

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

Original Application No.148 of 2022 (SZ)

IN THE MATTER OF:

Dr. Sushmitha, Chennai.

...Applicant(s)

Versus

The Member Secretary,
State Environment Impact Assessment Authority (SEIAA),
Chennai and Ors

. ...Respondent(s)

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Advocate for the Respondent: TNPCB

Ms.Shanmugavalli Sekar,

Advocate, Chennai



TAMILNADU POLLUTION CONTROL BOARD

**REPORT OF
TAMIL NADU POLLUTION CONTROL BOARD
AS PER THE HON'BLE NATIONAL GREEN
TRIBUNAL(SZ),CHENNAI
ORDER DATED 18/05/2023 IN
O.A.NO.148 OF 2022.**

**Submitted to
Hon'ble National Green Tribunal (SZ), Chennai
AUGUST 2023**

1. Preamble

It is respectfully submitted that the Hon'ble NGT (SZ) in its order dated 15.03.2023 in O.A. No.148/2022, filed by Tmt. Sushmitha against the unit of M/s Sri Rathinagiriswarar Blue Metals functioning in S.F. No 2/1, Sivayam North Village, Krishnarayapuram Taluk, Karur District, has directed the TamilNadu Pollution Control Board (TNPCB) and State Environment Impact Assessment Authority (SEIAA) to conduct Joint Inspection and to furnish report. In view of complying with the order of Hon'bleNGT (SZ), Joint Inspection was carried out by the officials of TNPCB & SEIAA and report was filed before Hon'ble NGT on 20.03.2023.

2. Order of the Hon'ble Tribunal

It is respectfully submitted that the Hon'ble NGT(SZ) in its further order dated 18.05.2023 has directed inter alia as follows.

Para 4: Therefore, we direct the SEIAA- TamilNadu and the TamilNadu Pollution Control Board to make an inspection once again and file their individual report answering the queries raised in the original application and also as required by this Tribunal. Before the authorities go for inspection, let the applicant also be put on notice.

Para 5: The following particulars have to be furnished in the individual report to be filed by HT SEIAA- TamilNadu and the TamilNadu Pollution Control Board after making a spot inspection.

- i. Details about the quarrying units and crusher units separately.**
- ii. Whether the respondents are operating the quarry with valid Environmental Clearance/ Lease and if so, the validity of the same.**

- iii. **If they had operated in excess, whether the same has been found out and any compensation has been levied by the appropriate authority.**
- iv. **Similarly, for the crusher unit also, what was the original capacity of the crusher and the expanded capacity and whether they had valid Consent to Operate originally and also for the expanded capacity and the period of illegal operation (if any) and the assessment of compensation payable by them.**

(The copy of the above order is enclosed as Annexure-I)

3. Inspection by the TNPCB

In order to comply with the Hon'ble NGT order dated 18.05.2023, the following respondent units were inspected by the Joint Chief Environmental Engineer (Monitoring), Tamil Nadu Pollution Control Board, Salem along with officials of TNPCB on 07.07.2023.

1. M/s. Navamani Mines Private Limited (Crusher Unit).
2. M/s. Sri Rathinagiriswarar Blue Metals (Crusher Unit).
3. M/s.Navamani Mines Private Limited (Rough Stone and Gravel Quarry).
4. M/s.M.Palaniyandi Rough Stone Quarry.
5. M/s.Silambarasan Rough Stone Quarry. (Previously named as M/s.R.Mathivanan Rough Stone Quarry)

As per the order of the Hon'ble NGT, intimation regarding the inspection proposed by the TNPCB on 07.07.2023 was given to the applicant through this office email and also conveyed through phone. However, neither the applicant nor her representatives present during the inspection. Further, notice of inspection under section 25 of the Water(P&CP)Act 1974 as amended and under section 21 of the Air (P&CP)Act 1981 as amended for carrying out inspection were issued to these units. During the time of inspection, the representatives of the unit authorities were present.

1. M/s.Navamani Mines Private Limited, SF No 19/1C,20/1B2 & 21/2, Sivayam North Village, Krishnarayapuram Taluk, Karur District:

The unit of M/s.Navamani Mines Private Limited is an existing stone crusher functioning in S.F.No. 19/1C,20/1B2 & 21/2, Sivayam Village, Krishnarayapuram Taluk and Karur District. The unit had obtained Consent to Establishment (CTE) under the Water (P&CP) Act 1974 as amended and under the Air (P&CP) Act 1981 as amended from the Board vide Proc.No.F.0995KAR/OS/DEE/TNPCB/KAR/W&A/2019 Dated: 21/08/2019 (**Copy enclosed as Annexure – II**) and Consent to Operate after CTE (CTO after CTE) was issued to the unit vide Board Proc.No.F.0995KAR/OS/DEE/TNPCB/KAR/W&A/2022 Dated. 19/09/2022 with validity upto 31.03.2029 for the production of Blue Metal Solings and Chips of sizes 1½ "(40 mm), 3/4"(20 mm), (1/2)", (1/4)", M Sand & P Sand – 35000 T/M. (**Copy enclosed as Annexure – III**) and for the following emission sources.

