting for the certified copy.

8) In the meantime, the Hon'ble National Green Tribunal, Southern Zone, Chennai on its own Suo-Motu registered O.A. No.119 of 2021 based on the series of articles published in Dinamalar Daily Newspaper, Chennai Edition Dated 12.04.2021 & 13.04.2021 and admitted the Original Application after satisfying that there arises a substantial question of environment which requires the interference of the Tribunal for resolving the same.

9) It is further submitted that in order to ascertain the real nature of things going on in that area and how this activities are being regulated, the Hon'ble National Green Tribunal, Southern Zone, Chennai by order dated 04.06.2021 appointed a joint committee comprising of the District Collector, Coimbatore, a Senior Officer from the Tamil Nadu State Environment Impact Assessment Authority, designated by its Chairman (3) A Senior Officer from Tamil Nadu Pollution Control Board designated by its Chairman (4) A Senior Officer from Department of Geology and Mining deputed by its Commissioner to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

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10) It is further submitted that certain directions have been issued to the Joint Committee and the orders passed by the Hon'ble Green Tribunal under para 8 & 9 of the order dated 04.06.2021 are reproduced hereunder:-

8. i) *The committee is also directed to consider as to whether environmental clearance are obtained for the purpose of extracting mud for commercial purpose,*
- ii) *Whether necessary permissions have been obtained from the Mining Department and how the Mining Department is regulating the activities to check over exploitation of minerals*
- iii) *Whether there was any excessive mining done by any of the persons who have been authorized to do such work*
- iv) *Whether any action has been taken against those persons*
- v) *Whether there was any violation of excessive mining and if so, what is the nature of action taken against offenders by the regulators*
- vi) *Whether the brick kiln industries are following the directions issued by the Principal Bench of National Green Tribunal in similar matters in North India, with modifications if any, required considering the situation prevailing in there areas to protect environment*
- vii) *Whether any damage has been caused to any of the water bodies nearby*
- viii) *Whether it has affected the water bodies like rivers and streams etc.,*
- ix) *Whether any depletion in the ground water level has happened on account of unscientific manner in which such industries are being run the persons involving in such activities. In any damage has been caused to environment, the committee shall indicate what is the nature of damage caused and offer recommendations for*



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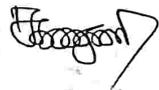
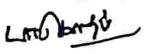
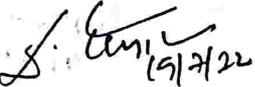
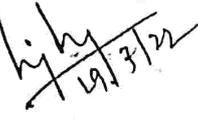
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restoring the damage caused to the environment and also assess the environmental compensation to be recovered recover from those persons who are responsible for such degradation.”

9. The Mining Department will be the nodal agency for co-ordination and also for providing necessary logistics for this purpose.”

11) As directed by the Hon'ble National Green Tribunal, the Chairman, Tamil Nadu Pollution Control Board, Chennai vide letter dated 09.07.2021 has nominated Er. D.Jayalakshmi, District Environmental Engineer, Tamil Nadu Pollution Control Board, Coimbatore North as a Member of the Committee. The Member Secretary, SEIAA vide letter dated 22.07.2021 has nominated Thiru C.Tholkappian, Assistant Engineer, SEIAA, Chennai as a Member of the Committee. The Director of Geology and Mining vide letter dated 31.07.2021 has nominated Thiru.P.Saravanan, Regional Joint Director of Geology and Mining, Thiruchirapalli Region as Member of the Committee and the same was intimated to the 7th respondent vide Director of Geology and Mining letter No.681/ MM7/2021 dated 31.07.2021.

12) Meanwhile, in compliance to the orders passed by the Hon'ble Madras High Court dated 30.04.2021 in a batch cases of Writ Petitions, as the units were not in possession of necessary permission from the Tamil Nadu Pollution Control Board and valid registration certificates and permit for quarrying brick earth from patta lands as required under Rule 19 (2) of Tamil Nadu Minor Mineral Concession Rules, 1959 the Brick Kiln units were closed (*Annexure - 1*). The village-wise number of Brick Kiln Units closed in Thadagam area of Coimbatore North Taluk, Coimbatore District are tabulated below:-

Sl. No.	Name of the Village	No. of brick kiln units closed
1	Chinnathadagam	83
2	Veerapandi	58
3	Nanjundapuram	19
4	Somayampalayam	10
5	Pannimadai	7
Total		177

13) It is further submitted that the Tahsildar, Coimbatore North has been directed vide Rc.No.456/Mines/2021 dated 01.06.2021, etc., to seize the entire quantum of brick earth, finished goods of bricks etc. stocked in the premises of the brick kiln unit as per the powers vested with him under Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957.

