

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

in
O.A.No.213 of 2021 (SZ)

S.Sakthivel,
Environmental Protection & Anti pollution Group,
S/o PK Subramaniam,
Alagu Vinayakar Kovil Street,
Fairlands,
Salem-636 016 ...Petitioner

-Vs-

1. The Secretary to Government of India,
Ministry of Environment & Forest and Climate Change,
Indira Paryavaran Bhavan Jorbagh Road,
New Delhi-110003
2. The Director,
Dept. of Geology and Mining,
Industrial Estate, Guindy,
Chennai-600 032.
3. The District Collector,
Salem-636 001.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Siva Tower, 2nd Floor,
Salem-636 004
5. The Member Secretary,
Central Ground Water Authority,
Jam Nagar House,
18/11, Mansingh Road,
New Delhi-110011.
6. The Managing Director,
Dalmia Bharath Sugar and Industries Ltd,
Chettichavadi, Jagir Magnesite and Dunite Mines,
Chettichavadi Village, Salem West Taluk,
Salem.

... Respondents.

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NO. 15/21
DEPUTY DIRECTOR
Dept. of Geology & Mining

[Signature]
23/29
COLLECTOR
SALEM

INTERIM STATUS REPORT FILED BY THE 3RD RESPONDENT

I, S.Karmegam S/o.Thiru.M.Sellamuthu, aged about 57 years residing at Collector's Bungalow, Yercaud road, Salem - 636 007 do hereby solemnly affirm and sincerely state as follows:-

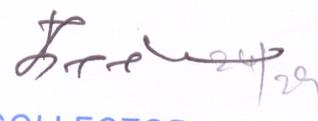
1. I am the 3rd respondent herein and I am well acquainted with the facts of this case from the records.

2. It is submitted that, one Thiru.S.Sakthivel has filed Original Application No. 213/2021 before the National Green Tribunal (SZ), Chennai with a prayer to take action against the mining of Magnesite and Dunite by Tvl. Dalmia Bharat Sugar and Industries Limited in the area granted under lease vide G.O.(Ms).No.903 Industries, Labour and Co-operation Department dated 25.02.1966 in Government land in S.F.No.6 over an extent of 449.36.4 Hects in Chettichavadi Village, Salem West Taluk, Salem District.

3. It is further submitted that this Hon'ble Tribunal by Order dated 06.10.2021 appointed a Joint Committee consisting of (1) The District Collector, Salem or his nominee not below the rank of Assistant Collector or Sub Divisional Magistrate as nominated by the District Collector (2) A Senior officer from Ministry of Environment, Forest and

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Climate Change, Integrated Regional Office, Chennai (3) The Director, Department of Geology and Mining or his nominee as nominated by the Director not below the rank of Additional Director of Mining and Geology (4) The District Environmental Engineer, Tamil Nadu Pollution Control Board, Salem district (5) A Senior officer from the Public works Department, Groundwater Division, Salem district to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

4. It is further submitted that the Hon'ble Tribunal has directed the Committee to ascertain as to whether,

- i. The 6th respondent is having all necessary permissions/clearances from the authorities under the Environmental Law,
- ii. Whether the 6th respondent is conducting mining in violation of the environmental laws without obtaining necessary clearance / permissions, if so since when they are doing the same,
- iii. What is the quantity of the mineral extracted by doing such illegal mining, what is the nature of action taken by the authorities when such violations are brought to their notice,
- iv. Whether any damage is caused to the Environment on account of the illegal mining done by the 6th respondent unit, and if so assess the damage caused to the environment including the environmental compensation to be recovered from them, apart from suggesting recommendation for restoration for damage caused to the environment,
- v. Whether the respondent had obtained necessary permission for extracting groundwater for their industrial purpose and if not, what is the action taken including the imposition of compensation for un-authorized drawl of groundwater by the 6th respondent.

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 Dept. of Geology & Mining,
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5. It is submitted that, as directed by this Hon'ble Tribunal, the following members were nominated as the Joint committee and they have inspected the subject area.

S. No.	Name & Designation	Department
1.	Thiru.L.Nirmal Raj, I.A.S Director	Geology and Mining
2.	Dr.C.Palpandi, Scientist 'D'	MoEF & CC, IRO, Chennai
3.	Thiru.Veer Pratap Singh, Sub-Collector	Revenue Department, Salem
4.	Thiru.Gopalakrishnan, District Environmental Engineer	Tamil Nadu Pollution Control Board, Salem
5.	Thiru.K.Suresh, Assistant Director	Public Works Department, Groundwater Geological subdivision, Salem.

6. It is submitted that, the Director of Geology and Mining, Chennai vide Proceedings Rc.No.1355/MM9/2006 dated 05.12.2021 had constituted three technical teams for surveying the subject area and to assess the actual quantum of minerals mined and transported. The inspection report had been submitted to the Director of Geology and Mining, Chennai on 31.01.2022.

7. It is submitted that, the Director of Geology and Mining, Chennai vide letter Rc. No. 1355/MM9/2006 dated 09.03.2022 had requested the District Collector, Salem to take action to collect 100% of

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cost of mineral from the lessee company for transportation of 15,87,322 Tonnes of Magnesite and 1,09,73,016 Tonnes of Dunite from the lease hold areas without valid transport permit under section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, after taking into consideration of the transport permit already issued by the District administration, Salem from 1966-67 to 1978-79.

8. It is submitted that, the details of year wise production, transport permit obtained, quantity transported, royalty and difference royalty remittance from 1966-67 to till date for Magnesite and Dunite had been requested from Tvl.Dalmia Bharat and Sugar and Industries Limited, Salem vide the Deputy Director of Geology and Mining, Salem vide letter Roc.No.1243/2021/Mines-C dated 10.03.2022. In this connection the lessee company has provided the above particulars incomplete manner from the year 2006-07 to 2019-20 only on 19.03.2022.

9. It is submitted that, as per rule 51 of Mineral Concession Rules 1960 and rules 45, 52 and 53 of Minerals Conservation and Development Rules 1988, the lessee company have to submit monthly and annual returns statements to the IBM and State Government periodically and the same should be maintained. The above details

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had been called for from the lessee company vide the Deputy Director of Geology and Mining, Salem letter Roc. No.1243/2021/Mines-C dated 28.04.2022 for the period from 1966-67 to 2020-21 and also requested to provide the pit mouth register for Magnesite and Dunite.

10. It is submitted that, since the transport permit details is not available in this office records from 1966 to 1979. Action is being taken to collect the above details from the Salem Collectorate record section. After obtained production details, cost will be raised for the difference quantity of mineral removed and transported.

Hence, it is humbly prayed to grant adjournment for 6 weeks to collect the above particulars and comply the joint committee recommendations.

H.P.P. 28/29

BEFORE ME
COLLECTOR
SALEM

S.P.N.

DEPUTY DIRECTOR
Dept of Geology & Mining,
SALEM.

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VERIFICATION

I, S.Karmegam S/o.Thiru.M.Sellamuthu, aged about 57 years residing at Collector's Bungalow, Yercaud road, Salem - 636 007 do hereby verify that the contents of above report are true to the best of my Knowledge through records.

Verified at Salem on this 13th day of May 2022.

S. Karmegam 29/5

COLLECTOR
SALEM

[Signature]

DEPUTY DIRECTOR
Dept. of Geology & Mining,
SALEM.