Sl.No	Source of emission	Pollution Control measures
1	Primary Crusher	Water Sprinklers with Enclosures
2	Cone Crusher	Water Sprinklers with Enclosures
3	VSI Crusher	Water Sprinklers with Enclosures
4	Vibrating Screens– 3 Nos	Metal Sheet Cover with Closed Shed
5	Sand washing machine-2 Nos	Water Sprinklers
6	Powder Collection Tank	Metal Sheet Cover
Fugitive/Noise emission :		
Sl. No	Fugitive or Noise Emission sources	Pollution Control measures
1	All Vehicle Movement & Crusher Area	Water Sprinklers

During the time of inspection on 07.07.2023, the followings were noticed.

1. The unit was not in operation. It was informed by the unit authorities that due to raw material shortage (because of the quarry strike held all over the TamilNadu),it was not in operation.
2. The machinery installed in the unit premises, Air Pollution Control measures provided by the unit and remarks are furnished below.

SI No	Emission Source Machinery installed	Pollution Control Measures provided	Remarks
1	Primary Crusher-1No	Water Sprinklers	In operable condition as depicted below



2	Cone Crusher -2 Nos with conveyors leading to vibrating screen (AVC series)	Cone crushers, Conveyers and Vibrating screens are placed inside the partially closed shed.	1 No of cone crusher is not in operational condition since the unit has removed the impact or chamber (Crusher). However, the conveyor connecting Cone Crusher and vibrating screen was present as depicted below.
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3	VSI Crusher - (Fine chamber) (SM 250)	VSI Crusher, Conveyers and Vibrating screens are placed inside the partially closed shed. Water sprinklers are provided at the conveyor ahead of the VSI Crusher.	In operable condition.
4	Vibrating Screens - 3 Nos	Vibrating screens are placed inside the partially closed shed. Water sprinklers are provided at the conveyor ahead of the Vibrating Screens.	In operable condition.
5	Powder Collection Tank	Metal Sheet Covered shed provided.	Metal Sheet Covered shed provided.
6	Sand washing machine-2 Nos	-	-
7	Cone crusher, Conveyer, Vibrating screen and collection chamber arrangements for the production of 40mm metals. • Not in operation	No APC measures for cone crusher and provided closed shed for vibrating screen	The unit has removed the impactor Chamber (Crusher) for the production of 40mm metals. However, the conveyors connecting cone crusher, vibrating screen and structural base for the Impactor and conveyor connecting collection chamber

& cone crusher were present as depicted below.



Conveyor connecting cone crusher and vibrating screen

3. The unit had installed 2 Nos of Cone crusher and 1 No of VSI Crusher as against the consented machinery of 1 No. Of Cone Crusher and 1 No of VSI Crusher for the production of blue metal of various sizes. During the time of inspection, it was found that the unit has removed 1 No of Cone Crusher. Though the unit has removed 1 No of impactor (Crushing chamber) attached to the Cone crusher, the conveyors connecting to the Cone crusher structural base, motor arrangements & vibrating screen were present.
4. The unit had also installed an additional Cone crusher, Conveyer, Vibrating screen and collection chamber arrangements for the production of 40mm metals. Though the unit has removed the impactor

(Crushing chamber) attached to the Cone crusher, the conveyors connecting to the Cone crusher, structural base, vibrating screen were present.

5. The unit has not covered any of the conveyors except the 3 Nos of conveyers connecting cone crushers and vibrating screens (for the production of blue metal of various sizes which are placed inside the partially closed shed.
6. The shed in which cone crusher, vibrating screen (for the production of blue metal of various sizes are placed is open to sky.
7. The approach roads within the crusher premises are not laid with tar and concrete.
8. The unit has not provided paved roads inside the crushing units and transport areas so as to avoid re-entrainment of dust into the atmosphere.
9. The unit has not developed adequate width of green belt so as to attenuate the dust pollution.
10. The unit has provided compound wall only in two sides (not for the entire length).
11. The unit is recycling the water used for M-sand washing.

During the time of inspection of the unit on 07.07.2023, the unit authorities have intimated that the additional machinery would be removed immediately. In this regard, the unit was again inspected on 20.07.2023 surprisingly and during the time of inspection, it was found that the unit was not in operation and there were no change to the previous observations made on 07.07.2023.

From the observations made during the time of inspection, the following particulars are submitted as directed vide para 5 of the Hon'ble NGT order dated 18.05.2023.