14) It is further submitted that the Revenue Divisional Officer, Coimbatore North has been instructed vide Rc.No.456/Mines/2021 dated 01.06.2021 to file complaints before the competent Special Court as per the powers delegated under Section 22 of the Act, 1957 against the petitioners /brick kiln unit owners for the offences committed under Section 21 of the MMDR Act, 1957 and for making prayer for confiscation of the finished bricks kept in the premises at Veerapandi, Chinnathadagam, Somayampalayam, Nanjundapuram and Pannimadai Villages in Coimbatore North Taluk, Coimbatore District.

15) Meanwhile, the committee constituted by the Hon'ble National Green Tribunal inspected the areas in Veerapandi, Chinnathadagam, Somayampalayam, Nanjundapuram and Pannimadai villages on 07.08.2021 and 13.08.2021. The District Revenue Officer, Coimbatore, the Revenue Divisional Officer, Coimbatore and the Tahsildar, Coimbatore and the Village

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Administrative Officers concerned were also present at the time of inspection. An interim report was filed by the committee on 25.08.2021 before the Hon'ble National Green Tribunal and same is given below;

Direction No: 1

The committee is also directed to consider as to whether environmental clearance are obtained for the purpose of extracting mud for commercial purpose

Reply:

It is submitted that as per Environment Impact Assessment Notification 2006 (as amended in 2016) mandates prior Environmental Clearance (EC) for new projects or activities before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity including expansion, or modernization of existing projects listed in its Schedule. Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (UTEIAA). The mining of minerals comes under " Schedule 1(a)-Mining of minerals". For the proposed mining projects, Proponent has to submit application seeking Environmental Clearance for the proposed quarry along with Form-1, precise area communication from the District Collector, Mining plan approved by the Department of Geology and Mining, pre-feasibility report and other essential documents. For the above accredited EIA consultants will be engaged by the Project proponent to conduct the EIA studies for the Project. But in this case, the Brick Kiln owners have not obtained any clearance from the State Level Impact Assessment Authority (SEIAA) for quarrying brick earth in Veerapandi, Chinnathadagam, Nanjundapuram,



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Somayampalayam and Pannimadai villages. The activity of quarrying of Brick earth in the said 5 villages without obtaining prior Environmental clearance attracts EIA Notification 2006 and is a vivid violation.

Direction No: 2

Whether necessary permissions have been obtained from the Mining Department and how the Mining Department is regulating the activities to check over exploitation of minerals

It is submitted that no permission has been obtained for quarrying brick earth in Veerapandi, Chinnathadagam, Nanjundapuram, Somayampalayam and Pannimadai villages.

Direction No: 3

Whether there was any excessive mining done by any of the persons who have been authorized to do such work

Reply:

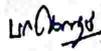
It is submitted that as the brick kiln owners have not obtained permit for quarrying brick earth from patta lands as required under Rule 19(2) of Tamil Nadu Minor Mineral Concession Rules, 1959 and the Tahsildar, Coimbatore North has reported that brick earth was stocked in their units and the entire quantity of brick earth/bricks stocked in the brick kiln units may be considered as illegally mined.

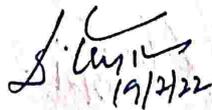
Direction No: 4 and 5

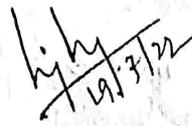
iv) Whether any action has been taken against those persons

v) Whether there was any violation of excessive mining and if so, what is the nature of action taken against offenders by the regulators






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Reply:

It is informed that the district administration have already closed 177 Brick kiln units in Veerapandi, Chinnathadagam, Nanjundapauram, Somayampalayam, Pannimadai villages vide District Collector proceedings Dated 01.06.2021, 13.06.2021, 14.06.2021, 15.06.2021 & 16.06.2021 with the following directions,

