

**Report of the District Environmental Engineer, Tamil Nadu Pollution Control Board, Salem w.r.t M/s. Dalmia Bharat Sugar and Industries Ltd, (M/s.Chettichavadi, Jagir Magnesite and Dunite Mines), Chettichavadi Village, Salem West Taluk, Salem District.**

Thiru.S.Saktivel filed a petition in the Hon'ble NGT, SZ, Chennai in O.A.No.213/2021 against M/s. Dalmia Bharat Sugar and Industries Ltd, (M/s.Chettichavadi, Jagir Magnesite and Dunite Mines),SF.No.6, Chettichavadi Village, Salem West Taluk, Salem District regarding the illegal mining of the Magnesite and dunite minerals without obtaining environmental clearance. The Hon'ble NGT in its order dated 16.11.2021 in Para No.5 directed as follows

“The committee as well as the respondents are directed to file their respective report and independent statement before this Tribunal on or before 20.12.2021”.

Also, the Hon'ble NGT in its order dated 06.10.2021 in Para No.8 directed as follows

The Committee is directed to ascertain the following

- 1) Whether, 6<sup>th</sup> respondent is having all necessary permissions/clearance from the authorities as required under the environmental law,
- 2) Whether the 6<sup>th</sup> respondent is conducting mining in violation of the environmental laws without obtaining necessary clearance/permission, if so since when they are doing the same, In this regard, the following are submitted.

1. The unit of M/s. Dalmia Bharath Sugar and Industries Ltd, SF.No.6, Chettichavadi Village, Salem West Taluk, Salem District was issued with consent orders under the Water (Prevention & Control of Pollution) Act, 1974 as amended and the Air (Prevention & Control of Pollution) Act, 1981, as amended to mine 25000 T/Month of Magnesite and the same was periodically renewed by the Board upto 31.03.2013. Further, the renewal consent order under Water (Prevention and Control of Pollution) Act 1974, as amended & the Air (Prevention and Control of Pollution) Act 1981, as amended were not issued to the unit since the unit has not obtained environmental clearance.

2. The unit increased its production activity more than the consented quantity by producing dunite without obtaining environmental clearance under the EIA notification 2006 for which prior Environmental Clearance is required to be obtained from the Ministry of Environment, Forest and Climate Change, New Delhi, as per EIA Notification 2006, however, no prior EC was obtained by them. The unit has reported in it's letter dated 05.11.2014 that the dunite production was as follows.

Year	Dunite Production in Tonnes
2010-11	5610
2011-12	39000
2012-13	15150
2013-14	9355
2014-15	2950

As per the Environmental Impact Assessment Notification 2006, Expansion and modernization of existing projects or activities attracts the penal provision of the Environment (Protection) Act 1986. Hence, the unit should submit its application to the Ministry of Environment, Forest and Climate Change, Government of India, for obtaining post facto Environmental Clearance

- for the enhanced production beyond the base line production of the year 1993-1994 and the Ministry of Environment, Forest and Climate Change, Government of India (IA Division) requested to take action against the unit by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for the offence under Section 15 of the Act for the period for which violation has taken place vide its reference F.No J-111015/43/2012 -IA II (M), dated 05/02/2014 for the said violation. Also, Ministry of Environment, Forest and Climate Change, Government of India (IA Division) vide letter dated 25.11.2020 stated that the mining activity which continue to operate without obtaining Environmental Clearance shall be considered as violation cases and requested to initiate credible action against the accused by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for the offence under Section 15 of the Act for the period for which violation has taken place.
3. Subsequent to the above, the Member Secretary, Tamil Nadu Pollution Control Board, Chennai vide letter dated 18.12.2020 directed the District Environmental Engineer, Tamilnadu Pollution Control Board, Salem to take credible action against the unit on the violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986 and to take legal action under Section 15 of the above said Act for the period for which violation has taken place.
  4. TNPCB had issued a show cause notice to the unit on 04.05.2020 as the unit has producing the dunite without obtaining prior Environmental Clearance violating the provisions of EIA Notification, 2006 enacted under the Environment (Protection) Act, 1986 and Consent of the Board under the provision of Water (Prevention and Control of Pollution Act, 1974 and the Air (Prevention and Control of Pollution) act, 1981 and thereby violated the provisions of above said Acts.
  5. It is proposed to file a case under section 200 of criminal procedure code for offence u/s read with 17 & 19 (a) of the Environment (Protection) Act, 1986 in Judicial Magistrate Court, Salem for the above said violation.
  6. The unit's reply is not satisfactory since the unit had produced dunite without obtaining Environmental Clearance. It is proposed to file a case under section 200 of criminal procedure code for offence u/s read with 17 & 19 (a) of the Environment (Protection) Act, 1986 in Judicial Magistrate Court, Salem for the above said violation.
  7. The Quarry site was inspected on 27.11.2021 by the DEE, TNPCB, Salem along with other Joint Committee members constituted in O.A.No.213/2021 and found that the quarry was not in operation.

V.   
23/11/21.

District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Salem