SI No	Directions of Hon'ble Tribunal	Observations made by the TNPCB
Vide Para 5 (i)	Details about the quarrying units and crusher units separately.	Details about the crusher unit furnished as above.
Vide Para 5 (ii)	Whether the respondents are operating the quarry with valid Environmental Clearance/ Lease and if so, the validity of the same.	Not applicable, since this is a crusher unit.
Vide Para 5 (iii)	If they had operated in excess, whether the same has been found out and any compensation has been levied by the appropriate authority.	Not applicable, since this is a crusher unit.
Vide Para 5 (iv)	Similarly, for the crusher unit also, what was the original capacity of the crusher and the expanded capacity and whether they had valid Consent to Operate originally and also for the expanded capacity and the period of illegal operation (if any) and the assessment of compensation payable by them.	<ul style="list-style-type: none"> • Previously, the Consent to operate was issued to the unit of M/s. Techtrans Construction India Pvt Ltd vide Proc. No DEE/TNPCB/ KAR/ F.No. KAR0899/W&A/2009 d 17.06.2009. • Subsequently, the unit was purchased by present owner of the unit and applied for consent to Establish of the Board. • Based on the application, Consent to Establish was issued to the respondent unit of M/s. Navamani Mines Pvt Limited for the production of Blue metals jelly of various sizes - 70000 T/M, Blue metal M-Sand and P- sand - 10000 T/M. • Subsequently based on the orders of the Appellate Authority in Appeal No 1 & 2 of 2021 dated 18.8.2021 (Copy enclosed as Annexure - IV) the Consent to Operate was issued to the respondent unit of M/s. Navamani Mines Private

		<p>Limited for the production of Blue Metal Solings and Chips of sizes 1 ½ "(40 mm), 3/4"(20 mm), (1/2)", (1/4)", M Sand & P Sand – 35000 T/M (Restricted quantity -as per consent issued to the previous management) with validity upto 31.03.2029.</p> <ul style="list-style-type: none"> • However, the unit has installed additional machinery (1 No of Cone Crusher attached to VSI Crusher and 1 more number of Cone Crusher meant for the 40mm metal production) more than the consented machinery. • In this regard, show cause notices were issued to the unit under both acts by the District Environmental Engineer, Karur for the violation stated therein (Copy enclosed as annexure -V). • The list of machinery with capacity installed in the unit premises which are under operational condition is furnished below <ul style="list-style-type: none"> • Primary Crusher – 300 TPH – 1No • Cone Crusher – 250 TPH – 1 No • VSI Crusher – 250 TPH – 1No • M-Sand washing machine – 150TPH (each) – 2 Nos • In addition to these machinery which are under operational condition, the unit has provision to Mount additional two numbers of cone crushers, conveyor belt to convey the metals from bunker/silo to cone crusher, vibrating screen etc. were present which can be put into operation. • The EE, TANGEDCO, Karur was requested to furnish the sanction load (electricity power) to the unit vide JCEE(M), Salem office Lr. No.F.139-1/TECH/JCEE(M)/TNPCB/ SLM/2023 Dated 11.07.2023. (Copy enclosed as Annexure – VI)
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		<ul style="list-style-type: none"> • In response, the EE, TANGEDCO, Kulithalai Town, Karur District vide Lr.No.EE/O&M/KLT/TA/F.HT/D.NO.116/20 23-24 dated 17.07.2023 reported that the capacity of electricity power provided to the unit is 850 KVA. (Copy enclosed as Annexure – VII) • The consent is issued to the unit for the production of Blue Metal Solings and Chips of sizes 1 ½ "(40 mm), 3/4" (20 mm), (1/2)", (1/4)", M Sand & P Sand = 35000 T/month i.e. 1400 T/day (25 days of operation in a month) • If the primary crusher of capacity 300 TPH followed by Cone Crusher- 250 TPH and VSI Crusher- 250 TPH are operated for a day, the unit could produce 1680 T/day (300TPH x 8 Hours of operation per day is possible x 70% efficiency). Hence, the machinery available in the unit at present i.e. primary crusher 300 TPH -1 No, cone crusher 250 TPH -1No and VSI crusher 250 TPH -1 No is sufficient to produce the consented production. • The other machinery such as additional conveyor arrangement, connection to the bunker and to the Cone Crusher (Removed) and allied arrangements meant for the production of 40 mm metals, base structure for the installation of additional cone crusher (Removed) are excess. With these additional machinery the unit could produce more than the consented capacity and to be removed permanently. <p><u>Assessment of Environmental Compensation:</u></p> <ul style="list-style-type: none"> • As the unit had installed additional machinery and operated, the interim Environmental Compensation is worked
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		<p>out based on the CPCB guidelines and submitted below.</p> <p>Environmental Compensation formula = $PI*N*R*S*LF$</p> <p>PI - Pollution Index for industry (50 for orange category),</p> <p>R- Factor in Rupees = Rs. 250 for violation.</p> <p>N- Number of days for violation took place = 14 days (From 07.07.2023 (Previous inspection date by the TNPCB) to 20.07.2023 (Subsequent inspection by TNPCB)</p> <p>S- Scale of operation = 0.5 for small scale unit.</p> <p>LF - Population is less than one million, Hence location factor taken as 1.</p> <p>Hence EC for the respondent crusher unit = $50*250*14*0.5*1 = \text{Rs. } 87500$.</p> <p>Hence, the interim EC of Rs. 87500 (Eighty Seven Thousand and Five Hundred Rupees only) may be levied to the respondent unit.</p>
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2. M/s Sri Rathinagiriswarar Blue Metals, SF No 2/1, Sivayam North Village, Krishnarayapuram Taluk, Karur District:

The unit of M/s Sri Rathinagiriswarar Blue Metals is an existing stone crusher functioning in S.F. No 2/1, Sivayam North Village, Krishnarayapuram Taluk, Karur District. The unit had obtained Consent to Operate (CTO) under the Water (P&CP) Act 1974 as amended and under the Air (P&CP) Act 1981 as amended from the Board vide Proc. No F.KAR1125/RS/DEE/TNPCB/KAR/W&A/2014 Dated 09.12.2014 with validity upto 31.03.2015 (**Copy enclosed as Annexure - VIII**). Subsequently, CTO - Direct for the change in process machinery was issued to the unit vide Board Proc. No. F.0116KAR/OS/DEE/TNPCB/KAR/W&A/2023 DATED: 28/04/2023 with validity upto 31.03.2025 for the production of Blue Metal Jelly and chips of various sizes ranging from 1 1/2", 3/4", 1/2" & 1/4" -

3400 T/M (**Copy enclosed as Annexure – IX**) and for the following emission sources.

SI No	Source of emission	Pollution Control measures
1	Primary Crusher-1 No	Water Sprinklers with Enclosures
2	Cone Crusher -1 No	Water Sprinklers with Enclosures
3	Vibrating Screen	Water Sprinklers with Metal Sheet Covered Shed
4	Powder conveyor drop point	Metal Sheet Cover
5	DG Set-320 KVA	Acoustic enclosures with stack
Fugitive/Noise emission :		
SI. No	Fugitive or Noise Emission Sources	Pollution Control measures
1	All Vehicle Movement & Crusher Area	Water Sprinklers
2	DG Set-320 KVA	Acoustic Enclosures

During the time of Inspection on 07.07.2023, the following were noticed.

1. The unit was not in operation. It was informed by the unit authorities that due to raw material shortage (because of the quarry strike held all over the TamilNadu), it was not in operation.
2. The machinery installed in the unit, Air pollution control measures provided by the unit and remarks are furnished below.

SI No	Emission Source machinery installed.	Pollution Control measures provided	Remarks
1	Primary Crusher-1 No	Water Sprinklers	In Operable condition as depicted below



Water Sprinkler arrangement provided in Primary Crusher

2	Cone Crusher -1 No	Water Sprinklers	Not covered with GI sheet enclosures as depicted below
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Cone crusher without GI Sheet Covered shed

3	Secondary Crusher-1 No along with Vibrating Screen and Conveyor arrangements	Partially covered with Metal Sheet	The conveyor connecting the secondary crusher and primary crusher is disconnected by removing the conveyor connecting the primary crusher and secondary crusher as depicted below
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Conveyor removed connecting primary crusher and secondary crusher

4	Vibrating Screen	Water Sprinkler	Vibrating screen and conveyors were not covered with metal sheets. as depicted below
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Vibrating screen without metal sheet cover

5	Conveyor connecting the Cone crusher with vibrating screen	Water Sprinkler	Vibrating screen and Conveyors were not covered with metal sheets as depicted below
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Vibrating screen and Conveyors without metal sheet cover

6	Powder conveyor drop point	-	Conveyor was not covered with metal sheets
7	DG Set-320 KVA	Acoustic enclosure	-

3. The unit has installed 1 No of Cone crusher and 1 No of Vibratory screen for the production of Blue Metal Jelly and chips of various sizes ranging from 1 1/2", 3/4", 1/2" & 1/4". During the time of inspection, it was found that the unit has installed 1 No of secondary crusher and 1 No of Vibratory screen arrangements. The conveyor connecting the secondary crusher and primary crusher is disconnected by removing the conveyor connecting the primary crusher and secondary crusher. Though the unit has detached the conveyor system connecting primary crusher and old secondary crusher, the unit has not permanently removed the secondary crusher, vibrating screen and conveyor arrangements meant for the operation of the old secondary crusher and vibrating screen.

4. In addition, the unit has installed 2 Nos of conveyers connecting the secondary crusher and vibratory screen arrangements.
5. The unit is revamping the bunker arrangements by providing concrete walls.
6. The unit has not covered the Cone Crusher and vibrating screen with metal sheet.
7. The unit has not covered any of the conveyors.
8. The shed in which old secondary crusher and vibrating screens placed are partially covered with metal sheet.
9. The unit has not provided paved roads inside the crushing units and transport areas so as to avoid re-entrainment of dust into the atmosphere.
10. The approach roads within the crusher premises are not laid with tar and concrete.
11. The unit has not developed adequate green belt so as to attenuate the dust pollution.
12. The unit has not provided compound wall around the premises.

During the time of inspection of the unit on 07.07.2023, the unit authorities have intimated that the additional machinery would be removed immediately. In this regard, the unit was again inspected on 20.07.2023 surprisingly and during the time of inspection, it was found that the unit has installed 2 Nos of additional conveyers connecting the secondary crusher and vibratory screen arrangements and revamping the bunker arrangements by providing concrete walls.

From the observations made during the time of inspection, the following particulars are submitted as directed vide para 5 of the Hon'ble NGT order dated 18.05.2023.