- i. A total number of 177 Brick Kiln units located in Veerapandi, Chinnathadagam, Somayampalayam, Nanjundapuram and Pannimadai Villages in Coimbatore North Taluk, Coimbatore District have been closed vide Proceedings of the District Collector, Coimbatore dated 01.06.2021, 13.06.2021, 14.06.2021, 15.06.2021 and 16.06.2021.
- ii. The Tahsildar, Coimbatore North has been directed vide District Collector, Proceedings Rc.No.456/Mines/2021 dated 01.06.2021 etc., to seize the entire quantum of brick earth, finished goods of bricks etc. illegally stocked in the premises of the brick kiln units under Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957.
- iii. The Revenue Divisional Officer, Coimbatore North has been directed vide District Collector, Proceedings vide Rc.No.456/Mines/2021 dated 01.06.2021 to file complaints before the competent Special Court as per the powers delegated under Section 22 of the Act, 1957 against the brick kiln unit owners for the offences committed under Section 21 of the Act, 1957 and for making prayer for confiscation of the finished bricks kept in the premises at Veerapandi, Chinnathadagam,



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Somayampalayam, Nanjundapuram and Pannimadai villages,
Coimbatore North Taluk, Coimbatore District.

Direction No: 6

Whether the brick kiln industries are following the directions issued by the Prinsipal Bench of National Green Tribunal in similar matters in North India, with modifications if any, required considering the situation prevailing in there areas to protect environment

Reply:

It is submitted that, all the 177 Brick kiln units are not following the directions issued by the Central Pollution Control Board except fixed chimney. Further that as per TNPC Board B.P.No.06 dt. 02.08.2016 this type of activity comes under the Orange Category with the Industry type as 2020 - **Brickfields (excluding fly ash brick manufacturing using lime process). The unit has to obtain consent of the Board** under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. But, none of the brick kiln units located in Pannimadai, Somaiyampalayam, Nanjundapuram, Chinna Thadagam and Veerapandi villages have obtained the consent of the TNPC Board under both the Acts.

It is further stated that as per the CPCB directions for brick kilns vide letter No. IPC-V(SS1)/Brick Kiln/2017 dated:27.06.2017 & Letter No. CPCB/IPC-V/Brick kiln/2021 dated:21.01.2021, all the Brick kiln units shall provide Induced Draft Brick Kiln (zig-zag brick setting with rectangular shape of kiln) and adhere the sitting criteria guidelines for brick kilns. All the brick kiln chambers shall provide stack monitoring facility along with porthole and platform. All the moving area around the main brick kiln should be paved with the bricks to minimize the fugitive dust emission from

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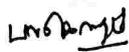
the brick kiln operation and ensure that fine dust not to accumulate all around the brick kiln. All the brick kilns are operating with Natural draft brick kiln. During inspection by the TNPC Board officials, it was noticed that most of the brick kin units have provided fixed chimney of 30 m height. None of the brick kiln units have provided air pollution control measures (Zig-zag arrangements with induced draft brick kiln) with stack monitoring facility along with porthole and platform. Thereby none of the brick kiln industries are following the directions issued by the Central Pollution Control Board except fixed chimney.

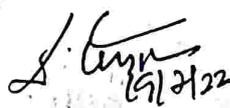
Further, joint committee with regard to direction no. vii, viii & ix prayed to co-opt an agency like National Environmental Engineering Research Institute (NEERI) before the Hon'ble Tribunal to assess whether any damage has been caused to any of the water bodies, nature of damage caused to the environment and to assess the environmental compensation to be recovered etc.,

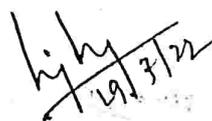
16) The Original Application came up for hearing on 22.09.2021 and the orders passed by the Hon'ble National Green Tribunal on 22.09.2021 under para 11 is reproduced hereunder:-

11. *In order to ascertain the damage caused to the environment, we feel that instead of appointing NEERI for this purpose, we can include a Senior Scientist from CPCB, Regional Office, Chennai as one of the committee member and they can conduct the study and submit a report and if they feel that further study is required, then we will consider those aspect at that time. The committee along with the officer deputed from CPCB is directed to inspect and ascertain the damage caused to environment and also the remedial measures to be taken to remediate the situation and submit a further report as directed."*






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17) In compliance to the orders passed by the Hon'ble National Green Tribunal, the Regional Director, Central Pollution Control Board has nominated Thiru R.Rajkumar, Scientist-D as a Member of the Committee and intimated the same to the Assistant Director of Geology and Mining, Coimbatore vide his letter dated 30.09.2021. Further, Dr.B.Gowtham, Member, SEAC - Tamil Nadu was newly nominated as a Member of the Committee vide Member Secretary, SEIAA letter dated 03.03.2022.