Sl No	Directions of Hon'ble Tribunal	Observations made by the TNPCB
Vide Para 5 (i)	Details about the quarrying units and crusher units separately.	Details about the crusher unit furnished as above.
Vide Para 5 (ii)	Whether the respondents are operating the quarry with valid Environmental Clearance/ Lease and if so, the validity of the same.	Not applicable, since this is a crusher unit.
Vide Para 5 (iii)	If they had operated in excess, whether the same has been found out and any compensation has been levied by the appropriate authority.	Not applicable, since this is a crusher unit.
Vide Para 5 (iv)	Similarly, for the crusher unit also, what was the original capacity of the crusher and the expanded capacity and whether they had valid Consent to Operate originally and also for the expanded capacity and the period of illegal operation (if any) and the assessment of compensation payable by them.	<ul style="list-style-type: none"> • The unit had obtained Consent to Operate (CTO) under the Water (P&CP) Act 1974 as amended and under the Air (P&CP) Act 1981 as amended from the Board vide Proc. No F.KAR1125/ RS/DEE/ TNPCB/KAR/ W&A/2014 Dated 09.12.2014 with validity up to 31.03.2015. • Subsequently, CTO- Direct for the change in process machinery was issued to the unit vide Board Proc. No. F.0116KAR/ OS/DEE/ TNPCB/ KAR/W&A/2023DATED: 28/04/2023 with validity up to 31.03.2025 for the production of Blue Metal Jelly and chips of various sizes ranging from 1 1/2", 3/4", 1/2" & 1/4" – 3400 T/M. • However, the unit has installed additional machinery (Secondary Crusher and vibrating screen) more than the consented machinery. • In this regard, show cause notices

		<p>were issued to the unit under both acts by the District Environmental Engineer, Karur for the violation stated therein (Copy enclosed as annexure -X).</p> <ul style="list-style-type: none"> • The list of machinery with capacity installed in the unit premises which are under operational condition is furnished below <ul style="list-style-type: none"> • Primary Crusher – 250 TPH – 1No • Cone crusher – 200 TPH – 1 No • Secondary Crusher- 1No • Vibratory screen – 1 No • In addition to these machinery which are under operational condition, the unit has provision to connect the secondary crusher and primary crusher by providing conveyor belt. • The EE, TANGEDCO, Karur was requested to furnish the sanction load (electricity power) to the unit vide JCEE(M) Salem Lr. No.F.139-1/TECH/JCEE(M)/TNPCB/SLM/ 2023 Dated 11.07.2023. (Copy enclosed as annexure -VI). • In response the EE, TANGEDCO, Kulithalai Town, Karur District vide Lr.No.EE/ O&M/ KLT/ TA/ F.HT/ D.NO.116/ 2023-24 dt 17.07.2023 reported that the capacity of electricity power provided to the unit is 350 KVA. (Copy enclosed as annexure -VII). • The consent is issued to the unit for the production of Blue Metal Jelly and chips of various sizes ranging from 1 1/2", 3/4", 1/2" & 1/4" – 3400 T/M. (136 T/day (25 days of operation in a month) • If the primary crusher of capacity 250 TPH and cone crusher 200 TPH are
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		<p>operated for a day, the unit could produce 1400 T/day (250 TPH x 8 Hours operation per day is possible x 70% efficiency). Hence, the machinery available in the unit at present i.e. primary crusher 250 TPH -1 No, cone crusher 200 TPH -1No is sufficient to produce the consented production.</p> <ul style="list-style-type: none"> The other machinery such as additional machinery such as secondary crusher and Vibratory screen and allied conveyor arrangement are excess. With this additional machinery the unit could produce more than the consented capacity and to be removed permanently. <p><u>Assessment of Environmental Compensation.</u></p> <ul style="list-style-type: none"> As the unit had installed additional machinery and operated, the interim Environmental Compensation is worked out based on the CPCB guidelines and submitted below. Environmental Compensation formula = $PI * N * R * S * LF$ PI – Pollution Index for industry (50 for orange category), R- Factor in Rupees = Rs. 250 for violation. N- Number of days for violation took place = 14 days (From 07.07.2023 (Previous inspection date by the TNPCB) to 20.07.2023 (Subsequent inspection by TNPCB) S- Scale of operation = 0.5 for small scale unit. LF – Population is less than one million, hence location factor taken as 1.
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		<p>Hence EC for the respondent crusher unit = $50*250*14*0.5*1$ = Rs. 87500.</p> <p>Hence, the interim EC of Rs. 87500 (Eighty Seven Thousand and Five Hundred Rupees only) may be levied to the respondent unit.</p>
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3. M/s Navamani Mines Private Limited (Rough Stone and Gravel Quarry) proposed to be located at S.F. No. 15/1 & 15/2, Sivayam North Village, Krishnarayapuram Taluk, Karur District:

The unit M/s.Navamani Mines Private Limited (Rough Stone and Gravel Quarry) is a proposed Rough Stone and Gravel quarrying unit to be located at S.F. No. 15/1 & 15/2, Sivayam North Village, Krishnarayapuram Taluk, Karur District. TOR was issued to the quarry unit by SEIAA, Tamilnadu by vide Lr. No. SEIAA-TN/F.No.6993/SEAC/TOR-761/2020 dated 24.9.2020 **(Copy enclosed as annexure -XI)** with validity upto 3 years from the date of issue, for submission of EIA Report with Public Hearing. The Public Hearing was conducted on 21.06.2023 by the DEE, Karur and the approved minutes of the Public Hearing was submitted to SEIAA, Chennai through TNPC Board.