B. Joint Committee Meeting for Assessment of Damage caused due to mining activity

18) The joint committee constituted has carried out the filed visit on 26.10.2021 and briefly discussed the following scope as directed by the Hon'ble Tribunal.

- vii) Whether any damage has been caused to any of the water bodies nearby*
- viii) Whether it has affected the water bodies like rivers and streams etc.,*
- ix) Whether any depletion in the ground water level has happened on account of unscientific manner in which such industries are being run the persons involving in such activities. In any damage has been caused to environment, the committee shall indicate what is the nature of damage caused and offer recommendations for restoring the damage caused to the environment and also assess the environmental compensation to be recovered recover from those persons who are responsible for such degradation."*

In this connection, a meeting was conducted on 26.10.2021 with reconstituted members of the committee including the Senior Scientist from Central Pollution Control Board. During the meeting, the Scientist

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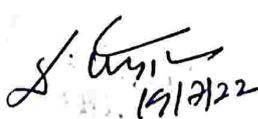
from CPCB has informed that the following details are required to assess the damage due to mining activities.

- i) Impact on the Ground water in the subject areas shall be obtained from the Water Resource Department, Coimbatore. Particularly, the data on the ground water depletion, water quality effect etc., if any due to the quarrying activities.
- ii) Impact on the agriculture activities, if any due to quarrying activities in the subject areas shall be obtained for from Village Administrative Officers. The information such as name of crops cultivated, crop wise yield loss due mining (year wise) with survey number & name of the land owner, affected area & Government notified compensation amount crop wise etc.,
- iii) Details of the river courses such as stream, Odai etc., and their impact in flow disturbance, if any due to quarrying activities shall also be obtained from WRD or concerned local department.
- iv) To carry out survey on the quarrying activities in entire subject areas such as river courses such as stream, Odai, drain etc., leased land, patta land, poramboke land etc., to assess the quantum of mining carried out legally and illegally and notified / prescribed penalty for illegal mining.

19) It is further submitted that as requested by the District Collector, Coimbatore, the Assistant Executive Engineer (i/c), Water Resource Department, Ground Water Division Coimbatore vide his letter dated 04.01.2022 has furnished the details of Ground Water fluctuation






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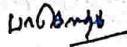
for a period of 15 years (from 2006 to 2021). Further, as requested by the District Collector, Extracts of adangal for the Fasli year 1416 to the current Fasli year for the villages of Chinnathadagam, Nanjundapuram, Pannimadai and Veerapandi were provided by the Tahsildar, Coimbatore North.

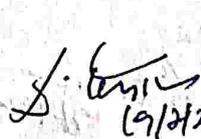
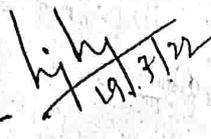
20) It is further submitted that survey works have been carried out by the Officials of the Department of Survey, Coimbatore in 565 survey fields identified by the Village Administrative Officers concerned in patta and poramboke lands in Chinnathadagam, Nanjundapuram, Pannimadai and Veerapandi villages using DGPS survey through agency empanelled by the Commissioner of Geology and Mining vide Proceedings Rc.No.2921/MM4/2016 dated 09.03.2021. The survey and assessment works have been completed on 10.03.2022.

21) It is further submitted that the Original Application No.119 of 2021 was taken up for hearing along with O.A.No.135 of 2021. The learned Counsel appeared for the Pollution Control Board submitted that they have to undertake exercise of assessing the damages as per the formula based on the Central Pollution Control Board guidelines and requested atleast four weeks time for the same. The learned counsel appeared for the Official Respondents 1, 2, 3, 6 & 7 also made a request for grant of time for filing final report before the Hon'ble Tribunal. As requested by the learned Counsels appeared for the Pollution Control Board and the Revenue Department, the Hon'ble National Green Tribunal has granted time for filing reports by the Official Respondents and posted the matter on 13.07.2022.