1. During the time of inspection on 07.07.2023 preparatory work (leveling the site) was under progress.

From the observations made during the time of inspection, the following particulars are submitted as directed vide para 5 of the Hon'ble NGT order dated 18.05.2023.

Sl No	Directions of Hon'ble Tribunal	Observations made by the TNPCB
Vide Para 5 (i)	Details about the quarrying units and crusher units separately.	Details about the Quarry unit furnished as above.
Vide Para 5	Whether the respondents are operating the quarry with valid	<ul style="list-style-type: none"> The unit has obtained TOR vide Lr. No. SEIAA-

(ii)	Environmental Clearance/ Lease and if so, the validity of the same.	<p>TN/F.No.6993/SEAC/TOR-761/2020 dated 24.9.2020 with validity upto 3 years from the date of issue, for submission of EIA Report with Public Hearing. The Public Hearing was conducted on 21.06.2023 by the DEE, Karur and the approved minutes of the Public Hearing was submitted to SEIAA, Chennai through TNPC Board.</p> <ul style="list-style-type: none"> The unit is yet to obtain Environmental Clearance from Competent Authority.
Vide Para 5 (iii)	If they had operated in excess, whether the same has been found out and any compensation has been levied by the appropriate authority.	During the time of inspection, no quarrying activity was carried out. Preparatory work (leveling the site) was under progress as depicted below



Preparatory work for quarry site under progress.

Vide Para 5	Similarly, for the crusher unit also, what was the original capacity of the crusher and the	Not applicable, since this is a proposed quarry unit.
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(iv)	expanded capacity and whether they had valid Consent to Operate originally and also for the expanded capacity and the period of illegal operation (if any) and the assessment of compensation payable by them.	
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4. M/s.M.Palaniyandi Rough Stone Quarry at S.F. No. 2/2 , Sivayam North Village, Krishnarayapuram Taluk, Karur District:

The unit of M/s M.Palaniyandi Rough Stone Quarry is an existing rough stone quarry. The unit has not obtained consent from the TamilNadu Pollution Control Board. It is learnt from the counter affidavit filed by the District Collector, Karur in O.A. No 148/2022 filed by Dr.Sushmitha (**Copy enclosed as annexure - XII**) that as per the proceedings of the Collector in R.c.No.99/Mines/2012 dated 10.07.2014, a minor mineral quarry lease under the provision of rule 19(1) of the Tamilnadu Minor Mineral Concession Rules 1959, to quarry and remove gravel and rough stone, over an extent of 2.34.50 hectares in patta land S.F.No.2/2 of Sivayam North Village, Krishnarayapuram Taluk in Karur District, had been granted to Thiru. Palaniyandi, for a period of 5(Five) years from 10.07.2014 to 09.07.2019.

Subsequently, the Terms of Reference (TOR) was issued to the Quarry pertaining to Thiru. M. Palaniyandi for the Rough Stone and Gravel Quarry lease over an extent of 2.34.5 Ha at S.F. No 2/2, Sivayam North Village, Krishnarayapuram Taluk, Karur District vide Lr. No. SEIAA-TN/F.No.7034/SEAC/TOR - 686/2020 dated. 31.01.2020 (**Copy enclosed as annexure -XIII**), for a period of validity of 3 years from the date of issue of TOR, for submission of EIA Report with Public Hearing. The unit has not obtained EC from competent authority.

During the time of inspection on 07.07.2023, the following were noticed.

1. Quarry was not in operation and rain water was stagnated in the quarry pit as depicted below,



M/s. Palaniyandi Rough stone quarry

From the observations made during the time of inspection, the following particulars are submitted as directed vide para 5 of the Hon'ble NGT order dated 18.05.2023.

SI No	Directions of Hon'ble Tribunal	Observations made by the TNPCB
Vide Para 5 (i)	Details about the quarrying units and crusher units separately.	Details about the Quarry unit furnished as above.
Vide Para 5 (ii)	Whether the respondents are operating the quarry with valid Environmental Clearance/ Lease and if so, the validity of the same.	<ul style="list-style-type: none"> It is learnt from the counter affidavit filed by the District Collector, Karur in O.A. No 148/2022 filed by Dr.Sushmitha that as per the proceedings of the collector in R.c.No.99/Mines/2012 dt 10.07.2014 a minor mineral quarry lease under the provision of rule 19(1) of the Tamilnadu Minor Mineral Concession Rules 1959, to quarry and remove gravel and rough stone, over an extent of 2.34.50 hectares in patta S.F.No.2/2 of Sivayam (North)