22) It is further submitted that based on the report of the Tahsildar, Coimbatore North taluk in letter Rc. No. 4346/2022/B1 dated 12.07.2022, quantity of brick earth illegally quarried and transported has





 
19/3/22 19/3/22



been arrived at only from the accessible areas in the villages of Somayampalayam, Chinnathadagam, Nanjundapuram, Pannimadai and Veerapandi. This may be treated as minimum quantity of brick earth quarried illegally. Apart from this, quantity of brick earth quarried illegally from the inaccessible areas such as water logged, bushy terrain and undulating terrains could not be assessed. The list of survey fields assessed with DGPS survey revealed a total quantity of 1,10,77,276 cbm of brick earth illegally mined and transported in Somayampalayam, Chinnathadagam, Nanjundapuram, Pannimadai and Veerapandi villages are furnished below.

Sl. No	Name of the village	Quantity of brick earth illegally mined and Transported (in Cubic meter)
1	Veerapandi	44,20,616
2	Chinnathadagam	44,10,918
3	Somayampalayam	18,75,773
4	Nanjundapuram	3,35,714
5	Pannimadai	34,255
Total		1,10,77,276

23) It is further submitted that directions issued by this Hon'ble tribunal on 04.06.2021 with regard point Vii, Viii & ix for assessment of the damage caused due to mining activity are furnished below;

Direction No: 7 and 8

- vii) Whether any damage has been caused to any of the water bodies nearby
viii) Whether it has affected the water bodies like rivers and streams etc.,

Reply:

During the committee visit, it is observed that the illegal mining was carried out in the streams & river path near the foot hills. These streams are found to be catchment path of rain water flowing from the hills of Thadagam

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Valley and finally connected to the River. Due to mining activity flow of water may get affected and stagnated in the mined location. Hence it is clear that the illegal mining has affected the water bodies and nature course of flow of water in this region.

Direction No: 9

ix) Whether any depletion in the ground water level has happened on account of unscientific manner in which such industries are being run the persons involving in such activities. In any damage has been caused to environment, the committee shall indicate what is the nature of damage caused and offer recommendations for restoring the damage caused to the environment and also assess the environmental compensation to be recovered from those persons who are responsible for such degradation.

Reply:

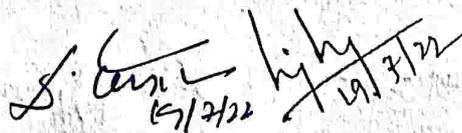
The Assistant Executive Engineer (i/c), Water Resource Department, Groundwater Division, Coimbatore vide letter Rc.No.1(a)/Ko: Miscellaneous/AEE/2022/Coimbatore dated 04.01.2022 has furnished the details of the groundwater level in the Coimbatore North Taluk (Annexure - 2). However, ground water depletion could not be concluded due to inadequate historical data available for assessment. The mining has been carried out illegally in patta land, poramboke land as well as in the riverine systems, streams, odai etc.

C. Compensation for damages caused to environment due to illegal quarrying of brick earth

24. The illegally quarried brick earth minerals in patta and poramboke lands in Pannimadai, Somaiyampalayam, Nanjundapuram, Chinna Thadagam and Veerapandi villages were utilized for making bricks in the Brick Kilns. Further, it is clear that the end beneficiaries of this illegal






15/3/22



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mining are the 177 brick kiln unit owners. As most of the patta land owners are alleging ignorance, the compensation amount for the illegal quarrying of the brick earth may be levied upon the owners of the above said Brick Kiln units.

The assessment of the actual damage caused due to mining activity could not be carried out because of the inadequate historical data of the said area. In such cases an interim compensation calculation methodology for sand mining is given in O.A. No. 360/2015, so committee has decided to adopt the same methodology for the brick mining activities. The committee has arrived compensation amount based on the following method,

METHOD (as per OA No. 360/2015): As per the NGT order in **OA No. 360/2015 (PB)**, National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat) - the total environmental compensation calculated as follows,

Model calculation for Method

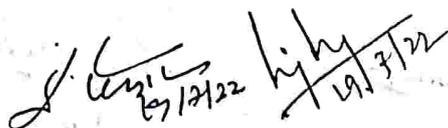
In the matter of **OA No. 360/2015 (PB)**, National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat), stated as follows;

"... 10. Vide order dated 17.08.2020, the Tribunal considered the CPCB report dated 30.01.2020, in pursuance of earlier orders on scale of compensation to be recovered for violation of norms for mining on polluter pays principle and the matter was deferred for further consideration of such scale and further orders in the light of the EMGSM 2020. On the issue of scale of compensation for violations, the Tribunal held that the same has to be calculated having regard to the polluter pays principle and not mere loss of royalty. This requires taking into account value of the illegally mined material and cost of restoration of the environment. CPCB did the exercise by constituting an expert Committee.