		<p>Village, Krishnarayapuram Taluk in Karur District, had been granted to Thiru. Palaniyandi, for a period of 5 (Five) years from 10.07.2014 to 09.07.2019.</p> <ul style="list-style-type: none"> • Subsequently, the Terms of Reference (TOR) was issued to the Quarry pertaining to Thiru. M. Palaniyandi for the Rough stone and Gravel Quarry lease over an extent of 2.34.5 Ha at S.F. No 2/2, Sivayam North Village, Krishnarayapuram Taluk, Karur District vide Lr. No. SEIAA-TN/F.No. 7034/SEAC/TOR - 686/2020 dated. 31.01.2020 for a period of validity of 3 years from the date of issue of TOR, for submission of EIA Report with Public Hearing. • The unit has not yet obtained Environmental Clearance from Competent Authority. • The unit has not obtained consent from the Tamil Nadu Pollution Control Board.
Vide Para 5 (iii)	If they had operated in excess, whether the same has been found out and any compensation has been levied by the appropriate authority.	<ul style="list-style-type: none"> • During the time of inspection on 07.07.2023 no quarrying activity was carried out. • As per the orders of the Hon'ble NGT, joint inspection was carried out by the TNPCB and SEIAA and report was submitted to the Hon'ble NGT. In the report, an Environmental Compensation of Rs.1,82,50,000 (One Crore Eight Two lakhs and Fifty Thousand Rupees only) has been assessed for the violations i.e operated the unit without obtaining consent of the Board for the entire lease period i.e 10.07.2014 to 09.07.2019. (Copy enclosed as

		<p>annexure -XIV).</p> <ul style="list-style-type: none"> • The unit has requested to reconsider the Environmental Compensation assessed to the unit stating that the unit had not operated the quarry throughout the entire lease period. (Copy enclosed as annexure - XV). • In this regard, The Deputy Director, Geology and Mining, Karur was requested to furnish the details pertaining to the unit of M/s. Palaniyandi Rough stone Quarry in order to assess revised Environmental Compensation to the unit vide JCEE(M) Salem Lr. No.F.139-1/TECH/JCEE(M) / TNPCB/SLM/2023-1 Dated 11.07.2023. (Copy enclosed as annexure - XVI). • In response, The Deputy Director, Geology and Mining, Karur has furnished the details as called for vide Rc. No. 348/Mines/2022, Dated 27.07.2023. (Copy enclosed as annexure -XVII). • Based on the details furnished by The Deputy Director, Geology and Mining, Karur, the number of days of operation of the quarry could not be ascertained and hence, the number of operational days could not be assessed. • As per the CPCB Guidelines the formula for calculating Environmental Compensation is as follows. Environmental Compensation formula = $PI * N * R * S * LF$ PI – Pollution Index for industry, R- Factor in Rupees N- Number of days for violation took
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		<p>place S- Scale of operation LF - Population is less than one million Hence, to calculate the Environmental Compensation, the number of days of operation (N) is essential. Further, as per the annexure furnished by the The Deputy Director, Geology and Mining, Karur, it is observed that a penalty of Rs. 23,54,14,500 (Twenty Three Crores Fifty Four Lakhs Fourteen Thousand and Five Hundred Rupees only) was imposed to the above said quarry vide letter ந.க.அ/1409/2023-01/ நாள் 03.05.2023 (Copy enclosed as Annexure XVIII) issued by the Revenue Division Officer, Kulithalai, Karur</p>
<p>Vide Para 5 (iv)</p>	<p>Similarly, for the crusher unit also, what was the original capacity of the crusher and the expanded capacity and whether they had valid Consent to Operate originally and also for the expanded capacity and the period of illegal operation (if any) and the assessment of compensation payable by them.</p>	<p>Not applicable, since this is a Quarry unit.</p>

5. M/s Silambarasan Rough Stone Quarry (previously named as M/s. R.Mathivanan Rough Stone Quarry) at S.F. No. 9/2B,Sivayam North Village, Krishnarayapuram Taluk, Karur District:

The unit of M/s.R.Mathivanan Rough Stone Quarry is an existing rough stone quarry. The unit has not obtained consent from the TamilNadu Pollution Control Board. It is learnt from the counter affidavit filed by the District Collector, Karur in O.A. No 148/2022 filed by Dr.Sushmitha (**Copy enclosed as annexure -XII**) that as per the proceedings of the collector in R.c.No.220/Mines/2007 dated 30.04.2007, a minor mineral quarry lease under the provision of rule 19(1) of the Tamilnadu Minor Mineral Concession Rules 1959, to quarry and remove gravel and rough stone, over an extent of 1.59.5 Hectares in patta land S.F.No.9/2B of Sivayam North village, Krishnarayapuram Taluk in karur district, had been granted to Thiru. R. Mathivanan, for a period of 5(Five) years from 10.05.2007 to 09.05.2012.

During the time of inspection on 07.07.2023, the following points were noticed.

1. Quarry was not in operation. It was informed that the rough stone quarry is presently purchased by Thiru. Silambarasan.
2. The traces for the quarrying activities carried out in the rough stone quarry were noticed. Small heaps of quarried rough stones were present in the quarry pit, as depicted below.