11. Approach 2 is demonstrated by following formula: "Till such time as data and information for a comprehensive NPV is worked out in a site specific manner to account for all (or atleast the major) ecological damages, a simplified NPV, proxied on the market value





 27/12/22



of the illegally extracted amount may be computed. In this case the NPV approach would imply that the total benefits from the activity of sand mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs imposed by the activity. In the absence of data on benefits and costs separately, we recommend a modification of the formula as shown below: Total Benefits(B) = Market Value of illegal extraction: D (refer Table 1) Total Ecological Costs = Market Value Adjusted for risk factor: D x RF (refer Table1).

For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value, $\Sigma (C-B)$, at a discount rate ranging from 8%-5%, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case)."

12. Final recommendation is as follows: "Thus, it is recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, maybe calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration, even if the sand deposition in the river basin is restored through flooding in subsequent years. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorization charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorisation is unavailable or pending calculation, the following Discount Rates may be considered:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

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Market Value of Illegally Mined Material (D) = Qty mined * Rs per m³

Annual Value of Foregone Ecological Values D*RF

Present Value of Foregone Ecological Values

$$PV = \sum_{t=1}^5 \frac{(D*RF)}{(1+r)^t}$$

Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied = NPV = PV - D

The Hon'ble Tribunal, PB, Delhi has considered and approved the above **approach 2.**

The Committee suggested using same approach to evolve/calculate the damage cost due to quarrying activity. Individual survey number wise damage assessment calculated is given in *Annexure - 3.*

The model calculation of excess quarrying for SF No. 272, Pannimadai Village, Coimbatore North Taluk, is calculated as follows;

SF No. 272, Pannimadai Village, Coimbatore North Taluk

Volume of Earth mined	:	20088 cbm
Cost of Earth	:	Rs. 100
		(As per G.O.No.107 Industries (MMC2) Department dated 06.07.2017)
Market Value of Illegally Mined Material (D)	:	Qty mined x Rs per cbm 20088 cbm x Rs. 100
Total	:	Rs. 20,08,800

RF – Risk factor, Committee suggested to consider the factor Sever based on the field visit & physical damage of Water Stream, Riverine system etc.

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Accordingly, $RF = 1$, Discount factor (r) = 5%, $t = 1,2,3,4,5$

Annual Value of Foregone Ecological Values $D \times RF =$ Rs. 2008800

Present Value of Foregone Ecological Values

$$PV = 2008800/(1+0.05)^1 + 2008800/(1+0.05)^2 + 2008800/(1+0.05)^3 + 2008800/(1+0.05)^4 + 2008800/(1+0.05)^5$$

$$PV = 1913142.85 + 1822040.82 + 1735276.97 + 1652644.73 + 1573947.36$$

$$PV = 8697052.74$$

Net Present Value (after netting out market value of illegally mined material) -
i.e., Total Compensation to be levied = $NPV = PV - D$

$$NPV = 8697052.74 - 2008800$$

$$NPV = 6688252.74$$

Total Compensation to be levied = Rs.6688253.00/-

Total interim compensation calculated for a quantum of 1,10,77,276 cbm of Brick earth illegally mined is Rs. 373,74,20,825 /-

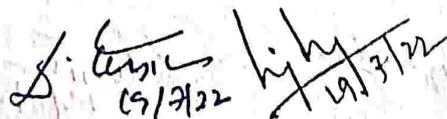
D. Compensation for the environmental damage caused by brick kiln units by operating without CTE & CTO apart from the illegal mining.

25) In addition to compensation fixed for the illegally mined brick earth, the compensation for damages caused to environment is also imposed on the brick kiln units operated without prior permission. The Hon'ble National Green Tribunal in its order dated 13.05.2022 has directed as follows:

"5. Therefore, what remains to be decided is to the environmental compensation that the authorities may slap on the brick kiln owners, who are doing the illegal brick kiln activity.