3. Rain water was stagnated in one part of the quarry pit.

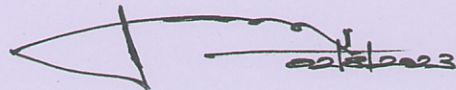
From the observations made during the time of inspection, the following particulars are submitted as directed vide para 5 of the Hon'ble NGT order dated 18.05.2023.

SI No	Directions of Hon'ble Tribunal	Observations made by the TNPCB
Vide Para 5 (i)	Details about the quarrying units and crusher units separately.	Details about the Quarry unit furnished as above.
Vide Para 5 (ii)	Whether the respondents are operating the quarry with valid Environmental Clearance/ Lease and if so, the validity of the same.	<ul style="list-style-type: none"> • It is learnt from the counter affidavit filed by the District Collector, Karur in O.A. No 148/2022 filed by Dr.Sushmitha that as per the proceedings of the Collector in R.C.No.220/ Mines/2007 dated 30.04.2007, a minor Mineral quarry lease under the provision of rule 19(1) of the TamilNadu Minor Mineral Concession Rules 1959, to quarry and remove gravel and rough stone, over an extent of 1.59.5 Hectares in patta S.F.No.9/2B of Sivayam North village, Krishnarayapuram Taluk in karur district, had been granted to Thiru. R. Mathivanan, for a period of 5(Five) years from 10.05.2007 to 09.05.2012. • The unit has not obtained consent from the TamilNadu Pollution Control Board.

<p>Vide Para 5 (iii)</p>	<p>If they had operated in excess, whether the same has been found out and any compensation has been levied by the appropriate authority.</p>	<ul style="list-style-type: none"> • During the time of inspection, no quarrying activity was carried out. • However, the traces for the quarrying activities carried out in the rough stone quarry were noticed. Small heaps of quarried rough stones were present in the quarry pit as depicted below. • As per the orders of the Hon'ble NGT, joint inspection was carried out and report submitted to the Hon'ble NGT. In the report, an Environmental Compensation of Rs.1,82,60,000 (Rupees One Crore Eighty Two lakhs and Sixty Thousand only) has been assessed for the violations i.e) operated the unit without obtaining consent of the Board for the entire lease period i.e 10.05.2007 to 09.05.2012. (Copy enclosed as Annexure - XIV). • The Deputy Director, Geology and Mining, Karur was requested to furnish the details pertaining to the unit of M/s. Mathivanan Rough Stone quarry in order to assess the number of working days of quarrying activity to assess revised Environmental Compensation to the above said unit vide JCEE(M) Salem Lr. No.F.139-1/TECH/JCEE(M)/TNPCB/SLM/2023-1 Dated 11.07.2023. (Copy enclosed as annexure -XVI). • In response, The Deputy Director, Geology and Mining, Karur has furnished the details as called for vide Rc. No. 348/Mines/2022, Dated 27.07.2023. (Copy enclosed as annexure -XVII).
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		<ul style="list-style-type: none"> Based on the details furnished by The Deputy Director, Geology and Mining, Karur, the number of days of operation of the quarry could not be ascertained and hence, the number of operational days could not be assessed. <p>As per the CPCB Guidelines the formula for calculating Environmental Compensation is as follows.</p> <p>Environmental Compensation formula = $PI * N * R * S * LF$</p> <p>PI - Pollution Index for industry, R- Factor in Rupees N- Number of days for violation took place S- Scale of operation LF - Population is less than one million</p> <p>Hence, to calculate the Environmental Compensation, the number of days of operation (N) is essential.</p> <p>Further, as per the annexure furnished by The Deputy Director, Geology and Mining, Karur, it is observed that a penalty of Rs. 8,61,71,621 (Eight Crore Sixty one Lakhs Seventy One Thousand and Six Hundred and Twenty One Rupees only) was imposed to the above said quarry vide letter ந.க.அ/1409/2023-02/நாள் 03.05.2023 (Copy enclosed as Annexure XVIII) issued by the Revenue Division Officer, Kulithalai, Karur.</p>
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Vide Para 5 (iv)	Similarly, for the crusher unit also, what was the original capacity of the crusher and the expanded capacity and whether they had valid Consent to Operate originally and also for the expanded capacity and the period of illegal operation (if any) and the assessment of compensation payable by them.	Not applicable, since this is a Quarry unit.
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M. Malaiyandi,
Joint Chief Environmental Engineer,
Tamilnadu Pollution Control Board, Salem

**BEFORE THE NATIONAL GREEN
TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

Original Application No.148 of 2022 (SZ)

IN THE MATTER OF:

Dr. Sushmitha, Chennai.

...Applicant(s)

Versus

The Member Secretary,
State Environment Impact Assessment
Authority (SEIAA),
Chennai and Ors

...Respondent(s)

**REPORT OF TAMIL NADU
POLLUTION CONTROL BOARD AS
PER THE HON'BLE NATIONAL
GREEN TRIBUNAL (SZ), CHENNAI
ORDER DT:18/05/2023 IN O.A.NO.148
OF 2022.**

Advocate for Respondent: TNPCB
Ms.Shanmugavalli Sekar,
BSC, Chennai.

Dated:14.08.2023

Date of hearing: 16.08.2023