19/3/22



6. 13th respondent is the Coimbatore District Brick Manufacturers Associates, when questioned the Learned Counsel appearing for the Association mentioned that there are about 180 members in their association, though few of them do not own brick kiln on the elephant corridor. Be that as it may, in the event the Pollution Control Board is going to assess the damages and impose the penalty and compensation, we expect the Association to take up the responsibility of paying the same."

It is submitted that as per the Sub-Section (1) of the Section 25 of the Water (prevention and Control of Pollution) Act, 1974 as amended in 1988, the owners of the Brick Kiln Units in any area are entitled for running their units only after obtaining Consent to Establish and Consent to Operate from the Tamil Nadu Pollution Control Board, contravening which is punishable under Section 44 of the said Act. But, the 177 brick kiln unit owners in the said villages have not obtained any Consent to Establish and Consent to Operate from the Tamil Nadu Pollution Control Board.

Hence, it is further submitted that compensation as per the Tamil Nadu Pollution Control Board adopting the "**Polluter Pays Principle**" for the Brick kiln units not following the directions issued by Hon'ble NGT, Principal Bench in the matter of OA No. 593/2017 in Pannimadai, Somaiyampalayam, Nanjundapuram, Chinna Thadagam and Veerapandi Villages has been calculated as **Rs.5932.31 Lakhs** (Annexure - 4). The committee has recommended to levy Rs. 5932.31 lakhs as compensation for environmental damages caused by the brick kiln owners.

E. RECOMMENDATIONS OF THE COMMITTEE

- i) It is submitted that the 177 brick kiln unit owners being the end beneficiaries shall be held responsible for the illegally quarried brick earth minerals in patta and poramboke lands in

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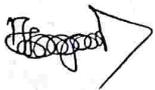
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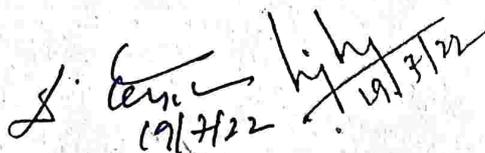
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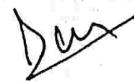
Pannimadai, Somaiyampalayam, Nanjundapuram, Chinna Thadagam and Veerapandi villages, the interim compensation amount of Rs. 373,74,20,825/- for the illegal quarrying of the brick earth may be levied against the owners of the above said Brick Kiln units. Further, as per the order of the Hon'ble National Green Tribunal dated 13.05.2022, the environmental compensation amount of Rs. 5932.31 lakhs arrived on the illegal operation of brick kiln units and the compensation amount of Rs. 373,74,20,825/- arrived for illegal quarrying of brick earth may be levied against the brick kiln owners and the Brick Kiln Owners Association may be directed to take the responsibility of paying the same.

- ii) The Committee suggested that a complete Remote Sensing survey has to be conducted by a reputed Government organization/institution to estimate the total quantum of material quarried in the streams, drains, riverine system, tanks, inaccessible poramboke and patta lands, etc, at regular intervals of five years (Period from 2000 to 2020). This survey will provide complete data on the complete material quarried as well as validate the data already surveyed/quantified through DGPS. After the completion of the survey through remote sensing & validation of the earlier data, the exact compensation which will be arrived shall be imposed on Brick Kiln owners.
- iii) In order to regulate the brick kiln industries and to prevent illegal quarrying of brick earth, quarrying permission may be granted only to the applicant who have obtained prior clearance from the Hill Area Conservation Authority as per the instructions issued by the Government in G.O.No.49 Housing






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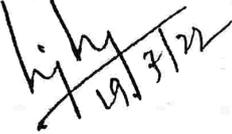


and Urban Development (UD.2) Department dated 24.03.2003 and Consent to Establish (CTE) and Consent to Operate(CTO) from TNPCB, etc., not exceeding the carrying capacity of the area as the areas fall in hill villages namely Nanjundapuram, Veerapandi, Chinnathadagam, Somayampalayam villages and in Pannimadai non hill village also.


P. Saravanan
Regional Joint Director of Geology
and Mining (i/c),
Thiruchirapalli Region


Dr. B. Gowtham,
Member
SEAC - Tamil Nadu


D. Jayalakshmi
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore North


R. Rajkumar
Scientist D
Central Pollution Control Board
Regional Directorate - Chennai


District Collector
Coimbatore